



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (Commission), pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Golden Gate Bridge, Highway and Transportation District
Galt Joint Union Elementary School

STATE AGENCY: Delta Protection Commission

A written comment period has been established commencing on April 17, 2015, and closing on **June 1, 2015**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his/her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written com-

ments must be received no later than **June 1, 2015**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political

Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations ("Regulations"). The Commission will consider the proposed regulations at a public hearing on or after **May 21, 2015**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on May 19, 2015**.

BACKGROUND/OVERVIEW

Government Code Section 87100 provides that "no public official at any level of state or local government shall make, participate in making or in any way attempt to use his [or her] official position to influence a governmental decision in which he [or she] knows or has reason to know he [or she] has a financial interest." Existing Regulations 18704 through 18704.4 define when a public official is making, participating in making or influencing a governmental decision, along with exceptions to these provisions. Staff will present language amending the existing five regulations into one regulation that is more straightforward and easier to understand.

Additionally, staff will present language addressing general recusal requirements currently contained in Regulation 18704.1(a)(5), (b), and (c) and will consider the renumbering of current Regulation 18704.5, Public Identification of a Conflict of Interest for Section 87200 Filers, and Regulation 18704.6, Consultant, Public Official Who Manages Public Investments: Definitions.

This proposal is part of the ongoing project to revise and streamline the regulations implementing the Act's conflict of interest provisions. To date, the Commission adopted regulatory changes to consolidate the conflict of interest analysis from 8 to 4 steps; amended the

meaning of "reasonably foreseeable;" and modified the standards to determine if there is a "material financial effect" on an official's interests.

REGULATORY ACTION

Amend 2 Cal. Code Reg. Section 18704 to incorporate the definitions of making, participating in making or influencing a governmental decision, along with exceptions, currently found in Regulations 18704 through 18704.4, into one regulation;

Amend 2 Cal. Code Reg. Section 18704.1 to delete existing text incorporated into proposed Regulation 18704 and to renumber existing Regulation 18704.6, defining consultant and public officials managing investments for purposes of the conflict of interests provisions;

Adopt 2 Cal. Code Reg. Section 18707 to merge general recusal rules in existing Regulation 18704.1(a)(5), (b), and (c) and recusal rules for Section 87200 filers in existing Regulation 18704.5 into a single regulation;

Repeal 2 Cal. Code Regs. Sections 18704.2, 18704.3, 18704.4; 18704.5; and 18704.6.

SCOPE

The Commission may adopt the language noticed herein or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 87100 and 87103.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

CONTACT

Any inquiries should be made to Hyla Wagner, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660.

Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

Philip Laird, Staff Counsel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
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Fax: (916) 263-6022
E-Mail: pjlaird@chrh.ca.gov

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND
RULE 1844, AUTHORIZED MEDICATION

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The proposed amendment to Rule 1844, Authorized Medication, will revise subsection 1844(c) by lowering the amount of Ketoprofen that may be found in an official blood plasma or serum test sample. Additionally, the proposed amendment will revise subsection 1844(f) by adding Isoflupredone to the list of drug substances that may be found in an official blood plasma or serum test sample at a specified level.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, June 25, 2015**, or as soon after that as business before the Board will permit, in the **Finish Line Room** at the **Los Alamitos Race Course, 4961 E. Katella Avenue, Los Alamitos, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on June 1, 2015**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19580 and 19581, Business and Professions Code.

Business and Professions Code sections 19440 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19580 and 19581, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1844, Authorized Medication, names drug substances and medications authorized by the Board that may be administered to safeguard the health of the horse entered to race. The rule lists the medications that may be found in official test samples and the level at which such medications may occur.

The proposed amendment to Rule 1844 will bring the regulation in line with current research regarding therapeutic medications for equines, and with the recommendations of the Racing Medication Testing Consortium (RMTC), the National Uniform Medication Program and the Association of Racing Commissioners In-

ternational (ARCI). The proposed amendment will provide guidance to trainers, horsemen, and veterinarians regarding the administration of specific therapeutic drug substances and medications to horses entered to race, and the levels of such substances that may be present in official post race test samples. The proposed amendment to subsection 1844(c)(3) would lower the allowed Ketoprofen threshold in blood plasma or serum from 10 nanograms per milliliter (ng/ml) to 2 ng/ml, as recommended by the National Uniform Medication Program and the ARCI. Ketoprofen is a non-steroidal anti-inflammatory and analgesic drug which is allowed to be administered up to 24 hours prior to racing. The present threshold of 10 ng/ml is based on results of studies conducted in the mid-1990's. Based on more modern technology, which uses a liquid chromatographic-mass spectrometric method, a more accurate 24-hour and 48-hour threshold has been determined.

Subsection 1844(f)(16) adds Isoflupredone, in an amount that does not exceed 100 picograms per milliliter, to the list of drug substances that a blood serum or plasma sample may contain. Isoflupredone acetate is a long acting corticosteroid that can be used for the treatment of allergic, musculoskeletal, and inflammatory processes in the horse. Isoflupredone acetate can be administered via intra-articular, intravenous, and intramuscular/subcutaneous routes. The amendment is consistent with the National Uniform Medication Program and the ARCI recommendations.

The ARCI is composed of the governmental regulators of horse and greyhound racing in the United States, Canada, Mexico, Jamaica, and Trinidad-Tobago. ARCI collaborates with other racing industry organizations who share its common goal of ensuring integrity in racing. ARCI is a not-for-profit trade association with no regulatory authority. Its members individually possess regulatory authority within their jurisdictions and solely determine whether or not to adopt ARCI recommendations on policies and rules.

The RMTC strives to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and to protect the interests of the racing public. The RMTC was founded in 2001 by representatives of a broad spectrum of racing-related groups who participated in an industry effort to determine potential consensus points on the most basic elements of a uniform national medication policy for racehorses. The RMTC is incorporated as a 501(c)(3) charitable organization with both scientific and educational purposes. It is governed by a board of directors consisting of 24 industry stakeholder groups.

The National Uniform Medication Program was recommended by RMTC and approved by the ARCI and includes regulatory levels and restricted administration times for controlled therapeutic medications.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1844 promotes the safety and welfare of horse and rider. The amendment provides guidelines for treating horses with medications in a manner that will increase the safety and welfare of both equine and human athletes. Ketoprofen, a non-steroidal anti-inflammatory and analgesic drug, and Isoflupredone, a corticosteroid typically used to treat allergic, musculoskeletal, and inflammatory processes in horses, can both be used to mask a horse's pain when used excessively. Such a practice allows horses to train and race before they are fully healed from an injury. Masking a horse's condition with pain-masking medications has the potential to cause additional injuries to occur. Using pain-masking medications before a horse is fully healed can place a horse at a higher risk for breakdown, which can cause injury to horse and rider. The proposed amendment to Rule 1844 is based on solid research that provides sound recommendations to trainers, owners, and veterinarians, so that therapeutic medications can be used appropriately. The proposed amendment will also provide clarity for horsemen because it is in line with the National Uniform Medication Program recommendations of the RMTC. Regardless of which state they are from, trainers and owners will be clear on what the rules for authorized medications are because other states are implementing, or have already implemented, similar rules. The proposed amendment to Rule 1844 can help to reduce medication violations and promote medication safety, as owners and trainers will not be forced to change medications as they move across the country and into California. This will help increase efficiency in the enforcement of the Board's medication rules and regulations because out-of-state owners and trainers will be familiar with authorized medications. If trainers and owners are complying with the Board's rules, the public will have more confidence in California horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Consistency with Existing State Regulations: During the process of developing the regulation and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that the reg-

ulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1844 will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- ARCI Controlled Therapeutic Medication Schedule — Version 2.1 (revised April 17, 2014).

Cost impact on representative private persons or businesses: none.

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1844 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment to Rule 1844 promotes the safety and welfare of horse and rider. The amendment provides guidelines for treating horses with medications in a manner that will increase the safety and welfare of both equine and human athletes. Ketoprofen, a non-steroidal anti-inflammatory and analgesic drug, and Isoflupredone, a corticosteroid typically used to treat allergic, musculoskeletal, and inflammatory processes in horses, can both be used to mask a horse's pain when used excessively. Such a practice allows horses to train and race before they are fully healed from an injury. Masking a horse's condition with pain-masking medications has the potential to cause additional injuries to occur. Using pain-masking medications before a horse is fully healed can place a horse at a higher risk for breakdown, which can cause injury to horse and rider.

The proposed amendment to Rule 1844 is based on solid research that provides sound recommendations to trainers, owners, and veterinarians, so that therapeutic medications can be used appropriately. The proposed amendment will also provide clarity for horsemen because it is in line with the National Uniform Medication Program recommendations of the RMTC. Regardless of which state they are from, trainers and owners will be clear on what the rules for authorized medications are because other states are implementing, or have already implemented, similar rules. The proposed amendment to Rule 1844 can help to reduce medication violations and promote medication safety, as owners and trainers will not be forced to change medications as they move across the country and into California. This will help increase efficiency in the enforcement of the Board's medication rules and regulations because out-of-state owners and trainers will be familiar with authorized medications. If trainers and owners are complying with the Board's rules, the public will have more confidence in California horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Effect on small businesses: none. The proposal to amend Rule 1844 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Philip Laird, Staff Counsel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: pjlaird@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
Policy, Regulations and Legislation
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Philip Laird, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Philip Laird at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS:

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Philip Laird at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's website address is: www.chrb.ca.gov.

TITLE 10. CALIFORNIA HEALTH BENEFIT EXCHANGE

CALIFORNIA CODE OF REGULATIONS, TITLE 10, CHAPTER 12, ARTICLE 4 ADOPT SECTION 6456

The California Health Benefit Exchange/Covered California (the Exchange) Board proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Exchange has not scheduled a public hearing on this proposed action. However, the Exchange will hold a hearing if it receives a written request for a public hearing for any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Exchange. The written comment period closes at **5:00 p.m. on June 1, 2015**. The Exchange will consider only comments received at the Exchange's office by that time. Submit written comments to:

Mandy Garcia, Regulations Analyst
California Health Benefit Exchange (Covered California)
1601 Exposition Blvd.
Sacramento, CA 95815

Comments may also be submitted by facsimile (FAX) at 916-228-8321 or by e-mail to regulations@covered.ca.gov.

AUTHORITY AND REFERENCE

Government Code Section 100504(a)(6) authorizes the California Health Benefit Exchange/Covered

California (the Exchange) Board to adopt rules and regulations, as necessary. The proposed regulations implement, interpret, and make specific Government Code Sections 100503 and 100504; and Title 45 of the Code of Federal Regulations, Sections 155.20, 155.415, 156.265 and 156.1230.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Documents to be incorporated by reference:

None.

Summary of Existing Laws

Under the federal Patient and Protection and Affordable Care Act (ACA), each state is required, by January 1, 2014, to establish an American Health Benefit Exchange that makes available qualified health plans (QHPs) to qualified individuals and small employers. Existing state law, the California Patient Protection and Affordable Care Act, established the California Health Benefit Exchange within state government, and specifies the powers and duties of the executive board of the Exchange.

Federal regulations implementing the ACA at 45 CFR 155.415 and 156.1230 allow at state-option the creation of a QHP Issuer-based consumer assistance function for the direct enrollment of consumers in a manner deemed to be through the Exchange.

Summary of the Effect of the Proposed Regulation

The proposed regulations make permanent previously readopted emergency regulations, with amendments, of the Certified Plan-Based Enrollment Program to establish the policies and procedures for QHP Issuers to conduct eligibility determinations and redeterminations, enrollment in QHPs, and appropriate handling of applications deemed eligible for other insurance affordability programs, including Medi-Cal. The proposed regulations will also provide QHP Issuers applying for the Certified Plan-Based Enroller Program with the standards and requirements for issuers and their employees or contractors to qualify for participation in the PBE Program as Certified Plan-Based Entities (PBEEs) and Plan-Based Enrollers (PBEs). These requirements include program eligibility requirements, training and certification standards, fingerprinting and criminal record checks, specific roles and responsibilities, conflict of interest standards, compensation standards, suspension and revocation rules, and allowable appeals.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

After an evaluation of current regulations, the Exchange has determined that these proposed regulations

are not inconsistent or incompatible with any existing regulations. The Exchange has determined these are the only regulations that concern the participation of QHP Issuers to conduct specified consumer assistance functions of the Exchange in a manner deemed to be through the Exchange.

Anticipated Benefits of the Proposed Regulation

The proposed regulation will benefit California consumers by providing consumers with increased avenues for assistance to enroll in high-quality, affordable health insurance plans through the Exchange and, thus, improve consumer health outcomes through reliable coverage. The proposed regulation will also protect California consumers by reducing opportunities for conflicts of interest, steorage, and misinformation in the PBE program, thereby promoting fairness and social equity.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Exchange has made the following initial determinations:

Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations

None.

Mandate on Local Agencies and School Districts

None. The Executive Director of the California Health Benefit Exchange has determined that this proposed regulatory action does not impose a mandate on local agencies or school districts.

Cost To Any Local Agency or School District Which Must Be Reimbursed In Accordance With Government Code Sections 17500 Through 17630

None. This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

COSTS OR SAVINGS TO STATE AGENCIES

The proposal results in additional costs to the California Health Benefit Exchange, which is currently funded by federal grant money and will become financially self-sustaining in 2016. The proposal does not result in any costs or savings to any other state agency.

Costs or Savings in Federal Funding to the State

The proposal results in additional costs to the California Health Benefit Exchange, which is currently funded by a mix of federal grant money and self-sustainability dollars from QHP participation fees. The Exchange will become financially self-sustaining in 2016.

Other Nondiscretionary or Savings Imposed on Local Agencies

None. This proposal does not impose other non-discretionary cost or savings on local agencies.

Significant Effect on Housing Costs

None.

Effect on Small Business

The Exchange anticipates this proposal will have an effect on fingerprint imaging services, which are operated by small business.

Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete With Businesses in Other States

None.

Cost Impacts on a Representative Private Person or Business

Costs will vary amongst the Qualified Health Plans (QHPs). Costs incurred are expected to vary annually as QHPs may adjust their business needs according to projected enrollment dollars. For example, one QHP incurred implementation costs of \$171,000. Additionally, QHPs will incur fingerprinting costs associated with the PBE initial certification process (approximately \$69 per applicant and currently totaling an estimated \$112,953 across all QHPs). Some QHPs will incur no costs if they do not participate in the PBE Program.

Results of the Economic Impact Assessment/Analysis

The Exchange concludes regarding the proposed regulations that it is:

- (1) **likely** that the proposal will create or eliminate any jobs in the State;
- (2) **unlikely** that the proposal will create or eliminate businesses within the State;
- (3) **possible** that the proposal will impact the expansion of businesses currently doing business in California; and
- (4) **likely** that the health and welfare of consumers will benefit from the proposed regulation.

Benefits of the Proposed Action

The proposed regulation will benefit California consumers by providing consumers with increased avenues for assistance to enroll in high-quality, affordable health insurance plans through the Exchange and, thus, improve consumer health outcomes through reliable coverage. The proposed regulation will also protect California consumers by reducing opportunities for conflicts of interest, steerage, and misinformation in the PBE program, thereby promoting fairness and social equity.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Exchange invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Mandy Garcia
 Regulations Analyst
 California Health Benefit Exchange (Covered California)
 1601 Exposition Blvd.
 Sacramento, CA 95815
 Telephone: (916) 228-8432

The backup contact person for inquiries concerning the proposed administrative action may be directed to:

Gabriela Ventura Gonzales
 Attorney
 California Health Benefit Exchange (Covered California)
 1601 Exposition Blvd.
 Sacramento, CA 95815
 Telephone: (916) 228-8477

Please direct copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mandy Garcia at the above contact information.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE

The Exchange will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date of this notice is published in the Notice Register, the rulemaking file consists of this notice, the pro-

posed text of the regulation and the Initial Statement of Reasons. Copies may be obtained by contacting Mandy Garcia at the address or phone number listed above.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the hearing, if requested, and considering all timely and relevant comments received, the Exchange may adopt the proposed regulations substantially as described in this notice. If the Exchange makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public at least 15 days before the Exchange adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Mandy Garcia at the address indicated above. The Exchange will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mandy Garcia at the above address.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the proposed text of the regulations in underline can be accessed through our website at www.healthexchange.ca.gov/regulations.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES
April 17, 2015**

**NOTICE OF A PUBLIC HEARING FOR
COMMENT ON
A REQUEST FOR A SAFE USE
DETERMINATION
FOR DIISONONYL PHTHALATE (DINP)
IN CERTAIN SINGLE-PLY
POLYVINYLCHLORIDE (PVC)
ROOFING MEMBRANE PRODUCTS**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as Proposition 65, codified at Health and Safety Code section 25249.5 et seq.). OEHHA has received a request from the Chemical Fabrics & Film Association, Inc. (CFFA) that OEHHA grant a Safe Use Determination (SUD) for the use of diisononyl phthalate (DINP) in certain polyvinyl chloride (PVC) roofing products. CFFA is an international trade association representing manufacturers of polymer-based fabric and film products used in the building and construction, automotive, fashion and other industries. The request is made by CFFA pursuant to Title 27 of the California Code of Regulations, section 25204(b)(3).¹

This SUD request is limited to exposures to DINP in single-ply (SP) PVC roofing membrane products with a nominal thickness of between 1.016 to 2.438 millimeters (40 to 96 mils). Exposures to other listed substances, if any, that may result from such installation and use of these SP PVC roofing membrane products will not be reviewed by OEHHA in the context of this request.

In accordance with the process set forth in section 25204(f), a public hearing has been scheduled for **Tuesday, May 19, 2015**, in the Sierra Hearing Room on the

¹ All further references are to sections of Title 27 of the Cal. Code of Regulations.

2nd Floor of the California Environmental Protection Agency Headquarters, 1001 I Street, Sacramento, CA 95814, as an opportunity for public comment on this request for a safe use determination. The hearing will be held between 2:30 p.m. to 5:00 p.m.

The public may also submit written comments on this request. In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Tuesday, May 19, 2015.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov. Please include "SUD — PVC Roofing Membrane Products" in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below.

Mailing

Address: Ms. Esther Barajas-Ochoa
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-19A
Sacramento, California 95812

**Fax:
Street**

Address: 1001 I Street
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA website after the close of the comment period. If you have any questions, please contact Ms. Esther Barajas-Ochoa at Esther.Barajas-Ochoa@oehha.ca.gov or at (916) 445-6900.

**RULEMAKING PETITION
DECISION**

CALIFORNIA ENERGY COMMISSION

**Docket No. 15-MISC-01
Order No. 15-0225-5**

APP-TECH, Incorporated, Petition for Rulemaking to Amend Portions of the 2013 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Part 6, and Associated Administrative Regulations in Part 1, Chapter 10

**ORDER OF THE CALIFORNIA ENERGY
COMMISSION
DENYING APP-TECH, INCORPORATED'S
PETITION FOR A
CONCURRENT STANDARD AND
EMERGENCY RULEMAKING**

APP-TECH, Incorporated, has petitioned for a concurrent Standard and Emergency Rulemaking proceeding to amend portions of the 2013 Building Energy Efficiency Standards, California Code of Regulations, Title 24, part 6, and associated administrative regulations in part 1, chapter 10 (Standards).

The State Energy Resources Conservation Development Commission (Energy Commission) has considered Energy Commission staff's analysis of the petition, Energy Commission staff's recommendation that the petition be denied, the comments submitted to the Commission regarding this matter, any oral comments made at today's Business Meeting, and any Energy Commission responses to comments on this matter.

The Energy Commission concurs with staff's analysis that the petition is generally unsupported, and that it does not show that a concurrent Standard and Emergency Rulemaking proceeding is necessary for the immediate preservation of the public peace, health and safety, or general welfare. Therefore, the Energy Commission agrees with Energy Commission staff's recommendation and denies the petition.

The California Energy Commission directs the Executive Director to take, on behalf of the Commission, all actions reasonably necessary to perfect this decision, including, but not limited to, preparing and filing this Order and all appropriate documents with the Building Standards Commission and the Office of Administrative Law for publication in the California Regulatory Notice Register, per Government Code section 11340.7.

Date: February 25, 2015

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on February 25, 2015.

AYE: Weisenmiller, Douglas McAllister, Hochschild, Scott

NAY: None

ABSENT: None

ABSTAIN: None

_____/s/
 Harriet Kallemeyn
 Secretariat

Docket No. 15–MISC–01
Order No. 15–0225–3

APP–TECH, Incorporated, Petition for Rulemaking to Amend Portions of the 2013 Building Energy Efficiency Standards, California Code of Regulations, Title 24, Part 6, and Associated Administrative Regulations in Part 1, Chapter 10

**CALIFORNIA ENERGY COMMISSION STAFF ANALYSIS
 RECOMMENDING DENIAL OF APP–TECH, INCORPORATED’S
 PETITION FOR AN EMERGENCY RULEMAKING**

I. INTRODUCTION

APP–TECH, Incorporated, has petitioned for an emergency rulemaking proceeding to amend portions of the 2013 Building Energy Efficiency Standards, California Code of Regulations, title 24, part 6, and associated administrative regulations in part 1, chapter 10 (Standards). For the reasons explained below, Energy Commission staff recommends that the Commission deny the petition.

For additional information regarding this matter, please contact Ms. Taylor G. Rhodes, Attorney, at (916) 654–4636, or TaylorRhodes@energy.ca.gov. Interested persons have a right to obtain a copy of the petition and other related documents from the Energy Commission.¹

II. PROCEDURAL HISTORY

The Energy Commission is statutorily directed to adopt cost–effective building design and construction standards that increase energy and water conservation and efficiency.² After a lengthy and complex public process, under the authority of section 25402 of the Public Resources Code, the Energy Commission adopted the 2013 update to the Building Energy Efficiency Standards, located in part 6 of title 24, and associated administrative regulations in part 1, chapter 10, of the California Code of Regulations (“Standards”). These regulations were subsequently approved

¹ Gov. Code § 11340.7.
² Pub. Res. Code § 25402.

by the Building Standards Commission, and became effective on July 1, 2014.

On January 14, 2015, the Energy Commission received a petition from Mr. Patrick Splitt, President of APP–TECH, Incorporated, requesting an emergency rulemaking.³ On January 15, 2015, Mr. Splitt submitted supplemental information that was referenced in the January 14th petition.⁴ And, on January 20, 2015, Mr. Splitt requested that the Energy Commission replace the January 14th petition with a new version to correct an incorrect date in the header of the original petition (Petition).⁵

Energy Commission Attorney, Taylor Rhodes, discussed with Mr. Splitt via telephone on January 16, 2015, that section 1221 of the Standards requires the Energy Commission to make a determination, on the petition, at a Business Meeting, within thirty days of the date the petition was filed.⁶ The next scheduled Business Meeting, after Mr. Splitt submitted the petition, is February 25, 2015, which is more than thirty days from the date the petition was filed. Mr. Splitt has agreed to extend the time, beyond the thirty days, until February 25, 2015, for the Energy Commission to consider the petition.

On January 20, 2015, the Executive Director certified APP–TECH, Incorporated’s petition as complete and directed staff to schedule the petition to be heard at the next Commission business meeting. The Energy Commission sent APP–TECH, Incorporated, a courtesy electronic copy, and mailed a paper copy, of this certification on January 22, 2015.⁷

III. ENERGY COMMISSION STAFF ANALYSIS

In its petition to commence an emergency rulemaking, APP–TECH, Incorporated presents twenty–one requests for amendments to the Standards⁸ and requests that the Energy Commission “immediately commence a concurrent Standard and Emergency Rulemaking Procedure.”⁹

In considering the merits of the petition, Energy Commission staff analyzed the information submitted, gathered additional information, and reviewed the rulemaking record¹⁰ of the Standards.

³ Docket number 15–MISC–01, document no. TN 74291. Note, all subsequent citations to a TN number are a document number.

⁴ Docket number 15–MISC–01, TN 74295, TN 74293.

⁵ Docket number 15–MISC–01, TN 74331. Please note that this is the version of the petition that the Energy Commission reviewed when making this determination.

⁶ Cal. Code Regs., tit. 20, § 1221.

⁷ Docket number 15–MISC–01, TN 74375.

⁸ Docket number 15–MISC–01, TN 7433, pp. 3–15.

⁹ Docket number 15–MISC–01, TN 74331, p. 1.

¹⁰ Docket number 12–BSTD–01.

Upon completing its analysis, Energy Commission staff has determined that APP-TECH, Incorporated, relies on general assertions and has not submitted specific facts demonstrating that adopting the amendments is necessary for the immediate preservation of the public peace, health and safety, or general welfare.¹¹ Energy Commission staff has found that, based on ongoing communications with the regulated community and through various education and outreach activities, many of the concerns APP-TECH, Incorporated asserts in its petition are being raised for the first time, and do not constitute an emergency.

Where Energy Commission staff believes that APP-TECH, Incorporated, raises valid concerns, Energy Commission staff has suggested, in the below analysis, the actions that it will endeavor to take to address the concerns. Where such alternative actions are noted below, Energy Commission staff believes that the recommended actions are more efficient and effective actions when compared to initiating a rulemaking. Energy Commission staff also invite APP-TECH, Incorporated, to participate in the rulemaking process to update the Standards for the next code cycle (the 2016 Standards are currently available for public comment).¹²

1. Section 120.7 of the Standards¹³

APP-TECH, Incorporated, asserts that mandatory performance method insulation requirements in section 120.7 of the Standards do not reduce building energy consumption and that the only effect that these requirements will have is to increase costs and reduce design flexibility.¹⁴

Energy Commission staff has determined that this requirement provides an appropriate baseline efficiency level for new construction; since insulation will often remain in place over the life of the building, the requirement has persistence. The mandatory requirements of this section are intended, in part, to support the long-term goal of zero net energy buildings by not allowing building envelope components to be traded away under the performance modeling compliance method. Building envelope efficiency provides a strong foundation that will minimize needs for onsite generation in order to attain long-term energy goals. The U-factor requirements of this section were identified to allow design flexibility when using either the prescriptive or the performance compliance methods.

Before beginning preparation of the proposed Standards for the 2013 update, the Commission updated and published a “Life-Cycle Methodology” and a “Time Dependent Valuation of Energy for Developing Building Efficiency Standards.”¹⁵ The Life-Cycle Methodology uses a net-present-value approach to consider the time-dependent value of electricity and natural gas over the expected life of each proposed building energy efficiency measure (either 15 or 30 years, depending on the measure) in each of the sixteen designated California climate zones. Accepted discount rates are used to calculate the present worth of the future costs and benefits of each measure. The present value of the costs is compared against the present value of the benefits. For a measure to be adopted into the Standards, the present value of the savings (benefits) must outweigh the present value of the costs.

The following costs and savings were considered in the Life-Cycle Methodology for the 2013 Standards:

1. First cost of the measure, including labor and construction costs
2. Energy savings over the life of the measure
3. Operation and maintenance cost of the measure
4. Replacement costs of the measure

The Commission used a variety of techniques to obtain the first costs for a measure, including obtaining quotes from manufacturers, wholesalers, and distributors, reviewing published data from retailers’ websites, and using the construction industry estimating resource RS Means Catalogue. The measure cost that is used in the life-cycle analysis is the “final” cost to the building owner, and includes all markups and profits that are expected to be applied to the product through the distribution chain.

The life-cycle costs were presented at public workshops held before the rulemaking proceeding, and were revised in response to public comment. The results of this research and discussions were presented in the Codes and Standards Enhancement Initiative (CASE) reports that were among the “documents relied upon” for the Standards.¹⁶ For example, the “Nonresidential & High-Rise Residential Fenestration Requirements” CASE report lays out the cost basis for the fenestration improvements under the 2013 Standards.¹⁷ These in-

¹⁵ See http://www.energy.ca.gov/title24/2013standards/prerulemaking/documents/general_cec_documents/2011-01-14_LCC_Methodology_2013.pdf; http://www.energy.ca.gov/title24/2013standards/prerulemaking/documents/general_cec_documents/Title24_2013_TDVMMethodology_Report_23Feb2011.pdf.

¹⁶ See: http://www.energy.ca.gov/title24/2013standards/rulemaking/documents/ISOR_Documents_Relied_Upon.pdf.

¹⁷ See: http://www.energy.ca.gov/title24/2013standards/prerulemaking/documents/current/Reports/Nonresidential/Envelope/2013_CASE_NR_Fenestration_Regs_Sept_2011.pdf.

¹¹ Cal. Code of Regs., tit. 24, pt. 1, ch. 1, § 1-317.

¹² For more information on how to participate in the 2016 Energy Standards rulemaking, please see <http://www.energy.ca.gov/title24/participation.html>.

¹³ For clarity, Energy Commission staff will coordinate these heading captions to the headings that appear in the petition so that the same text appears.

¹⁴ Petition, pp. 3-4.

sulation requirements were shown to be cost-effective when their costs were compared to the time-dependent value of the energy they were shown to save.

APP-TECH, Incorporated has not presented any evidence or levied any criticism of these methodologies or costs, but merely asserts, without support, that the mandatory minimum insulation requirements in section 120.7 of the Standards do not reduce building energy consumption and that the only effect of these requirements is to increase costs and reduce design flexibility. As stated above, Energy Commission staff finds no evidence to support APP-TECH, Incorporated's assertion. Energy Commission staff recommends that the Commission declines to grant the petition on this ground.¹⁸

2. NR-ACM Reference Manual Section 5.5.7 of the Standards

APP-TECH, Incorporated, asserts in its petition that the Energy Commission public domain compliance software for commercial buildings (CBECC-Com) models vertical glazing in nonresidential retail building as "Fixed Window", and that fenestration types for skylights are restricted to "Glass, Curb Mounted".¹⁹ As a consequence, the Standard Design can only be modeled based on the U-value for these types and not based on the other types shown in Table 140.3-B ("Operable Window", "Curtainwall", and "Storefront Glazed Doors" for vertical glazing, "Glass, Deck Mounted" and "Plastic, Curb Mounted" for skylights).

Staff agrees with the change requested by the petition and recommends that the Nonresidential ACM Reference Manual be revised to include these window and skylight types. When this revision is made to the Nonresidential ACM Reference Manual, the CBECC-Com software will also be revised during the next possible update cycle.

Energy Commission staff believes that there is not a present emergency for which an emergency rulemaking would be appropriate.²⁰ The Nonresidential ACM Reference Manual is approved by the Commission after the adoption of each Building Energy Efficiency Standards update, and is updated as necessary to resolve issues identified during the implementation of the performance compliance approach using the Energy Commission's public domain compliance software. Importantly, a rulemaking action is not required to make changes to the ACM Reference Manual or the CBECC-Com software, and it would not be appropriate to begin a rulemaking action, emergency or otherwise, in order to make the changes requested by the petition.

Based on the issues or conflicts identified by APP-TECH in its petition, Energy Commission staff recom-

mends that the Nonresidential ACM Reference Manual be revised at the next possible business meeting, and that appropriate options be added to the CBECC-Com software to accommodate the stated choices when vertical fenestration and skylights are specified.

Therefore, for the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on this ground.²¹

3. Section 150.0(q) of the Standards

APP-TECH, Incorporated, asserts that this requirement does not increase energy efficiency and reduces design flexibility.²²

Mandatory minimums provide a baseline efficiency level for new construction, the changes are driven in part to support the long-term goal of zero net energy. The value of 0.58 or its weighted average was determined as the worst case, least-efficient, vinyl, double-pane operable fenestration products listed in the tables of section 110.6 of the Standards. The CASE studies have also demonstrated that the maximum U-factor allows flexibility in energy efficient designs. One can use the weighted average U-factor of all fenestration, including skylights, to place a window with a U-factor greater than 0.58.

APP-TECH, Incorporated, has not presented any evidence, but merely asserts, without support, that the requirements in section 150.0(q) of the Standards do not reduce building energy consumption and that the only effect of these requirements is to increase costs and reduce design flexibility. As stated above, Energy Commission staff finds no evidence to support APP-TECH, Incorporated's assertion.²³ Energy Commission staff recommends that the Commission declines to grant the petition on this ground.²⁴ However, in an effort to be responsive to APP-TECH, Incorporated's concern, Energy Commission staff will seek to provide clarifications in the residential compliance manual for the 2016 Standards.²⁵

4.1 Section 150.1(c)(3)(A), Exception 4, of the Standards

APP-TECH, Incorporated, states "first of all, the Tables should be 110.6-A and 110.6-B."²⁶ Energy Commission staff does not understand what APP-TECH, Incorporated's assertion is and invites it to provide further clarification. To clarify, the intent was to allow the usage of site-built fenestration to be used in residential construction. Energy Commission staff recom-

²¹ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

²² Petition, p. 5.

²³ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

²⁴ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

²⁵ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

²⁶ Petition, p. 5.

¹⁸ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (d), (f).

¹⁹ Petition, p. 4.

²⁰ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

mends that the Commission declines to grant the petition on this ground.²⁷

4.2 Section 150.1(c)(3)(A), Exception 4, of the Standards

APP-TECH, Incorporated, states “why does this exception only apply if ALL the windows are site-built?”²⁸

The Standards require National Fenestration Rating Council (NFRC) ratings for manufactured windows and doors; the Exception identified in the Petition provides an alternative compliance path for non-rated site-built fenestration products being installed in residential dwellings. Although site-built fenestration products are rare in residential buildings, there must be a compliance path available for them, which this Exception provides; without this Exception, there will not be a compliance path for these fenestration products.

Staff recognizes that a residential building may have a combination of different fenestration products. This Exception only applies to non-rated site-built fenestration products. This Exception does not prohibit a residential building to have other fenestration products in addition to non-rated site-built fenestration products.

Energy Commission staff finds no evidence to support APP-TECH, Incorporated’s assertion. Energy Commission staff recommends that the Commission declines to grant the petition on this ground.²⁹ However, in an effort to be responsive to APP-TECH, Incorporated’s concern, Energy Commission staff will seek to provide clarifications in the residential compliance manual for the 2016 Standards.³⁰

4.3 Section 150.1(c)(3)(A), Exception 4, of the Standards

APP-TECH, Incorporated, states that the current forms do not allow for differentiating between different glazing Product Types, as required by NA6.³¹ NA6 provides coefficients for different fenestration types. These coefficients are listed in table NA6-5. These coefficients allow for the differentiating of various glazing product types.

Section I of form CFIR-NCB-01-E contains cells where the fenestration type can be provided. Equation NA6-1 is embedded in the form and calculates the total performance U-Factor, thus providing for differentiation of fenestration types. (See section I in the form for more information.)

Energy Commission staff finds no evidence to support APP-TECH, Incorporated’s assertion. Energy

Commission staff recommends that the Commission declines to grant the petition on this ground.³² However, in an effort to be responsive to APP-TECH, Incorporated’s concern, Energy Commission staff will seek to provide clarifications in the residential compliance manual for the 2016 Standards.³³

4.4 Section 150.1(c)(3)(A), Exception 4, of the Standards

APP-TECH, Incorporated, asks, “[c]an Performance modeling of a new building with single pane site-built windows use a Reference U-factor of 1.28?”³⁴ Yes: per section 110.6(a)(2) of the Standards, a builder can use the default values listed in Table 110.6-A when calculating U-Factor. One of the default values (or reference values) for U-Factor in this table is 1.28. Then, as specified in section 150.0 (q)(2) of the Standards, newly constructed residential buildings can use the weighted average U-factor of all fenestration, including skylights, to demonstrate compliance. The weighted average U-factor shall not exceed 0.58.

Energy Commission staff recommends that the Commission declines to grant the petition on this ground. However, in an effort to be responsive to APP-TECH, Incorporated’s concern, Energy Commission staff will seek to provide clarifications in the residential compliance manual for the 2016 Standards.³⁵

4.5 Section 150.1(c)(3)(A), Exception 4, of the Standards

APP-TECH, Incorporated, asserts that “[i]t is not clear that the exceptions are correctly implemented when defining the reference building for a performance calculation.”³⁶ Section 150.1(b) of the Standards contains the performance calculation runs. These calculations are used to determine the energy budget for the standard design building by applying the mandatory and prescriptive requirements of the proposed design building. The prescriptive exceptions are in place to facilitate prescriptive compliance which requires maximum U-factor and SHGC values.

Energy Commission staff finds no evidence to support APP-TECH, Incorporated’s assertion. Energy Commission staff recommends that the Commission declines to grant the petition on this ground.³⁷ However, in an effort to be responsive to APP-TECH, Incorporated’s concern, Energy Commission staff will seek to provide clarifications in the residential compliance manual for the 2016 Standards.³⁸

²⁷ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

²⁸ Petition, p. 5.

²⁹ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

³⁰ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

³¹ Petition, p. 5.

³² Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

³³ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

³⁴ Petition, p. 5.

³⁵ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

³⁶ Petition, p. 5.

³⁷ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

³⁸ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

5. Section 150.2(b)(2)(B) of the Standards

APP-TECH, Incorporated, asks what the phrase “include tradeoffs between two or more altered components” means and asserts that the Energy Commission should delete it.³⁹ In this case altered components can be two altered windows; two or more altered components may include for example a window and a wall, or, two altered windows. By definition, when the performance path is used to do tradeoffs, there needs to be at least two altered components involved; the two altered components may include components of the same system (windows) or different systems (windows and walls). The rules used to demonstrate tradeoff between various altered components can be found in the 2013 Residential ACM Reference Manual.

Energy Commission staff finds no evidence to support APP-TECH, Incorporated’s assertion that the Energy Commission should delete this phrase. Energy Commission staff recommends that the Commission declines to grant the petition on this ground.⁴⁰ However, in an effort to be responsive to APP-TECH, Incorporated’s concern, Energy Commission staff will seek to provide clarifications in a Blueprint issue for 2013 and in the language for the 2016 Standards.⁴¹

6. Section 141.0(b)(1) of the Standards

APP-TECH, Incorporated, asserts that there is no valid reason to mandate minimum insulation values from an energy conservation viewpoint.⁴²

The mandatory minimum insulation requirements are necessary to support the long-term goal of zero net energy buildings by not allowing building envelope components to be traded away under the performance modeling compliance method. Building envelope efficiency is an important, strong foundation that minimizes the need for onsite generation in order to attain long-term energy goals without changing the design of building.

APP-TECH, Incorporated, also asserts that section 141.0(b)1 of the Standards conflicts with section 120.7 of the Standards.

Energy Commission staff find no basis to change the Standards. A U-factor is different from a mandatory minimum insulation requirement because it is a measurement and is defined by section 100 in the Standards, as “the overall coefficient of thermal transmittance of a fenestration, wall, floor, or roof/ceiling, component, in Btu/(hr x ft² x °F), including air film resistance at both

surfaces”. U-factors in section 120.7 of the Standards allow design flexibility when using either the prescriptive or the performance methods. U-factors are irrelevant to the mandatory minimum insulation requirements in section 141.0(b)1 of the Standards.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on either of these grounds.⁴³ However, in an effort to be responsive to APP-TECH, Incorporated’s concern, Energy Commission staff will seek to provide clarifications in the residential compliance manual for the 2016 Standards.⁴⁴

7. Section 141.0(b)(2)(B)(iii) of the Standards

APP-TECH, Incorporated, refers to shake roofs on a Victorian building that is being converted to offices and asserts that the need to meet section 141.0(b)(2)(B)(iii) of the Standards would void a warranty.⁴⁵

The Victorian home example in the petition comes with a shake roof, which is normally installed on a steep-sloped roof. Section 141.0(b)2Biii of the Standards describes the requirements for low-sloped roofs; these do not apply to steep-sloped roofs. Additionally, the requirements in this section were included in the 2008 Standards cycle and adopted based on stakeholder input. There has been no document submitted to the Energy Commission prior to this petition asserting the existence of such warranty issues.

APP-TECH, Incorporated, also asserts that there should be “an exception for roofs over insulated, or potentially insulated unconditioned attics”.⁴⁶ The cool roof requirements to which the petition requests an exception are a prescriptive compliance option and can be traded-off by using the performance method if one does not want to install continuous insulation over an insulated roof deck.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on either of these grounds.⁴⁷ Petitioner already has the ability to comply with the noted requirement through the performance method, and the requirement would not appear to apply to the cited example in the first place. However, in an effort to be responsive to APP-TECH, Incorporated’s concern, Energy Commission staff will seek to provide clarifications in the residential compliance manual for the 2016 Standards.⁴⁸

³⁹ Petition, p. 6.

⁴⁰ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

⁴¹ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

⁴² Petition, p. 6.

⁴³ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

⁴⁴ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

⁴⁵ Petition, p. 7.

⁴⁶ Petition, p. 7.

⁴⁷ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

⁴⁸ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

8. Section 141.0(b)(2)(I) of the Standards

APP-TECH, Incorporated, asserts that the phrase “for each enclosed space,” should be deleted where it occurs in this section.⁴⁹ Staff disagree. Section 141.0(b)(2)(I) of the Standards applies to alterations of existing buildings. The use of the term “enclosed space,” as defined in section 100 of the Standards, is used here to help clarify that this section applies only to the enclosed space where the alterations to lighting system(s) is being completed.

APP-TECH, Incorporated, also asserts that Section 141.0(b)(2)(I)(v) of the Standards contradicts Section 140.6 and 140.6(a) of the Standards. Energy Commission staff disagrees. There is no contradiction as Section 140.6 and 140.6(a) specify only how actual lighting power and lighting power allowances are to be determined. Section 141.0(b)(2)(I)(v) very directly states that the lighting power allowances determined by Section 140.6 apply to any lighting alteration that increases the installed lighting power in the space in question. Section 141.0(b)(2)(I)(v) neither requires something at odds with Section 140.6 nor contains a requirement that could not be met while also meeting Section 140.6.

APP-TECH, Incorporated, states that the “entire permitted space needs to meet the Prescriptive lighting power density as a whole, not the lighting power density in each individual room.” This is incorrect, in part: when calculating the lighting power, the regulations specify a need to determine the quantity of existing affected luminaires per enclosed space, and specify different lighting power allowances for different types of spaces (as shown in Table 140.6-C). For this reason, the lighting power allowance for each enclosed space is explicitly a factor in determining which requirements in Table 141.0-E and Table 141.0-F of Section 141.0(b) are applicable to the project.

However, Section 141.0(d) of the Standards specifies that “[a]ny addition, alteration, or repair may comply with the requirements of Title 24, Part 6 by meeting the applicable requirements for the entire building.” Thus, there is an ability to comply using a whole-building or whole-permitted-space approach, though it is an alternative to the regulations specified by APP-TECH, Incorporated, in their petition. Thus, the entire permitted space may comply by using this option, though use of this option is not required.

Energy Commission staff finds that there is no contradiction. The Standards as written achieve their intended purpose, and provides a way to take a holistic compliance approach that would be consistent with the petitioner’s request. Staff therefore also finds that there is no emergency created by the existing regulations.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on any of these grounds.⁵⁰

9. Section 141.0(b)(2)(I)(iii)(b)(1) of the Standards

APP-TECH, Incorporated, asserts that “it should not matter if someone is repainting the walls, for instance, while the luminaire modification in place are being done.” Section 141.0(b)(2)(I)(iii)(b)(1) of the Standards sets out the requirements for Luminaire Modification in-Place. Subsection 141.0(b)(2)(I)(iii)(b)(1) describes the two conditions that an alteration must meet in order to qualify as a Luminaire Modification in-Place: they “shall not be part of or the result of any general remodeling or renovation of the enclosed space in which they are located”, and they “shall not cause, be the result of, or involve any changes to the panelboard or branch circuit wiring, including line voltage switches, relays, contactors, dimmers and other control devices providing power to the lighting system.”

The key phrase is “shall not be part of or the result of any general remodeling or renovation”. When lighting changes are a part of a remodeling or renovation project, or result from such a project, they are required to be treated as lighting system alterations given the presumed extensive nature of the changes.

Put another way, the “Luminaire Modification in-Place” regulatory language is for an alteration where the scope is limited to modifying luminaire(s) and does not involve adding or removing luminaires or modifying other parts of the lighting system such as controls. A remodel project that includes modifying luminaires is not considered a luminaire modification-in-place as it may include relocating luminaires and modifying lighting controls.

However, other alterations to the space that do not involve alterations to the luminaire or lighting system, such as repainting walls, are irrelevant to the determination of whether an alteration qualifies as a Luminaire Modification-in-Place. If the luminaires are modified and, separately, the room is repainted or refinished, the separate action of repainting the room would not be considered to include the modification to the luminaires, nor do the modifications to the luminaires result from the effort to repaint the room.

Energy Commission staff finds that the Standards as written achieve their intended purpose, and although staff agree that the phrasing can be improved, staff finds that there is no emergency created by the existing regulations. Clarification of this language has been included in the rulemaking for the 2016 update to the Standards, and Petitioner is welcome to participate in this rulemaking and provide comments on the proposed revisions to this Section.

⁴⁹ Petition, p. 7.

⁵⁰ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on any of these grounds.⁵¹

10. Section 141(b)(3)(B) of the Standards

APP-TECH, Incorporated, asserts that the Energy Commission should delete the sentence: “all components proposed for alteration must be verified” from the paragraph. APP-TECH, Incorporated, also asserts that all components proposed for alteration do not have to be third-party verified, only those components where compliance credit is being taken for improving existing conditions.⁵²

Section 141(b)3B states: “When the third party verification option is specified, all components proposed for alteration must be verified.” This refers to the two options presented in Table 141.0–D, allowing for a different standard design when third-party verification of existing conditions is performed. The intent of this sentence is to state is that all altered components for which credit is being taken are subject to third-party verification; the third-party verification requirement does not apply to those altered components for which credit is not being taken. Staff finds that the regulations as written function in the way the petition requests, and although staff agree that the phrasing can be improved, staff finds that there is no emergency created by the existing regulations.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on this ground.⁵³ However, in an effort to be responsive to APP-TECH, Incorporated’s concern, Energy Commission staff will endeavor to clarify in a Blueprint issue for the 2013 Standards and to clarify the language for the 2016 Standards.⁵⁴

11. Section 141.0–E of the Standards

APP-TECH, Incorporated, asserts that “[l]ighting power should be based on total permitted space, not each enclosed space”. Staff disagrees. Table 141.0–E lays out the control requirements when there are luminaire alterations and the applicable control depends on the number of affected luminaires and the resulting lighting power. As noted above, when calculating the lighting power, the regulations specify a need to determine the quantity of existing affected luminaires per enclosed space. This is a factor in determining which requirements in Table 141.0–E and Table 141.0–F of Section 141.0(b) of the Standards are applicable to a project. These tables are explicit in stating that the requirements apply to each enclosed space.

⁵¹ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1–323, subd. (b), (f).

⁵² Petition, p. 8.

⁵³ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1–323, subd. (b), (f).

⁵⁴ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1–323, subd. (a).

Table 141.0–E does not prohibit the use of the complete building method, area category method, or tailored method, if qualified according to Section 140.6 and per the definitions in Section 100.1. However, after the lighting power allotment is set for each room, lighting controls are classified using the area category method in accordance with Table 141.0–E. This requirement is necessary to prevent abuse, for example by completing a whole-building project that locates all of its allowed lighting in one half of the building, followed by a project specific to the unlit half of the building that then installs up to the LPD for that space (resulting in a building that far exceeds its LPD requirements when taken as a whole).

APP-TECH, Incorporated, also asserts that “[t]able 141.0–E should only be used to specify lighting control requirements for enclosed spaces, not allowed power density.” The petition does not identify why this table should be limited to specifying the control requirements and should not state the LPD requirements that apply to lighting alterations. Stating these requirements here reinforces their applicability and makes the table more useful as a reference; staff fail to see the harm that including this specification here represents, and noting that the requirement as stated in Section 141.0(b)(2)(I)(v)(i) of the Standards would apply even with the matching statement in the table removed.

Staff find that the Standards as written achieve their intended purpose. Staff therefore also finds that there is no emergency created by the existing regulations. Staff notes that Table 141.0–E is proposed to be rewritten in the 2016 regulations to improve its clarity, and Staff welcomes any comments on the proposed update to the Standards.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on any of these grounds.⁵⁵

12. Section 150.(j)(1)(A) of the Standards

APP-TECH, Incorporated, asserts that “installing storage water heaters with an energy factor less than the federal minimum is illegal, why specify insulation requirements for these units?”⁵⁶ APP-TECH, Incorporated, also asks “why does a water heater with exactly the minimum allowed energy factor require an R–12 blanket, while any water heater even slightly more efficient requires no blanket of any kind?”⁵⁷ Finally APP-TECH, Incorporated, asks why the blanket has to be R–12 and states that all references to R–12 blankets should be deleted.⁵⁸

⁵⁵ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1–323, subd. (b), (f).

⁵⁶ Petition, p. 8 – 9.

⁵⁷ *Ibid.*

⁵⁸ Petition, p. 9.

Staff agree with the Petition’s assertion, but do not believe it constitutes an emergency. This is legacy language concerning water heater blankets that needs to be deleted. The original intent of this language was to require storage gas water heaters to have a minimum combined insulation level of R-16. Energy Commission staff will work to update the Residential Compliance Manual and publish a Blueprint Newsletter to clarify that any water heater that has an internal insulation of R-16 will meet this requirement. Secondly, since one may not install a less-than-federal-minimum-efficiency water heater, the impact of the language should be minimal and does not constitute an emergency. This section is already proposed to be deleted in the 2016 language.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on these grounds.⁵⁹

13. Section 150.0(j)(2)(A)(B)&(C) of the Standards

APP-TECH, Incorporated, asserts that the required insulation thickness is not practical for many residential installations and there is no consideration of residential applications when the Life-cycle cost analysis was done for these original specifications.⁶⁰ Section 150.0(j)2 of the Standards refers to table 120.3-A for insulation thickness requirements. The insulation thickness requirements were copied from Tables 6.8.3-1 and 6.8.3-2 in ASHRAE 90.1-2013, with the exception of a 1.5 inch requirement for pipe diameter between 1 and 1.5 inches. This additional thickness requirement beyond ASHRAE 90.1 was supported by the CASE report in the 2013 Rulemaking Documents Relied Upon, item 46 CASE Study “Water and Space Heating ACM Improvement”, October 2011. Also, the mandatory pipe insulation requirements for residential dwelling units were found to be cost-effective for both copper pipes and PEX pipes in the 2013 Rulemaking Documents Relied Upon, item 28 CASE Study “Single Family Water Heating Distribution System Improvements”, September 2011. Within these supporting documents, the Energy Commission determined these requirements to be cost-effective in both residential and nonresidential applications in the life-cycle cost analysis.

The petition specifically asserts that “[t]he required insulation thickness is not practical for many residential installations, especially where PEX tubing is being utilized”, but does not explain why or in what way the required insulation thickness is impractical. Traditional pipes, such as copper or PVC, are routinely insulated when installed. PEX tubing is noted to be incompatible with some adhesives that could otherwise be used to at-

tach insulation to piping, though this is the only limitation that could be identified by staff; insulation installed with a PEX-compatible adhesive or without using an adhesive would remain viable options. PEX is also flexible, which may require use of a flexible or custom-fitted insulation product, both of which are commercially available. Without more information on the way in which petitioner claims that the required thickness is impractical, staff can only respond that the required thickness was found to be both feasible and cost-effective at the time the regulations were adopted (as discussed above).

APP-TECH, Incorporated, asserts that most modern pre-insulated underground piping systems cannot meet the requirements of Part B, site-built installations would not be able to cost-effectively comply, and asks what is meant by “non-crushable.”⁶¹ Energy Commission staff believe that APP-TECH, Incorporated, is incorrect. The language in section 150.0(j)2B of the Standards applies to the protective casing of the insulation pipe, not the actual water pipe. Additionally, the plain meaning of non-crushable is a rigid casing that protects the insulation from compression. As stated above, pipe insulation was found to be cost-effective in previous CASE studies.

APP-TECH, Incorporated, also asks why the amount of pipe insulation for hydronic heating systems should depend on the pressure in the pipe.⁶² Section 150(j)2C of the Standards says “Piping for steam and hydronic heating systems or hot water systems with pressure above 15 psig (103 kPa) shall meet the requirements in TABLE 120.3A.” To clarify, the pressure limit does not apply to hydronic systems.

Currently hydronic systems are modeled in the performance approach described in the Residential Alternative Calculation Method (ACM) Reference Manual. APP-TECH, Incorporated’s concern about hydronic systems would be more appropriately addressed by updating the Residential ACM Reference Manual, a process that does not require a rulemaking. Staff worked successfully with Mr. Splitt previously during the implementation of hydronic system modeling in the 2013 CBECC-Res software and, if needed, would anticipate being able to do so again.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on these grounds.⁶³

14. Reference JA 2

APP-TECH, Incorporated, asserts that “using zip codes to define Climate Zones is adding unnecessary complexity for building departments” and that the cli-

⁶¹ Petition, p. 9 – 10.

⁶² Petition, p. 9 – 10.

⁶³ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a), (b), (f).

⁵⁹ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a), (b), (f).

⁶⁰ Petition, p. 9.

mate zone boundaries should be put “back to where they used to be.”⁶⁴ The original climate zone boundaries did not move when ZIP codes are used to define climate zones. The climate zone boundaries are described in the CEC publication “California Climate Zone Descriptions for New Buildings” which contains detailed survey definitions of the 16 climate zones. Previously, the climate zones were listed by cities in JA2. As stated in the Final Statement of Reasons for the 2013 Title 24 Part 6 Rulemaking, CEC changed the climate zone listings to be specified by ZIP codes to allow more precise applications of the climate-specific requirements in the Standards, prevent splitting of zip codes by climate zone boundaries, and facilitate an ability to determine the climate zone of a building from its address.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on these grounds.⁶⁵

15. Section 110.2(a)3 of the Standards

APP-TECH, Incorporated, asserts that the Energy Commission should delete “or both space heating and water heating” from section 110.2(a)3 of the Standards, which requires equipment that perform dual functions to comply with the efficiency requirement for each function.⁶⁶ APP-TECH, Incorporated, mentions that there is no federal requirement to test for all possible uses of the equipment, only the primary listed use as determined by the manufacturer.⁶⁷

Federal appliance regulations and the building energy efficiency standards are two different sources of law. Federal law grants states the authority to adopt minimum equipment efficiencies that have been adopted by ASHRAE. ASHRAE 90.1 section 6.4.1.1 requires equipment with dual functions to meet the minimum energy efficiency for each function. The 2013 Building Energy Efficiency Standards adopted the minimum equipment efficiencies found in ASHRAE 90.1 section 6.4.1.1 through adoption of Section 110.2(a)3 of the Standards.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on these grounds.⁶⁸

16. Section 10–103(a)(5) of the Standards

APP-TECH, Incorporated, asserts that there is no way to require Nonresidential Certificates of Verification to be completed and registered.⁶⁹ Staff notes that section 10–104(a)5 of the Standards describes the rules for registering Certificates of Verification for all resi-

dential measures for which compliance requires HERS field verification, as well as Nonresidential Measures that are described in Reference Appendix NA1 and NA2. The systems described in NA1 and NA2 are residential type single zone systems that are installed in small commercial buildings and behave very much like residential packaged units. Electronic forms are available for these systems and they can be uploaded into a residential HERS providers data registry. Other nonresidential systems not described in NA1 and NA2 are not required to be uploaded into a data registry at this time.

APP-TECH, Incorporated, asserts that the registries are not performing at this time and questions whether the Energy Commissions monitors the performance of the registries.⁷⁰ Energy Commission staff does monitor the performance of the registries on a weekly basis. Energy Commission staff has been working with CalCERTS on their Conditions of Certification related to their registry and has determined that CalCERTS has met the Conditions of Certification.

APP-TECH, Incorporated, also questions whether HERS Raters will know that these tests are required, since “PREF-1 [sic] forms do not need to be registered.”⁷¹ If HERS verification is identified in the compliance software then it is reported on the PERF-1 form. When flagged it is the responsibility of the installing contractor to contact a HERS Rater to perform these tests. The enforcement of this process falls to the enforcement agency: Nonresidential Certificates of Verification are required to be posted or made available to the Enforcement Agency at final inspection.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on these grounds.⁷²

17. Section 120.3 of the Standards

APP-TECH, Incorporated, asserts that “requiring pipe insulation to be at least 1” thick is not practical in many instances” especially in “high rise residential buildings utilizing PEX tubing for DHW and hydronic space conditioning distribution systems” and that requiring insulation this thick is not cost-effective.⁷³ APP-TECH, Incorporated, asserts that the Energy Commission should revise these insulation requirements to adhere to industry standards. These assertions are made without explanation or support.

As discussed for residential piping, pipes are routinely insulated when installed. PEX tubing is noted to be incompatible with some adhesives that could otherwise be used to attach insulation to piping, though this is the only limitation that could be identified by staff; insula-

⁶⁴ Petition, p. 10.

⁶⁵ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1–323, subd. (b), (f).

⁶⁶ Petition, p. 10–11.

⁶⁷ *Ibid.*

⁶⁸ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1–323, subd. (b), (f).

⁶⁹ Petition, p. 11.

⁷⁰ Petition, p. 12.

⁷¹ Petition, p. 12.

⁷² Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1–323, subd. (b), (f).

⁷³ Petition, p. 12.

tion installed with a PEX-compatible adhesive or without using an adhesive would remain viable options. PEX is also flexible, which may require use of a flexible or custom-fitted insulation product, both of which are commercially available. Without more information on the way in which petitioner claims that the required thickness is impractical or not cost-effective, staff can only respond that the required thickness was found to be both feasible and cost-effective at the time the regulations were adopted.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on these grounds.⁷⁴

18. Section 120.8 of the Standards

APP-TECH, Incorporated, questions how much energy is saved by the design phase design review and what qualifies a licensed professional engineer to be the design reviewer.⁷⁵ APP-TECH, Incorporated, also claims that design phase design review will only incur additional cost.⁷⁶ CASE Initiative determined that design phase design review is cost-effective, will save energy and focuses on areas of the design that could be overlooked.

The design review is not intended to investigate the accuracy of the entire code compliance report. However, the review would include confirming that elements having significant effects on total building energy use are in compliance with mandatory and prescriptive or performance requirements. Given that a licensed professional engineer, either mechanical or electrical, is ultimately responsible for the HVAC or lighting system it is appropriate for a licensed professional engineer to be the design reviewer.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on these grounds.⁷⁷

19. Section 130.2(b) of the Standards

APP-TECH, Incorporated, asserts that section 130.2(b) of the Standards, especially the requirement to determine zonal lumens, conflicts with the BUG requirements in the Cal Green Code.⁷⁸ The proposed action is to delete Section 130.2(b) of the Standards and replace them with the Green Code BUG requirements, but some exceptions should remain, such as for additions or alterations, which is not covered in the Green Code.⁷⁹ The petition also states that the Commission

should coordinate with these with the Cal Green Code to eliminate conflicts.⁸⁰

The BUG requirements (short for “backlight, upright and glare”) apply to outdoor lighting applications. Title 24 Part 6 has a mandatory requirement on upright and glare but not on backlight. CalGreen has mandatory requirements for backlight, upright, and glare. Staff acknowledges that the mandatory CALGreen requirements thus go farther than the Part 6 requirements, creating a mismatch between sections, and that the CALGreen language in Table 5.106.8 references ratings found in IES TM-15-11 while Table 130.2-B in Title 24 Part 6 states explicit numeric limits (noting that the numeric limits in Part 6 match the rating thresholds in IES TM-15-11, making the requirements effectively identical).

Staff agrees with APP-TECH, Incorporated, that it would be preferable to have these regulations aligned, either by having them both state identical requirements or by having the requirements stated in only one place (as the petition recommends). Staff plan to coordinate with the California Department of Housing and Community Development (HCD) to resolve this issue in the 2016 rulemaking. The Energy Commission also finds that there is no emergency. While there is a misalignment of the regulatory language, the requirements are not in conflict between Part 6 and Part 11 and the misalignment does not create an emergency. This change can safely be made in the 2016 rulemaking.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on these grounds.⁸¹

20. Mini-Split Heat Pumps

APP-TECH, Incorporated, asks why mini-split heat pumps are treated differently in the compliance software than conventional split systems heat pumps and why is there a requirement to model ducts in an attic, when most of these systems will never use ducts.

Mini-split heat pumps are treated differently than conventional split system heat pumps because they are different products. For example, a conventional split system will have a fixed speed compressor while a mini-split system will have a variable speed compressor. Additionally, mini-splits have no ducts, which is the least efficient component of an HVAC system. Mini-split systems are typically rated with a high Seasonal Energy Efficiency Ratio (SEER) and Energy Efficiency Ratio (EER). However there are no field installation or test protocol to ensure the installed equipment can realize these efficiencies. Field installation, testing and verification protocols have been developed for conventional split system heat pumps. These protocols are

⁷⁴ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (f).

⁷⁵ Petition, p. 12 – 13.

⁷⁶ *Ibid.*

⁷⁷ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (f).

⁷⁸ Petition, p. 13.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

designed to overcome known variables, such as duct leakage, adequate refrigerant charge and proper airflow in order to optimize each installation to closely match the HVAC system rated efficiency.

There are many unknowns regarding how mini-split systems perform, and there is a well-established history of treating systems with significant unknowns in this manner (i.e., by modeling such systems as minimally compliant within the compliance software). For example, wood heaters and buildings with no cooling system are also assumed to have a minimally complying ducted HVAC system. This has been standard practice since the 1980s. Thus, mini-split heat pumps are simulated as a minimum efficiency ducted heat pump resulting in no credit and no penalty. There is no duct testing reported on the compliance documentation, as this is a hypothetical modeling assumption.

Energy Commission staff recommend revisions to the CBECC-Res modeling capabilities, which does not require a rulemaking proceeding to accomplish. Energy Commission staff has been working with mini-split and multi-split air conditioner and heat pump manufacturers and the Energy Commission's HVAC consultants to develop field installation and test protocols as well as performance data through monitoring installed systems. The data gathered by monitoring installed systems will help develop a rule set that can be incorporated into the CBECC-Res software. The rule set will account for overall system performance, including distribution efficiency for how to model ductless systems.

For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on these grounds.⁸²

21. Live/Work Spaces

APP-TECH, Incorporated, asserts that live/work buildings must comply entirely with nonresidential compliance methods, not residential.⁸³ APP-TECH, Incorporated, asserts that, to account for the 24-7 occupancy, the Energy Commission should develop a new occupancy type and schedules, and also that lighting should be "library, reading areas" for all areas designated as residential, except for kitchens.⁸⁴

Section 100.0(f) of the Standards requires buildings designed and constructed for more than one type of occupancy type to meet the provisions of Part 6 applicable to that occupancy. This would include ventilation and lighting requirements for each occupancy type. For the reasons stated above, Energy Commission staff recommends that the Commission declines to grant the petition on these grounds.⁸⁵

⁸² Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (a).

⁸³ Petition, p. 14.

⁸⁴ *Ibid.*

⁸⁵ Cal. Code Regs., tit. 24, pt. 1, ch. 1, § 1-323, subd. (b), (f).

IV. CONCLUSION

The 2013 Building Energy Efficiency Standards fulfill the Energy Commission's statutory mandate to adopt cost-effective energy and water efficiency standards for buildings and establish sound energy policy.⁸⁶ In the rulemaking package, Energy Commission determined that the 2013 Standards met this statutory mandate. The 2013 Standards are a foundational element in implementing California's energy policies, including having a reliable, economic, and environmentally-sound energy supply, and zero net energy new residential buildings by 2020 and nonresidential buildings by 2030.⁸⁷ These Standards protect consumers from unnecessary energy costs, conserve natural resources, minimize environmental degradation, and ensure a safe, reliable, and affordable energy supply. Their importance is brought into even greater relief by the onset of climate change. The evidence presented does not change these conclusions; indeed, independent inquiry affirms them.

APP-TECH, Incorporated's petition is generally unsupported, lacks evidence, and many of its suggestions are simply conclusory, sometime incoherent, statements or questions. There are no specific facts showing that an emergency rulemaking is necessary for the immediate preservation of the public peace, health and safety, or general welfare. To the contrary, the Energy Commission finds that there is no present emergency. And, in fact, there are more efficient and comprehensive actions, as an alternative to a rulemaking, that Energy Commission staff has identified and will endeavor to take to address APP-TECH, Incorporated's credible assertions. Therefore, Energy Commission staff recommends that the Commission deny the petition.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

⁸⁶ See Cal. Code Regs., tit. 24, part 1, § 1-324(e).

⁸⁷ Pub. Res. Code §§ 25001, 25300(a)-(b); see also Notice of Proposed Action, pp. 4-5, citing 2008 Energy Action Plan; 2007 California Energy Commission Integrated Energy Policy Report; 2008 California Public Utilities Commission Long-Term Energy Efficiency Strategic Plan.

File# 2015-0217-01

**BOARD OF BARBERING AND COSMETOLOGY
Apprenticeships**

This action by the Board of Barbering and Cosmetology adopts and amends sections in Title 16, California Code of Regulations, relating to apprenticeship programs. These changes clarify that apprenticeship programs are two-year programs with a limit of one re-enrollment.

Title 16

California Code of Regulations

ADOPT: 914.1, 914.2 AMEND: 918, 921, 921.1, 921.2

Filed 04/01/2015

Effective 07/01/2015

Agency Contact: Kevin Flanagan (916) 575-7104

File# 2015-0303-06

**BUREAU OF AUTOMOTIVE REPAIR
BAR Licensing Application Updates**

In this section 100 action, the Bureau of Automotive Repair (BAR) is updating outdated forms. The amendments update references to the Governor of California, Agency, name and BAR contact information. Additionally BAR is splitting the applications into two forms.

Title 16

California Code of Regulations

AMEND: 3306, 3310, 3340.10, 3351.1

Filed 04/08/2015

Agency Contact: Nina Tantraphol (916) 403-8560

File# 2015-0225-01

**CALIFORNIA ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION FINANCING
AUTHORITY
PACE Loss Reserve Program**

The California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) re-submitted a certificate of compliance for the emergency adoption of sections 10080, 10081, 10082, 10083, 10084, 10085, 10086, and 10087 of title 4 of the California Code of Regulations. This certificate of compliance also applies to a subsequent emergency amendment to section 10085 of title 4 of the California Code of Regulations. These regulations are intended to establish procedures that will enable CAEATFA to protect against the risk of default and foreclosure and increase the acceptance of Property Assessed Clean Energy (PACE) loans in the marketplace by developing and administering a PACE risk mitigation program, the PACE Loss Reserve Program.

Title 4

California Code of Regulations

ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087

Filed 04/06/2015

Effective 04/06/2015

Agency Contact: Ashley Bonnett (916) 651-5100

File# 2015-0309-01

**DEPARTMENT OF FOOD AND AGRICULTURE
Section 3435 Asian Citrus Psyllid Interior Quarantine**

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2014-0915-02E) that expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 113 square miles in Kern County in the Bakersfield area. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura, and a portion of Fresno, Kern and Tulare counties that are already under quarantine for the ACP, totaling approximately 46,815 square miles.

Title 3

California Code of Regulations

AMEND: 3435(b)

Filed 04/08/2015

Effective 04/08/2015

Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0330-02

**DEPARTMENT OF HEALTH CARE SERVICES
Drug Medi-Cal Rates (2012-2013)**

This emergency regulatory action updates the Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for Fiscal Year 2012-2013 to appear in section 51516.1 of Title 22 of the California Code of Regulations. There are also a few non-substantive changes made to the same section. Pursuant to Welfare and Institutions Code sections 14021.6 and 14105, this update to the Medi-Cal reimbursement rates for substance abuse is to be considered a deemed emergency.

Title 22

California Code of Regulations

AMEND: 51516.1

Filed 04/07/2015

Effective 04/07/2015

Agency Contact: Lori Manieri (916) 650-6825

File# 2015-0402-01

**DEPARTMENT OF INDUSTRIAL RELATIONS
Return-to-Work Supplement Program**

This resubmittal of a previously withdrawn action implements the Return-to-Work Program established by the Legislature for the purpose of making supplemental payments to workers whose Workers' Compensation permanent disability payments are disproportionately low in comparison to their earnings loss. This action adopts provisions regarding the program scope, eligibility, notice, application, decisions, payments, appeals, and false claims. The applicant redeems a voucher mailed from the Department of Industrial Relations to the applicant.

Title 8
California Code of Regulations
ADOPT: 17300, 17301, 17302, 17303, 17304, 17305, 17306, 17307, 17308, 17309, 17310
Filed 04/06/2015
Effective 04/06/2015
Agency Contact: Nathan Schmidt (510) 286-1205

File# 2015-0320-05
DEPARTMENT OF PESTICIDE REGULATION
Conflict-of-Interest Code

This is a Conflict-of-Interest Code filing that has been approved by the Fair Political Practices Commission and submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 3
California Code of Regulations
AMEND: 3
Filed 04/06/2015
Effective 05/07/2015
Agency Contact: Emily Anderson (916) 322-4553

File# 2015-0312-04
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
Change to Reflect Proper Agency Name, Title 14 CCR Division 7

This is a change without regulatory effect filed by the Department of Resources Recycling and Recovery to change the agency name in the heading title for division 7 in title 14 of the California Code of Regulations from the "California Integrated Waste Management Board" to the "Department of Resources Recycling and Recovery." Senate Bill 63 (Stats. 2009, c. 21) dissolved the California Integrated Waste Management Board and moved all agency functions into a new department called the "Department of Resources Recycling and Recovery," informally known as "CalRecycle." (See Public Resources Code section 40401.)

Title 14
California Code of Regulations
AMEND: Heading of Division 7
Filed 04/01/2015
Agency Contact: Harlee Branch (916) 341-6056

File# 2015-0223-01
DEPARTMENT OF SOCIAL SERVICES
Hospice Terminally Ill, Residential Care Facility for the Elderly.

This regular rulemaking by the Department of Social Services ("DSS") amends several sections in title 22 of the CCR in response to the passage of Assembly Bill Nos. 1961 (2001-2002 Reg. Sess.) and 1166 (2002-2003 Reg. Sess.). Assembly Bill No. 1961 amended Health and Safety Code § 1569.73 to allow for the acceptance of terminally ill persons already receiving hospice care into Residential Care Facilities for the Elderly ("RCFEs"). Assembly Bill No. 1166 affected both Adult Residential Facilities ("ARFs") and RCFEs by amending Health and Safety Code sections 1507.3 and 1569.74, respectively, by allowing ARFs to accept terminally ill persons already receiving hospice care and by allowing licensees in both facility types to contact the hospice agency in lieu of calling 9-1-1 during an emergency situation for hospice terminally ill clients and residents under certain conditions. Through this rulemaking, DSS is amending regulations concerning RCFE to incorporate these amendments to Health and Safety Code §§ 1569.73 and 1569.74.

Title 22
California Code of Regulations
AMEND: 87102, 87455, 87465, 87469, 87615, 87616, 87632, 87633
Filed 04/07/2015
Effective 07/01/2015
Agency Contact: Sylvia Sotelo (916) 657-1898

File# 2015-0220-01
DIVISION OF WORKERS' COMPENSATION
Workers' Compensation Information System

The Workers' Compensation Information System (WCIS) is the source of standardized data on every injured California worker's compensation claim. A statute requires that the electronic data system in California be compatible with the Electronic Data Interchange (EDI) system of the International Association of Industrial Accident Boards and Commissions (IAIABC). EDI is a computer-to-computer exchange of data, from claims administrators (insurers, self-insured companies, third-party administrators) to the state workers' compensation agency, in a standardized format. IAIABC standardizes the data format.

Specifically, this rulemaking:

1. eliminates unnecessary data elements;
2. adds relevant data elements;
3. corrects errors in the regulatory text;
4. updates and makes corresponding, correcting, and efficiency-enhancing changes to the large, incorporated-by-reference, California-specific, WCIS-EDI guidebook: California EDI Implementation Guide for Medical Bill Payment Records.

Title 8
California Code of Regulations
AMEND: 9701, 9702
Filed 04/06/2015
Effective 04/06/2016
Agency Contact: Lindsey Urbina (510) 286-0657

File# 2015-0303-01
FAIR POLITICAL PRACTICES COMMISSION
Contribution

This rulemaking action by the Fair Political Practices Commission (Commission) amends section 18215 clarifying what constitutes a "contribution" for purposes of the Commission's regulations.

Title 2
California Code of Regulations
AMEND: 18215
Filed 04/02/2015
Effective 05/02/2015
Agency Contact:
Virginia Latteri-Lopez (916) 322-5660

File# 2015-0303-02
FAIR POLITICAL PRACTICES COMMISSION
Legal Defense Fund — Candidates/Officers

This rulemaking action by the Fair Political Practices Commission amends sections 18530.4 and 18530.45 pertaining to legal defense funds for elected state officers and candidates for elected state office.

Title 2
California Code of Regulations
AMEND: 18530.4, 18530.45
Filed 04/02/2015
Effective 05/02/2015
Agency Contact:
Virginia Latteri-Lopez (916) 322-5660

File# 2015-0323-01
FISH AND GAME COMMISSION
Ocean Salmon Sport Fishing in April 2015, Recovery of Coded Wire Tags from Salmon Heads, and Coordinates of River Mouth Closed Areas

This rulemaking action by the Fish and Game Commission (FGC) amends section 27.80 of title 14 of the California Code of Regulations to adopt the open fish-

ing days, bag limits, and minimum size requirements for ocean salmon sport fishing in effect April 4, 2015 through April 30, 2015. In addition, the Commission is amending section 27.75 to include latitude and longitude coordinates for the Smith River, Klamath River, and Eel River control zones. The Commission is also amending section 1.73 to include language to facilitate the recovery of coded wire tags from recreationally caught salmon.

Title 14
California Code of Regulations
AMEND: 1.73, 27.75, 27.80
Filed 04/01/2015
Effective 04/01/2015
Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2015-0324-06
GOVERNMENT OPERATIONS AGENCY
Conflict-of-Interest Code

This is an adoption to a Conflict-of-Interest Code that has been approved by the Fair Political Practices and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 2
California Code of Regulations
ADOPT: 59780
Filed 04/07/2015
Effective 05/07/2015
Agency Contact: Holly Pearson (916) 651-9041

File# 2015-0220-03
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
Heat Illness Prevention

The Occupational Safety and Health Standards Board proposed to amend section 3395 of title 8 of the California Code of Regulations to revise the requirements for heat illness protection in outdoor places of employment.

Title 8
California Code of Regulations
AMEND: 3395
Filed 04/03/2015
Effective 05/01/2015
Agency Contact: Marley Hart (916) 274-5721

File# 2015-0310-01
RESOURCES AGENCY
Conflict-of-Interest Code

This is a Conflict-of-Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State.

Title 14
 California Code of Regulations
 AMEND: 15411
 Filed 04/06/2015
 Effective 05/06/2015
 Agency Contact: Heather Baugh (916) 653-8152

File# 2015-0223-02
 STATE ATHLETIC COMMISSION
 Television Broadcast Fee

This rulemaking action by the State Athletic Commission (AC) amends section 278 of title 4 of the California Code of Regulations to assess a television broadcast fee of five percent or thirty five thousand dollars, whichever is less, but in no case shall the fee be less than \$1,000, of the gross price for the sale, lease, or other exploitation of broadcasting or television rights, exclusive of federal taxes.

Title 4
 California Code of Regulations
 AMEND: 278
 Filed 04/06/2015
 Effective 07/01/2015
 Agency Contact: Sophia Cornejo (916) 263-2196

File# 2015-0224-03
 STATE PERSONNEL BOARD
 Rule 100 Change

This action by the State Personnel Board makes changes without regulatory effect to section 212, title 2 of the California Code of Regulations. These changes include grammatical and other technical changes relating to use of out-of-class experience in meeting minimum qualifications for an examination.

Title 2
 California Code of Regulations
 AMEND: 212
 Filed 04/08/2015
 Agency Contact: Jeanne Wolfe (916) 651-1043

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN November 5, 2014 TO
 April 8, 2015**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of

the Notice Register published on the first Friday more than nine days after the date filed.

Title 1
 11/10/14 AMEND: 1, 14, 20

Title 2
 04/08/15 AMEND: 212
 04/07/15 ADOPT: 59780
 04/02/15 AMEND: 18215
 04/02/15 AMEND: 18530.4, 18530.45
 03/24/15 AMEND: 1900
 03/23/15 AMEND: 1189.10
 03/23/15 AMEND: 59740
 03/17/15 AMEND: 549
 03/04/15 AMEND: 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11095, 11096, 11097 REPEAL: 11098
 02/23/15 ADOPT: 59760
 02/23/15 ADOPT: 553, 553.1, 553.2, 553.3, 553.4, 553.5, 553.6, 599.100, 599.101, 599.102, 599.120, 599.121, 599.122, 599.123, 599.124, 599.140, 599.141, 599.142, 599.143, 599.144, 599.145, 599.146, 599.160, 599.161, 599.162, 599.163, 599.164
 02/09/15 AMEND: 1859.76
 02/02/15 AMEND: 18705, 18705.3, 18705.4, 18705.5 REPEAL: 18704, 18704.1, 18704.5
 02/02/15 AMEND: 18450.11
 02/02/15 AMEND: 18740
 01/22/15 AMEND: 54300
 12/31/14 ADOPT: 20620 AMEND: 20610, 20611, 20612, 20613, 20622 and renumber as 20621, 20623 and renumber as 20622, 20624 and renumber as 20623, 20625 and renumber as 20624, 20626 and renumber as 20625, 20627 and renumber as 20626, 20630, 20631, 20632, 20633, 20635 and renumber as 20634, 20636 and renumber as 20635, 20637 and renumber as 20636, 20638 and renumber as 20637, 20639 and renumber as 20638, 20640, 20641, 20642, 20645 and renumber as 20643, 20646 and renumber as 20644, 20650, 20651, 20652, 20653, 20654, 20660, 20661, 20662, 20663, 20670, 20672, 20680, 20681, 20682 REPEAL: 20620, 20621, 20671, Appendices A and B to Chapter 6
 12/18/14 ADOPT: 1859.167.1, 1859.167.2, 1859.167.3 AMEND: 1859.2, 1859.77.4, 1859.106.1, 1859.160, 1859.161, 1859.162, 1859.163, 1859.163.1, 1859.163.4, 1859.163.5, 1859.164,

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	1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.167.2 (renumbered as 1859.167.4), 1859.167.3 (renumbered as 1859.167.5), 1859.168, 1859.171, 1859.172	02/26/15 ADOPT: 24465-3 02/02/15 ADOPT: 12003, 12311, 12312, 12313, 12315, 12316 AMEND: 12002 REPEAL: 12400, 12401, 12402, 12403, 12404, 12405, 12406, 12410
12/16/14	ADOPT: 557	01/30/15 AMEND: 10085
12/15/14	AMEND: 18545, 18703.4, 18730, 18940.2	01/13/15 ADOPT: 5600, 5610, 5620, 5630, 5640 AMEND: 5000, 5144, 5170, 5200, 5205, 5230, 5240, 5255, 5350, 5370
12/15/14	AMEND: 18704.1, 18705.1	01/13/15 AMEND: 1858
12/15/14	AMEND: 18704	12/24/14 AMEND: 106(d)
12/10/14	ADOPT: 20700, 20701, 20702, 20703, 20704, 20705, 20706, 20707	12/15/14 AMEND: 10080, 10081, 10082, 10083, 10084, 10085, 10086
12/03/14	AMEND: 51.7	12/05/14 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087
11/24/14	AMEND: 18942	11/19/14 ADOPT: 12006, 12012, 12035, 12052, 12054, 12056, 12058, 12060, 12062, 12064, 12066, 12068 AMEND: 12002, 12015, (Renumbered 12047), 12017, (Renumbered 12048), 12050 REPEAL: 12218.5, 12234
11/24/14	AMEND: 18705.2	11/10/14 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138
11/20/14	AMEND: 1859.73.2, 1859.76, 1859.78.7, 1859.82	11/10/14 AMEND: 10030, 10031, 10032, 10033, 10033, 10035, 10036
Title 3		
04/08/15	AMEND: 3435(b)	
04/06/15	AMEND: 3	
03/20/15	AMEND: 3435(b)	
03/17/15	AMEND: 1428.6, 1428.7, 1428.8, 1428.10, 1428.12	
03/02/15	AMEND: 3435(b)	
02/25/15	AMEND: 2	
02/18/15	AMEND: 4500	
02/12/15	AMEND: 3435(b)	
02/02/15	AMEND: 1392.8.1	
01/27/15	AMEND: 3591.13(a)	
01/26/15	AMEND: 3435(b)	
01/21/15	AMEND: 300, 301	
01/16/15	AMEND: 3435	
01/02/15	AMEND: 3435(b)	
12/23/14	AMEND: 1380.19, 1442.7	
12/01/14	AMEND: 1310, 1310.1	
11/19/14	AMEND: 3435(b)	
Title 4		
04/07/15	AMEND: 87102, 87455, 87465, 87469, 87615, 87616, 87632, 87633	
04/06/15	ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087	
04/06/15	AMEND: 278	
03/30/15	ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7	
03/13/15	AMEND: 5205, 5230	
03/10/15	ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24	
03/09/15	ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15	
03/04/15	AMEND: 1866	
03/02/15	AMEND: 1688	
Title 5		
03/12/15	AMEND: 19810	
02/18/15	ADOPT: 58621 AMEND: 58601, 58612, 58620	
01/30/15	ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150	
01/20/15	ADOPT: 80693, 80694	
01/08/15	ADOPT: 15494, 15495, 15496, 15497, 15497.5	
12/04/14	AMEND: 76120	
12/04/14	AMEND: 30040, 30042.5	
12/01/14	AMEND: 1514, 3380	
11/18/14	ADOPT: 27200, 27201, 27300, 27301, 27400, 27401, 27500, 27501, 27502, 27600, 27601, 27602	
11/10/14	AMEND: 80225	
11/05/14	ADOPT: 19810 REPEAL: 19810, 19812, 19813, 19814, 19815, 19816, 19816.1, 19817, 19817.1, 19817.2, 19817.5, 19818, 19819, 19820, 19821, 19821.5, 19822, 19823, 19824, 19824.1, 19825, 19825.1, 19827, 19828, 19828.1, 19828.2, 19828.3, 19828.4, 19829, 19829.5, 19830, 19830.1, 19831, 19832, 19833, 19833.5, 19833.6, 19834, 19835, 19836, 19837, 19837.1, 19837.2, 19837.3, 19838, 19840, 19841, 19843, 19844, 19845, 19845.1, 19845.2, 19846,	

19846.1, 19847, 19848, 19849, 19850,
19851, 19851.1, 19852, 19853, 19854,
19854.1, 19855

11/25/14 ADOPT: 2548.7, 2548.8 AMEND:
2548.2, 2548.4, 2548.5, 2548.7
(renumbered to 2548.9), 2548.9
(renumbered to 2548.10), 2548.10
(renumbered to 2548.11), 2548.11
(renumbered to 2548.12), 2548.12
(renumbered to 2548.13), 2548.13
(renumbered to 2548.14), 2548.14
(renumbered to 2548.15), 2548.15
(renumbered to 2548.16), 2548.16
(renumbered to 2548.17), 2548.17
(renumbered to 2548.18), 2548.18
(renumbered to 2548.19), 2548.19
(renumbered to 2548.20), 2548.20
(renumbered to 2548.21), 2548.21
(renumbered to 2548.22), 2548.22
(renumbered to 2548.23), 2548.23
(renumbered to 2548.24), 2548.24
(renumbered to 2548.25), 2548.25
(renumbered to 2548.26), 2548.26
(renumbered to 2548.27), 2548.27
(renumbered to 2548.28), 2548.28
(renumbered to 2548.29), 2548.29
(renumbered to 2548.30), 2548.30
(renumbered to 2548.31), and 2548.31
(renumbered to 2548.32) REPEAL:
2548.8

Title 8

04/06/15 AMEND: 9701, 9702
04/06/15 ADOPT: 17300, 17301, 17302, 17303,
17304, 17305, 17306, 17307, 17308,
17309, 17310
04/03/15 AMEND: 3395
02/25/15 AMEND: 9789.25
02/12/15 AMEND: 333, 336
02/04/15 AMEND: 9789.10, 9789.11, 9789.20,
9789.21, 9789.22, 9789.23, 9789.25,
9789.50, 9789.60, 9789.70, 9789.110,
9789.111, 9790
12/04/14 AMEND: 9789.39
12/02/14 AMEND: 5620, 6165, 6180, 6181, 6182,
6183, 6184
12/01/14 AMEND: 1514, 3380
11/26/14 AMEND: 5155

Title 9

03/09/15 AMEND: 4210

Title 10

03/25/15 AMEND: 2303, 2303.1, 2303.2, 2303.3,
2303.4, 2303.5, 2303.6, 2303.7, 2303.8,
2303.9, 2303.10, 2303.11, 2303.12,
2303.13, 2303.14, 2303.16, 2303.17,
2303.18, 2303.19, 2303.20, 2303.21,
2303.22, 2303.23, 2303.24, 2303.25
03/18/15 ADOPT: 6432
03/16/15 ADOPT: 6426, 6434
02/19/15 ADOPT: 6432
02/05/15 ADOPT: 8000, 8010, 8020, 8030, 8040
02/05/15 ADOPT: 6428, 6430
02/02/15 AMEND: 3528
01/30/15 ADOPT: 2240.15, 2240.16, 2240.6,
2240.7 AMEND: 2240, 2240.1, 2240.4,
2240.5
01/20/15 AMEND: 2695.85
01/08/15 AMEND: 2500, 2501, 2502, 2503, 2504,
2505, 2506, 2507, 2507.1, 2507.2, 2508,
2509
01/02/15 AMEND: 2698.95
12/12/14 ADOPT: 6408, 6410, 6450, 6452, 6454,
6470, 6472, 6474, 6476, 6478, 6480,
6482, 6484, 6486, 6490, 6492, 6494,
6496, 6498, 6500, 6502, 6504, 6506,
6508, 6510, 6600, 6602, 6604, 6606,
6608, 6610, 6612, 6614, 6616, 6618,
6620
12/12/14 ADOPT: 6657, 6658, 6660, 6664, 6670
12/10/14 AMEND: 2498.4.9
12/08/14 AMEND: 2498.6
12/04/14 AMEND: 2717

11/17/14 ADOPT: 6460
11/17/14 ADOPT: 8000, 8010, 8020, 8030, 8040
11/10/14 AMEND: 2498.6

Title 11

03/09/15 ADOPT: 4250, 4251, 4252, 4253, 4254,
4255, 4256, 4257, 4258, 4259

Title 13

01/23/15 AMEND: 553.70
01/21/15 AMEND: 1159
12/31/14 AMEND: 2025
12/17/14 ADOPT: 2416, 2417, 2418, 2419,
2419.1, 2419.2, 2419.3, 2419.4
12/17/14 ADOPT: 2416, 2417, 2418, 2419,
2419.1, 2419.2, 2419.3, 2419.4
12/01/14 ADOPT: 16.00, 16.02, 16.04, 16.06,
16.08, 16.10, 16.12, 16.14

Title 13, 17

01/23/15 AMEND: 553.70
01/21/15 AMEND: 1159
12/05/14 AMEND: Title 13: 1900, 1956.8, 2036,
2037, 2112, 2139, 2140, 2147, 2485; Title
17: 95300, 95301, 95302, 95303, 95305

Title 14

04/06/15 AMEND: 15411
04/01/15 AMEND: Heading of Division 7
04/01/15 AMEND: 1.73, 27.75, 27.80
03/30/15 ADOPT: 3550.17

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03/10/15	AMEND: 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 58.56, 28.58, 28.90	12/04/14	AMEND: Renumber 8125 to 8199
02/23/15	AMEND: 1.45, 2.09, 4.05, 5.00, 5.80, 7.50, 8.00, 27.90	12/03/14	AMEND: Renumber Section 8002 to 8901
01/30/15	AMEND: 465, 472	12/01/14	AMEND: 4604, 4605
01/29/15	AMEND: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8	11/26/14	REPEAL: 2600, 2603, 2604, 2605, 2606, 2615, 2616, 2617, 2618, 2619, 2620, 2635, 2635.1, 2636, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2646.1, 2647, 2647.1, 2648, 2649, 2710, 2711, 2712, 2714
01/28/15	AMEND: 4351.1 (renumbered as 4351), 4360 REPEAL: 4351	11/06/14	ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
12/30/14	ADOPT: 1751, 1761, 1777.4, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1784, 1784.1, 1784.2, 1785, 1785.1, 1786, 1787, 1788, 1789	11/05/14	ADOPT: 1
12/29/14	AMEND: 1665.7	Title 16	
12/29/14	AMEND: 670.5	04/08/15	AMEND: 3306, 3310, 3340.10, 3351.1
12/16/14	AMEND: 790, 791.6, 791.7, 795	04/01/15	ADOPT: 914.1, 914.2 AMEND: 918, 921, 921.1, 921.2
12/10/14	AMEND: 895.1, 1038, 1039.1, 1041, 1092.01, 1092.28 REPEAL: 1038	03/26/15	ADOPT: 977, 980.4 AMEND: 978, 979, 980, 980.1, 980.2, 980.3, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994
11/26/14	AMEND: 923.2 [943.2, 963.2], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9]	03/26/15	AMEND: 3373
11/25/14	AMEND: 1038, 1038.2	03/25/15	ADOPT: 1361.5, 1361.51, 1361.52, 1361.53, 1361.54, 1361.55 AMEND: 1361
11/24/14	AMEND: 917.2, 937.2, 957.2	03/18/15	AMEND: 2649
11/17/14	AMEND: 1051(a)	03/06/15	REPEAL: 950.8, 950.9
11/14/14	AMEND: 790, 817.02, 819.02, 819.03, 819.04, 820.01	01/21/15	AMEND: 1387
11/13/14	AMEND: 895.1, 929.1, 949.1, 969.1, 1052	01/12/15	AMEND: 601.3, 601.5, 620, 621, 622, 628, 631, 631.1
11/05/14	ADOPT: 5200, 5200.5, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5304.5, 5305, 5306, 5307	01/08/15	AMEND: 1707.5
Title 15		12/30/14	ADOPT: 832.22, 833
03/17/15	ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1	12/23/14	AMEND: 116
03/16/15	ADOPT: 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, 1850.1 AMEND: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 REPEAL: 1857	12/22/14	AMEND: 1948
03/12/15	REPEAL: 3999.13	12/17/14	AMEND: 109
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02/09/15	ADOPT: 8121	12/03/14	AMEND: 2610
01/28/15	ADOPT: 3364.1, 3364.2 AMEND: 3351, 3364	11/19/14	AMEND: 950.2, 950.9
12/22/14	ADOPT: 3620, 3621, 3622, 3623, 3624, 3625, 3626 AMEND: 3000, 3521.1, 3521.2, 3545, 3800.2 REPEAL: 3620, 3625	11/13/14	AMEND: 3003
		11/10/14	AMEND: 3005
		11/05/14	ADOPT: 1032.7, 1032.8, 1032.9, 1032.10, 1036.01 AMEND: 1021, 1028, 1030, 1031, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1033, 1033.1, 1034, 1034.1, 1035, 1036
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		02/27/15	AMEND: 13675, 13676

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02/05/15	AMEND: 6540		63.000.16, 63000.17, 63000.19,
01/21/15	ADOPT: 6550, 6551, 6553, 6553.1,		63000.25, 63000.28, 63000.31,
	6555, 6557, 6557.1, 6557.2, 6557.3		63000.34, 63000.35, 63000.37,
12/31/14	AMEND: 95802, 95830, 95833, 95852,		63000.40, 63000.43, 63000.46,
	95852.2, 95890, 95892, 95895, 95921,		63000.47, 63000.48, 63000.49,
	95973, 95975, 95976, 95981, 95983,		63000.62, 63000.65, 63000.66,
	95985, 95990		63000.67, 63000.68, 63000.70,
12/31/14	AMEND: 95201, 95202, 95203, 95204		63000.71, 63000.74, 63000.77,
12/31/14	AMEND: 95101, 95102, 95103, 95104,		63000.80, 63000.81, 63000.83,
	95111, 95112, 95113, 95114, 95115,		63000.84, 63000.85, 63000.86,
	95119, 95121, 95122, 95124, 95130,		63000.87, 63000.88, 63000.89,
	95131, 95132, 95133, 95152, 95153,		63000.90, 63000.92, 63000.95, 63010,
	95156, 95157		63011, 63012, 63013, 63014, 63015,
12/30/14	ADOPT: 30180.1, 30180.2, 30180.3,		63020, 63021, 63025, 63026, 63027,
	30180.4, 30180.5, 30180.6, 30180.7,		63028, 63029, 63030, 63040, 63050,
	30181, 30192.7, 30195.4, 30196, 30237,		63051, 63052, 63055, 63056, 63057,
	30332.9 AMEND: 30180, 30190,		63058
	30192.1, 30194, 30195, 30195.2,	11/18/14	AMEND: 97240, 97241, 97246
	30195.3, 30235, 30253, 30254, 30257,	Title 22, MPP	
	30330, 30332, 30332.5, 30332.6,	11/10/14	AMEND: 85001, 85075.1, 85075.2,
	30332.8, 30333, 30333.1, 30334, 30336,		85075.3
	30336.1, 30336.5, 30346, 30346.2,	Title 23	
	30348.1, 30350 REPEAL: 30192,	03/30/15	ADOPT: 877, 878, 878.1, 878.2, 879,
	30210.2, 30237		879.1, 879.2
12/10/14	AMEND: 94014, 94016	03/27/15	AMEND: 879(c)
12/05/14	ADOPT: 95660, 95661, 95662, 95663,	03/27/15	ADOPT: 863, 864, 865
	95664	03/18/15	AMEND: 3939.10
		03/17/15	ADOPT: 3919.15
Title 18		02/17/15	ADOPT: 3919.14
03/19/15	AMEND: 472, 902, 904	01/23/15	ADOPT: 3939.37
03/04/15	AMEND: 6001	01/05/15	ADOPT: 3946(b), 3946(c), 3946(d)
02/09/15	AMEND: 1588		AMEND: 3946(a)
01/28/15	AMEND: 140.1	11/25/14	AMEND: 2050, 2050.5, 2051
12/09/14	AMEND: 18662-0, 18662-3, 18662-4,	Title 25	
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11/05/14	AMEND: 1603	Title 27	
Title 20		11/19/14	AMEND: Appendix A of 25903
03/12/15	AMEND: 3103	Title 28	
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Title 21			AMEND: 1300.65, 1300.65.1
02/12/15	ADOPT: 1469, 1470, 1471	Title MPP	
Title 22		01/23/15	AMEND: 11-403
04/07/15	AMEND: 51516.1	01/22/15	ADOPT: 42-708, 42-709 AMEND:
02/09/15	AMEND: 97177.15, 97244		42-302, 42-701, 42-711, 42-712,
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	100026, 100027, 100028, 100029,		42-722, 42-802, 42-1009, 42-1010,
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12/31/14	AMEND: 97174		42-406, 42-407, 42-716, 42-721,
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2015 RULEMAKING CALENDAR

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- (2) The Office of Administrative Law's website at www.oal.ca.gov. You can print out those portions of the calendar you are interested in from the website.
- (3) Your nearest depository library. Go to http://www.library.ca.gov/gps/gps_cal3.html for a list of California depository libraries. In addition to the CD-ROM, these libraries will have the print copy of the Calendar.
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