EDMUND G. BROWN, JR., GOVERNOR

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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 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **June 20, 2013,** at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **June 20, 2013,** at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **June 20, 2013,** at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274–5721 or the state–wide Disability Accommodation Coordinator at 1–866–326–1616 (toll free). The state–wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1–800–735–2929 (TTY) or 1–800–855–3000 (TTY–Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer–Aided Transcription System or Communication Access Realtime Translation (CART), a sign–language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **June 20, 2013**.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 4, Section 1533
Internal Combustion Engine–Driven Equipment (Technical Amendments)

Descriptions of the proposed changes are as follows:

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 4, Section 1533
Internal Combustion Engine–Driven Equipment (Technical Amendments)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 1533 addresses the operation of internal combustion engine (driven) equipment inside buildings and in shafts, culverts, pipelines or other excavations that are 20 feet or less in depth and the employer's duty to provide ventilation to prevent the buildup of airborne contaminants to levels that could be unsafe and/or unhealthful due to the operation of this equipment. This Section specifies types of ventilation systems that are to be used and flow rates to ensure adequate dilution of contaminants to safe and healthful levels. There is also a cross–reference to the confined space safety orders and Section 5155 of the General Industry Safety Orders (GISO), which pertains to the table of airborne contaminants.

Section 1533 requires employers to provide mechanical ventilation at flow rates specified in the safety order. The employer's duty to comply and provide mechanical ventilation applies whether the employees are working in buildings or in enclosed structures or in shafts, culverts, pipelines and other excavations 20 feet or less in depth. Concern from stakeholders has arisen over the effect of the term "or other excavations" as used in subsections (a) and (b). In the absence of a definition for what are the "other excavations" referred to in subsections (a) and (b), Board staff believes that the phrase "other excavations" imposes a duty to comply beyond the intent of the standard and therefore proposes to strike language referring to other excavations in subsection (a). The intent is to restrict the employer's duty to comply with the mechanical ventilation provisions to those shafts, culverts, pipelines and excavations that either present or could foreseeably present an employee airborne contamination overexposure.

In addition, based on discussions with the Division of Occupational Safety and Health and construction industry stakeholders, staff proposes technical amendments that refine the application of the mechanical ventilation methods set forth in Section 1533 to shafts 20 feet or less in depth, pipes and culverts where the potential for hazardous accumulation of airborne contaminants exists or could be anticipated to exist. A new subsection (c) is proposed which cross references existing, extensive air quality standards for work in excavations that are more than 4 feet in depth. Excavations 4 feet or less in depth are covered by Title 8, Article 108 confined space standards and airborne contaminant standards contained in Section 5155. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board is "the only agency in the state authorized to adopt occupational safety and health standards." When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal standards in that, presently, California's safety orders on this subject are more prescriptive in terms of defining what constitutes adequate ventilation in shafts, pipelines, culverts and other excavations and are addressed in separate subchapters in Title 8. Shafts greater than 20 feet are addressed by the Tunnel Safety Orders and those 20 feet or less are addressed by the Construction Safety Orders (CSO). California's safety orders on the subject of internal combustion engines and mechanical ventilation contained in the CSO have no federal construction industry standards (29 CFR1926) equivalent.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts and (2) the requirement that all state occupational safety and health rulemaking be

channeled through a single entity (the Standards Board).

- Is the least burdensome effective alternative. This rulemaking proposal was developed with the assistance of representatives from Associated General Contractors of California (AGC–CA) and an AGC–CA member contractor and the Division of Occupational Safety and Health, Research and Standards Unit.

The following amendments are proposed:

Section 1533. Internal Combustion Engines.

This section consists of three subsections which address scope and application of the safety orders in terms of when employees operate internal combustion engine–driven equipment when working inside buildings and structures and shafts, culverts, pipelines and other excavations 20 feet or less in depth in terms of the employer's duty to provide mechanical ventilation at flow rates specified in the regulatory text. Section 1533 also contains cross references to GISO, Section 5155 pertaining to airborne contaminants and the confined space safety orders.

Subsection (a)

Amendments are proposed in subsection (a) to delete the words "or other excavations" in the first sentence and to place the word "and" before "pipelines" to clarify that the standard is not open–ended in terms of scope, and applies only to those specific work locations called forth in subsection (a). The effect of this proposed amendment is to clarify the application of the safety order to the employer.

Subsection (b)

Amendments are proposed in subsection (b) consisting of rearrangement of the wording in the first sentence related to the operation of internal combustion engine–driven equipment, and the addition of wording that clarifies that the employer's duty to provide mechanical ventilation is triggered when a hazardous atmosphere exists or could be reasonably expected to exist in shafts 20 feet or less in depth and culverts and pipelines. Additionally, the word "engine's" would be changed to "engine".

The proposed amendments will clarify to the employer that when employees work in shafts that are 20 feet or less in depth, culverts, and pipelines, they are to provide mechanical ventilation only when it is necessary, either due to the existence or foreseeable risk of excessive employee air contaminant exposure.

Subsection (c)

A new subsection (c) is proposed to cross reference the excavation operation employee protection requirements contained in Section 1541(g). The proposed amendment will clarify to the employer that Title 8 excavation standards also address hazardous atmospheres in excavations and that those standards also apply whenever any employee enters an excavation that is greater than 4 feet in depth, consistent with Section 1533.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The proposal is an amendment of existing CSO Section 1533 that makes the regulatory text less ambiguous (i.e., an ambiguous term is deleted, and an applicable CSO provision is cross referenced).

Cost Impact on Private Persons or Businesses

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.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not

require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

This proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

This proposed regulation does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. The proposal is merely a clarification of the existing standard consistent with its intent and does not encumber the employer with any new or additional regulatory obligations. This regulatory proposal will provide worker safety at places of employment in California.

Therefore, the proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either 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 or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274–5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **June 14, 2013**. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **June 20, 2013**, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274–5743 or e–mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274–5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is http://www.dir.ca.gov/oshsb. Once the Final Statement

of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 7071, 7920, 7923, 7924, 8026 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 7055, 7056, 7058, 7060, 7120, 7850, 7923, 7924, 8026 and 8587.1 of said Code, proposes to amend sections 190 and 195, Title 14, California Code of Regulations, relating to Commercial Fishing Activity Reports and Commercial Passenger Fishing Vessel Logbooks.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 190 to be amended.

Currently, Section 190 requires that log books be filled out for specified fisheries (e.g., trawl, trap, live bait, market squid, commercial passenger vessels, etc.). These daily records are turned in monthly to the department and used to assist the management of these fisheries. Current wording in Section 190, proposed for deletion, requires logs to be completed "before the end of a trip, at the time of sale of the catch or at the end of each day's fishing." This language can be confusing for those filling out the records and for the wildlife officer trying to enforce the regulations. Proposed new wording in subsection 190(b) of "immediately when any of the following first occurs: (1) prior to passengers or crew disembarking from the vessel, or (2) at the time of receipt, purchase, or transfer of fish, or (3) at the end of the calendar day (midnight) during fishing activity through the night" provides clear points in time when the records must be completed.

Section 195 to be amended.

The proposed changes in subsection 195(a) will delete and replace the existing Skipper's Log Book with updated forms entitled "COMMERCIAL PASSENGER FISHING VESSEL LOG" for Southern and Central/Northern California. The instructions explain when and how logs are to be filled out as well as when the logs are to be delivered to the department. The new logs will provide a new box for an entry of "No fishing activities for the month of: _____." All logbooks are valuable to the management of the fisheries and assist the department in determining catch beneficial to fishermen.

There are times when a licensed Commercial Passenger Fishing Vessel (CPFV) operator may take nonpaying customers or friends out on a fishing venture. It is recommended in this proposal with the addition of subsection 195(a)(5) that a licensed CPFV be required to keep logbook records when on a fishing trip, whether or not the trip involves paying or nonpaying fishing customers. This would also give a better data base tracking all fish caught on CPFV's.

Currently in subsection 195(e)(5) the regulation, in part, specifies "operating under authority of a license issued pursuant to", this language is proposed for deletion and will be replaced by "licensed under" which clarifies the meaning of the provision.

The Commission expects that proposed amendments and additions to the regulations concerning fishing activity records will provide a non–monetary benefit by improving the monitoring and reporting of the take of ocean fish by CPFV. The Commission does not anticipate significant non–monetary benefits to the protection of public health, worker safety, the prevention of discrimination, the promotion of fairness and social equity, or to the increase in openness and transparency in business and government.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. No other agency has authority to adopt fishing log book regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held in University of California Los Angeles (UCLA), De Neve Plaza Building, 351 Charles E. Young Drive — West, Los Angeles, California, on Wednesday, May 22, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, on all actions relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1747 North Market Boulevard, Sacramento, CA, on Wednesday, June 26, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 12, 2013 to be included in the Commissioners' briefing materials at the address given below, or by fax at (916) 653–5040, or by e–mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e–mailed to the Commission office, must be received before 12:00 noon on June 25, 2013 to be delivered by staff to the meeting; or be presented to Commission staff at the meeting no later than the agenda item is heard on June 26, 2013, in Sacramento, CA.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Sheri Tiemann at the preceding address or phone number. **David Bess, Captain, Law Enforcement Division, Department of Fish and Wildlife, telephone (916) 651–9982, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

Availability of Modified Text

If the regulations adopted by the Commission differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposal only clarifies wording in the logbook as well as reporting requirements. It does not limit any take or interfere with the ability to make money.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California.

The proposed amendments to the regulations do not have foreseeable benefits to the health and welfare of California residents or to worker safety.

The proposed regulations should benefit the State's environment by improving reporting of fish take in the California waters and the resultant analysis and recommendations that the Department may make.

The Commission expects that proposed amendments and additions to the regulations concerning fishing activity records will provide a non–monetary benefit by improving the monitoring and reporting of the take of ocean fish by CPFV.

(c) Cost Impacts on a Representative Private Person or Business:

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

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to the affected private persons and equally effective in implementing the statutory policy or other provision of law.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 1050, 3960.2, 4150, 4181, and 4181.5, Fish and Game Code, and reference sections 3003.1, 3960, 3960.2, 4150, 4152, 4181, and 4181.5, Fish and Game Code, proposes to Amend Section 401 and Repeal Section 480, Title 14, California Code of Regulations (CCR), relating to Depredation Permit Application and Bobcat Depredation.

INFORMATIVE DIGESTS/POLICY STATEMENT OVERVIEW

Existing law provides that depredation permits may be issued by the Department of Fish and Wildlife (department) for the purpose of protecting property being damaged by wildlife. Section 401 governs applications, issuance, and reporting requirements for depredation permits to take specific wildlife species, including bear, causing damage to property. The 2012 passage of SB 1221 (Lieu) placed limits on the use of dogs to pursue bear and bobcat, and specified additional requirements for those applicants issued a depredation permit allowing the use of dogs to pursue bear and bobcat. The Commission proposes to amend Section 401 to improve the collection of depredation permit information and to make this section consistent with the new statute.

The proposed action modifies the method of application and permit issuance for take of specified depredating mammals including bobcat, and of depredating bear and bobcat taken with the use of dogs. The amendments to Section 401(a) will now require property owners to obtain permits and report the take of bobcat. Bobcat "in the act" of killing livestock can still be taken immediately, provided only that a permit is requested by the next working day. While the department doesn't expect a large number of depredation permits to be requested for bobcat, since there is no existing permit required for depredating bobcat, the demand for this permit is unknown at this time. The proposed amendments will enhance consistency with the Fish and Game Code (FGC) and allow for the collection of information regarding bobcat depredation throughout the state.

The depredation form currently specified in subsection 401(c) as Form FG WPB 543 (new 5/05) is out of date and available only on paper. Rather than requiring use of a specific form, the Commission proposes to amend subsection 401(c) to allow the department to collect information needed from the applicant for the purpose of determining the necessity of the permit. A form will no longer be specified within the regulations thereby giving the department flexibility to adequately analyze applicant information and allow the department to issue site– and species–specific permits either electronically or on paper.

Language added to subsection 401(d)(1) will specify that steel–jawed leghold traps are prohibited in accordance with Section 3003.1 of the Fish and Game Code. Subsection 401(d)(1) will be further amended to delete the words "based upon safety considerations" in order to allow the department to consider additional factors when specifying the caliber and type of firearm and ammunition, archery equipment or crossbow used to take depredation animals. Additional factors may include effectiveness, humane treatment of wildlife, and minimizing threats to non–target wildlife.

The proposed amendment to subsection 401(f) would increase a violator's prohibition period for obtaining depredation permits from 12 to 24 months to be more consistent with the terms of probation in cases involving the illegal take of mammals.

Section 401 will be further amended to specify reporting requirements and requiring the presentation of bear skulls to the department for scientific analysis.

Section 480, Title 14, CCR, to be repealed.

Section 480 will be repealed since its provisions have either been superseded by SB 1221 (Lieu, 2012) or will be replaced by the amended provisions of Section 401.

Non–monetary benefits to the public.

The Commission expects that proposed amendments and additions to the regulations concerning depredation will provide a non–monetary benefit by improving the monitoring and reporting of the take of wildlife under a depredation permit. The Commission does not anticipate significant non–monetary benefits to the protection of public health, worker safety, the prevention of discrimination, the promotion of fairness and social eq-

uity, or to the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations.

The proposed regulations in this rulemaking action are neither inconsistent nor incompatible with existing state or federal regulations. The proposed amendments are needed to enhance clarity and to comply with the new statutory requirements of SB 1221 (Lieu, 2012).

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held in University of California Los Angeles (UCLA), De Neve Plaza Building, 351 Charles E. Young Drive — West, Los Angeles, California, on Wednesday, May 22, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, on all options relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1747 North Market Boulevard, Sacramento, California, on Wednesday, June 26, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before June 21, 2013 to be included in the Commissioners' briefing materials, at the address given below, or by fax at (916) 653–5040, or by e–mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e–mailed to the Commission office, must be received before 12:00 noon on June 25, 2013 to be delivered by staff to the meeting; or be presented to Commission staff at the meeting no later than the agenda item is heard on June 26, 2013, in Sacramento, CA.** If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Mr. Michael Randall, Regulations Unit, Department of Fish and Game, telephone (916) 653–4678, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

Availability of Modified Text

If the regulations adopted by the Commission differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

(b) Impact on the Creation or Elimination of Jobs within the State, the Creation of new Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing

businesses, the expansion of businesses in California, or benefits to worker safety.

The proposed changes in Section 401 and the repeal of Section 480 will not impact jobs and/or businesses in California. SB 1221(Lieu) (FGC Section 3960.2(d)) prohibits compensation of individuals involved with the depredation permit; therefore it is unlikely that any new business, or expansion, would be created. Existing businesses, for example dog breeders and trainers, are not reliant on providing dogs solely for the take of the listed depredators, therefore any potential impact on the creation or elimination of jobs within the State is negligible.

The general provisions of amended Section 401 provide for a means to control animals causing damage or destroying, or immediately threatening to damage or destroy, land or property. These sections in turn may benefit the health and welfare of California residents by clarifying conditions under which depredating animals may be taken.

The Commission anticipates benefits to the environment by identifying non–lethal methods prior to the issuance of a depredation permit, preventive measures to avoid depredation in the future, and improved reporting of take following issuance of a permit.

(c) Cost Impacts on Private Persons:

The Fish and Game Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action. There is no cost or fee collected by the department for the permit. Additional effort may be associated with the reporting requirements of SB 1221 (Lieu), but these costs are expected to be minor.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Other Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to the affected private persons and equally effective in implementing the statutory policy or other provision of law.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 108 of the Fish and Game Code and to implement, interpret or make specific Section 108 of said Code, proposes to amend Section 665, Title 14, California Code of Regulations, relating to meeting procedures.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 2609, signed into law in September 2012, added Section 108 to the Fish and Game Code. This new statute requires the California Fish and Game Commission (Commission) to adopt rules to govern business practices and processes by July 1, 2013.

Currently, there are no Commission regulations on its meeting procedures.

Proposed Regulations

This regulatory proposal will add Section 665, Title 14, CCR, Meeting Procedures.

To ensure all speakers are given an equitable share of the speaking time for a Commission meeting agenda item, Section 665 will specify that the Commission president shall set the time available for each speaker during an agenda item.

The proposed regulation is neither inconsistent nor incompatible with existing state regulations. No other state agency has the authority to adopt regulations related to Commission business practices and processes.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Consumer Affairs, 1747 North Market Blvd., Sacramento, CA, on Wednesday, June 26, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be

submitted on or before June 12, 2013 at the address given below, or by fax at (916) 653–5040, or by e–mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e–mailed to the Commission office, must be received before12:00 p.m. on June 25, 2013. All comments must be received no later than June 26, 2013, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Anita Biedermann, at the preceding address or phone number. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.fgc.ca.gov.

Availability of Modified Text

If the regulations adopted by the Commission differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States: The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This change will only affect Commission meeting procedures.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The Commission does not anticipate any benefits to the health and welfare of California residents, worker safety, or the environment.

(c) Cost Impacts on a Representative Private Person or Business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School Distract that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of

the Commission, would be more effective in carrying out the purpose for which the action is proposed 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.

TITLE 14. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

RECYCLING CENTER DAILY LOAD LIMITS PROPOSED PERMANENT REGULATIONS

TITLE 14. NATURAL RESOURCES
DIVISION 2. DEPARTMENT OF CONSERVATION
CHAPTER 5. DIVISION OF RECYCLING

NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (Department), proposes to adopt amendments to the California Code of Regulations (CCR). Commencing with Subchapter 6, Chapter 5, Division 2, Title 14 of the CCR, the Department will propose permanent regulations, regarding the reduction of load limits for empty beverage containers and reporting of 250–pound aluminum transactions, after the consideration of all comments, objections or recommendations. The proposed amendments are as follows:

SUBCHAPTER 6. RECYCLING CENTERS
Article 3. Accounting and Reporting Requirements

§ 2530. REPORTING

Subsection 2530(i) is being eliminated because the proposed daily load limit for aluminum transactions proposed to be revised in 14CCR Section 2535 will be lower than the 250 pounds for aluminum beverage container transactions that currently are required to be reported to the Department.

Subsection 2530(j) is being changed to reflect the re–numbering resulting from the deletion of subsection 2530(i).

§ 2535. PAYMENTS TO CONSUMERS, CURBSIDE PROGRAMS, COMMUNITY SERVICE PROGRAMS AND DROPOFF OR COLLECTION PROGRAMS

Subsection 2535(f) is being proposed to be amended to change the daily limits for loads of empty beverage containers received from any person, operation or entity not certified by the Department for aluminum and plastic beverage containers from 500 to 100 pounds per person per day, and for glass beverage containers from 2,500 to 1,000 pounds per person per day.

INFORMATION IS AVAILABLE UPON REQUEST. Copies of the text, the express terms of the proposed action, the initial statement of reasons, and all of the information upon which this proposal is based is available upon request and at our website: www.calrecycle.ca.gov/Laws/Rulemaking/. The rulemaking file is available to the public for review during normal business hours at the Department, 801 "K" Street, 17th Floor, Sacramento, California. Please contact the agency contact person, Chris Reed, at (916) 327–7598. General or substantive questions regarding this file may also be directed to Chris Reed. The back–up agency contact person for this rulemaking file is John Halligan, who may be contacted at (916) 324–5392. Any technical inquiries shall be referred to the appropriate staff to ensure a prompt response.

SUBMITTING WRITTEN COMMENTS. The written comment period permits any interested person, or his or her authorized representative, to submit written comments addressing the proposed amendments to the Department. Written comments, which offer a recommendation and/or objection, or support the proposed amendment, should indicate the amended section to which the comment or comments are directed. Written comments should be sent to the Department and received before the close of the public comment period, no later than 5:00 p.m. on June 17, 2013. Additionally, we request that written comments reference a subsection or section of the proposed action. Written comments received by the Department after the close of the public comment period will not be responded to in the rulemaking file. Submit your written comments to: Chris Reed, Daily Load Limits Permanent Regulations, Department of Resources Recycling and Recovery, Division of Recycling, 801 "K" St., MS 17–01, Sacramento, CA 95814. During the 45–day comment period, written comments may also be emailed to: DORRegulations@CalRecycle.ca.gov or faxed to (916) 552–4563.

PUBLIC HEARING. A public hearing has not been scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF MODIFIED TEXT. Following the written comment period, and the hearing, if one is held, the Department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with the changes clearly indicated shall be made available to the

public for at least 15 days prior to the date on which the Department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the Department contact person identified in this notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under the existing law, the California Beverage Container Recycling and Litter Reduction Act (Act) encourages recycling of specific beverage containers and the reduction of beverage container litter in the State. Under this Act, the Department, through the Division, is responsible for administering the Act and protecting the integrity of the California Beverage Container Recycling Fund (Fund).

The goal of the Act is to achieve and maintain an 80% recycling rate for beverage containers included in the program. CalRecycle provides a number of services to help achieve this goal, including nonprofit grant management, public outreach and education, technical assistance, enforcement, auditing, economic analyses, and processing and paying program claims for California Refund Value (CRV).

The Act requires beverage distributors selling or distributing beverages included in the Act to make a redemption payment of five cents or ten cents per container for each covered beverage sold or distributed in California. This money is deposited into the Fund. Based upon valid requests for reimbursement, money is paid out of the Fund to reimburse processors for the CRV they paid to certified recyclers who redeemed CRV eligible containers from consumers who present empty CRV eligible containers to them for redemption.

Since the inception of the program there have been unscrupulous individuals and entities intent on defrauding the Fund by redeeming non–qualifying beverage containers for CRV (e.g., imported from out–of–State, out–of–country, or previously redeemed empty beverage containers). Although out–of–state (OOS) beverage containers may contain a CRV label, they do not qualify for CRV because they were not sold in California. As a result, the California Beverage Container Recycling Fund (CBCRF), and, more importantly, the people of California, loses five or ten cents for each OOS beverage container illegally redeemed for CRV in California.

The Department has both observations and anecdotal evidence that a significant number of individuals/entities frequently import large loads of used beverage containers (UBCs) from other states (e.g., Nevada, Arizona and New Mexico, etc.). To facilitate fraud, they break large loads into smaller load sizes that are compliant with the current regulations, thus avoiding detection, and then illegally redeem them for California Refund Value (CRV) at certified recycling centers throughout California. Additionally, the Department's analysis of actual consumer transactions found that the typical consumer transaction was significantly smaller than the current daily load limits. Pursuant to Chapter 3.5 of the Government Code (commencing with Section 11340) of Part 1 of Division 3 of Title 2, the Department is undertaking a rulemaking proceeding to amend the current daily load limits for empty beverage containers received by certified recycling centers from individuals/entities not certified by the Department (i.e., consumers). Additionally, the Department proposes to eliminate the current requirements for reporting loads of 250 pounds or more of aluminum empty beverage containers. The Department strongly believes that lowering the daily load limits for consumers will help resolve issues associated with the individuals/entities importing out–of–state (OOS) UBCs into California and illegally redeeming them for CRV at certified recycling centers. Reductions in the daily load limits will also help to address issues associated with noncertified recyclers and illegal scavenging of curbside program materials. Additionally, the proposed reductions will facilitate certified recycling center operators' compliance with requirements for visually inspecting loads of beverage containers being presented for redemption by consumers to determine the proper payment basis of the loads and eligibility for CRV payment. Finally, if the daily load limits are reduced as proposed, the 250–pound aluminum reporting requirement will no longer be necessary. Eliminating this weekly reporting requirement will result in cost savings for all certified recycling centers California.

As provided by Title 14 of the California Code of Regulations (14CCR), Section 2535(f), certified recycling centers are restricted from paying or claiming CRV for loads of aluminum and plastic beverage containers if the weight of the load exceeds 500 pounds per person per day. For glass beverage containers, the limit is 2,500 pounds per person per day. Additionally, in accordance with 14CCR, Section 2530(i), certified recycling centers must report to the Division any loads of aluminum empty beverage containers over 250 lbs. purchased from consumers. The Department proposes to reduce the daily load limits for consumer redemption of empty beverage containers to 100 pounds for aluminum and plastic, and to 1,000 pounds for glass. The Division also proposes to eliminate the current requirement for certified recycling centers to report to the Division all purchases of 250 pounds or more of aluminum empty beverage containers from a single consumer because that requirement will no longer be necessary. Eliminat-

ing this reporting requirement will reduce costs for certified recycling centers and will not significantly impact the Department's ability to combat program–related fraud.

Section 14595 of the Act declares that the redemption of beverage container material imported from OOS presents a significant threat to the integrity of the California Beverage Container Recycling Program (CBCRP) and the Fund. Furthermore, Section 14595.5(a)(1) of the Act states that no person shall pay, claim, or receive any refund value, processing payment, or handling fee, or administrative fee for beverage container material that the person knew, or should have known, was imported from OOS.

Although OOS UBCs often contain a CRV label, they are not eligible to be redeemed for CRV because they were not sold in California and beverage distributors do not pay CRV into the Fund for beverages sold outside California. For every OOS UBC illegally redeemed for CRV, the Fund, and more importantly the people of California, loses five or ten cents. Although it is illegal to redeem OOS UBCs for CRV, it is not illegal to import OOS UBCs into CA if individuals/entities only receive the applicable scrap value of the commodity. These factors complicate efforts by the Department and our enforcement partner, the California Department of Justice (DOJ), to deter and/or detect fraudulent activities. These factors also complicate certified recycling center operators' ability to effectively perform inspections for qualifying materials.

Based upon observations made, and evidence/data gathered by the Department's Investigators, DOJ Agents, and California Department of Food & Agriculture (CDFA) Plant Quarantine Inspection Station Agents, it is clear that a substantial number of vehicles/individuals are buying and/or collecting UBCs in other states and transporting them into California to redeem them for CRV.

During the period of June 15, 2011 through September 15, 2011, the Department and CDFA initiated a pilot program to survey vehicles importing used beverage containers into California through all 16 CDFA Plant Quarantine Inspection Station locations. During this time CDFA data documented 3,588 vehicles transporting OOS UBCs through the CDFA Plant Quarantine Inspection Stations (this included 518 rental trucks filled to capacity). While it is not illegal to import UBCs into California, it is illegal to redeem imported UBCs for CRV. A conservative projection based on this CDFA survey data results in an estimated minimum fraud exposure of $7 million annually to the CBCRF for OOS UBCs transported in 'rental trucks' alone.

Furthermore, investigations conducted by the Department and DOJ have revealed that large loads (up to and greater than 5,000 pounds) of aluminum and plastic UBCs are being transported by individuals/entities into California on a daily basis, often using rental trucks. These large loads are subsequently broken down into smaller loads, typically less than 500 or 250 pounds to avoid the daily load limits and/or possible detection through required reporting. Multiple individuals then transport the smaller loads of UBCs in pick–up trucks, vans, and passenger cars to certified recycling centers and illegally redeem the UBCs for CRV. Because this type of activity constitutes fraud and is a felony crime, individuals/entities doing so have taken drastic measures to avoid being detected, such as performing counter–surveillance, entering into CA using auxiliary roads to avoid CDFA Plant Quarantine Inspection Stations, entering into CA late after midnight and before sunrise, trying to hide materials from view when transporting them, storing or breaking down large loads of UBC materials, etc. The actions of these individuals/entities, and the certified recycling centers who purchase from them knowing, or suspecting the UBCs are ineligible for CRV redemption, are draining the Fund of millions of dollars each year. Certified recycling center operators who facilitate or participate in illegal redemption pose a significant threat to the businesses of honest recycling center operators who know or suspect the UBC materials are ineligible and do the right thing by refusing to purchase the OOS UBCs.

By reducing the daily consumer load limit from 500 pounds to 100 pounds for aluminum and plastic, and 1,000 pounds for glass, the Department will be able to reduce the risk of large–scale fraudulent activity and monitor it more effectively. Doing so will also make it much more difficult, complex and costly for the importers to sell the larger loads of OOS UBCs by pretending to be consumers. For example, an OOS importer only needs to divide a 5,000 lb. load of OOS UBCs into 10 transactions to stay under the current daily load limit for aluminum, (i.e., 5,000/500 = 10). Under the proposed reduced daily load limit for aluminum the OOS importers would have to divide the same load 50 times (i.e., 5,000/100 = 50). In turn, complicit recycling center operators actively engaged in splitting loads to avoid exceeding the daily load limit will be forced to produce additional fraudulent transactions in order support their illegal purchases/claims for reimbursement. In doing so, they create a larger 'footprint' for the Department and DOJ investigators to detect, investigate, and use as evidence for administrative action and/or criminal prosecution. Finally, reduced load limits will greatly facilitate a recycling center's ability to properly inspect loads of beverage containers because the maximum size of the load of aluminum and plastic beverage containers to be inspected will be 100 pounds, which equates to approximately 2,970 beverage containers equivalent to 495 six–packs (using the most recent (2013) containers

per pound rate posted by the Department) or 1,700 PET plastic beverage containers equivalent to 283 six–packs. As proposed, the maximum size of a load of glass beverage containers will be 1,000 pounds, which equates to approximately 1,920 beverage containers, which is equivalent to 320 six–packs.

The Department's Division of Recycling, Recycling Enforcement Branch, Risk Assessment & Data Analysis Section conducted an analysis of approximately 95K consumer transactions, accounting for more than 2.4 million pounds of material, collected from 158 certified recycling centers which produced the following results:

ALUMINUM:

- Average (mean) weight = **8.7 pounds**
- Median weight = **4.3 pounds**
- **99.6%** of all transactions surveyed are **=< 100 pounds**

PLASTIC:

- Average weight = **11.6 pounds**
- Median weight = **6 pounds**
- **99.2%** of all transactions surveyed are **=< 100 pounds**

GLASS:

- Average weight = **77.4 pounds**
- Median weight = **27 pounds**
- **99.1%** of all transactions surveyed are **=< 1000 pounds or less**

This analysis demonstrates that the proposed reductions in the daily load limits will not adversely impact the average consumer attempting to redeem their CRV beverage containers. The results of the analysis also clearly indicate that current daily load limits of 500 pounds for aluminum and plastic and 2,500 pounds for glass are much too high and are not indicative of typical consumer transactions. The Department believes that individuals/entities who frequently redeem large loads of empty beverage containers are OOS importers, non–certified recycling centers, and/or are engaged in illegal scavenging from curbside programs.

In August 2011, the Department held a public workshop for all interested parties and presented the results of our analysis of consumer transaction activity and, based upon the results, expressed our intentions to pursue regulatory change to reduce the daily load limits for consumer transactions. Interested parties were provided with the option of attending the workshop in person or via webinar. The Department requested and received feedback from individuals who attended/participated in the workshop. Several attendees expressed concerns that, dependent on the level of the reduced load limits, opportunities for recycling by non–profit groups (e.g., Boy Scout, Girl Scouts, church groups, schools, etc.) could be adversely impacted by reduced daily load limits. Attendees also expressed concerns that some of their 'large volume' clients would also be adversely impacted. The Department documented their responses and committed to review the feedback provided and attempt to mitigate the issues/concerns expressed. The Department committed to providing details at a subsequent workshop to be held at a later date.

In October 2011, the Department held a second public workshop for all interested parties to present several alternative reduced daily load limits for discussion and proposed actions to mitigate the issues/concerns regarding potential adverse impacts on opportunities/abilities to redeem empty beverage containers that were expressed at the August 2011 workshop. Interested parties were provided with the option of attending the workshop in person or via webinar. None of the individuals that attended/participated in this workshop expressed any significant concerns/issues about the proposed mitigating activities or the proposed level of the daily load limit reductions. As a result, the Department committed to finalizing details associated with the mitigating activities, the proposed level of the daily load limit reductions, and to conduct a final public workshop at a later date prior to proceeding with a formal rulemaking process.

In January 2012, The Department held the third and final workshop for all interested parties to discuss the proposed daily load limits of 50 pounds for aluminum and 250 pounds for glass and the proposed actions to mitigate issues/concerns regarding potential adverse impacts on opportunities/abilities to redeem empty beverage containers. Interested parties were provided with the option of attending the workshop in person or via webinar. Attendance at this workshop was significantly greater than at the prior two workshops, even though all the same interested parties were notified for all three workshops. While several workshop attendees voiced support for the proposed daily load limits, a larger number of attendees expressed concern that the proposed daily load limits of 50 pounds of aluminum and plastic, and 250 pounds of glass would have adverse impacts/create hardships for some of their customers. For example, representatives from recycling centers located in rural regions of the State claimed that consumers in rural areas aggregate their CRV materials over a longer period of time and redeem them for CRV infrequently (e.g., 'every couple of months', 'once or twice per year', etc.). They claim these individuals would potentially exceed the proposed daily load limit(s) and be denied CRV redemption and be paid only scrap for their materials. Recycling center operators in attendance also stated that some of their customers are bars and restaurants that bring in beverage container materials that

they collect at their respective establishments. They claimed that these 'consumers' would routinely exceed the proposed 250 pound daily load limit for glass and as a result would be denied CRV redemption for their CRV eligible loads of materials. The Department captured all information and feedback provided by workshop attendees, as well as feedback provided in writing by other interested parties who were not able to attend the workshop. At the conclusion of this workshop, the Department reiterated our commitment to review all the feedback provided and would consider additional revisions before finalizing the rulemaking package and submitting it to OAL. Based upon the comments & feedback received at the workshops, and in particular to respond to the issues/concerns expressed by attendees at the January 2012 workshop, the Department increased the proposed daily load limits from 50 pounds to 100 pounds for aluminum and plastic and from 250 pounds to 1,000 pounds for glass.

AUTHORITY

These regulations are submitted pursuant to the Department's authority under Public Resources Code Sections, 14530.5(b) and 14536.

REFERENCE

Public Resources Code Sections, 14520, 14526.6, 14538, 14552, 14572, 14572.5 and 14585.

CONSISTENCY EVALUATION

The proposed regulation changes consist of revisions to existing regulations currently found in 14CCR. Certified recycling centers are currently subject to daily load limits associated with the purchase of empty beverage containers from consumers and to the reporting requirements associated with purchases of aluminum empty beverage containers of 250 pounds or more.

The Department has conducted a review of any related regulations in this area and has determined that these are the only regulations concerning recycling center daily load limits for beverage containers. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

FISCAL IMPACT STATEMENT

Impact on Local Government

The Department determined implementation of proposed regulations to reduce the daily load limits will not result in any additional costs/expenditures incurred by cities, counties, special districts, local agencies or school districts due to the implementation of the proposed regulations to reduce the daily load limits.

The proposed regulations to reduce the daily load limits do not mandate a new program or higher level of service on any local government. Therefore the state does not need to provide a subvention of funds to reimburse local government. The state has complete financial responsibility for the CBCRP and the proposed regulations to reduce the daily load limits will not transfer any responsibility from the state to cities, counties, cities and counties, or special districts.

The Department determined implementation of the proposed regulations to reduce the daily load limits do not imposes a mandate on local agencies or school districts. The proposed regulations to reduce the daily load limits do not require local entities to undertake a new program or to provide an increased level of service in an existing program.

The Department determined implementation of proposed regulations to reduce the daily load limits will not result in any non–reimbursable local costs.

The Department determined implementation of proposed regulations to reduce the daily load limits do not:

a) Implement a federal mandate.
b) Implement a court mandate.
c) Implement a mandate in a ballot measure approved by the voters.
d) Result from a documented request from the only local governments affected.
e) Provide (or fall within the purview of existing) revenue sources or other financing mechanisms.
f) Result in savings that are equal to or exceed any costs.
g) Create, eliminate, or change the penalty for a new crime or infraction.

The Department determined implementation of proposed regulations to reduce the daily load limits will not result in local governments being relieved from doing something they were previously required to do.

The Department determined implementation of proposed regulations to reduce the daily load limits will not result in any revenue changes at the local level as the result of a state executive regulation.

The Department determined implementation of proposed regulations to reduce the daily load limits will not result in local revenue losses that are reimbursable.

The Department determined implementation of proposed regulations to reduce the daily load limits are technical and do not result in additional cost or savings to local government.

The Department determined implementation of proposed regulations to reduce the daily load limits do not affect any local entity or program.

The Department determined implementation of proposed regulations to reduce the daily load limits do not affect any other known element of a local entity or program.

Impact on State Government

The Department determined implementation of proposed regulations to reduce the daily load limits are technical and do not result in additional cost, savings, revenue changes or any other impacts, due to reasonable compliance, administration, implementation, and/or enforcement by the issuing state agency and/or any other state agency.

The Department determined implementation of proposed regulations to reduce the daily load limits made by the issuing state agency regarding the applicability of the California Constitution do no result in additional costs and/or the need to provide additional funding of any state costs.

The Department determined implementation of proposed regulations to reduce the daily load limits will produce an immaterial amount of savings due to the elimination of current reporting requirements.

The Department determined implementation of proposed regulations to reduce the daily load limits will not produce savings for itself that will have corresponding costs to another state agency, e.g., a transfer of responsibility.

Effect on Federal Funding of State Programs

The Department determined implementation of proposed regulations to reduce the daily load limits is not acting to exercise authority granted by the federal government.

The Department determined implementation of proposed regulations to reduce the daily load limits does not implement a federal mandate or are issued under authority granted by the federal government.

The Department determined implementation of proposed regulations to reduce the daily load limits does not result in reductions (savings) in Federal Funds.

The Department determined implementation of proposed regulations to reduce the daily load limits is technical and does not result in additional cost, savings, revenue changes or any other impacts, due to reasonable compliance, administration, implementation, and/or enforcement by the issuing state agency and/or any other state agency.

The Department determined implementation of proposed regulations to reduce the daily load limits will produce an immaterial amount of savings due to the elimination of current reporting requirements. See Economic and Fiscal Impact Statement Narrative section I.C.3 for details.

The Department determined implementation of proposed regulations to reduce the daily load limits will not produce savings for itself that will have corresponding costs to another state agency, e.g., a transfer of responsibility, receiving federal funding.

The Department determined implementation of proposed regulations to reduce the daily load limits will not affect any other known state agency receiving federal funding.

COST IMPACT ASSESSMENT

The Department has prepared an Economic Impact Analysis/Assessment, which is hereby incorporated by reference and is included as a stand–alone document in the rulemaking package.

SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has prepared an Economic Impact Analysis/Assessment, which is hereby incorporated by reference and is included as a stand–alone document in the rulemaking package.

REPORTING REQUIREMENT

The proposed regulations to reduce the daily load limits, if implemented, will remove a reporting requirement mandated by the current regulations. Currently regulations require that all aluminum transactions over 250 pounds be documented and the data be transmitted to the Department on a weekly basis at a minimum (14CCR Section 2530(i)). The Department received 24,500 individual 250–pound reports from certified recycling center operators in calendar year 2011. The Department expects program participants to reduce their administrative costs with the removal of this reporting requirement. There is no additional programing, record keeping, reporting or other paperwork cost to California businesses impacted by the adoption of the regulation changes.

SMALL BUSINESS

The selected alternative eliminates 14CCR Section 2530(i) which would result in a direct cost saving to small business because certified recycling centers would no longer be required to collect and report all purchases greater than 250 pounds of aluminum to the Department on a weekly basis. Elimination of this reporting requirement would eliminate all costs associated with this reporting requirement.

COMPARABLE FEDERAL REGULATION OR STATUTE

The Department has determined that the selected alternative does not have any existing comparable federal regulation or statutes. The proposed regulation changes are specifically associated with CA Public Resources Code sections 14520, 14526.6, 14538, 14552, 14572, 14572.5 and 14585. The CBCRP is a state–mandated program and does not have any operating and or compliance elements that fall under Federal statute and or guidelines. Empty beverage containers redeemed in California for CRV is a process that is unique to California.

HOUSING COSTS

There are no known impacts to housing cost in the State of California that are directly linked to the proposed regulation changes. The proposed regulation changes could have a positive impact on the cost to registered curbside collection program operators by limiting the volume of empty beverage containers scavenged from curbside bins and then redeemed via illegal consumer transactions. This loss of potential revenue for registered curbside collection program operators (primarily private sector companies contracting with local agencies) is likely to impact the cost of curbside collection and could be passed on to California homeowners by their local agency.

OTHER MATTERS

The Department has determined there are no other matters that must be addressed in the notice as specified in Government Code Section 11346.5(a)(4).

DISCLOSURES REGARDING THE PROPOSED ACTION

The disclosures listed herein are based upon the Department's analysis of typical consumer transactions (referenced above), a series of three public workshops on this topic the Department conducted in August 2011, October 2011 and January 2012, and the Fiscal and Economic Impact Analysis/Assessment completed by the Department and included for reference in the regulatory package.

Mandate on local agencies and school districts:

The Department has determined that adoption of these proposed regulations do not impose any new mandates on local agencies or local school districts.

Cost or savings to any state agency:

The Department's cost savings would be realized through the elimination of workload associated with aggregating, analyzing and developing reports of aluminum transactions in excess of 250 pounds of aluminum and referring this information to the Department of Justice for potential investigation. Other than these savings, no other savings or additional expenses to state agencies are identified.

Costs to any local agency or school district which must be reimbursed in accordance with Government Code §§17500 through 17630:

The Department has determined that the adoption of these proposed regulations does not impose any additional cost obligations on local agencies or on local school districts.

Other non–discretionary costs or savings imposed upon local agencies:

No other non–discretionary costs or savings to local agencies have been identified.

Costs or savings in federal funding to the State:

No costs or savings in federal funding to the state have been identified.

Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:

The Department has determined that no significant impact to California businesses will result from the adoption of this proposed regulatory language. These proposed regulations serve to clarify and make specific existing statutory requirements.

Potential cost impact on private persons or directly affected businesses:

Elimination of 14CCR Section 2530(i) would result in cost saving to certified recycling centers. Certified recycling centers would be relieved of all costs by eliminating the current requirement that certified recycling centers report all transactions of 250 pounds or more to the Department on a weekly basis. These proposed regulations could potentially have an adverse impact on consumers of CRV beverages that attempt to redeem loads of empty beverage containers in excess to the proposed daily load limits. However, based upon the data analysis performed by the Department (see above), transactions in excess of 100 pounds of aluminum comprised less than 0.4% of all the transactions surveyed. Transactions in excess of 100 pounds of PET plastic comprised less than 0.9 percent of all transactions surveyed. Finally, transactions in excess of 1,000 pounds of glass comprised less than 0.8% of all transactions surveyed. As such, only an insignificant number of legitimate consumer transactions would be impacted by the proposed revisions to the daily load limits. Thus, it is possible that adoption of these changes might cause a very small number of private persons to visit recycling

centers more frequently resulting in marginally increased costs for them.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Creation or elimination of jobs in California:

The Department has determined that the adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new nor eliminate existing businesses within California;
- Expand businesses currently doing business in California.

Benefits of the regulation on the health and welfare of California residents, worker safety, and the state's environment:

The proposed regulations intend to protect the public interest of California residents by reducing the illegal redemption of out of state used beverage containers. Reducing the daily load limits for the redemption of empty beverage containers protects the fiscal stability of the California Beverage Container Recycling Fund; minimizes negative impacts on legitimate consumers' redemption of CRV materials; and minimizes negative impacts on certified recycling center operators ability to maintain legitimate volumes of CRV empty beverage containers. Eliminating the need for a weekly reporting requirement will result in cost savings for all certified recycling centers in California.

Significant effect on housing costs:

The Department has determined that the adoption of these regulations will have no significant effect on housing costs.

Effects on small businesses:

Elimination of 14 CCR Section 2530(i) would result in cost saving to certified recycling centers. Certified recycling centers would be relieved of all costs by eliminating the current requirement that certified recycling centers report all transactions of 250 pounds or more to the Department on a weekly basis.

CONSIDERATION OF ALTERNATIVES

The Department has determined that no reasonable alternative that it has considered or that has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, 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 Department believes we have demonstrated that the current daily load limits for consumers redeeming empty beverage containers for CRV are much too high. The Department is unable to identify a legitimate need for consumers requiring the current daily load limits or how consumers will be unduly denied redemption opportunities due to lower daily load limits.

Any alternatives the Department would consider as alternatives to lowering the current daily load limits for consumers redeeming empty beverage containers for CRV will leave the current excessively high load limits in place continuing to provide an irresistible incentive for abuse and fraud.

FINAL STATEMENT OF REASONS

A copy of the final statement of reasons may be obtained, when it becomes available, from the agency contact person or backup contact person identified in this notice.

ACCESSING INFORMATION REGARDING THIS FILE AT THE DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

The text of the proposed regulations, the Notice of Proposed Action, the Initial Statement of Reasons and the Final Statement of Reasons, when available for review, will be on the Department of Resources Recycling and Recovery website at: www.calrecycle.ca.gov/Laws/Rulemaking/.

The rulemaking file is available to the public for review during normal business hours at CalRecycle, 801 "K" Street, 17th Floor, Sacramento, California. Please contact the agency contact person, Chris Reed, at (916) 327–7598. General or substance questions regarding this file may also be directed to Chris Reed. The back–up agency contact person for this rulemaking file is John Halligan, who may be contacted at (916) 324–5392. Any technical inquiries shall be referred to the appropriate staff to ensure a prompt response.

TITLE 28. DEPARTMENT OF MANAGED HEALTH CARE

ACTION: Notice of Rulemaking Action Title 28, California Code of Regulations

SUBJECT: Amending Sections 1300.43.3, 1300.65, 1300.71 and 1300.80.10 in Title 28, California Code of Regulations; Control No. 2012–3230

PUBLIC PROCEEDINGS

Notice is hereby given that the Director of the Department of Managed Health Care ("Department") proposes to amend four regulations under the Knox–Keene Health Care Service Plan Act of 1975 ("Knox–Keene Act") relating to Ambulance Plan Exemptions, Cancellation of Enrollment, Provider Claims, and Medical Surveys by amending sections 1300.43.3, 1300.65, 1300.71 and 1300.80.10 in title 28 California Code of Regulations.

Before undertaking this action, the Director of the Department ("Director") will conduct written public proceedings, during which time any interested person, or such person's duly authorized representative, may present statements, arguments, or contentions relevant to the action described in this notice.

PUBLIC HEARING

No public hearing is scheduled. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing pursuant to Section 11346.8(a) of the Government Code. The written request for hearing must be received by the Department's contact person, designated below, 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 statements, arguments or contentions (hereafter referred to as comments) relating to the proposed regulatory action by the Department. Comments must be received by the Department, Office of Legal Services, **by 5 p.m. on June 17, 2013,** which is hereby designated as the close of the written comment period.

Please address all comments to the Department of Managed Health Care, Office of Legal Services, Attention: Regulations Coordinator. Comments may be transmitted by regular mail, fax, email or via the Department's website:

Website:	http://dmhc.ca.gov/regulations/
Email:	regulations@dmhc.ca.gov
Mail:	Department of Managed Health Care Office of Legal Services Attn: Regulations Coordinator 980 9th Street, Suite 500 Sacramento, CA 95814
Fax:	(916) 322–3968

Please note: if comments are sent via the website, email or fax, there is no need to send the same comments by mail delivery. All comments, including via the website, email, fax or mail, should include the author's name and a U.S. Postal Service mailing address so the Department may provide commenters with notice of any additional proposed changes to the regulation text.

Please identify the action by using the Department's rulemaking title and control number, **Amending Sections 1300.43.3, 1300.65, 1300.71, and 1300.80.10, Control No. 2012–3230** in any of the above inquiries.

CONTACTS

Inquiries concerning the proposed adoption of these regulations may be directed to:

Elaine Paniewski
Staff Services Manager
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 323–4739
(916) 322–3968 fax
epaniewski@dmhc.ca.gov

OR

Emilie Alvarez
Regulations Coordinator
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 445–9960
(916) 322–3968 fax
ealvarez@dmhc.ca.gov

AVAILABILITY OF DOCUMENTS

The Department has prepared and has available for public review the Initial Statement of Reasons, text of the proposed regulation and all information upon which the proposed regulation is based ("rulemaking file"). This information is available by request to the Department of Managed Health Care, Office of Legal Services, 980 9th Street, Sacramento, CA 95814, Attention: Regulations Coordinator.

The Notice of Proposed Rulemaking Action, the proposed text of the regulation, and the Initial Statement of Reasons are also available on the Department's website at http://dmhc.ca.gov/regulations/, under the heading "Open Pending Regulations."

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the Regulation Coordinator named above.

AVAILABILITY OF MODIFIED TEXT

The full text of any modified regulation, unless the modification is only non–substantial or solely grammatical in nature, will be made available to the public at least 15 days before the date the Department adopts the regulation. A request for a copy of any modified regulation(s) should be addressed to the Regulations Coordinator. The Director will accept comments via the Department's website, mail, fax or email on the modified regulation(s) for 15 days after the date on which the modified text is made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

California Health and Safety Code Section 1343 gives the Director the authority through the adoption of rules or issuance of orders deemed necessary and appropriate, either unconditionally or conditionally based upon specific terms and conditions or for specified periods of time, to exempt from the Knox–Keene Health Care Service Plan Act of 1975 (Knox–Keene Act) any class of persons or plan contracts if certain conditions are met.

California Health and Safety Code Section 1344 authorizes the Director to adopt, amend and rescind regulations as necessary to carry out the provisions of the Knox–Keene Act, including rules governing applications and reports, and defining any terms, whether or not used in the Knox–Keene Act, insofar as the definitions are not inconsistent with the provisions of the Knox–Keene Act. Furthermore, the Director may waive any requirement of any rule or form in situations where in the Director's discretion such requirement is not necessary in the public interest or for the protection of the public, subscribers, enrollees, or persons or plans subject to the Knox–Keene Act.

California Health and Safety Code Section 1365 states the reasons why enrollment or a subscription of an enrollee or subscriber may not be renewed or may be cancelled by a health plan.

California Health and Safety Code Section 1371 states that health plans shall reimburse a claim, or any portion of a claim, to a claimant within specified time frames, or if a claim or portion of a claim is contested, shall notify the claimant in writing that the claim is contested or denied within a specified time frame and identify the portion of the claim that is being contested and the reasons for contesting the claim. This provision of the Knox–Keene Act also states that the failure to meet the reimbursement time frames requires the health plan to include an interest amount on the claim and defines the parameters for reasonably contested claims by the health plan.

California Health and Safety Code Section 1380 authorizes the Director to conduct surveys on health plans of the health delivery system of each health plan. The Director is required to give the health plan a reasonable time to correct deficiencies identified in the survey. No survey, deficiency or correct plan shall be made available to the public unless the health plan has had at least 45 days to review the report and file a response.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amendment to section 1300.43.3

Section 1300.43.3 of title 28 exempts ambulance plans from most provisions of the Knox–Keene Act, subject to specified conditions. One of these conditions is that the ambulance plan shall only offer or sell contracts to or for persons who live or work in the plan's service area. The DMHC proposes to amend section 1300.43.3 to allow persons who do not live or work in the ambulance plan's service area to purchase a temporary or short–term ambulance plan contract for use in the ambulance plan's service area. The ability to purchase a temporary ambulance plan contract would be especially useful for recreational groups who frequently engage in outdoor activities, as a group could then purchase temporary coverage when engaging in activities outside of their normal geographical service area.

The DMHC is revising the old toll–free telephone number, set forth in subsection 1300.43.3(b)(2)(c), to the toll–free number to the DMHC's Help Center. The Help Center is available to consumers to respond to any questions or concerns consumers may have.

The DMHC has updated the reference in subsection 1300.43.3(b)(9) to the Association of Air Medical Services publication for Guidelines for Air Medical Crew Education to the most recent version.

Other grammatical and non–substantive changes were also made to the regulation.

Amendment to section 1300.65

Section 1300.65 of title 28 states the process that a health plan must follow when cancelling or refusing to renew a plan contract for an enrollee or subscriber under the Knox–Keene Act. Subsection (a) of this regulation defines "good cause" for the purpose of cancellation or refusal to renew.

Subsection (a) is being removed from this regulation because it is inconsistent with current law contained in Health and Safety Code Section 1365, as amended by Assembly Bill 2470 (Stats. 2010, ch. 658). Assembly Bill 2470 removed "good cause" as an allowable justification for cancellation or nonrenewal of a health care service plan contract.

Amendment to section 1300.71

Section 1300.71 is the process that health plans must follow regarding provider claims payment. Subsection (a)(2)(D)(ii) defines what a "complete claim" is and references the ICD–9 diagnosis and procedure code.

A 2009 and 2012 federal Health and Human Services ("HHS") rule states health care providers and other entities using ICD–9 diagnosis and procedure code sets musts modify claims payments to ICD–10 code sets by October 1, 2014. (HHS Final Rules CMS–0013–F and CMS CMS–0040–F.)

A Department regulation, Rule 1300.71(a)(2)(D)(ii), which defines "complete claim" and references ICD–9, will need to be revised to correspond with the change in federal law. The Department is proposing to simply add "or its successors" to Rule 1300.71(a)(2)(D)(ii) so that once the change to ICD–10 codes occurs in October of 2014, this provision of the Rule will conform to the new federal rules and advances in the medical community.

Amendment to section 1300.80.10

Section 1300.80.10 of title 28 requires the plan to file a written statement with the Director within 30 days of receiving notice of a deficiency from the Department, as provided in subdivision (h) of Section 1380 of the Health and Safety Code. The statement must identify the deficiency and describe the action taken to correct the deficiency, as well as the results of the plan's action. When it is reasonably determined that deficiencies require more than 30 days to correct, the plan may submit evidence that it has initiated remedial action and is on the way to achieving acceptable levels of compliance.

The 30–day timeframe established in the regulation is inconsistent with Health and Safety Code Section 1380, subdivision (h)(2), which provides plans with 45 days to review and respond to reports on surveys, deficiencies, or correction plans issued by the Department. As such, it is necessary to amend the regulation in order to accurately reflect the intent of the Legislature in allowing plans sufficient time to respond and comply with the statute.

COMPARABLE FEDERAL LAW

The DMHC is not aware of any comparable federal law regarding the proposed amendments other than 45 CFR Part 162, section 162.1002(c)(2) (CMS–0013–F) and CMS–0040–F of the federal rules to the reference of ICD–9 for the payment of claims. The DMHC's proposed amendment is to ensure streamlined coding under the new ICD–10.

BROAD OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATION

Pursuant to Government Code Section 11346.5(a)(3)(C) the broad objectives and benefits of the regulations are as follows:

Amendment to section 1300.43.3 — the broad objective and benefit of the amendments to this section are that consumers will be able to contact the correct number of the DMHC's Help Center if they need consumer assistance regarding an ambulance plan. It is also beneficial to the ambulance plans to have a reference to the most updated version of the Association of Air Medical Services publication for Guidelines for Air Medical Crew Education for compliance purposes. The objective and benefit of the grammatical corrections to this regulation are to ensure that the regulation is correctly utilized by both consumers and air ambulance plans.

Amendment to section 1300.65 — the broad objective and benefit of the amendment of this regulation is to bring it into compliance with a recent statutory amendment of California Health and Safety Code Section 1365. Section 1300.65 states the process that a health plan must follow when cancelling or refusing to renew a plan contract for an enrollee or subscriber under the Knox–Keene Act. Subsection (a) of this regulation defines "good cause" for the purpose of cancellation or refusal to renew. Subsection (a) is being removed from this regulation because it is inconsistent with current law contained in Health and Safety Code section 1365, as amended by Assembly Bill 2470 (Stats. 2010, ch. 658). Assembly Bill 2470 removed "good cause" as an allowable justification for cancellation or nonrenewal of a health care service plan contract.

Amendment to section 1300.71 — the broad objective and benefit of the amendment is to bring it into compliance with existing federal law when federal coding procedures are updated. To avoid confusion or delays or denials in payments to providers, all health plans, providers and other entities should utilize and accept the most recent version of the diagnosis and procedure codes for consistency and to avoid confusion that will result from differences in state and federal law.

Amendment to section 1300.80.10 — the broad objective and benefit of the amendment of this regulation is to bring it into compliance with the statutory mandate of California Health and Safety Code Section 1380, which requires that health plans receive at least 45 days to review and respond to medical survey reports, including deficiencies, before this information is made available to the public. It is beneficial to the health plan that they receive the full 45 days to respond and make

any necessary corrections before the Director issues the final report.

COMPARISON WITH EXISTING REGULATION

The Department compared the proposed regulations to existing state regulations. The proposed regulations are not inconsistent or incompatible with existing regulations.

REPORTING REQUIREMENT

These proposed amendments do not contain a proposed reporting requirement.

ALTERNATIVES CONSIDERED

Pursuant to Government Code Section 11346.5(a)(13), the DMHC must determine that no reasonable alternative considered by the Department or has otherwise been identified or brought to the attention of the Department would be more effective in carrying out the purpose for which the above 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 Department invites interested persons to present statements or arguments with respect to alternatives to the requirements of the proposed regulations during the written comment period.

SUMMARY OF FISCAL IMPACT

- Mandate on local agencies and school districts: None.
- Cost or Savings to any State Agency: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Costs to private persons or businesses directly affected: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.
- Other non–discretionary cost or savings imposed upon local agencies: None.

DETERMINATIONS

The Department has made the following initial determinations:

The Department has determined the regulations will not impose a mandate on local agencies or school districts, nor are there any costs requiring reimbursement by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has determined the regulations will have no significant effect on housing costs.

The Department has determined the regulations do not affect small businesses. Health care service plans are not considered a small business under Government Code Section 11342.610(b) and (c).

The Department has determined the regulations will not significantly affect the creation or elimination of jobs within the State of California.

The Department has determined the regulations will not significantly affect the creation of new businesses or the elimination of existing businesses within the State of California.

The Department has determined the regulations will not significantly affect the expansion of businesses currently doing business within the State of California. The Department has determined the regulations 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 Department has determined that this regulation will have no cost or savings in federal funding to the state.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS (Government Code Section 11346.3(b))

Creation or Elimination of Jobs within the State of California

The amendments to these regulations are either non–substantive in nature or are required due to changes in statutory authority and are intended to assist consumers, health plans and air ambulance plans in clarifying and interpreting current law. No jobs in California will be created or eliminated as a result of the amendments clarifying and interpreting sections 1300.43.1, 1300.65, 1300.71 and 1300.80.10 of title 28.

Creation of New Businesses or Elimination of Existing Businesses Within the State of California

The amendments to these regulations are either non–substantive in nature or are required due to changes in statutory authority and are intended to assist consumers, health plans and air ambulance plans in clarifying and interpreting current law. There will be no creation of new businesses or elimination of existing businesses

in California as a result of the amendments clarifying and interpreting sections 1300.43.3, 1300.65, 1300.71 and 1300.80.10 of title 28.

Expansion of Businesses Currently Doing Business within the State of California

The amendments to these regulations are either non–substantive in nature or are required due to changes in statutory authority and are intended to assist consumers, health plans and air ambulance plans in clarifying and interpreting current law. No businesses in California will be expanded as a result of the amendments clarifying and interpreting sections 1300.43.3, 1300.65, 1300.71 and 1300.80.10 of title 28.

Benefits of the Amendments to the Regulations

Amendments to section 1300.43.1 — the benefit of the amendments to this section are that consumers will be able to contact the correct number of the DMHC's Help Center if they need consumer assistance regarding an ambulance plan. It is also beneficial to the ambulance plans to have a reference to the most updated version of the Association of Air Medical Services publication for Guidelines for Air Medical Crew Education for compliance purposes. The benefits of the grammatical corrections to this section are to ensure that the regulation is correctly utilized by both consumers and air ambulance plans.

Amendment to section 1300.65 — the benefit of the amendment of this section is to bring it into compliance with a recent statutory amendment of California Health and Safety Code Section 1365. Section 1300.65 states the process that a health plan must follow when cancelling or refusing to renew a plan contract for an enrollee or subscriber under the Knox–Keene Act. Subsection (a) of this regulation defines "good cause" for the purpose of cancellation or refusal to renew. Subsection (a) is being removed from this regulation because it is inconsistent with current law contained in Health and Safety Code section 1365, as amended by Assembly Bill 2470 (Stats. 2010, ch. 658). Assembly Bill 2470 removed "good cause" as an allowable justification for cancellation or nonrenewal of a health care service plan contract.

Amendment to section 1300.71 — the benefit of the amendment is to bring the regulation into compliance with changes in federal law. This amendment will also avoid confusion among health plans, providers, claims processing organizations and other entities for submitting and processing claims for payment by clarifying that all parties shall utilize the most recent version of the diagnosis and procedure codes for claims payment billing and processing.

Amendment to section 1300.80.10 — the benefit of the amendment of this section is to bring it into compliance with the statutory mandate of California Health and Safety Code Section 1380, which requires that health plans receive at least 45 days to review and respond to medical survey reports, including deficiencies, before this information is made available to the public. It is beneficial to the health plan that they receive the full 45 days to respond and make any necessary corrections before the Director issues the final report.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH CARE SERVICES MAY EXTEND SUPPLEMENTAL REIMBURSEMENT FOR SPECIFIED HOSPITAL COSTS ASSOCIATED WITH QUALIFIED CONSTRUCTION & RENOVATION PROJECTS

This notice is to provide information of public interest with respect to the proposed State Plan Amendment (SPA) 13–011 for supplemental reimbursement to specified general acute care hospitals meeting requirements that provide services to Medi–Cal beneficiaries. The effective date for SPA 13–011 is July 1, 2013.

Currently, the Department of Health Care Services has federal authority, through the Medi–Cal Hospital Uninsured Care 1115 Demonstration Waiver, Selective Provider Contracting Program (SPCP) contract, to make supplemental reimbursement for construction and renovation project expenses to hospitals meeting specified requirements and providing services to Medi–Cal beneficiaries. In anticipation of the SPCP contract ending June 30, 2013, the department is preparing SPA 13–011 to seek the continuation of federal authority to make supplemental reimbursement to qualified hospitals having eligible projects submitted to the Office of the State Architect and the Office of Statewide Health Planning and Development after September 1, 1988 and prior to June 30, 1994.

The proposed SPA is subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning the proposed SPA may be mailed to Stacy Fox, Chief, Medical Supplemental Payments Section, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899–7436 or emailed to stacy.fox@dhcs.ca.gov.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

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

NOTICE TO INTERESTED PARTIES MAY 3, 2013

[NOTE: This notice was posted on the OEHHA web site on April 19, 2013]

CHEMICAL **DELISTED** EFFECTIVE **APRIL 19, 2013** AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE REPRODUCTIVE TOXICITY: BISPHENOL A (BPA)

Effective **April 19, 2013,** the Office of Environmental Health Hazard Assessment (OEHHA) is **removing** bisphenol A (BPA) *(CAS No. 80–05–7)* from the list of chemicals known to the State to cause cancer or reproductive toxicity for purposes of Proposition 65.[1] The chemical was added to the list on April 11, 2013 based on reproductive endpoints (developmental toxicity).

On April 19, 2013, the Honorable Raymond M. Cadei issued a preliminary injunction requiring OEHHA to delist the chemical in *American Chemistry Council v. Office of Environmental Health Hazard Assessment, et al.*, Sacramento County case number 34–2013–00140720, pending final resolution of the case.

A complete, updated chemical list is published in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at www.oehha.ca.gov.

Please contact Carol Monahan Cummings, OEHHA Chief Counsel at (916) 322–0493 or carol.monahan–cummings@oehha.ca.gov if you have questions regarding this notice.

[1] The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 et seq.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY MAY 3, 2013

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikeout were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

Chemical	*CAS Number*	*Date*
A–alpha–C (2–Amino–9H–pyrido[2,3–b]indole)	26148–68–5	January 1, 1990
Acetaldehyde	75–07–0	April 1, 1988
Acetamide	60–35–5	January 1, 1990
Acetochlor	34256–82–1	January 1, 1989
2–Acetylaminofluorene	53–96–3	July 1, 1987
Acifluorfen sodium	62476–59–9	January 1, 1990
Acrylamide	79–06–1	January 1, 1990
Acrylonitrile	107–13–1	July 1, 1987
Actinomycin D	50–76–0	October 1, 1989
AF–2;[2–(2–furyl)–3–(5–nitro–2–furyl)]acrylamide	3688–53–7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972–60–8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988

Chemical	*CAS Number*	*Date*
Aldrin	309–00–2	July 1, 1988
~~Allyl chloride~~ Delisted October 29, 1999	~~107–05–1~~	~~January 1, 1990~~
2–Aminoanthraquinone	117–79–3	October 1, 1989
p–Aminoazobenzene	60–09–3	January 1, 1990
ortho–Aminoazotoluene	97–56–3	July 1, 1987
4–Aminobiphenyl (4–aminodiphenyl)	92–67–1	February 27, 1987
1–Amino–2,4–dibromoanthraquinone	81–49–2	August 26, 1997
3–Amino–9–ethylcarbazole hydrochloride	6109–97–3	July 1, 1989
2–Aminofluorene	153–78–6	January 29, 1999
1–Amino–2–methylanthraquinone	82–28–0	October 1, 1989
2–Amino–5–(5–nitro–2–furyl)–1,3,4–thiadiazole	712–68–5	July 1, 1987
4–Amino–2–nitrophenol	119–34–6	January 29, 1999
Amitrole	61–82–5	July 1, 1987
Amsacrine	51264–14–3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63–05–8	May 3, 2011
Aniline	62–53–3	January 1, 1990
Aniline hydrochloride	142–04–1	May 15, 1998
ortho–Anisidine	90–04–0	July 1, 1987
ortho–Anisidine hydrochloride	134–29–2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309–64–4	October 1, 1990
Anthraquinone	84–65–1	September 28, 2007
Aramite	140–57–8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332–21–4	February 27, 1987
Auramine	492–80–8	July 1, 1987
Azacitidine	320–67–2	January 1, 1992
Azaserine	115–02–6	July 1, 1987
Azathioprine	446–86–6	February 27, 1987
Azobenzene	103–33–3	January 1, 1990
Benthiavalicarb–isopropyl	177406–68–7	July 1, 2008
Benz[a]anthracene	56–55–3	July 1, 1987
Benzene	71–43–2	February 27, 1987
Benzidine [and its salts]	92–87–5	February 27, 1987
Benzidine–based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205–99–2	July 1, 1987
Benzo[j]fluoranthene	205–82–3	July 1, 1987
Benzo[k]fluoranthene	207–08–9	July 1, 1987
Benzofuran	271–89–6	October 1, 1990
Benzophenone	119–61–9	June 22, 2012
Benzo[a]pyrene	50–32–8	July 1, 1987
Benzotrichloride	98–07–7	July 1, 1987
Benzyl chloride	100–44–7	January 1, 1990
Benzyl violet 4B	1694–09–3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2–Bis(bromomethyl)–1,3–propanediol	3296–90–0	May 1, 1996
Bis(2–chloroethyl)ether	111–44–4	April 1, 1988
N,N–Bis(2–chloroethyl)–2–naphthylamine (Chlornapazine)	494–03–1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154–93–8	July 1, 1987

Chemical	*CAS Number*	*Date*
Bis(chloromethyl)ether	542–88–1	February 27, 1987
Bis(2–choro–l–methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam–refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541–45–4	May 31, 2002
Bromochloroacetic acid	5589–96–8	April 6, 2010
Bromodichloromethane	75–27–4	January 1, 1990
Bromoethane	74–96–4	December 22, 2000
Bromoform	75–25–2	April 1, 1991
1,3–Butadiene	106–99–0	April 1, 1988
1,4–Butanediol dimethanesulfonate (Busulfan)	55–98–1	February 27, 1987
Butylated hydroxyanisole	25013–16–5	January 1, 1990
beta–Butyrolactone	3068–88–0	July 1, 1987
Cacodylic acid	75–60–5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331–39–5	October 1, 1994
Captafol	2425–06–1	October 1, 1988
Captan	133–06–2	January 1, 1990
Carbaryl	63–25–2	February 5, 2010
Carbazole	86–74–8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333–86–4	February 21, 2003
Carbon tetrachloride	56–23–5	October 1, 1987
Carbon–black extracts	—	January 1, 1990
N–Carboxymethyl–N–nitrosourea	60391–92–6	January 25, 2002
Catechol	120–80–9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305–03–3	February 27, 1987
~~Chloramphenicol~~ Delisted January 4, 2013	~~56–75–7~~	~~October 1, 1989~~
Chlordane	57–74–9	July 1, 1988
Chlordecone (Kepone)	143–50–0	January 1, 1988
Chlordimeform	6164–98–3	January 1, 1989
Chlorendic acid	115–28–6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171–26–2	July 1, 1989
p–Chloroaniline	106–47–8	October 1, 1994
p–Chloroaniline hydrochloride	20265–96–7	May 15, 1998
~~Chlorodibromomethane~~ Delisted October 29, 1999	~~124–48–1~~	~~January 1, 1990~~
Chloroethane (Ethyl chloride)	75–00–3	July 1, 1990
1–(2–Chloroethyl)–3–cyclohexyl–l–nitrosourea (CCNU) (Lomustine)	13010–47–4	January 1, 1988
1–(2–Chloroethyl)–3–(4–methylcyclohexyl)–l–nitrosourea (Methyl–CCNU)	13909–09–6	October 1, 1988
Chloroform	67–66–3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107–30–2	February 27, 1987
3–Chloro–2–methylpropene	563–47–3	July 1, 1989
1–Chloro–4–nitrobenzene	100–00–5	October 29, 1999
4–Chloro–ortho–phenylenediamine	95–83–0	January 1, 1988
p–Chloro–*o*–toluidine	95–69–2	January 1, 1990
p–Chloro–*o*–toluidine, strong acid salts of	—	May 15, 1998
5–Chloro–*o*–toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126–99–8	June 2, 2000
Chlorothalonil	1897–45–6	January 1, 1989

Chemical	*CAS Number*	*Date*
Chlorotrianisene	569–57–3	September 1, 1996
Chlorozotocin	54749–90–5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218–01–9	January 1, 1990
C.I. Acid Red 114	6459–94–5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569–61–9	July 1, 1989
C.I. Direct Blue 15	2429–74–5	August 26, 1997
C.I. Direct Blue 218	28407–37–6	August 26, 1997
C.I. Disperse Yellow 3	2832–40–8	February 8, 2013
C.I. Solvent Yellow 14	842–07–9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865–13–3 79217–60–0	January 1, 1992
Cidofovir	113852–37–2	January 29, 1999
Cinnamyl anthranilate	87–29–6	July 1, 1989
Cisplatin	15663–27–1	October 1, 1988
Citrus Red No. 2	6358–53–8	October 1, 1989
Clofibrate	637–07–0	September 1, 1996
Cobalt metal powder	7440–48–4	July 1, 1992
Cobalt [II] oxide	1307–96–6	July 1, 1992
Cobalt sulfate	10124–43–3	May 20, 2005
Cobalt sulfate heptahydrate	10026–24–1	June 2, 2000
Coconut oil diethanolamine condensate (cocamide diethanolamine)	68603–42–9	June 22, 2012
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
para–Cresidine	120–71–8	January 1, 1988
Cumene	98–82–8	April 6, 2010
Cupferron	135–20–6	January 1, 1988
Cycasin	14901–08–7	January 1, 1988
Cyclopenta[*cd*]pyrene	27208–37–3	April 29, 2011
Cyclophosphamide (anhydrous)	50–18–0	February 27, 1987
Cyclophosphamide (hydrated)	6055–19–2	February 27, 1987
Cytembena	21739–91–3	May 15, 1998
D&C Orange No. 17	3468–63–1	July 1, 1990
D&C Red No. 8	2092–56–0	October 1, 1990
D&C Red No. 9	5160–02–1	July 1, 1990
D&C Red No. 19	81–88–9	July 1, 1990
Dacarbazine	4342–03–4	January 1, 1988
Daminozide	1596–84–5	January 1, 1990
Dantron (Chrysazin; 1,8–Dihydroxyanthraquinone)	117–10–2	January 1, 1992
Daunomycin	20830–81–3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72–54–8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72–55–9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50–29–3	October 1, 1987
DDVP (Dichlorvos)	62–73–7	January 1, 1989
N,N′–Diacetylbenzidine	613–35–4	October 1, 1989
2,4–Diaminoanisole	615–05–4	October 1, 1990
2,4–Diaminoanisole sulfate	39156–41–7	January 1, 1988
4,4′–Diaminodiphenyl ether (4,4′–Oxydianiline)	101–80–4	January 1, 1988
2,4–Diaminotoluene	95–80–7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136–35–6	May 20, 2005
Dibenz[a,h]acridine	226–36–8	January 1, 1988

Chemical	*CAS Number*	*Date*
Dibenz[a,j]acridine	224–42–0	January 1, 1988
Dibenz[a,h]anthracene	53–70–3	January 1, 1988
7H–Dibenzo[c,g]carbazole	194–59–2	January 1, 1988
Dibenzo[a,e]pyrene	192–65–4	January 1, 1988
Dibenzo[a,h]pyrene	189–64–0	January 1, 1988
Dibenzo[a,i]pyrene	189–55–9	January 1, 1988
Dibenzo[a,l]pyrene	191–30–0	January 1, 1988
Dibromoacetic acid	631–64–1	June 17, 2008
Dibromoacetonitrile	3252–43–5	May 3, 2011
1,2–Dibromo–3–chloropropane (DBCP)	96–12–8	July 1, 1987
2,3–Dibromo–l–propanol	96–13–9	October 1, 1994
Dichloroacetic acid	79–43–6	May 1, 1996
p–Dichlorobenzene	106–46–7	January 1, 1989
3,3′–Dichlorobenzidine	91–94–1	October 1, 1987
3,3′–Dichlorobenzidine dihydrochloride	612–83–9	May 15, 1998
1,4–Dichloro–2–butene	764–41–0	January 1, 1990
3,3′–Dichloro–4,4′–diaminodiphenyl ether	28434–86–8	January 1, 1988
1,1–Dichloroethane	75–34–3	January 1, 1990
Dichloromethane (Methylene chloride)	75–09–2	April 1, 1988
1,2–Dichloropropane	78–87–5	January 1, 1990
1,3–Dichloro–2–propanol (1,3–DCP)	96–23–1	October 8, 2010
1,3–Dichloropropene	542–75–6	January 1, 1989
Diclofop–methyl	51338–27–3	April 6, 2010
Dieldrin	60–57–1	July 1, 1988
~~Dienestrol~~ Delisted January 4, 2013	~~84–17–3~~	~~January 1, 1990~~
Diepoxybutane	1464–53–5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111–42–2	June 22, 2012
Di(2–ethylhexyl)phthalate	117–81–7	January 1, 1988
1,2–Diethylhydrazine	1615–80–1	January 1, 1988
Diethyl sulfate	64–67–5	January 1, 1988
Diethylstilbestrol (DES)	56–53–1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101–90–6	July 1, 1989
Dihydrosafrole	94–58–6	January 1, 1988
Diisopropyl sulfate	2973–10–6	April 1, 1993
3,3′–Dimethoxybenzidine (ortho–Dianisidine)	119–90–4	January 1, 1988
3,3′–Dimethoxybenzidine dihydrochloride (ortho–Dianisidine dihydrochloride)	20325–40–0	October 1, 1990
3,3′–Dimethoxybenzidine–based dyes metabolized to 3,3′–dimethoxybenzidine	—	June 11, 2004
3,3′–Dimethylbenzidine–based dyes metabolized to 3,3′–dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77–78–1	January 1, 1988
4–Dimethylaminoazobenzene	60–11–7	January 1, 1988
trans–2–[(Dimethylamino)methylimino]–5–[2–(5–nitro–2–furyl)vinyl]–1,3,4–oxadiazole	55738–54–0	January 1, 1988
7,12–Dimethylbenz(a)anthracene	57–97–6	January 1, 1990
3,3′–Dimethylbenzidine (ortho–Tolidine)	119–93–7	January 1, 1988
3,3′–Dimethylbenzidine dihydrochloride	612–82–8	April 1, 1992
Dimethylcarbamoyl chloride	79–44–7	January 1, 1988
1,1–Dimethylhydrazine (UDMH)	57–14–7	October 1, 1989
1,2–Dimethylhydrazine	540–73–8	January 1, 1988
2,6–Dimethyl–N–nitrosomorpholine (DMNM)	1456–28–6	February 8, 2013
Dimethylvinylchloride	513–37–1	July 1, 1989

Chemical	*CAS Number*	*Date*
3,7–Dinitrofluoranthene	105735–71–5	August 26, 1997
3,9–Dinitrofluoranthene	22506–53–2	August 26, 1997
1,3–Dinitropyrene	75321–20–9	November 2, 2012
1,6–Dinitropyrene	42397–64–8	October 1, 1990
1,8–Dinitropyrene	42397–65–9	October 1, 1990
Dinitrotoluene mixture, 2,4–/2,6–	—	May 1, 1996
2,4–Dinitrotoluene	121–14–2	July 1, 1988
2,6–Dinitrotoluene	606–20–2	July 1, 1995
Di–n–propyl isocinchomeronate (MGK Repellent 326)	136–45–8	May 1, 1996
1,4–Dioxane	123–91–1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57–41–0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630–93–3	January 1, 1988
Direct Black 38 (technical grade)	1937–37–7	January 1, 1988
Direct Blue 6 (technical grade)	2602–46–2	January 1, 1988
Direct Brown 95 (technical grade)	16071–86–6	October 1, 1988
Disperse Blue 1	2475–45–8	October 1, 1990
Diuron	330–54–1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316–40–9	July 1, 1987
Epichlorohydrin	106–89–8	October 1, 1987
Epoxiconazole	135319–73–2	April 15, 2011
Erionite	12510–42–8/ 66733–21–9	October 1, 1988
Estradiol 17B	50–28–2	January 1, 1988
Estragole	140–67–0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen–progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53–16–7	January 1, 1988
Estropipate	7280–37–7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57–63–6	January 1, 1988
Ethoprop	13194–48–4	February 27, 2001
Ethyl acrylate	140–88–5	July 1, 1989
Ethylbenzene	100–41–4	June 11, 2004
Ethyl methanesulfonate	62–50–0	January 1, 1988
Ethyl–4,4′–dichlorobenzilate	510–15–6	January 1, 1990
Ethylene dibromide	106–93–4	July 1, 1987
Ethylene dichloride (1,2–Dichloroethane)	107–06–2	October 1, 1987
Ethylene oxide	75–21–8	July 1, 1987
Ethylene thiourea	96–45–7	January 1, 1988
Ethyleneimine (Aziridine)	151–56–4	January 1, 1988
Etoposide	33419–42–0	November 4, 2011
Etoposide in combination with cisplatin and bleomycin	—	November 4, 2011
Fenoxycarb	72490–01–8	June 2, 2000
Folpet	133–07–3	January 1, 1989
Formaldehyde (gas)	50–00–0	January 1, 1988
2–(2–Formylhydrazino)–4–(5–nitro–2–furyl)thiazole	3570–75–0	January 1, 1988
FumonisinB_1	116355–83–0	November 14, 2003
Furan	110–00–9	October 1, 1993
Furazolidone	67–45–8	January 1, 1990
Furmecyclox	60568–05–0	January 1, 1990
Fusarin C	79748–81–5	July 1, 1995
Gallium arsenide	1303–00–0	August 1, 2008
Ganciclovir	82410–32–0	August 26, 1997

Chemical	*CAS Number*	*Date*
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812–30–0	December 22, 2000
Glasswool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu–P–1 (2–Amino–6–methyldipyrido[1,2–a:3′,2′–d]imidazole)	67730–11–4	January 1, 1990
Glu–P–2 (2–Aminodipyrido[1,2–a: 3′,2′–d]imidazole)	67730–10–3	January 1, 1990
Glycidaldehyde	765–34–4	January 1, 1988
Glycidol	556–52–5	July 1, 1990
Griseofulvin	126–07–8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568–02–8	January 1, 1988
HC Blue 1	2784–94–3	July 1, 1989
Heptachlor	76–44–8	July 1, 1988
Heptachlor epoxide	1024–57–3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118–74–1	October 1, 1987
Hexachlorobutadiene	87–68–3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465–46–8	April 1, 1988
Hexachloroethane	67–72–1	July 1, 1990
2,4–Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680–31–9	January 1, 1988
Hydrazine	302–01–2	January 1, 1988
Hydrazine sulfate	10034–93–2	January 1, 1988
Hydrazobenzene (1,2–Diphenylhydrazine)	122–66–7	January 1, 1988
1–Hydroxyanthraquinone	129–43–1	May 27, 2005
Imazalil	35554–44–0	May 20, 2011
Indeno [1,2,3–cd]pyrene	193–39–5	January 1, 1988
Indium phosphide	22398–80–7	February 27, 2001
IQ (2–Amino–3–methylimidazo[4,5–f]quinoline)	76180–96–6	April 1, 1990
Iprodione	36734–19–7	May 1, 1996
Iprovalicarb	140923–17–7 140923–25–7	June 1, 2007
Iron dextran complex	9004–66–4	January 1, 1988
Isobutyl nitrite	542–56–3	May 1, 1996
Isoprene	78–79–5	May 1, 1996
~~Isosafrole~~ Delisted December 8, 2006	~~120–58–1~~	~~October 1, 1989~~
Isoxaflutole	141112–29–0	December 22, 2000
Kresoxim–methyl	143390–89–0	February 3, 2012
Lactofen	77501–63–4	January 1, 1989
Lasiocarpine	303–34–4	April 1, 1988
Lead acetate	301–04–2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446–27–7	April 1, 1988
Lead subacetate	1335–32–6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52–76–6	February 27, 2001
Malonaldehyde, sodium salt	24382–04–5	May 3, 2011
Mancozeb	8018–01–7	January 1, 1990
Maneb	12427–38–2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me–A–alpha–C (2–Amino–3–methyl–9H–pyrido[2,3–b]indole)	68006–83–7	January 1, 1990
Medroxyprogesterone acetate	71–58–9	January 1, 1990

Chemical	*CAS Number*	*Date*
MeIQ(2–Amino–3,4–dimethylimidazo[4,5–f]quinoline)	77094–11–2	October 1, 1994
MeIQx(2–Amino–3,8–dimethylimidazo[4,5–f]quinoxaline)	77500–04–0	October 1, 1994
Melphalan	148–82–3	February 27, 1987
Mepanipyrin	110235–47–7	July 1, 2008
Merphalan	531–76–0	April 1, 1988
Mestranol	72–33–3	April 1, 1988
Metam potassium	137–41–7	December 31, 2010
Metham sodium	137–42–8	November 6, 1998
8–Methoxypsoralen with ultraviolet A therapy	298–81–7	February 27, 1987
5–Methoxypsoralen with ultraviolet A therapy	484–20–8	October 1, 1988
2–Methylaziridine (Propyleneimine)	75–55–8	January 1, 1988
Methylazoxymethanol	590–96–5	April 1, 1988
Methylazoxymethanol acetate	592–62–1	April 1, 1988
Methyl carbamate	598–55–0	May 15, 1998
3–Methylcholanthrene	56–49–5	January 1, 1990
5–Methylchrysene	3697–24–3	April 1, 1988
4,4′–Methylene bis(2–chloroaniline)	101–14–4	July 1, 1987
4,4′–Methylene bis(N,N–dimethyl)benzenamine	101–61–1	October 1, 1989
4,4′–Methylene bis(2–methylaniline)	838–88–0	April 1, 1988
4,4′–Methylenedianiline	101–77–9	January 1, 1988
4,4′–Methylenedianiline dihydrochloride	13552–44–8	January 1, 1988
Methyleugenol	93–15–2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2–Methylimidazole	693–98–1	June 22, 2012
4–Methylimidazole	822–36–6	January 7, 2011
Methyl iodide	74–88–4	April 1, 1988
Methyl isobutyl ketone	108–10–1	November 4, 2011
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66–27–3	April 1, 1988
2–Methyl–l–nitroanthraquinone (of uncertain purity)	129–15–7	April 1, 1988
N–Methyl–N′–nitro–N–nitrosoguanidine	70–25–7	April 1, 1988
N–Methylolacrylamide	924–42–5	July 1, 1990
a–Methyl styrene (alpha–Methylstyrene)	98–83–9	November 2, 2012
Methylthiouracil	56–04–2	October 1, 1989
Metiram	9006–42–2	January 1, 1990
Metronidazole	443–48–1	January 1, 1988
Michler's ketone	90–94–8	January 1, 1988
Mirex	2385–85–5	January 1, 1988
Mitomycin C	50–07–7	April 1, 1988
MON 4660 (dichloroacetyl–1–oxa–4–azaspiro(4,5)–decane)	71526–07–3	March 22, 2011
MON 13900 (furilazole)	121776–33–8	March 22, 2011
3–Monochloropropane–1,2–diol (3–MCPD)	96–24–2	October 8, 2010
Monocrotaline	315–22–0	April 1, 1988
MOPP (vincristine–prednisone–nitrogen mustard–procarbazine mixture	113803–47–7	November 4, 2011
5–(Morpholinomethyl)–3–[(5–nitro–furfurylidene)–amino]–2–oxazolidinone	139–91–3	April 1, 1988
Mustard Gas	505–60–2	February 27, 1987
MX (3–chloro–4–(dichloromethyl)–5–hydroxy–2(5*H*)–furanone)	77439–76–0	December 22, 2000
Nafenopin	3771–19–5	April 1, 1988
Nalidixic acid	389–08–2	May 15, 1998
Naphthalene	91–20–3	April 19, 2002
1–Naphthylamine	134–32–7	October 1, 1989

Chemical	*CAS Number*	*Date*
2–Naphthylamine	91–59–8	February 27, 1987
Nickel (Metallic)	7440–02–0	October 1, 1989
Nickel acetate	373–02–4	October 1, 1989
Nickel carbonate	3333–67–3	October 1, 1989
Nickel carbonyl	13463–39–3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054–48–7; 12125–56–3	October 1, 1989
Nickelocene	1271–28–9	October 1, 1989
Nickel oxide	1313–99–1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035–72–2	October 1, 1987
Niridazole	61–57–4	April 1, 1988
Nitrapyrin	1929–82–4	October 5, 2005
Nitrilotriacetic acid	139–13–9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662–53–8	April 1, 1989
5–Nitroacenaphthene	602–87–9	April 1, 1988
~~5–Nitro–o–anisidine~~ Delisted December 8, 2006	~~99–59–2~~	~~October 1, 1989~~
o–Nitroanisole	91–23–6	October 1, 1992
Nitrobenzene	98–95–3	August 26, 1997
4–Nitrobiphenyl	92–93–3	April 1, 1988
6–Nitrochrysene	7496–02–8	October 1, 1990
Nitrofen (technical grade)	1836–75–5	January 1, 1988
2–Nitrofluorene	607–57–8	October 1, 1990
Nitrofurazone	59–87–0	January 1, 1990
1–[(5–Nitrofurfurylidene)–amino]–2–imidazolidinone	555–84–0	April 1, 1988
N–[4–(5–Nitro–2–furyl)–2–thiazolyl]acetamide	531–82–8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51–75–2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55–86–7	April 1, 1988
Nitrogen mustard N–oxide	126–85–2	April 1, 1988
Nitrogen mustard N–oxide hydrochloride	302–70–5	April 1, 1988
Nitromethane	75–52–5	May 1, 1997
2–Nitropropane	79–46–9	January 1, 1988
1–Nitropyrene	5522–43–0	October 1, 1990
4–Nitropyrene	57835–92–4	October 1, 1990
N–Nitrosodi–n–butylamine	924–16–3	October 1, 1987
N–Nitrosodiethanolamine	1116–54–7	January 1, 1988
N–Nitrosodiethylamine	55–18–5	October 1, 1987
N–Nitrosodimethylamine	62–75–9	October 1, 1987
p–Nitrosodiphenylamine	156–10–5	January 1, 1988
N–Nitrosodiphenylamine	86–30–6	April 1, 1988
N–Nitrosodi–n–propylamine	621–64–7	January 1, 1988
N–Nitroso–N–ethylurea	759–73–9	October 1, 1987
3–(N–Nitrosomethylamino)propionitrile	60153–49–3	April 1, 1990
4–(N–Nitrosomethylamino)–1–(3–pyridyl)1–butanone	64091–91–4	April 1, 1990
N–Nitrosomethylethylamine	10595–95–6	October 1, 1989
N–Nitroso–N–methylurea	684–93–5	October 1, 1987
N–Nitroso–N–methylurethane	615–53–2	April 1, 1988
N–Nitrosomethylvinylamine	4549–40–0	January 1, 1988
N–Nitrosomorpholine	59–89–2	January 1, 1988
N–Nitrosonornicotine	16543–55–8	January 1, 1988
N–Nitrosopiperidine	100–75–4	January 1, 1988
N–Nitrosopyrrolidine	930–55–2	October 1, 1987
N–Nitrososarcosine	13256–22–9	January 1, 1988

Chemical	*CAS Number*	*Date*
o–Nitrotoluene	88–72–2	May 15, 1998
Norethisterone (Norethindrone)	68–22–4	October 1, 1989
Norethynodrel	68–23–5	February 27, 2001
Ochratoxin A	303–47–9	July 1, 1990
Oil Orange SS	2646–17–5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044–88–3	September 12, 2008
Oxadiazon	19666–30–9	July 1, 1991
Oxazepam	604–75–1	October 1, 1994
Oxymetholone	434–07–1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439–01–2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174–11–7	December 28, 1999
Panfuran S	794–93–4	January 1, 1988
Pentachlorophenol	87–86–5	January 1, 1990
Phenacetin	62–44–2	October 1, 1989
Phenazopyridine	94–78–0	January 1, 1988
Phenazopyridine hydrochloride	136–40–3	January 1, 1988
Phenesterin	3546–10–9	July 1, 1989
Phenobarbital	50–06–6	January 1, 1990
Phenolphthalein	77–09–8	May 15, 1998
Phenoxybenzamine	59–96–1	April 1, 1988
Phenoxybenzamine hydrochloride	63–92–3	April 1, 1988
o–Phenylenediamine and its salts	95–54–5	May 15, 1998
Phenyl glycidyl ether	122–60–1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o–Phenylphenate, sodium	132–27–4	January 1, 1990
o–Phenylphenol	90–43–7	August 4, 2000
PhiP(2–Amino–1–methyl–6–phenylimidazol[4,5–b]pyridine)	105650–23–5	October 1, 1994
Pirmicarb	23103–98–2	July 1, 2008
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo–p–dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973–98–1	January 1, 1988
Ponceau MX	3761–53–3	April 1, 1988
Ponceau 3R	3564–09–8	April 1, 1988
Potassium bromate	7758–01–2	January 1, 1990
Pirimicarb	23103–98–2	July 1, 2008
Primidone	125–33–7	August 20, 1999
Procarbazine	671–16–9	January 1, 1988
Procarbazine hydrochloride	366–70–1	January 1, 1988
Procymidone	32809–16–8	October 1, 1994
Progesterone	57–83–0	January 1, 1988
Pronamide	23950–58–5	May 1, 1996
Propachlor	1918–16–7	February 27, 2001
1,3–Propane sultone	1120–71–4	January 1, 1988
Propargite	2312–35–8	October 1, 1994
beta–Propiolactone	57–57–8	January 1, 1988
Propoxur	114–26–1	August 11, 2006
Propylene glycol mono–*t*–butyl ether	57018–52–7	June 11, 2004

Chemical	*CAS Number*	*Date*
Propylene oxide	75–56–9	October 1, 1988
Propylthiouracil	51–52–5	January 1, 1988
Pymetrozine	123312–89–0	March 22, 2011
Pyridine	110–86–1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50–55–5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453–86–8	July 1, 2008
Riddelliine	23246–96–0	December 3, 2004
~~Saccharin~~ Delisted April 6, 2001	~~81–07–2~~	~~October 1, 1989~~
~~Saccharin, sodium~~ Delisted January 17, 2003	~~128–44–9~~	~~January 1, 1988~~
Safrole	94–59–7	January 1, 1988
Salted fish, Chinese–style	—	April 29, 2011
Selenium sulfide	7446–34–6	October 1, 1989
Shale–oils	68308–34–9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477–71–8	October 8, 2010
Spironolactone	52–01–7	May 1, 1997
Stanozolol	10418–03–8	May 1, 1997
Sterigmatocystin	10048–13–2	April 1, 1988
Streptozotocin (streptozocin)	18883–66–4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96–09–3	October 1, 1988
Sulfallate	95–06–7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599–79–1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540–29–1	September 1, 1996
Terrazole	2593–15–9	October 1, 1994
Testosterone and its esters	58–22–0	April 1, 1988
2,3,7,8–Tetrachlorodibenzo–para–dioxin (TCDD)	1746–01–6	January 1, 1988
1,1,2,2–Tetrachloroethane	79–34–5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127–18–4	April 1, 1988
p–a,a,a–Tetrachlorotoluene	5216–25–1	January 1, 1990
Tetrafluoroethylene	116–14–3	May 1, 1997
Tetranitromethane	509–14–8	July 1, 1990
Thioacetamide	62–55–5	January 1, 1988
4,4′–Thiodianiline	139–65–1	April 1, 1988
Thiodicarb	59669–26–0	August 20, 1999
Thiouracil	141–90–2	June 11,2004
Thiourea	62–56–6	January 1, 1988
Thorium dioxide	1314–20–1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471–62–5	October 1, 1989
ortho–Toluidine	95–53–4	January 1, 1988
ortho–Toluidine hydrochloride	636–21–5	January 1, 1988
~~para Toluidine~~ Delisted October 29, 1999	~~106–49–0~~	~~January 1, 1990~~
Toxaphene (Polychlorinated camphenes)	8001–35–2	January 1, 1988

Chemical	*CAS Number*	*Date*
Toxins derived from *Fusarium moniliforme* *(Fusarium verticillioides)*	—	August 7, 2009
Treosulfan	299–75–2	February 27, 1987
S,S,S–Tributyl phosphorotrithioate (Tribufos, DEF)	78–48–8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817–09–4	January 1, 1992
Trichloroethylene	79–01–6	April 1, 1988
2,4,6–Trichlorophenol	88–06–2	January 1, 1988
1,2,3–Trichloropropane	96–18–4	October 1, 1992
Trimethyl phosphate	512–56–1	May 1, 1996
2,4,5–Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6–Trinitrotoluene (TNT)	118–96–7	December 19, 2008
Triphenyltin hydroxide	76–87–9	July 1, 1992
~~Tris(aziridinyl)–para–benzoquinone (Triaziquone)~~ Delisted December 8, 2006	~~68–76–8~~	~~October 1, 1989~~
Tris(1–aziridinyl)phosphine sulfide (Thiotepa)	52–24–4	January 1, 1988
Tris(2–chloroethyl) phosphate	115–96–8	April 1, 1992
Tris(2,3–dibromopropyl)phosphate	126–72–7	January 1, 1988
Tris(1,3–dichloro–2–propyl) phosphate (TDCPP)	13674–87–8	October 28, 2011
Trp–P–1 (Tryptophan–P–1)	62450–06–0	April 1, 1988
Trp–P–2 (Tryptophan–P–2)	62450–07–1	April 1, 1988
Trypan blue (commercial grade)	72–57–1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66–75–1	April 1, 1988
Urethane (Ethyl carbamate)	51–79–6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314–62–1	February 11, 2005
Vinclozolin	50471–44–8	August 20, 1999
Vinyl bromide	593–60–2	October 1, 1988
Vinyl chloride	75–01–4	February 27, 1987
4–Vinylcyclohexene	100–40–3	May 1, 1996
4–Vinyl–l–cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106–87–6	July 1, 1990
Vinyl fluoride	75–02–5	May 1, 1997
Vinyl trichloride (1,1,2–Trichloroethane)	79–00–5	October 1, 1990
Wood dust	—	December 18, 2009
2,6–Xylidine (2,6–Dimethylaniline)	87–62–7	January 1, 1991
Zalcitabine	7481–89–2	August 7, 2009
Zidovudine (AZT)	30516–87–1	December 18, 2009
Zileuton	111406–87–2	December 22, 2000
~~Zineb~~ Delisted October 29, 1999	~~12122–67–7~~	~~January 1, 1990~~

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

Chemical	*Type of Reproductive Toxicity*	*CAS No.*	*Date Listed*
Acetazolamide	developmental	59–66–5	August 20, 1999
Acetohydroxamic acid	developmental	546–88–3	April 1, 1990
Acrylamide	developmental, male	79–06–1	February 25, 2011
Actinomycin D	developmental	50–76–0	October 1, 1992
All–trans retinoic acid	developmental	302–79–4	January 1, 1989
Alprazolam	developmental	28981–97–7	July 1, 1990
Altretamine	developmental, male	645–05–6	August 20, 1999
Amantadine hydrochloride	developmental	665–66–7	February 27, 2001
Amikacin sulfate	developmental	39831–55–5	July 1, 1990

Chemical	*Type of Reproductive Toxicity*	*CAS No.*	*Date Listed*
Aminoglutethimide	developmental	125–84–8	July 1, 1990
tert–Amyl methyl ether	developmental	994–05–8	December 18, 2009
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54–62–6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774–82–4	August 26, 1997
Amitraz	developmental	33089–61–1	March 30, 1999
Amoxapine	developmental	14028–44–5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117–37–3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50–78–2	July 1, 1990
Atenolol	developmental	29122–68–7	August 26, 1997
Auranofin	developmental	34031–32–8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751–41–2	December 3, 2010
Azathioprine	developmental	446–86–6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534–09–8	May 15, 1998
Benomyl	developmental, male	17804–35–2	July 1, 1991
Benzene	developmental, male	71–43–2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411–22–3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154–93–8	July 1, 1990
~~Bisphenol A (BPA)~~ Delisted April 19, 2013	~~developmental~~	~~80–05–7~~	~~April 11, 2013~~
Bromacil lithium salt	developmental male	53404–19–6	May 18, 1999 January 17, 2003
1–Bromopropane	developmental, female, male	106–94–5	December 7, 2004
2–Bromopropane	female, male	75–26–3	May 31, 2005
Bromoxynil	developmental	1689–84–5	October 1, 1990
Bromoxynil octanoate	developmental	1689–99–2	May 18, 1999
Butabarbital sodium	developmental	143–81–7	October 1, 1992
1,3–Butadiene	developmental, female, male	106–99–0	April 16, 2004
1,4–Butanediol dimethane–sulfonate (Busulfan)	developmental	55–98–1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85–68–7	December 2, 2005
n–Butyl glycidyl ether	male	2426–08–6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298–46–4	January 29, 1999
Carbaryl	developmental, male	63–25.2	August 7, 2009
Carbon disulfide	developmental, female, male	75–15–0	July 1, 1989
Carbon monoxide	developmental	630–08–0	July 1, 1989
Carboplatin	developmental	41575–94–4	July 1, 1990
Chenodiol	developmental	474–25–9	April 1, 1990

Chemical	*Type of Reproductive Toxicity*	*CAS No.*	*Date Listed*
Chlorambucil	developmental	305–03–3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620–21–9	July 1, 1987
Chlordecone (Kepone)	developmental	143–50–0	January 1, 1989
Chlordiazepoxide	developmental	58–25–3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438–41–5	January 1, 1992
1–(2–Chloroethyl)–3–cyclohexyl–1–nitrosourea (CCNU) (Lomustine)	developmental	13010–47–4	July 1, 1990
Chloroform	developmental	67–66–3	August 7, 2009
2–Chloropropionic acid	male	598–78–7	August 7, 2009
Chlorsulfuron	developmental, female~~, male~~	64902–72–3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852–37–2	January 29, 1999
Cladribine	developmental	4291–63–8	September 1, 1996
Clarithromycin	developmental	81103–11–9	May 1, 1997
Clobetasol propionate	developmental, female	25122–46–7	May 15, 1998
Clomiphene citrate	developmental	50–41–9	April 1, 1990
Clorazepate dipotassium	developmental	57109–90–7	October 1, 1992
Cocaine	developmental, female	50–36–2	July 1, 1989
Codeine phosphate	developmental	52–28–8	May 15, 1998
Colchicine	developmental, male	64–86–8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725–46–2	April 1, 1990
Cycloate	developmental	1134–23–2	March 19, 1999
~~Cyclohexanol~~	~~male~~	~~108–93–0~~	~~November 6, 1998~~
Delisted January 25, 2002			
Cycloheximide	developmental	66–81–9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50–18–0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055–19–2	January 1, 1989
Cyhexatin	developmental	13121–70–5	January 1, 1989
Cytarabine	developmental	147–94–4	January 1, 1989
Dacarbazine	developmental	4342–03–4	January 29, 1989
Danazol	developmental	17230–88–5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541–50–6	July 1, 1990
2,4–D butyric acid	~~developmental~~, male	94–82–6	June 18, 1999
o,p′ –DDT	developmental, female, male	789–02–6	May 15, 1998
p,p′ –DDT	developmental, female, male	50–29–3	May 15, 1998
~~2,4 DP (dichloroprop)~~	~~developmental~~	~~120–36–5~~	~~April 27, 1999~~
Delisted January 25, 2002			
Demeclocycline hydrochloride (internal use)	developmental	64–73–3	January 1, 1992
Diazepam	developmental	439–14–5	January 1, 1992
Diazoxide	developmental	364–98–7	February 27, 2001
1,2–Dibromo–3–chloropropane (DBCP)	male	96–12–8	February 27, 1987
Di–*n*–butyl phthalate (DBP)	developmental, female, male	84–74–2	December 2, 2005
Dichloroacetic acid	male	79–43–6	August 7, 2009
1,1–Dichloro–2,2–bis(*p*–chlorophenyl) ethylene (DDE)	developmental, male	72–55–9	March 30, 2010
Dichlorophene	developmental	97–23–4	April 27, 1999
Dichlorphenamide	developmental	120–97–8	February 27, 2001
Diclofop methyl	developmental	51338–27–3	March 5, 1999
Dicumarol	developmental	66–76–2	October 1, 1992

Chemical	*Type of Reproductive Toxicity*	*CAS No.*	*Date Listed*
Di(2–ethylhexyl)phthalate (DEHP)	developmental, male	117–81–7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56–53–1	July 1, 1987
Diflunisal	developmental, female	22494–42–4	January 29, 1999
Diglycidyl ether	male	2238–07–5	August 7, 2009
Di–*n*–hexyl phthalate (DnHP)	female, male	84–75–3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190–39–2	May 1, 1997
Di–isodecyl phthalate (DIDP)	developmental	68515–49–1/ 26761–40–0	April 20, 2007
Diltiazem hydrochloride	developmental	33286–22–5	February 27, 2001
N,N–Dimethylacetamide	developmental	127–19–5	May 21, 2010
m–Dinitrobenzene	male	99–65–0	July 1, 1990
o–Dinitrobenzene	male	528–29–0	July 1, 1990
p–Dinitrobenzene	male	100–25–4	July 1, 1990
2,4–Dinitrotoluene	male	121–14–2	August 20, 1999
2,6–Dinitrotoluene	male	606–20–2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300–45–3	April 1, 1990
Dinoseb	developmental, male	88–85–7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57–41–0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138–93–2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316–40–9	January 29, 1999
Doxycycline (internal use)	developmental	564–25–0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088–85–4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390–14–5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086–28–1	October 1, 1991
Endrin	developmental	72–20–8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106–89–8	September 1, 1996
Ergotamine tartrate	developmental	379–79–3	April 1, 1990
Estropipate	developmental	7280–37–7	August 26, 1997
Ethionamide	developmental	536–33–4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl–tert–butyl ether	male	637–92–3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759–94–4	April 27, 1999
Ethylene dibromide	developmental, male	106–93–4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110–80–5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109–86–4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111–15–9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110–49–6	January 1, 1993
Ethylene oxide	female	75–21–8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96–45–7	January 1, 1993
2–Ethylhexanoic acid	developmental	149–57–5	August 7, 2009
Etodolac	developmental, female	41340–25–4	August 20, 1999
Etoposide	developmental	33419–42–0	July 1, 1990
Etretinate	developmental	54350–48–0	July 1, 1987
Fenoxaprop ethyl	developmental	66441–23–4	March 26, 1999
Filgrastim	developmental	121181–53–1	February 27, 2001
Fluazifop butyl	developmental	69806–50–4	November 6, 1998

Chemical	*Type of Reproductive Toxicity*	*CAS No.*	*Date Listed*
Flunisolide	developmental, female	3385–03–3	May 15, 1998
Fluorouracil	developmental	51–21–8	January 1, 1989
Fluoxymesterone	developmental	76–43–7	April 1, 1998
Flurazepam hydrochloride	developmental	1172–18–5	October 1, 1992
Flurbiprofen	developmental, female	5104–49–4	August 20, 1999
Flutamide	developmental	13311–84–7	July 1, 1990
Fluticasone propionate	developmental	80474–14–2	May 15, 1998
Fluvalinate	developmental	69409–94–5	November 6, 1998
Ganciclovir	developmental, male	82410–32–0	August 26, 1997
Ganciclovir sodium	developmental, male	107910–75–8	August 26, 1997
Gemfibrozil	female, male	25812–30–0	August 20, 1999
Goserelin acetate	developmental, female, male	65807–02–5	August 26, 1997
Halazepam	developmental	23092–17–3	July 1, 1990
Halobetasol propionate	developmental	66852–54–8	August 20, 1999
Haloperidol	developmental, female	52–86–8	January 29, 1999
Halothane	developmental	151–67–7	September 1, 1996
Heptachlor	developmental	76–44–8	August 20, 1999
Hexachlorobenzene	developmental	118–74–1	January 1, 1989
Hexafluoroacetone	male	684–16–2	August 1, 2008
Hexamethylphosphoramide	male	680–31–9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485–29–4	March 5, 1999
Hydroxyurea	developmental	127–07–1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852–57–0	August 20, 1999
Ifosfamide	developmental	3778–73–2	July 1, 1990
Iodine–131	developmental	10043–66–0	January 1, 1989
Isotretinoin	developmental	4759–48–2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381–53–6	August 26, 1997
Levodopa	developmental	59–92–7	January 29, 1999
Levonorgestrel implants	female	797–63–7	May 15, 1998
Linuron	developmental	330–55–2	March 19, 1999
Lithium carbonate	developmental	554–13–2	January 1, 1991
Lithium citrate	developmental	919–16–4	January 1, 1991
Lorazepam	developmental	846–49–1	July 1, 1990
Lovastatin	developmental	75330–75–5	October 1, 1992
Mebendazole	developmental	31431–39–7	August 20, 1999
Megestrol acetate	developmental	595–33–5	January 1, 1991
Melphalan	developmental	148–82–3	July 1, 1990
Menotropins	developmental	9002–68–0	April 1, 1990
Meprobamate	developmental	57–53–4	January 1, 1992
Mercaptopurine	developmental	6112–76–1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963–95–9	January 1, 1991
Methanol	developmental	67–56–1	March 16, 2012
Metham sodium	developmental	137–42–8	May 15, 1998
Methazole	developmental	20354–26–1	December 1, 1999
Methimazole	developmental	60–56–0	July 1, 1990
Methotrexate	developmental	59–05–2	January 1, 1989
Methotrexate sodium	developmental	15475–56–6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74–83–9	January 1, 1993

Chemical	*Type of Reproductive Toxicity*	*CAS No.*	*Date Listed*
Methyl chloride	developmental	74–87–3	March 10, 2000
	male		August 7, 2009
Methyl n–butyl ketone	male	591–78–6	August 7, 2009
Methyl isocyanate (MIC)	developmental, female	624–83–9	November 12, 2010
Methyl isopropyl ketone	developmental	563–80–4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
N–Methylpyrrolidone	developmental	872–50–4	June 15, 2001
a–Methyl styrene	female	98–83–9	July 29, 2011
Methyltestosterone	developmental	58–18–4	April 1, 1990
Metiram	developmental	9006–42–2	March 30, 1999
Midazolam hydrochloride	developmental	59467–96–8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614–98–7	January 1, 1992
Misoprostol	developmental	59122–46–2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476–82–3	July 1, 1990
Molinate	developmental, female, male	2212–67–1	December 11, 2009
Myclobutanil	developmental, male	88671–89–0	April 16, 1999
Nabam	developmental	142–59–6	March 30, 1999
Nafarelin acetate	developmental	86220–42–0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405–10–3	October 1, 1992
Netilmicin sulfate	developmental	56391–57–2	July 1, 1990
Nickel carbonyl	developmental	13463–39–3	September 1, 1996
Nicotine	developmental	54–11–5	April 1, 1990
Nifedipine	developmental, female, male	21829–25–4	January 29, 1999
Nimodipine	developmental	66085–59–4	April 24, 2001
Nitrapyrin	developmental	1929–82–4	March 30, 1999
Nitrobenzene	male	98–95–3	March 30, 2010
Nitrofurantoin	male	67–20–9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51–75–2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55–86–7	July 1, 1990
Nitrous oxide	developmental	10024–97–2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68–22–4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51–98–9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68–22–4/ 57–63–6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68–22–4/ 72–33–3	April 1, 1990
Norgestrel	developmental	6533–00–2	April 1, 1990
Oxadiazon	developmental	19666–30–9	May 15, 1998
Oxazepam	developmental	604–75–1	October 1, 1992
p,p′–Oxybis(benzenesulfonyl hydrazide)	developmental	80–51–3	August 7, 2009
Oxydemeton methyl	female, male	301–12–2	November 6, 1998
Oxymetholone	developmental	434–07–1	May 1, 1997
Oxytetracycline (internal use)	developmental	79–57–2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058–46–0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439–01–2	November 6, 1998
Paclitaxel	developmental, female, male	33069–62–4	August 26, 1997
Paramethadione	developmental	115–67–3	July 1, 1990

Chemical	*Type of Reproductive Toxicity*	*CAS No.*	*Date Listed*
Penicillamine	developmental	52–67–5	January 1, 1991
Pentobarbital sodium	developmental	57–33–0	July 1, 1990
Pentostatin	developmental	53910–25–1	September 1, 1996
Phenacemide	developmental	63–98–9	July 1, 1990
Phenprocoumon	developmental	435–97–2	October 1, 1992
Phenyl glycidyl ether	male	122–60–1	August 7, 2009
Phenylphosphine	developmental	638–21–1	August 7, 2009
Pimozide	developmental, female	2062–78–4	August 20, 1999
Pipobroman	developmental	54–91–1	July 1, 1990
Plicamycin	developmental	18378–89–7	April 1, 1990
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128–03–0	March 30 1999
Pravastatin sodium	developmental	81131–70–6	March 3, 2000
Prednisolone sodium phosphate	developmental	125–02–0	August 20, 1999
Procarbazine hydrochloride	developmental	366–70–1	July 1, 1990
Propargite	developmental	2312–35–8	June 15, 1999
Propylthiouracil	developmental	51–52–5	July 1, 1990
Pyrimethalmine	developmental	58–14–0	January 29, 1999
Quazepam	developmental	36735–22–5	August 26, 1997
Quizalofop–ethyl	male	76578–14–8	December 24, 1999
Resmethrin	developmental	10453–86–8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/ retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791–04–5	April 1, 1990
	male	36791–04–5	February 27, 2001
Rifampin	developmental, female	13292–46–1	February 27, 2001
Secobarbital sodium	developmental	309–43–3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128–04–1	March 30 1999
Sodium fluoroacetate	male	62–74–8	November 6, 1998
Streptomycin sulfate	developmental	3810–74–0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883–66–4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599–79–1	January 29, 1999
Sulfur dioxide	developmental	7446–09–5	July 29, 2011
Sulindac	developmental, female	38194–50–2	January 29, 1999
Tamoxifen citrate	developmental	54965–24–1	July 1, 1990
Temazepam	developmental	846–50–4	April 1, 1990
Teniposide	developmental	29767–20–2	September 1, 1996
Terbacil	developmental	5902–51–2	May 18, 1999
Testosterone cypionate	developmental	58–20–8	October 1, 1991
Testosterone enanthate	developmental	315–37–7	April 1, 1990
2,3,7,8–Tetrachlorodibenzo–para–dioxin (TCDD)	developmental	1746–01–6	April 1, 1991
Tetracycline (internal use)	developmental	60–54–8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992

Chemical	*Type of Reproductive Toxicity*	*CAS No.*	*Date Listed*
Tetracycline hydrochloride (internal use)	developmental	64–75–5	January 1, 1991
Thalidomide	developmental	50–35–1	July 1, 1987
Thioguanine	developmental	154–42–7	July 1, 1990
Thiophanate methyl	female, male	23564–05–8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842–07–1	July 1, 1990
Toluene	developmental	108–88–3	January 1, 1991
	female		August 7, 2009
Triadimefon	developmental, female, male	43121–43–3	March 30, 1999
Triazolam	developmental	28911–01–5	April 1, 1990
Tributyltin methacrylate	developmental	2155–70–6	December 1, 1999
Trientine hydrochloride	developmental	38260–01–4	February 27, 2001
Triforine	developmental	26644–46–2	June 18, 1999
1,3,5–Triglycidyl–s–triazinetrione	male	2451–62–9	August 7, 2009
Trilostane	developmental	13647–35–3	April 1, 1990
Trimethadione	developmental	127–48–0	January 1, 1991
Trimetrexate glucuronate	developmental	82952–64–5	August 26, 1997
Triphenyltin hydroxide	developmental	76–87–9	March 18, 2002
Uracil mustard	developmental, female, male	66–75–1	January 1, 199
Urethane	developmental	51–79–6	October 1, 1994
Urofollitropin	developmental	97048–13–0	April 1, 1990
Valproate (Valproic acid)	developmental	99–66–1	July 1, 1987
Vinblastine sulfate	developmental	143–67–9	July 1, 1990
Vinclozolin	developmental	50471–44–8	May 15, 1998
Vincristine sulfate	developmental	2068–78–2	July 1, 1990
4–Vinylcyclohexene	female, male	100–40–03	August 7, 2009
Vinyl cyclohexene dioxide (4–Vinyl–l–cyclohexene diepoxide)	female, male	106–87–6	August 1, 2008
Warfarin	developmental	81–81–2	July 1, 1987
Zileuton	developmental, female	111406–87–2	December 22, 2000

Date: May 3, 2013

DECISION NOT TO PROCEED

BOARD OF BEHAVIORAL SCIENCES

NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

The Board of Behavioral Sciences has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on March 15, 2013, OAL File # Z–2013–0305–05, concerning Title 16, amending Sections 1805, 1806, 1816, 1816.2, 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 1829, and 1877, and adding Sections 1805.01, 1825, 1826, 1830, and 1878.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

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

NOTICE OF DECISION NOT TO PROCEED PURSUANT TO GOVERNMENT CODE SECTION 11347

TITLE 27. CALIFORNIA CODE OF REGULATIONS PROPOSED AMENDMENT TO SECTION 25805 SPECIFIC REGULATORY LEVELS CHEMICALS CAUSING REPRODUCTIVE TOXICITY BISPHENOL A MAY 3, 2013

On January 25, 2013, the Office of Environmental Health Hazard Assessment (OEHHA) provided a notice to adopt a specific regulatory level having no observable effect under Section 25805 for bisphenol A. The notice was also published on the OEHHA website.

OEHHA is withdrawing the proposal at this time. A public notice will be published in the event OEHHA decides to proceed with a proposed rulemaking at a later time.

For questions regarding the withdrawal of the proposal, you may contact OEHHA's Proposition 65 program at (916) 445–6900 or email P65Public.Comments@oehha.ca.gov. Please include "bisphenol A" in the subject line.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF FISH AND WILDLIFE

April 19, 2013

Jonathan Evans
Michael Callahan–Dudley
Center for Biological Diversity
351 California Street, Suite 600
San Francisco, CA 94104

Craig A. Lindsay, President
Western Mining Alliance
P.O. Box 33218
Reno, NV 89532

Re: **Instream Suction Dredge Mining Petitions for Rulemaking:** Center for Biological Diversity et al. (March 20, 2013), and Western Mining Alliance (March 27, 2013); (Fish & G. Code, § 5653 et seq.; Cal. Code Regs., tit. 14, § 228).

Dear Messrs. Evans, Callahan–Dudley, and Lindsay:

On behalf of the California Department of Fish and Wildlife (Department), thank you for your recent petitions asking the Department to initiate rulemaking under the Administrative Procedure Act (APA) related to suction dredging. (See generally Gov. Code, § 11340.6.) The Department regulates the use of vacuum and suction dredge equipment in California under the Fish and Game Code, and adopted updated regulations to administer its permitting program in March 2012. (Fish & G. Code, §§ 5653, 5653.9; Cal. Code Regs., tit. 14, §§ 228, 228.5, effective April 27, 2012.) Of note, the use of any vacuum or suction dredge equipment for instream mining purposes is currently prohibited in California by statute. (Fish & G. Code, § 5653.1, subd. (b).)

The Department received each of your petitions within thirty days from the date of this letter. We received the petition from the Center for Biological Diversity on behalf of itself and eleven other environmental, tribal, and fishery organizations (collectively, the Center) via email on March 20, 2013. The Department received the petition from the Western Mining Alliance (WMA) via email on March 27, 2013.

Each of the entities named in both petitions is involved either as party to or as a legal office for one or more attorneys of record in related litigation pending against the Department. As you know, that litigation is currently comprised of six lawsuits coordinated before the Honorable Gilbert Ochoa in San Bernardino County Superior Court. (*Suction Dredge Mining Cases*, Super. Ct. San Bernardino County, Judicial Council Proceeding No. JCPRS4720.) In general, the coordinated actions challenge the Department's recently amended regulations, and the Department and the State of California's authority to regulate the use of vacuum and suction dredge equipment for instream mining purposes. In granting the Department's petition to coordinate the lawsuits brought by the Center and WMA, among other parties, the Judicial Council of California deemed the litigation complex under the California Rules of Court. Under those rules, a "'complex case' is an action that requires exceptional judicial management to avoid placing unnecessary burdens on the court or the litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the

court, the parties, and counsel." (Cal. Rules of Court, rule 3.400(a).)[1]

Having considered your rulemaking petitions individually and collectively, the Department denies both as a matter of discretion, consistent with its authority under controlling law. (Gov. Code, § 11340.7.)

Both the Center and WMA petition the Department to initiate rulemaking to address the same issues, based on the same legal arguments that each party is making, respectively, in the coordinated proceeding in San Bernardino. The Center, for example, asks the Department to initiate rulemaking to address two issues. One concerns the use of vacuum and suction dredge equipment as defined in the Department's 2012 regulations. (Cal. Code Regs., tit. 14, § 228, subd. (a)(1).) The other is tied to the same regulation and the Center's view that Fish and Game Code section 5653.1 provides substantive authority for purposes of the regulations the Department is required to adopt to implement section 5653. The Center is making these same arguments, seeking similar relief in the San Bernardino litigation.

The same is true of WMA. It seeks repeal of the Department's 2012 regulations based largely on argument that federal law preempts the regulations, related statute, and California's broader authority to regulate instream suction dredge mining. Again, WMA and other mining interests involved in the coordinated proceeding are actively pressing the same legal theories in San Bernardino. Indeed, briefing related to mining interest preemption arguments is underway and an initial hearing is scheduled before Judge Ochoa on July 24, 2013.[2]

Taking up in yet another rulemaking the very same issues before the court in the San Bernardino litigation will not expedite resolution, but doing so would increase all parties' costs while thwarting effective decision making by the court and the parties. None of those results would benefit the broader public.

The issues highlighted by the Center and WMA's rulemaking petitions are also under consideration by the California Legislature. As you know, the Department recently submitted a detailed report to the Legislature regarding the use of vacuum and suction dredge equipment under the Fish and Game Code. (See Fish & G. Code, § 5653.1, subd. (c).) The Department issued its report in response to Senate Bill 1018 (Stats. 2012, ch. 39, § 7) (SB 1018), which directed the Department to consult with, at a minimum, the Department of Public Health, Native American Heritage Commission, and State Water Resources Control Board, and to produce a report regarding statutory and other changes for the Legislature to consider related to suction dredging. Consistent with SB 1018, the Department's report includes a number of recommendations that, in turn, reflect input from five of the Department's sister state agencies, all with an eye toward comprehensive reform of existing law. In fact, the Department's report specifically addresses the two issues highlighted by the Center in its rulemaking petition. Likewise as to WMA, the Department's report emphasizes that any related action by the Legislature must be consistent with federal law.[3]

With the Department's recent report to the Legislature and related litigation actively underway, it is not an appropriate time for the Department to initiate yet another rulemaking effort related to suction dredging under the Fish and Game Code. Indeed, both the Legislature and judiciary have before them the very issues the Center and WMA are asking the Department to address in the moment through rulemaking. Moreover, importantly, the Legislature and judiciary are considering those issues partly in response to the multi–year, multi–million dollar environmental review and rulemaking effort that culminated slightly more than twelve months ago with the Department's adoption of the 2012 regulations. And that effort, as both the Center and WMA know, was itself prompted by litigation and a related court order entered in December 2006 with the consent and support of many of the same tribal and environmental, and mining interests involved in the San Bernardino litigation and the petitions at issue here. Against this backdrop, initiating yet another rulemaking action as requested would only likely frustrate current judicial and legislative efforts to resolve the parties' differences and this long–simmering controversy. Finally, if past practice since 2005 is any indication, the only certainty for the Department following rulemaking as requested is additional litigation, likely by the Center, WMA, or both.

Said differently, it is reasonable to conclude the result of the Department taking action on the petitions will just be more litigation and regulatory uncertainty for tribal, environmental, and mining interests, and the public at large. Absent further input from the Legislature or judiciary, the best course of action in the present moment, in the Department's opinion, is to deny the petitions and focus on resolving these issues once and for all through

[1] In addition to the six actions coordinated in San Bernardino, a mining interest plaintiff recently filed another related lawsuit against the Department in Sacramento County. (*Walker v. Harris et al.*, Super. Ct. Sacramento County, 2013, No. 34–2013–80001439, filed March 14, 2013.) The *Walker* action brings to fourteen the total number of lawsuits related to suction dredging brought against the Department since May 2005.

[2] WMA's petition also asks the Department to repeal Fish and Game Code section 5653. A statute, however, cannot be repealed by regulation.

[3] The Department's "SB 1018 Report" to the California Legislature dated April 1, 2013, is available online at www.dfg.ca.gov/suctiondredge (last visited April 19, 2013).

the current litigation, or with additional direction from the Legislature.

In denying the petitions the Department emphasizes three points related to the current regulatory definition of what it means to use vacuum or suction dredge equipment under the Fish and Game Code. (Cal. Code Regs., tit. 14, § 228, subd. (a)(1).) First, the current definition reflects a reasonable exercise of discretion by the Department in light of historic practice, the legislative history of Fish and Game Code section 5653, and use of the equipment as described in recent federal case law. (*Karuk Tribe of Cal. v. U.S. Forest Service* (N.D. Cal. 2005) 379 F.Supp.2d 1071, 1080, fn. 5, rev'd on other grounds (9th Cir. 2012) 681 F.3d 1006.) Moreover, no tribal and environmental, or mining interest stakeholders, including CBD or WMA, objected to the current definition during the Department's prior rulemaking effort that culminated in March 2012.

Second, the issue of when and what it means to use vacuum or suction dredge equipment under the Fish and Game Code is of great importance to the Department. Although deference to the Legislature and judiciary strikes the Department as appropriate in the moment, particularly absent evidence at present of operation–specific environmental effects, the Department knows it may need to update its definition in the future as necessary. For now, we welcome the opportunity to address the issue in the San Bernardino litigation. Indeed, it is at issue in front of the court already. That is a venue available to each of the petitioners and the other parties to the litigation, including the Department, to address this particular issue with finality in a timelier manner than commencing another rulemaking.

As we highlighted in our SB 1018 Report to the Legislature, for example, since the enactment of the existing moratorium as an initial matter in 2009, miners have increasingly turned to other forms of placer mining in California, especially high banking and power sluicing. Further, certain members of the public appear to have designed or devised ways to mine instream using some, but not all of the required equipment included in the Department's current definition. An increase in the extent to which persons undertake these or other instream mining methods that fall outside of the current regulatory definition or other law, along with evidence of related environmental effects, could highlight the need for related changes to existing law to protect and conserve California's fish and wildlife resources. Any such changes will have the support of the Department.

Third, in the meanwhile, we note that irrespective of the Department's definition, numerous other fully enforceable provisions of the Fish and Game Code, as well as other laws administered by various other state and federal agencies apply and regulate unauthorized impacts to California's fish and wildlife resources, and the environment generally. (See, e.g., Fish & G. Code, §§ 1600 et seq., 2000, 2080, 5515, 5650, 12000.) The Department does not intend to stand by and watch when other authorities exist to prevent instream activities from adversely affecting resources. Pending further action by the Legislature or the judiciary, these laws as enforced by the Department and other relevant agencies will safeguard against and significantly reduce the prospect that any instream mining operation that falls outside the current definition will adversely affect California fish and wildlife resources, or the environment generally.

Should that prove untrue, the Department will revisit its decision today.

Sincerely,

/s/

Charlton H. Bonham
Director

cc: Mr. John Laird
Secretary for Natural Resources
California Natural Resources Agency
1416 9th Street, Suite 1311

Mr. Thomas Howard
Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812–0100

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.

File# 2013–0409–02
AIR RESOURCES BOARD
Section 100 — LEV III GHG Incorporated Test Procedures

The Air Resources Board (Board) submitted this action to make non–substantive changes to certain dates in two Board test procedures that are incorporated by reference in title 13, CCR, section 1956.8(b) and (d). The two test procedures are:

(1) California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy Duty Otto Cycle Engines, as last amended December 6, 2012; and

(2) California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy–Duty Diesel–Engines and Vehicles, as last amended December 6, 2012.

The dates in question were inadvertently changed in OAL File No. 2012–1206–01S and, as changed, conflict with dates in other, related regulations, another test procedure, and with the express intent of the Board in that action. The dates have to do with when all medium–duty vehicles are to be certified to the Board's LEV III regulations, which is supposed to be with 2020 and subsequent model year vehicles; 2019 and prior model year vehicles are supposed to be phased in to the LEV III standards by 2020. In the two test procedures cited above, the 2019 and 2020 dates were changed to 2021 and 2022, respectively, in six places. The Board submitted this action to change these dates back to the original dates of 2019 and 2020.

Title 13
California Code of Regulations
AMEND: 1956.8
Filed 04/18/2013
Agency Contact: Amy Whiting (916) 322–6533

File# 2013–0315–02
BOARD OF GUIDE DOGS FOR THE BLIND
Donations/Records/Living Quarters/Attendants

In this rulemaking action, the State Board of Guide Dogs for the Blind (BGDB) is amending two sections in title 16 of the California Code of Regulations (CCR). These amendments add license and permit requisites, further define the meaning of clean and sanitary living quarters, and remove the requirement that both male and female attendants need to be available at all times.

Title 16
California Code of Regulations
AMEND: 2268.2, 2271
Filed 04/22/2013
Effective 07/01/2013
Agency Contact: Antonette Sorrick (916) 574–7825

File# 2013–0306–03
CALIFORNIA ENERGY COMMISSION
Nonresidential Building Energy Use Disclosure

This rulemaking action implements Assembly Bill 1103, Chapter 533 of 2007, and AB 531, Chapter 533 of 2009, and establishes the procedures for non–residential building owners to benchmark and disclose energy consumption data and ratings for their buildings for the prior 12 months in advance of major financial transactions, i.e., the sale, leasing, or financing of the entire building.

Title 20
California Code of Regulations
ADOPT: 1680, 1681, 1682, 1683, 1684
Filed 04/18/2013
Effective 07/01/2013
Agency Contact: Lisa DeCarlo (916) 654–5195

File# 2013–0416–02
CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY
Small Business Assistance Fund Fees

Pursuant to Health and Safety Code section 44548, the California Pollution Control Financing Agency adopted regulations establishing a small business assistance fund fee to be used to assist small businesses to achieve financing of pollution control facilities. The California Pollution Control Financing Agency now proposes to amend section 8035 of title 4 of the California Code of Regulations to waive the assessment of the small business assistance fund fee until June 30, 2015. This regulatory action is deemed an emergency by the Legislature pursuant to Health and Safety Code section 44520(b).

Title 4
California Code of Regulations
AMEND: 8035(e)
Filed 04/23/2013
Effective 04/23/2013
Agency Contact: Andrea Escobar (916) 651–7284

File# 2013–0322–05
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
The Securing of Poles During Removal Operations

This regulatory action requires that damaged or unstable poles be braced during removal operations.

Title 8
California Code of Regulations
AMEND: 2940.8
Filed 04/24/2013
Effective 07/01/2013
Agency Contact: Marley Hart (916) 274–5721

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN November 28, 2012 TO April 24, 2013

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 2

04/16/13 AMEND: 23000
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