



California Regulatory Notice Register

REGISTER 2004, NO. 19-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MAY 7, 2004

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION <i>Recall Elections, Contributions to Candidate Controlled Ballot Measure Committees— Notice File No. Z04-0427-04</i>	Page 577
TITLE 2. FAIR POLITICAL PRACTICES COMMISSION <i>Termination and Reopening of Committees—Notice File No. Z04-0427-05</i>	578
TITLE 2. STATE ALLOCATION BOARD <i>Leroy F. Greene School Facilities Act of 1998—Notice File No. Z04-0427-10</i>	579
TITLE 13. AIR RESOURCES BOARD <i>Urban Bus Engine and Fleet Rule for Transit Agencies—Notice File No. Z04-0427-08</i>	581
TITLE 14. FISH AND GAME COMMISSION <i>Lingcod Season, Size and Bag Limits—Notice File No. Z04-0427-02</i>	584
TITLE 15. BOARD OF PRISON TERMS <i>Administrative Appeals—Notice File No. Z04-0423-01</i>	585
TITLE 17. AIR RESOURCES BOARD <i>Airborne Toxic Control Measure for Para-Dichlorobenzene—Notice File No. Z04-0427-09</i>	588
TITLE 22. DEPARTMENT OF HEALTH SERVICES <i>Drug Medi-Cal Rates for FY 2002–2003—Notice File No. Z04-0412-02</i>	592

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING <i>Prospective Contractors Ineligible to Enter Into State Contracts—Notice File No. Z04-0426-01</i>	594
FISH AND GAME COMMISSION <i>Commercial Squid Fishery Continuation Notice of CRNR 2003, No. 42-Z, and Meetings of August 1 and December 5, 2003</i>	595

(Continued on next page)

*Time-
Dated
Material*

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT <i>Tomales Bay Fish Consumption Report & Advisory</i>	603
---	-----

RULEMAKING PETITION DECISIONS

BOARD OF PRISON TERMS <i>Petition Decision Regarding Petitioner Michael Brodheim</i>	604
---	-----

DEPARTMENT OF CORRECTIONS <i>Petition Decision Regarding Petitioner Richard A. Barker</i>	605
--	-----

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT <i>Chemicals Known to the State to Cause Cancer or Reproductive Toxicity</i>	606
--	-----

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT <i>Chemical Listed Effective May 7, 2004 as Known to the State of California to Cause Cancer</i>	614
--	-----

DISAPPROVAL DECISIONS

BOARD OF PHARMACY.....	615
------------------------	-----

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	615
Sections Filed, December 24, 2003 to April 28, 2004	618

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.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order or make changes to current subscriptions, please call (916) 445-5353 or (916) 445-5386. For outside of the Sacramento area, call (800) 963-7860. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Mass Mail/Addressing Services, Sacramento, CA 95814-0212. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after June 10, 2004 at 9:30 a.m. Written comments should be received at the Commission offices no later than noon on June 9, 2004.

BACKGROUND/OVERVIEW

On November 7, 2000, the voters approved Proposition 34, which significantly amended the Political Reform Act ("Act"). Among those changes are the imposition of limits on contributions to candidates for elective state office and, in some cases, committees that make expenditures for communications that clearly identify a candidate and that are made at the clearly identified candidate's behest. Specifically, Government Code section 85310 requires reporting of certain payments made for communications that identify, but do not expressly advocate for, a candidate. In 2001, the Commission adopted regulation 18539.2 to describe the method and substance of those reports. Section 85310(c) also provides that any payment received by a person who makes a communication under this section is subject to the contribution limits specified in Government Code section 85303(b).

Among the issues presented by section 85310 that will be considered by the Commission is a regulation further interpreting that section. Among the issues to be considered include: What does it mean to "clearly identify" a candidate in this context? Should the Commission amend the definition of "clearly identify" in regulation 18225 as well? How does statutorily required identification impact whether a candidate is considered to be clearly identified: Should the regulation specify the applicable contribution limit? Can a candidate behest his or her own payments? If so, must the Commission develop a

system of attribution in the event section 85310 applies to candidate controlled ballot measure committees?

Section 85310 can apply to committees. Therefore, with respect to ballot measure committees, a related issue is whether ballot measure committees can constitutionally be subjected to contribution limits. With respect to the application of section 85310 to candidates, the operative language of sections 85301 and 85302 imposes contribution limits "to any candidate for elective state office. . . ." To date, that language has been understood to apply to a candidate's committee for elective state office, as opposed to other committees controlled by the candidate. One could construe that language, however, to apply also in the context of other controlled committees by regarding contributions to such committees as contributions "to" the candidate who holds or seeks elective state office. For instance, contributions to an Assembly candidate's controlled ballot measure committee would be governed by the provisions of subdivisions (a) of sections 85301 and 85302, \$3,200 for contributions by persons and \$6,400 for contributions by small contributor committees, respectively.

The Commission will, in addition, consider adoption of a regulation imposing the contribution limits of sections 85301 and 85302, and perhaps other provisions of Chapter 5, to candidate controlled ballot measure committees. Among the additional issues the Commission may consider is whether candidates for elective state office may control general purpose committees in light of the Proposition 34 contribution and expenditure limit scheme.

In the first quarter of last year, the Commission adopted a fact sheet discussing the applicability of the recall election statute, Government Code section 85315, in the context of the recall election. In July, the Commission adopted regulation 18531.5, which concluded that committees formed primarily to oppose or support the recall election were *not* subject to contribution limits. (Reg. 18531.5(b)(3).) In August, the Commission advised that replacement candidates were subject to contribution limits but that such candidates could control ballot measure committees formed primarily to support or oppose the recall election and that such committees were not subject to the contribution limits of the Act. Conforming amendments to regulation 18531.5 are contemplated as a result of any regulatory action described above.

To assist in the implementation of sections 85301, 85302 and 85310, the Commission notices regulations 18530.9 and 18531.10 for adoption and regulation 18531.5 for amendment.

The Commission may adopt the language noticed in these regulations, or it may choose new language to

implement its decisions concerning the issues identified above or related issues.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. § 18530.9: The proposed regulation governs the contribution limits applicable to candidate controlled ballot measure committees.

Adopt 2 Cal. Code Regs. § 18531.10: The proposed regulation interprets section 85310 and that statute's function with regard to communications that clearly identify candidates.

Amend 2 Cal. Code Regs. § 18531.5: The proposed amendments make necessary conforming changes to reflect the Commission's determinations with respect to the new regulations above.

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code sections 85301, 85302 and 85310.

CONTACT

Any inquiries should be made to C. Scott Tocher, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at

www.fppc.ca.gov/index.html?id=351.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal the proposed regulations if they remain substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulations before their adoption or repeal.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulation(s) at a public hearing on or after June 10, 2004. Written comments must be received at the Commission offices no later than noon on June 9, 2004.

BACKGROUND/OVERVIEW

Section 82013 of the Political Reform Act (the "Act") states that a committee retains its status as a committee "until such time as that status is terminated pursuant to Section 84214." The Commission has adopted termination regulations interpreting and implementing the requirements of section 84214 and currently requires termination by certain committees according to set timelines. (Regulation 18404.1.) Section 84214 states that the Commission will "insure that a committee or candidate will have no activity which must be disclosed pursuant to this chapter subsequent to the termination."

Over the past two years, regulation 18404.1 has caused the mandatory termination of hundreds of committees. The Commission will consider amending that regulation to allow terminated committees to reopen for specified reasons.

REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18404.1:

The Commission will consider various amendments to regulation 18404.1 regarding the termination and reopening of committees. Specifically, the Commission may amend this regulation to include termination timelines for withdrawn candidate committees, make clarifying changes to this existing language, and include a method for the reopening of terminated committees. Whether mandatory termination of committees is still necessary may also be discussed. Additionally, the Commission will consider the termination of reopened committees.

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

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 84102, 84103, 84214 and 84215.

CONTACT

Any inquiries should be made to Galena West, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at

www.fppc.ca.gov/index.html?id=351.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt the proposed regulations if they remain substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulations before their adoption or repeal.

TITLE 2. STATE ALLOCATION BOARD

NOTICE OF PROPOSED REGULATORY ACTION

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.71.3 AND 1859.78.5, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections contained in Title 2, California Code of Regulations (CCR). A public hearing is not 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 Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is

requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing amendments to two regulation sections under the authority provided by Section 17070.35 of the Education Code. The proposals interpret and make specific reference to Section 17077.35 of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

Amendments to Regulation Sections 1859.71.3 and 1859.78.5 enhance program participation and funding accessibility and are as follows:

Existing Regulation Section 1859.71.3 authorizes supplemental new construction funding to school districts which include energy efficient components in their SFP new construction projects. The proposed amendments readjust the formulas that calculate the energy grants by employing a more gradually stepped up scale with smaller incremental increases in energy efficiency scores, which provides applicability to a broader range of projects.

Existing Regulation Section 1859.78.5 authorizes supplemental modernization funding to school districts which include energy efficient components in their SFP modernization projects. The proposed amendments readjust the formulas that calculate the energy grants by employing a more gradually stepped up scale with smaller incremental increases in energy efficiency scores, which provides applicability to a broader range of projects.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory actions and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no 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.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory actions. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than June 21, 2004 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory actions, requests for a copy of the proposed regulatory actions

or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory actions should be addressed to:

Robert Young, Regulation
Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: robert.young@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Robert Young at (916) 445-0083. If Mr. Young is unavailable, these questions may be directed to the backup contact person, Lisa Jones, at (916) 322-1043.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory actions. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~/underline.

2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose of which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED MODIFICATIONS TO THE EXHAUST EMISSION STANDARDS AND TEST PROCEDURES—1985 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY URBAN BUS ENGINES AND VEHICLES, THE FLEET RULE FOR TRANSIT AGENCIES, AND ZERO-EMISSION BUS REQUIREMENTS

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the urban bus engine exhaust emission standards, the fleet rule for transit agencies, and the zero emission bus requirements. The amendments would establish a new standard for the certification of diesel hybrid-electric buses, require transit agencies purchasing these diesel hybrid-electric buses to offset the increased emissions of oxides of nitrogen (NOx), and modify the zero emission bus demonstration project requirements. This notice summarizes the significant amendments. The Initial Statement of Reasons, or staff report, presents all of the proposed amendments in greater detail.

DATE: June 24, 2004
 TIME: 9:00 a.m.
 PLACE: Air Resources Board
 Auditorium
 9530 Telstar Ave.
 El Monte, CA 91731

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., June 24, 2004, and may continue at 8:30 a.m., June 25, 2004. This item may not be considered until June 25, 2004. Please consult the agenda for the meeting, which will be available at least 10 days before June 24, 2004, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-5594 or landreon@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendment to title 13, California Code of Regulations, sections 1956.1, 1956.2, 1956.3, and 1956.4.

BACKGROUND

In February 2000 the Board confirmed its continued commitment toward improving emissions from public transportation by establishing a new fleet rule for transit agencies and more stringent emission standards for new urban bus engines and vehicles. The rule also promoted advanced technologies by adopting a zero-emission bus (ZEB) demonstration and ZEB acquisition requirements for transit agencies.

Recognizing the progressive nature of the regulations, the Board directed staff to report back regularly on implementation progress and to develop a test procedure to certify hybrid-electric urban buses (HEBs). Staff reported back to the Board at its September 20, 2001, and March 21, 2002, public meetings. As instructed by the Board, staff brought modifications to the fleet rule for transit agencies and a test procedure for certification of HEBs to the Board, which were adopted at the October 24, 2002, public hearing.

Staff is bringing this proposal to the Board to make amendments not addressed in the October 24, 2002, hearing. Staff is proposing modifications to the exhaust emission standards and test procedures for heavy-duty urban bus engines and vehicles, to the fleet rule for transit agencies, and to the ZEB requirements.

This rulemaking has two purposes. First, staff is proposing a mechanism in this rulemaking to allow the purchase by certain transit agencies of diesel HEBs for

the 2004 through 2006 model years (MY). Second, staff is proposing modifications to the ZEB program to conform with current and potential future market conditions and availability of ZEBs. Staff is not, at this time, proposing to modify the 2007 engine exhaust emission standards for urban bus engines and vehicles.

Staff expects a small positive effect on emissions from the amendments it is proposing to the engine exhaust emission standards for urban buses and vehicles. Staff's proposal would allow manufacturers to sell a MY 2004 through 2006 diesel HEB certified to standards of 1.8 grams per brake horsepower-hour (g/bhp-hr) oxides of nitrogen (Nox) and 0.01 g/bhp-hr particulate matter (PM). Transit agencies on the diesel path would be allowed to purchase those diesel HEBs, provided they offset the difference between 1.8 g/bhp-hr NOx and the current diesel urban bus engine standard of 0.5 g/bhp-hr NOx. Offsets can be obtained through installing a retrofit device that reduces NOx emissions or repowering to a lower emitting diesel or alternative-fuel engine.

In addition to the changes to the urban bus engine standards, staff also is proposing to revise the ZEB demonstration program by reducing the number of concurrent fuel cell buses and extending the time period for the demonstration projects. At the time the transit bus regulation was developed, staff believed that the research and development of fuel cells would result in their application in transit buses before their application in light duty vehicles. The reverse has occurred, and manufacturers are focusing their efforts on developing light duty vehicle fuel cell applications. Despite the exemplary efforts of the transit agencies, the demonstration program is therefore behind schedule and staff is proposing changes to match the program goals with the current status of technology.

The proposed regulation amendments have no associated costs for implementation because the changes do not mandate purchases. Rather, the amendments provide the opportunity for transit agencies to purchase new diesel HEBs from 2004 through 2006. In addition, there is no added cost to the proposal to modify the ZEB demonstration. Staff expects there will be benefits to businesses that produce or sell diesel HEBs.

COMPARABLE FEDERAL REGULATIONS

California's urban bus emission standards are more stringent than the federal requirements until 2010. Currently there are no federal emission standards for zero-emission or hybrid-electric buses.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons for the proposed regulatory action (ISOR), which includes a summary of the

economic and environmental impacts of the proposal. The report is titled: "Proposed Modifications to the Exhaust Emission Standards and Test Procedures—1985 and Subsequent Model Year Heavy-Duty Urban Bus Engines and Vehicles, the Fleet Rule for Transit Agencies, and Zero-Emission Bus Requirements."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing June 24, 2004.

Upon its completion after the Board hearing, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to Ms. Kathleen Mead, Air Pollution Specialist, by email at kmead@arb.ca.gov or by phone at (916) 324-9550, or to Dr. Nancy L.C. Steele, Manager, by email at nsteele@arb.ca.gov or by phone at (626) 350-6598.

Further, the agency representative and designated back-up contact persons to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594 or landreon@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/bus03/bus03.htm.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action 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, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because the modifications are discretionary and do not affect any small businesses.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FINDING OF NECESSITY FOR REPORTS

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer finds that the reporting requirements of the regulation that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, June 23, 2004**, and addressed as follows:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to:

bus03@listserv.arb.ca.gov

and received at the ARB **no later than 12:00 noon, June 23, 2004**.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon June 23, 2004**.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code sections 39600, 39601, 39659, 39667, 39701, 41511, 43013, 43018, 43100, 43101, 43104, and 43806, and section 28114 of the Vehicle Code. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39017, 39018, 39033, 39500, 39650, 39657, 39667, 39700, 39701, 40000, 41510, 41511, 43000, 43000.5, 43009, 43013, 43018, 43102, 43701(b), 43801, 43806 of the Health and Safety Code, and section 233 and 28114 of the Vehicle Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could

result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 5508, 5509, 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215, 220, 5508, 5509, 5517, 7120 and 8585.5 of said Code, proposes to amend sections 27.60, 27.65, 27.82 and 28.27, Title 14, California Code of Regulations, relating to lingcod season, size and bag limits, for conformance with federal regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Fish and Game Commission (Commission) at its teleconference meeting March 19, 2004 adopted emergency regulations that conformed California's sport fishing regulations for lingcod with the federal recreational groundfish rules adopted by the federal Pacific Fishery Management Council (Council) at its March 7-12, 2004 meeting (50 CFR Part 660). Both the state emergency regulations and the new federal regulations were in effect on April 1, 2004. The federal regulations will be in effect until December 31, 2004 unless modified by the Council. The state emergency regulations will expire on July 31, 2004 if not adopted as permanent. The Department of Fish and Game (Department) is proposing that the regulations adopted by the Commission as an emergency action be made permanent.

The emergency action increased the minimum size limit of lingcod from 24 to 30 inches, increased the fillet size from 16 to 21 inches in length, reduced the bag limit from two to one fish per person, and prohibited retention of lingcod in the months of November and December for California's recreational fishery.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the

Elk Valley Rancheria, 2500 Howland Hill Road, Crescent City, California, on Friday, June 25, 2004, 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 18, 2004 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than June 25, 2004, at the hearing in Crescent City, CA. All written comments must include the true name and mailing address of the commentor.

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, Robert R. Treanor, 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 Robert R. Treanor or Sherrie Koell at the preceding address or phone number. **Marija Vojkovich, Offshore Ecosystem Coordinator, Department of Fish and Game, phone (805) 568-1246, 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.dfg.ca.gov/fg_comm/.

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

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.

It is anticipated that the proposed regulations will reduce recreational take of lingcod in California. The proposed regulations are expected to have a coastwide economic impact affecting business, although they are not expected to significantly affect the ability of California businesses to compete with businesses in other states. The short term losses to businesses are expected to be offset, to some degree, in the long term by improvements in the status (abundance, size, and quality) of lingcod and nearshore fish stocks. Individual sport fishermen and small businesses that service California's ocean sportfishing activities will be primarily impacted. Commercial passenger fishing vessels (CPFVs) that rely in large part on taking passengers fishing for rockfish and lingcod comprise a small-business sector that will be directly impacted, in addition to other businesses which depend on private boat and shore-based recreational angling opportunities such as bait and tackle manufacturers.

California CPFV operators often target rockfish and lingcod during winter months when resident and migratory game fishes are not as active or are unavailable. Information from the National Marine Fisheries Service (NMFS) estimates that anglers aboard CPFVs take roughly 58.4 percent by number of all ocean rockfishes caught by all recreational fishermen in California. Based on an NMFS survey of year 2000 angler expenditures, total party boat charter fees paid annually by resident and nonresident passengers amounted to about \$64.1 million for California. However, few recreational trips are only targeting lingcod. Instead, lingcod are caught in association with rockfish, since recreational fishing usually entails catches of assorted bottom fish species in the aggregate. Consequently, it is difficult to estimate what portion of these expenditures is due exclusively to availability of lingcod. Given that some

recreational take of lingcod will still be allowed under the proposed regulations, and other bag limits for other species of bottom fish will not change, this is not expected to have a significant economic impact on recreational fisheries.

- (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: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission 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: 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.

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 or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 15. BOARD OF PRISON TERMS

NOTICE OF PROPOSED REGULATORY ACTION
RN 04-01

SUBJECT: ADMINISTRATIVE APPEALS

NOTICE IS HEREBY GIVEN that the Board of Prison Terms (Board) proposes to repeal Title 15 (Division 2), California Code of Regulations sections (§§) 2050 through 2052 and §§ 2054–2056; amend §§ 2072, 2073 and 2074; CCR § 2057 will be amended and renumbered to new proposed CCR § 2251.5.

AUTHORITY

These regulations are submitted pursuant to the Board's authority under Penal Code (PC) §§ 3052 and 5076.2.

REFERENCE

These regulations are amended to implement, interpret, and/or make specific, PC §§ 3041, 5076.2; *Armstrong v. Schwarzenegger* (2002) USDC-ED, Case No. C94-02307, and Title II, Americans with Disabilities Act of 1990 (ADA), 104 Stat. 328, 42 U.S.C. sections 12101, et seq.

PUBLIC HEARING

A public hearing regarding the proposed regulatory action has not been scheduled. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Board. ***The written comment period on the proposed regulations will close at 5:00 p.m., on June 22, 2004.*** All comments must be submitted in writing (by mail, fax, or e-mail) to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Board.

Comments may be submitted to:

Lori Manieri, Regulations Coordinator
Board of Prison Terms
1515 "K" Street, Sixth Floor
Sacramento, CA 95814
Telephone: (916) 445-5277
Facsimile No.: (916) 322-3475
E-mail: regcomment@bpt.ca.gov

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code § 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

Penal Code § 5076.2 authorizes the Board to promulgate, maintain, publish, and make available to the general public, a compendium of its rules and regulations.

Existing regulations, CCR §§ 2050 through 2057 set out the administrative appeals process whereby "[a]ny person under the Board's jurisdiction may appeal any decision of the Board which affects that person"

In re Muszalski (1975) 52 Cal.App.3d 500, recognized that agencies "should be given a chance to discover and correct its own errors," i.e., administrative appeals, but in doing so, must provide a means for prisoners and parolees to exhaust their administrative remedies before they can sue for relief in the California courts.

The permanent injunction issued in *Armstrong v. Davis* [USDC-ND, Case No. C 94-02307], ordered the Board to provide effective assistance to parolees and prisoners who could not understand the appeals process. In addition, the court ordered that Americans with Disabilities Act (ADA)-related appeals be decided within 30 days. In addition, the court ordered the Board to implement a grievance procedure for the processing of complaints of denials for requests for accommodations. Accommodations for prisoners or parolees with disabilities are currently addressed in CCR § 2057.

Under the *Valdivia* Remedial Plan (VRP), all parolees facing revocation will be provided attorneys before probable cause hearings. ADA needs and any potential appeal concerns will be coordinated and resolved by that private attorney.

The Board proposes to repeal the Appeals regulations based on an extensive assessment of priorities due to impending changes to the Board's revocation process and current budgetary reductions which have caused the Board to reallocate current resources to more essential functions. The elimination of the appeals function will enable prisoners and parolees to go directly to the courts instead of first exhausting their administrative remedies (through the current appeal process) which, given the Board's limited resources, may experience long delays. In place of the appeals function, the Board will continue to respond to routine complaints (on Board decisions) including such issues as good-time credits, discrepancies in base term calculations, etc. In addition, the Board will be enhancing its decision review function to ensure that their decisions are consistent and meet all applicable requirements.

Lastly, the Board has incorporated provisions of the *Armstrong* injunction, specifying that a prisoner or parolee or a "multijurisdiction" prisoner or parolee who is dissatisfied with a decision by the Board regarding accommodation for a disability may "grieve" that decision in accordance with the injunction.

LOCAL MANDATES

The Board has determined that the proposed action imposes no mandate upon local agencies or school districts.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: None
- Cost or savings to any state agency: The Board estimates that it will not incur cost savings in the current fiscal year due to the transition of its processes; however, in Fiscal Years 2004–2005 and 2005–2006 and successive Fiscal Years, the Board estimates cost savings in the amount of \$415,730.
- Other non-discretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None

EFFECT ON HOUSING COSTS

The Board has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE 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.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Board has initially determined that the proposed regulations 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.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will not affect small businesses because they apply only to inmates and parolees of California penal institutions.

ASSESSMENT OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Board has determined that the proposed amendment to regulations will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

CONTACT PERSON

Please direct requests for copies of the initial statement of reasons, the proposed text of the regulations, or other information upon which the rulemaking is based to:

Lori Manieri, Regulations Coordinator
Board of Prison Terms
1515 “K” Street, Sixth Floor
Sacramento, CA 95814
(916) 445-5277

In any such inquiries, please identify the action by using the **Board’s regulation control number RN 04-01**.

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above: **Denise Schmidt, 323-0944**.

Questions on the substance of the proposed regulatory action may be directed to: **Marc Remis, 322-6729**.

Website Access: Materials regarding this proposal can be accessed from the Board’s website at: www.bpt.ca.gov.

AVAILABILITY OF THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared and will make available the initial statement of reasons and the text of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all the information on which the proposal is based, is available to the public upon request from the agency contact person indicated above. Additionally, this notice of proposed action, the initial statement of reasons, and the proposed text of the regulations are available on the Board’s Internet Home Page at: www.bpt.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following the preparation of the final statement of reasons, copies may be obtained from the Board contact person, and also by fax, or e-mail.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice.

The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO THE CALIFORNIA CONSUMER PRODUCTS REGULATIONS AND METHOD 310 AND ADOPTION OF A PROPOSED AIRBORNE TOXIC CONTROL MEASURE FOR PARA-DICHLOROBENZENE

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of a new airborne toxic control measure (ATCM) for para-dichlorobenzene, and to consider adoption of amendments to:

- (1) the Regulation for Reducing Volatile Organic Compound (VOC) Emissions from Consumer Products;
- (2) the Regulation for Reducing VOC Emissions from Antiperspirants and Deodorants;
- (3) the "Test Methods" section of the Regulation for Reducing the Ozone formed from Aerosol Coating Product Emissions; and
- (4) Method 310, "Determination of VOCs in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products."

DATE: June 24, 2004

TIME: 9:00 a.m.

PLACE: Air Resources Board
Auditorium
9530 Telstar Avenue
El Monte, CA 91731

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., June 24, 2004, and may continue at 8:30 a.m., June 25, 2004. This item may not be considered until June 25, 2004. Please consult the agenda for the meeting, which will be available at least 10 days before June 24, 2004, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-5594 or landreon@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to sections 94501, 94506, 94507, 94508, 94509, 94510, 94512, 94513, 94515, and 94526, title 17, California

Code of Regulations (CCR) and proposed amendments to ARB Method 310, which is incorporated by reference in sections 94506, 94515, and 94526, title 17, CCR.

BACKGROUND

California Consumer Products Regulations and California State Implementation Plan for Ozone (SIP)

Section 41712 of the California Health and Safety Code requires the ARB to adopt regulations to achieve the maximum feasible reduction in volatile organic compound (VOC) emissions from consumer products. As part of the regulatory process the ARB must determine that adequate data exist for it to adopt the regulations. The ARB must also determine that the regulations are technologically and commercially feasible, and necessary to carry out the Board's responsibilities under Division 26 of the Health and Safety Code. In addition, Health and Safety Code section 41712(c) provides that no regulation shall be adopted which requires the elimination of a product form.

Pursuant to Health and Safety Code section 41712, the ARB has adopted several regulations which are collectively referred to as the "California Consumer Products Regulations." These regulations include: (1) the Regulation for Reducing VOC Emissions from Antiperspirants and Deodorants (the "AP/DO Regulation;" title 17, CCR, sections 94500-94506.5), (2) the Regulation for Reducing VOC Emissions from Consumer Products (the "Consumer Products Regulation;" title 17, CCR, sections 94507-94517), and (3) the Regulation for Reducing the Ozone formed from Aerosol Coating Product Emissions (the "Aerosol Coatings Regulation;" title 17, CCR, section 94520-94528). The ARB has also adopted a test method which is incorporated by reference in each of these regulations: Method 310, "Determination of Volatile Organic Compounds in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products," which is incorporated by reference in title 17, CCR, sections 94506, 94515, and 94526.

On November 15, 1994, the ARB adopted the California State Implementation Plan for Ozone (1994 SIP). The SIP serves as California's overall plan for attaining the federal ambient air quality standard for ozone. Achieving significant VOC reductions from consumer products is a key element of the SIP. On October 23, 2003, the ARB adopted the 2003 *State and Federal Strategy for the California State Implementation Plan* (2003 Statewide Strategy), which updates all elements of the approved 1994 SIP and includes the following additional consumer products measures:

- **Measure CONS-1: Set New Consumer Products Limits for 2006.** The ARB committed to develop a measure to be proposed to the Board between 2003 and 2004, and implemented by 2006, that would achieve VOC emission reductions from consumer products of at least 2.3 tons per day (tpd) in the South Coast Air Basin in 2010. Statewide, this measure would achieve 5.3 tpd in emission reductions by 2010.
- **Measure CONS-2: Set New Consumer Products Limits for 2008–2010.** The ARB committed to develop new consumer product category limits to be proposed to the Board between 2006 and 2008, with implementation in 2008 and 2010, that would achieve VOC emission reductions from consumer products of between 8.5 tpd and 15 tpd in the South Coast Air Basin in 2010. Statewide, this measure would achieve 20–35 tpd in emission reductions by 2010.

The regulatory action proposed in this Notice of Public Hearing is intended to fulfill the commitment for “Measure CONS-1” in the 2003 Statewide Strategy.

Para-dichlorobenzene and the California Toxic Air Contaminant (TAC) Identification and Control Program

In 1990 the Board approved amendments to the Consumer Products Regulation. One of these amendments was an exemption for “products containing at least 98% para-dichlorobenzene” from the VOC standards for “Air Fresheners” and “Insecticides” (section 94510(g), title 17, CCR). This exemption allowed manufacturers to continue using para-dichlorobenzene in solid air fresheners, which includes solid toilet/urinal blocks, without having to reformulate to meet the 3% VOC standard for solid air fresheners in the Consumer Products Regulation. These products were essentially composed of 100% para-dichlorobenzene, a VOC. At the time of the exemption, there were no alternative solid toilet/urinal block products available. This is no longer the case: toilet/urinal products that do not contain para-dichlorobenzene are currently being sold. Solid air fresheners are also available that comply with the 3% VOC standard and do not contain para-dichlorobenzene.

The California Toxic Air Contaminant Identification and Control Program (Program), established under California law by Assembly Bill 1807 (Stats. 1983, Ch. 1047) and set forth in Health and Safety Code sections 39650–39675, requires the ARB to identify and control toxic air contaminants (TAC) in California. The U.S. EPA has identified para-dichlorobenzene as a hazardous air pollutant (HAP) pursuant to section 112 of the federal Clean Air Act. In accordance with

Health and Safety Code section 39657(b), which requires the Board to designate federal HAPs as TACs, the Board identified para-dichlorobenzene as a TAC in 1993.

Following the identification of a substance as a TAC, Health and Safety Code section 39665 requires the ARB, with participation of the air pollution control and air quality management districts and in consultation with affected sources and interested parties, to prepare a report on the need and appropriate degree of regulation for that substance. Health and Safety Code section 39665(b) requires that this “needs assessment” address, among other things, the technological feasibility of proposed ATCMs and the availability, suitability, and relative efficacy of substitute products or processes of a less hazardous nature. Once the ARB has evaluated the need and appropriate degree of regulation for a TAC, Health and Safety Code section 39666 requires the ARB to adopt regulations (ATCMs) to reduce emissions of the TAC. For a TAC where the ARB has not specified a threshold exposure level below which no significant adverse health effects are anticipated, Health and Safety Code section 39666(c) requires that the ATCM be designed to reduce emissions to the lowest level achievable through the application of best available control technology or a more effective control method. Cost, health risk, environmental impacts, and other specified factors must be taken into account when designing the control measure.

DESCRIPTION OF PROPOSED REGULATORY ACTION

ARB staff is proposing the following for Board approval:

1. Proposed Amendments to the Consumer Products Regulation

The proposed regulatory action would amend the existing Consumer Products Regulation by adding and modifying product category definitions, and by establishing new VOC limits for 15 product categories. For some of the categories, separate VOC limits are specified for each different product form. Most of the new or modified VOC limits would become effective December 31, 2006. The VOC limit for the aerosol “Anti-static Product” category would become effective on December 31, 2008 and a second, future-effective VOC limit for the “Shaving Gel” category would become effective on December 31, 2009.

In addition, various other modifications and clarifications are proposed to the existing regulatory language. These include modifications to: several

definitions, the insecticides section of the Table of Standards, product code-dating requirements, product “sell-through” provisions, the “most restrictive limit provision,” dilution instructions for Automotive Windshield Washer Fluids (Dilutable), reporting requirements, and additional labeling requirements for certain specified categories. A number of minor changes are also proposed to various provisions of the regulation in order to correct errors or improve clarity.

The proposed regulatory action would also prohibit the use of three toxic air contaminants—methylene chloride, perchloroethylene, and trichloroethylene—in seven product categories. The seven categories are: Adhesive Removers; Contact Adhesives; General Purpose Degreasers; Electrical Cleaners; Electronic Cleaners; Footwear or Leather Care Products; and Graffiti Removers.

2. Proposed Adoption of a new ATCM for Para-dichlorobenzene, and Removal of the Exemption in the Consumer Products Regulation for Air Fresheners Containing Para-dichlorobenzene

Para-dichlorobenzene is a California TAC and a federal HAP with potential carcinogenic and non-cancer health effects. The proposed ATCM prohibits the use of para-dichlorobenzene in toilet/urinal care products and solid air fresheners. Staff is also proposing to remove the existing exemption for “air fresheners containing at least 98% para-dichlorobenzene” in section 94510(g) of the Consumer Products Regulation.

3. Proposed Amendments to Method 310

The proposed amendments modify and update Method 310, which is the test method used to determine the percent by weight of reactive organic compounds in aerosol coating products and VOCs in consumer products and AP/DO products. The proposed modifications to Method 310 are basically technical in nature and include updates to test method citations and dates. Modifications are also proposed to the propellant collection procedures and the equations specified for calculation of VOC content. Related amendments to sections 94506, 94515, and 94526 are proposed to reflect the updated test method citations and dates and the date Method 310 will be amended.

4. Proposed Amendments to the AP/DO Regulation

The proposed amendments modify the definition of “Deodorant” to more clearly specify the types of products that are deodorants.

5. Possible Modifications to Existing Requirements in the Consumer Products Regulation for the Automotive Hard Paste Waxes

In addition to the proposed actions described above, ARB staff is currently working with manufacturers to evaluate their ability to meet the existing 45% VOC limit for automotive “hard paste waxes,” which is scheduled to become effective on January 1, 2005 (see section title 17, CCR, section 94509(a)). If necessary, at the Board hearing staff may propose modifications to the existing requirements for hard paste waxes. Any proposed modifications would be made available for a public comment period of at least 15 days, as discussed in the “Hearing Procedures” section of this notice.

COMPARABLE FEDERAL REGULATIONS

The U.S. EPA has promulgated a national consumer products rule under section 183(e) of the federal Clean Air Act: *National Volatile Organic Compound Emission Standards for Consumer Products*. (40 CFR Part 59, subpart C, sections 59.201 et seq.) The rule specifies VOC limits for a number of consumer product categories, and is similar in format to ARB’s consumer products regulation. However, there are significant differences between the rules. The U.S. EPA’s rule applies nationwide to consumer product manufacturers, importers and distributors (but not retailers), while the ARB regulation applies to any person (including retailers) who “sells, supplies, offers for sale, or manufactures consumer products for use in the State of California.” The U.S. EPA’s rule does not regulate a number of product categories that are currently regulated under the ARB regulation. For the categories that are regulated under both rules, many of ARB’s limits are more stringent than the U.S. EPA’s limits. All of the VOC limits in the U.S. EPA’s rule have an effective date of December 10, 1998, whereas the VOC limits in the ARB regulation and the proposed amendments are phased in from 1993 to 2008. Finally, the U.S. EPA’s rule has an unlimited “sell-through” period for noncomplying products manufactured before the effective date of the limits, whereas California law allows a three year sell-through period.

There are no comparable federal regulations controlling the use of para-dichlorobenzene in solid air fresheners and toilet/urinal care products. However, the U.S. EPA has adopted several National Emission Standards for Hazardous Air Pollutants (NESHAPS) standards which control para-dichlorobenzene, as one of multiple hazardous air pollutants, from industrial facilities (e.g., see 61 Federal Register 34140 (7/1/96), 63 Federal Register 50280 (9/21/98), 67 Federal Register 45598 (7/9/02)).

AVAILABILITY OF DOCUMENTS
AND CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed action, which includes the rationale for the proposed amendments and the proposed ATCM for par-dichlorobenzene, a summary of the potential environmental and economic impacts, and the environmental justice considerations of the proposal.

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on the ARB's web site listed below, or may be obtained from the Board's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing (June 24, 2004).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact person identified below, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulatory action may be directed to Mr. David Mallory, Manager, Measures Development Section, Stationary Source Division, at (916) 445-8316, e-mail dmallory@arb.ca.gov.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board staff has compiled a record for this rulemaking action, which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594 or landreon@arb.ca.gov as soon as possible. TTY/TDD/Speech-to Speech users may dial 7-1-1 for the California Relay Service.

This notice, the ISOR, and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at <http://www.arb.ca.gov/regact/conprod/conprod.htm>.

COSTS TO PUBLIC AGENCIES, BUSINESSES,
AND PERSONS AFFECTED

The determinations of the ARB Executive Officer concerning the cost or savings necessarily incurred by public agencies and private persons and business in reasonable compliance with the proposed regulatory action are presented below.

The ARB Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(5) and 11346.5(a)(6), to any state agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons and businesses. The Executive Officer has initially determined that there will be a potential cost impact on private persons or businesses directly affected as a result of the proposed regulatory action. As explained in the ISOR, the proposed amendments may have a significant adverse impact on some individual businesses but the overall statewide impacts are not expected to be significant.

The Executive Officer has made an initial determination that the proposed regulatory action 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, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has initially determined that the proposed amendments should have minor impacts on the creation or elimination of jobs within the State of California, minor impacts on the creation of new businesses and the elimination of existing businesses within the State of California, and minor impacts on the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed amendments can be found in the ISOR.

The Board's Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will affect small businesses.

Before taking final action on the proposed regulatory action, ARB must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not

physically submitted at the hearing must be received no later than **12:00 noon, June 23, 2004**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board 1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to:

conprod@listserv.arb.ca.gov

and received at the ARB by **no later than 12:00 noon, June 23, 2004**.

Facsimile submissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon, June 23, 2004**.

The Board requests, but does not require, 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring any suggestions for modification of the proposed regulatory action to the attention of staff in advance of the hearing.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under the authority granted to the ARB in sections 39600, 39601, 39607, 39650, 39658, 39659, 39666, 41511, and 41712 of the Health and Safety Code. This action is proposed to implement, interpret, or make specific sections 39002, 39600, 39607, 39650, 39655, 39656, 39658, 39659, 39666, 40000, 41511, and 41712 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing to consider this matter will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, ARB may adopt the regulatory language as originally proposed or with nonsubstantial or grammatical modifications. The ARB may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Informa-

tion Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California 95814, (916) 322-2990.

TITLE 22. DEPARTMENT OF HEALTH SERVICES

ACTION: Notice of Emergency Rulemaking
Title 22, California Code of
Regulations

SUBJECT: **Drug Medi-Cal Rates for Fiscal Year
2002–2003, R-14-02E**

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct a public hearing commencing at 10 a.m. on June 23, 2004 in Hearing Room 72.167, 1500 Capitol Avenue, Sacramento, CA, 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.

Please Note: Attendees are required to register at the security desk when entering the building. Access to Hearing Room 72.167 is through Room 72.160, where attendees may register to speak at the hearing.

Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, by 5 p.m. on June 23, 2004, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-440-7714) or email (regulation@dhs.ca.gov) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

CONTACTS

In any of the following inquiries, please identify the action by using the Department regulation control number, R-14-02E:

1. In order to request a copy of this regulation package be sent to you, please call (916) 440-7695 or email regulation@dhs.ca.gov.
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to Mary Conway of the Department of Alcohol and Drug Programs at (916) 327-4742.

3. All other inquiries concerning the action described in this notice may be directed to Jasmin Delacruz of the Office of Regulations at (916) 440-7688, or to the designated backup contact person, Barbara Gallaway, at (916) 440-7689.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

This emergency regulatory action amends Title, 22, California Code of Regulations, Section 51516.1, by updating Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for Fiscal Year (FY) 2002–2003. This emergency amendment implements, interprets, and makes specific the provisions of Welfare and Institutions Code Sections 14021.5, 14021.6 and 14105, and Health and Safety Code Section 11758.42. These provisions require the Department of Alcohol and Drug Programs, in consultation with the Department of Health Services, to establish rates for Drug Medi-Cal services, establish a dosing fee for Methadone and Levoalphacetylmethadol (LAAM), and establish a per capita uniform statewide monthly reimbursement rate for ancillary services.

This emergency regulatory action is necessary to implement Health and Safety Code Sections 11758.42 and 11758.46, and Welfare and Institutions Code Sections 14021.5 and 14021.6. Health and Safety Code Section 11758.42 requires the Department of Alcohol and Drug Programs to establish rates for the use of the narcotic replacement drugs Methadone and LAAM. Health and Safety Code Section 11758.46 specifies Drug Medi-Cal services, which are reimbursable through the Medi-Cal program. Welfare and Institutions Code Section 14021.5 specifies rates for Drug Medi-Cal services and specifies that rates shall take effect July 1 through June 30 of the fiscal year in which the rates are established. Welfare and Institutions Code Section 14021.6 and Health and Safety Code Section 11758.42 specify how rates for Drug Medi-Cal services shall be determined.

Specific changes are described below:

- The fiscal year shown in Section 51516.1(a)(3) was updated to FY 2002–2003. This change is needed for clarity.
- The statewide maximum allowances (SMAs) shown in Section 51516.1(a)(3) were amended for FY 2002–2003 to reflect rates established by the Department of Alcohol and Drug Programs, in accordance with Welfare and Institutions Code Section 14021.6. The SMAs are based on the

aggregated median rates from the most recent cost data for each modality as reported by county-operated providers, county contract providers, and the Department of Alcohol and Drug Programs' direct contract providers in their year-end cost reports. Cost report data is the best available data for use in calculating a median rate with which to establish the SMA reimbursement rate for each treatment modality for the prospective fiscal year.

- Section 51516.1(g) is amended to reflect an increase in the uniform statewide monthly reimbursement rates (USMRs) for narcotic treatment services.

AUTHORITY

Sections 10725, 14021.3, 14021.5, 14021.6, 14105, and 14124.5, Welfare and Institutions Code; and Section 11758.41, Health and Safety Code

REFERENCE

Sections 5705, 5715, 14021.5, 14021.6 and 14132.90, Welfare and Institutions Code; and Sections 11758.42 and 11758.46, Health and Safety Code.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: The fiscal impact for fiscal year 2002–2003 is a savings of approximately \$1,603,000.
- C. Fiscal Effect on Federal Funding of State Programs: The fiscal impact for fiscal year 2002–2003 is a savings in federal financial participation of approximately \$1,626,000.

All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the emergency action.

- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

DETERMINATIONS

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

The Department has made an initial determination that the regulations would not have a 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 the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations may affect small businesses that choose to participate in the voluntary Medi-Cal program.

The Department has determined that the regulations will have no impact on housing costs.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

Other regulation changes may be scheduled for hearing at the same time appointed for public hearing on the action described in this notice. An agenda for the public hearing will be posted at the time and place of hearing designated above.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-440-7370); FAX (916-440-7395); TDD (916-440-7399); or email (civilrights-ra@dhs.ca.gov).

GENERAL PUBLIC INTEREST

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor's signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further notice, each of these prospective contracts in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.
DBA ASI Telesystems, Inc.
21150 Califa Street
Woodland Hills, CA 91367

Bay Recycling
800 77th Avenue
Oakland, CA 94621

C & C Disposal Service
P. O. Box 234
Rocklin, CA 95677

Choi Engineering Corp.
286 Greenhouse
Marketplace, Suite 329
San Leandro, CA 94579

Fries Landscaping
25421 Clough
Escalon, CA 95320

Marinda Moving, Inc.
8010 Betty Lou Drive
Sacramento, CA 95828

MI-LOR Corporation
P. O. Box 60
Leominster, MA 01453

Peoples Ridesharing
323 Fremont Street
San Francisco, CA 94105

San Diego Physicians &
Surgeons Hospital
446 26th Street
San Diego, CA

Southern CA Chemicals
8851 Dice Road
Santa Fe Springs, CA 90670

Tanemura and Antle Co.
1400 Schilling Place
Salinas, CA 93912

Turtle Building Maintenance Co.
8132 Darien Circle
Sacramento, CA 95828

Univ Research Foundation
8422 La Jolla Shore Dr.
La Jolla, CA 92037

Vandergoot Equipment Co.
P. O. Box 925
Middletown, CA 95461

Squid Fishery Management Plan, commercial take of market squid, and market squid restricted access program.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Regulations are proposed to implement a Market Squid Fishery Management Plan (Market Squid FMP, or Plan), including a market squid commercial fishery restricted access program, and to amend existing commercial squid fishing regulations adopted by the Fish and Game Commission (Commission) to manage the squid resource at a sustainable level. Fish and Game Code Section 8425 directs the Department of Fish and Game (Department) to develop, and the Commission to adopt, a Market Squid FMP in compliance with the Marine Life Management Act (MLMA) (Chap. 1052, Stats. 1998).

Each of the management alternatives included in the proposed regulatory amendments to Title 14, CCR, is described in the summary which follows.

Add Section 53.00, et seq. This proposed series of regulations serves to implement the Market Squid FMP, as follows:

Section 53.00—Purpose and Scope. Following in the series of regulations established in Chapter 5.5 of Title 14, CCR, which implement fishery management plans adopted by the Commission pursuant to the Marine Life Management Act, this Section provides that regulations established in Article 4 are consistent with the goals and objectives of the Market Squid FMP. It also states that the Plan, in combination with other applicable state and federal laws and regulations, governs management and regulation of market squid stocks and fisheries. The regulation further explains where specific squid regulations that will be adopted concurrently with adoption of the Plan may be found in the structure of Title 14.

Section 53.01—Definitions. This Section serves to provide definitions that are specific to the Market Squid FMP. All definitions provided are consistent with those found in the general FMP definitions found in Section 50.01 of Title 14 as well as other provisions of state and federal fisheries laws. **The specified approval date was updated to reflect extension of the Commission’s plan adoption date.**

Section 53.02—Process and Timing. This Section explains that management of squid stocks and fisheries will conform to the Market Squid FMP and other applicable state and federal laws and regulations, and that regulations may be adopted by the Commission in compliance with the Administrative Procedure Act to achieve intended management actions. The Department will provide the Commission information periodically upon which management decisions may be made, and the Director may establish an advisory

FISH AND GAME COMMISSION

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

**(Continuation of California Notice Register 2003,
No. 42-Z, and Meetings of August 1 and
December 5, 2003)**

(NOTE: See Updated Informative Digest changes shown in **bold face** type.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 7071, 7078, 7701, 7708, 7923, 8026, 8425 and 8429.5 of the Fish and Game Code and to implement, interpret or make specific sections 7050, 7070, 7071, 7075, 7078, 7082, 7083, 7086, 7652, 7701, 7708, 7923, 8026, 8081, 8420, 8425, 8429.5 and 8429.7 of said Code, proposes to add sections 53.00, 53.01, 53.02, 53.03, 149.1, 149.2, 149.3, and 149.4, and amend Section 149, Title 14, California Code of Regulations, regarding Market

committee to assist the department with development and review of fishery assessments, management options and proposals, and Plan amendments.

Section 53.03—Market Squid Fishery Management Plan (Market Squid FMP) Project. This Section serves to outline the proposed management actions which are presented in the Market Squid FMP, which constitute the “Proposed Project” of the Market Squid FMP, in fulfillment of CEQA requirements. This Section also provides that other management measures which are not included at this time as part of the proposed project or specifically detailed in the Market Squid FMP may be considered by the Commission for implementation at a later date, provided the action is consistent with the goals and objectives of the Market Squid FMP.

149. Commercial Taking of Market Squid. This Section was modified in 2000 and 2002 based upon the Commission’s adoption of interim regulations using management authority from the Legislature to protect and manage the squid resource. Management measures adopted in these actions included enactment of weekend closures to provide for uninterrupted squid spawning throughout the state for two days per week, requirements to fill out logbooks of fishing activity, a limitation on the amount of light (wattage) which may be used for commercial squid fishing operations, a requirement to shield lights used for commercial squid fishing, and a statewide seasonal limit on the allowable catch of 125,000 short tons. There requirements are currently specified in subsections (a) through (e) of Title 14, CCR. Modifications, alternatives and additions to regulations in this Section are discussed below.

Section 149 Subsection (a)—Weekend Closures. Four regulatory options are provided for the Commission’s consideration on this item; the first of which would only modify existing regulatory language to provide needed clarity on the scope of the regulation for enforcement purposes. The proposed modifications would clarify that commercial landings which are smaller than two tons are exempt from the closure in order to continue to provide an opportunity to land squid which may be taken as bycatch in fisheries where squid is not a target. Additionally, it is clarified that squid taken for live bait purposes on weekends pursuant to this Section shall only be sold as live bait.

The second option would repeal the weekend closure altogether.

The third option would maintain existing statewide weekend closures but provide for an exemption in the areas of the northern Channel Islands to allow fishing to continue 7 days per week, as some portion of the squid stock in that area would instead be protected in the newly-established marine protected areas.

The fourth option would maintain existing weekend closures in waters south of Point Conception, but the Commission could adjust the number of days per week open to fishing as well as the times of day or night that commercial squid fishing would be authorized in waters north of Point Conception.

Section 149 Subsection (b)—Logbooks. As with weekend closure regulations in subsection (a), the Commission will take action at the adoption meeting to specify if existing logbook regulations shall be maintained and slightly modified for enforcement purposes, or if the measure shall be repealed. Proposed modifications to the existing language would update the permit designations to be consistent with the proposed commercial restricted access program and modify the revision dates of the logbook forms which are referenced in the regulation. It would also specify that logbook records shall be transmitted to the Department on or before the 10th day of each month following the month that fishing activity occurred, a requirement consistent with existing regulatory language in Section 190, Title 14, CCR.

Section 149 Subsection (c)—Wattage Limitation. The Commission will take action at the adoption meeting to specify if existing wattage regulations shall be eliminated, maintained at the current level, or replaced with a wattage limitation set at a value between the range of 15,000 to 30,000 watts. Other slight modifications are proposed to the existing regulatory language for technical clarification purposes.

Section 149 Subsection (d)—Light Shields. The Commission will determine if the current requirements shall be maintained status quo, if they should be modified to improve the effectiveness of the measure, or if they shall be repealed altogether. Department enforcement staff have indicated that the existing regulatory language is somewhat unclear with regard to the orientation of the lights directly downward; thus, the option to modify the requirements would add language which would also require that the lower edges of the shields be parallel to the deck of the vessel. The Department recognizes that this change to current practice could require that some light boat or vessel owners would need to substantially retrofit their shields in order to comply with the proposed regulatory change; therefore it would be incorrect to designate the proposed change as merely a non-substantive, technical or clarifying in nature; and therefore it is considered as a separate regulatory option.

Section 149 Subsection (e)—Seasonal Catch Limitation. The Commission has four options to select from in terms of specifying an overall limit each season on the commercial harvest of squid. In options that serve to modify existing regulatory language, the

existing term of “seasonal harvest guideline” is proposed to be replaced with “seasonal catch limitation” in each option in order to maintain consistency with general fishery management plan definitions specified in Section 50.01, Title 14, CCR. Other clarifying language was included to acknowledge existing or proposed regulatory provisions in this Section. The options include A) maintain existing regulations for a statewide catch limit, while considering changes to the allowable volume from a range of 24,000 to 125,000 short tons, B) eliminate the existing provisions, C) use El Nino events to determine the allowable harvest level [11,000 short tons during an El Nino time period and 115,000 short tons during a non-El Nino time period], or D) establish the limits regionally rather than statewide [5,500 to 27,800 short tons north of Point Conception and 65,500 to 111,600 short tons south of Point Conception]. Options C and D involve substantial new regulatory language.

Section 149 Subsection (f)—Option to Add Daily Trip Limits. If adopted, these regulations would limit each squid landing to a specified tonnage level depending on the type of fishing gear used. Roundhaul (purse seine, lampara) landings would be subject to a daily trip limit ranging from 30 to 138 short tons per day, and a level of 15 short tons would be imposed for brail vessels.

Section 149 Subsection (g)—Options to Add Seasonal Closure Areas for Seabird Protection and/or Harvest Replenishment Areas and/or General Habitat Closures. If adopted, these regulations would establish a closed season from February 1 through September 30 for squid fishing, or for squid fishing employing the use of lights, in specified areas at two or three of the northern Channel Islands and/or the Farallon Islands and/or all waters of the Gulf of the Farallones National Marine Sanctuary in order to provide seasonal protection for nesting seabirds. Each of the proposed closure areas extend outward at least one nautical mile from shore. These options were designed to provide various levels of protection to multiple seabird species which may have reduced, threatened, or endangered population levels. **The seasonal closure end date was amended to provide the Commission a range of time periods from which it may select. The proposed closure period may now end on any date between September 30 and November 30.**

Additionally, if adopted, a proposed regulation would prohibit the take of market squid for commercial purposes in waters less than 100 fathoms in depth contiguous to San Nicholas Island. This proposed option may provide a specific squid harvest replenishment area in a currently underutilized squid fishing area and would prevent expansion of the fishery into these waters.

Additionally, if adopted, proposed regulations would prohibit the take of market squid for commercial purposes in specified northern California waters for general habitat protection. These measures are designed to prevent squid fishery interactions in areas that have not been traditionally utilized for commercial squid fishing. In 2003, several boats began harvesting squid in waters well north of the traditional Monterey fishing grounds, which is of concern to some biologists and other users of these areas. Particular issues that have been raised as matters of concern in these areas include the potential for bycatch of salmon in purse seine gear, potential for impact to seabirds from noise and lights, and the potential for interaction with marine mammals. Options to address these concerns include closing all waters to the commercial take of squid north of Pillar Point at any time, prohibiting the commercial take of squid in any waters of the Gulf of the Farallones National Marine Sanctuary, prohibiting the take of squid for commercial purposes in waters extending offshore one nautical mile from the mean high water mark of Southeast Farallon Island, Middle Farallon Island, North Farallon Island and Noon Day Rock, or prohibiting the take of squid for commercial purposes in District 10.

Section 149 Subsection (h)—Allow for Incidental Take. This regulation would specify that it is unlawful to take, land, or possess in excess of two tons of squid per trip or per calendar day except as authorized under a specific permit designation or for purposes of live bait only. This amendment would serve to establish, in regulation, a statutory provision that otherwise would be repealed with adoption of the Market Squid FMP and implementing regulations pursuant to Fish and Game Code Section 8429.7.

Section 149 Subsection (i)—Specify Forfeiture Process. This amendment would also serve to establish, in regulation, a statutory provision in Section 8421 (h) that otherwise would be repealed with adoption of the Market Squid FMP and implementing regulations pursuant to Fish and Game Code Section 8429.7.

Section 149 Subsection (j)—Clarify Authorized Use of Light to Aggregate Squid. This amendment would also serve to establish, in regulation, a statutory provision in Section 8423 (e) that otherwise would be repealed with adoption of the Market Squid FMP and implementing regulations pursuant to Fish and Game Code Section 8429.7.

Section 149 Subsection (k)—Clarify to Whom Citations for Violations of This Section May Be Issued. The proposed regulations would include this subsection to clarify that citations for violations of this

Section may be issued to the vessel operator, crewmembers, and/or the holder of a market squid permit issued pursuant to Section 149.1, Title 14, CCR.

Add Section 149.1, et seq. This proposed series of regulations serve to implement the commercial Market Squid Fishery Restricted Access Program, as follows below. The program and regulations are designed in accordance with the Commission's policy on Restricted Access Commercial Fisheries, and provides for a reduction in the fishing capacity of the market squid fleet and to allow for transfer of permits, which has been prohibited under the current statutory moratorium on permit issuance. The regulations, if adopted, would define and establish permits of different classes based on authorized gear types, procedural requirements for permit issuance, fishery capacity goals, and specific mechanisms to achieve those goals through permit transferability and upgrades.

Section 149.1 Subsection (a)—Establish Permit Requirement to Fish Squid for Commercial Purposes. This proposed regulation states that on and after April 1, 2004, any vessel engaged in taking squid, landing squid, or attracting squid by light for commercial purposes, shall have a valid market squid permit issued to the owner of that vessel. **The regulatory language was updated to reflect extension of the plan adoption date. April 1, 2005 is now proposed as the effective date for the permit requirement.**

Section 149.1 Subsection (b)—Establish Permit Classes and Authorized Activities. The proposed subsection would designate up to three classes of commercial squid permits, to include Market Squid Vessel Permits, Market Squid Brail Permits, and Market Squid Light Boat Permits. Within each permit class, authorized gear types are specified. The regulation also allows permits to be specified as transferable or non-transferable, or both types of permits to be issued in each class. Only one market squid permit, regardless of the class of permit, may be issued per owner per vessel.

Section 149.1 Subsection (c)—Establish Initial Permit Issuance Criteria. The proposed regulatory language specifies that permits are to issued for fishing vessels based on either the vessel or an individual meeting the selected initial issuance criteria for each class of permit. The Commission may choose among several initial issuance criteria options that can result in transferable and/or non-transferable permit designations. For vessel permits, initial issuance criteria are constructed upon levels of catch history ranging from 50 to 150 squid landings within a qualifying time period spanning from January 1, 1990 to December 31, 2002. For brail permits, the Commission may

consider a range of qualifying participation levels from 5 to 25 squid landings made with brail gear within a qualifying time period spanning from January 1, 1990 to December 31, 2002. For light boat permits, initial issuance criteria based on landings are inappropriate, therefore this option is based on possessing a current market squid permit (vessel or light) and submission of one logbook within a qualifying time period spanning from January 1, 2000 to December 31, 2002. Options are provided that include permit issuance criteria based on 10 to 50 squid landings in one single fishing season for 20-year California commercial fishermen (grandfathered individuals) pursuant to Fish and Game Code Section 8101. Other options for initial issuance criteria would not be based on prior catch history, and instead would require only that a squid permit have been held in one or more previous years.

The regulation further specifies that should non-transferable classes of permits be selected by the Commission for issuance, they may only be issued to individuals, and may not be issued to partnerships or corporations; although at the time of issuance, the permit may be issued for a vessel which is owned by a partnership or corporation. This provision allows for the non-transferable permit to expire when the permit holder dies, as the individual's personal fishing history was used to meet the initial issuance criteria. **The range of dates provided from which a qualifying window period may be selected was clarified and extended to March 31, 2003. Therefore, the Commission may select any window period start date from January 1, 1990 through January 1, 2000, and any end date from November 12, 1999 through March 31, 2003. Most proposed initial issuance criteria options require that the vessel owner be issued a current squid permit. The specified permit dates were updated to reflect extension of the plan adoption date.**

Section 149.1 Subsections (d) and (e)—Specify Application Deadlines for Initial Permit Issuance, and an Appeals Process. These proposed regulations specify that all applications and permit fees for initial issuance of Market Squid Vessel Permits, Market Squid Brail Permits, and Market Squid Light Boat Permits must be submitted by June 30, 2004, and provide for a grace period through July 31, 2004 with a \$250 late fee. Applications for initial permit issuance after this time period will be denied by the Department. Failure to impose deadlines on initial issuance could undermine the goals of the restricted access program since mechanisms to reduce fishing capacity designed as part of the program would likely be ineffective if new permits are continuously issued. Regulations also provide that any applicant who is denied initial issuance of any class of permit may

appeal that denial to the Commission within 60 days of the denial. **The initial issuance application deadline dates were extended by to one year, which would result from a change to the April 1, 2005 effective date of the permit requirement. The change was needed to account for extension of the plan adoption date.**

Section 149.1 Subsections (f), (g) and (h)—Specify Annual Permit Renewal Criteria, Deadlines and Appeals Process. These proposed regulations state that permits must be renewed annually, and may only be issued by the Department each year to those who held the same permit in the prior year. It also clarifies that upon the death of a non-transferable permit holder, the permit cannot be renewed. The proposed regulations state that renewal applications must be submitted by April 30 of each year, and provide for a grace period through May 31 of each year with a \$250 late fee. Applications for permit renewal after this time period will be denied by the department and returned to the applicant. If the permittee misses the deadline, an appeals process is again defined. **The specified permit renewal deadlines were updated to account for extension of the plan adoption date.**

Section 149.1 Subsection (i)—Fees. The proposed regulations reflect a range of permit, transfer and upgrade fees for the Commission's consideration. For each market squid permit, the Commission will select an annual fee from a range of \$400 to \$5000. This level may be set differently for each class of permit (i.e. vessel, brail or light; transferable or non-transferable). For permit transfers, both in cases where the vessel is transferred to a new owner, or if the permit is transferred to a replacement vessel, the Commission will select from a proposed fee range of \$250–\$1000 for the transaction. For each Market Squid Brail Permit Upgrade, the Commission will select a one-time fee from a range of \$400 to \$5000.

Section 149.1 Subsection (j)—Permit Revocation, Suspension or Cancellation. The proposed subsection, if adopted, would specify that a permit can be revoked or suspended by the Commission under the following circumstances: a) if the permit holder used false information to qualify for the permit, b) if the permit holder violates commercial squid fishing regulations, or c) if any terms or conditions of the permit are violated.

Section 149.1 Subsection (k)—Dissolution of Partnership or Corporation. For vessels which hold permits which are issued to partnerships or corporations, rather than individual vessel owners, the proposed regulation would require that the permit-

holder notify the Department of any dissolution of the partnership or corporation, and to specify who the successor permit holder is so that the Department may reissue the permit in that name.

Section 149.1 Subsection (l)—Change of Vessel Ownership. The proposed regulations, if adopted, would require the Commission to set a fee from a range of \$250–\$1000 to be imposed in cases where a permit holder sells his permitted vessel to another owner, and chooses to transfer the market squid permit to the new vessel owner. Documentation requirements and procedures for completing the transaction are also provided. The proposed regulations clarify that non-transferable permits will be canceled upon the sale or transfer of ownership of the vessel.

Section 149.1 Subsection (m)—Capacity Goals. This subsection establishes in regulation, the optimum number of vessels for each squid fishery permit class as selected by the Commission. These numbers form the basis from which other provisions of the restricted access program, such as permit transferability, are determined. If approved, the Commission will adopt a capacity goal for Market Squid Vessel Permits from a range of 10–104 permits, a capacity goal for Market Squid Brail Permits of 18 permits, and a capacity goal for Market Squid Light Boat Permits from a range of 10–104 permits. The proposed regulations also specify that the capacity goals for vessel permits shall equal the sum of the capacity goals for the brail and light boat permit classes.

Section 149.1 Subsection (n)—Gross Tonnage Endorsement. Proposed regulations in this subsection explain the criteria for defining or calculating the gross tonnage of a vessel for which a Market Squid Vessel Permit or a Market Squid Brail Permit is issued. The provisions provide consistency with federal regulations which are established for Coastal Pelagic Species fishery permits, and to provide a measure of comparable capacity for purposes of determining permit transferability.

Section 149.1 Subsections (o) and (p)—Transfer of Permits to Replacement Vessels and Transfer Appeals Process. If adopted, these subsections would define criteria that would allow for transfer of a permit to a different vessel after August 31, 2004 as selected by the Commission from a wide range of options. The option recommended by the Department would limit permit transfers in these classes to vessels only of comparable capacity, consistent with transferability guidelines for federal Coastal Pelagic Species permits. Regulations would specify that two vessels in the vessel or brail permit classes are considered to be of comparable capacity if the gross tonnage of the replacement vessel is not in excess of ten percent greater than the gross tonnage of the originally

permitted vessel. Other options include no permit transferability except in cases of major mechanical breakdown or loss of the vessel, and transferability of permits regardless of vessel capacity. An additional option provides for cases where a replacement vessel does not meet the ‘comparable capacity’ provisions, a “two-for-one” permit transfer (an additional permit must be relinquished) may be authorized. **The effective date for permit transfers was updated to reflect extension of the plan adoption date.**

Light boat permit transfer options include “one for one” permit transferability, or provisions for a “two-for-one” permit transfer if the number of permits issued is at a level above the capacity goal specified in subsection (m), and “one for one” if the number of permits issued is below the capacity goal.

Regulations also define documentation requirements and procedures for completing the permit transfer transactions, and provide that any applicant who is denied transfer of any permit may appeal that denial first to the Department and then to the Commission.

Section 149.1 Subsections (q) and (r)—Market Squid Brail Permit Upgrade, and Appeals Process. If adopted, these subsections would provide for a Market Squid Light Boat permittee to upgrade to a Market Squid Brail Permit with surrender of one to three additional Market Squid Light Boat Permits. This option will provide a mechanism to reduce the number of light boat permits, while providing an opportunity to acquire a Market Squid Brail Permit. Regulations also define documentation requirements and procedures for completing the transaction, and provide that any applicant who is denied upgrade of the permit may appeal that denial first to the Department and then to the Commission.

Add Section 149.2, Permits for Taking of Market Squid for Sale as Live Bait. If adopted, on and after April 1, 2005, any owner of a vessel which takes market squid for live bait purposes will be required to hold a Market Squid Live Bait Permit for that vessel. This regulatory option is provided to the Commission should they choose to initiate management of this currently-unregulated component of the squid fishery. **The specified permit requirement date was extended by one year to account for extension of the plan adoption date. If adopted, the proposed live bait permit requirement would be effective on and after April 1, 2006.**

Add Section 149.3, Experimental Market Squid Vessel Permits. If adopted, this provision would allow the commission to issue 1–5 Transferable or Non-Transferable Market Squid Vessel Permits to any individual for placement on any vessel for purposes of developing a squid fishery in areas previously not

utilized for squid production. Individuals issued permits pursuant to this Section would be required to adhere to all commercial squid fishing regulations in Section 149, Title 14, CCR, and all terms and conditions for permits defined in Section 149.1, excepting initial issuance criteria defined in Section 149.1(c).

Add Section 149.4, Market Squid Fishery Regional Control Date. If adopted, this provision would establish a control date to notify participants of intent to adopt a regional restricted access program for the squid fishery at a future date. A range of control date options [April 1, 1998–October 17, 2003] is proposed for consideration. Fishery participation on or after this date may apply toward a permit for a specified geographic region under a future regional restricted access program for the market squid fishery if one is developed.

Fishery participation prior to the control date would not be used as a measure of participation to qualify for initial issuance of regional restricted access permits. Only participation on or after the control date may be used to determine eligibility in a future regional restricted access program. The port of landing of these catches or records of light boat activity would be used to determine eligibility in specific geographic areas.

Possession of any market squid vessel, brail, or light boat permit issued pursuant to Section 149.1, Title 14, CCR, would not guarantee issuance of a permit under any future squid regional restricted access program. Beginning with the fishing season immediately following adoption of a regional restricted access program, market squid fishery permits issued pursuant to Section 149.1 would be replaced with the appropriate regional permits that would be subject to specific conditions for issuance. Permits previously issued under Section 149.1 would be nullified and no longer subject to renewal provisions. **The range of control date options was expanded to allow for selection of a control date between January 1, 1990 and August 27, 2004.**

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Bahia Resort Hotel, 998 W. Mission Bay Drive, San Diego, on Tuesday, May 4, 2004 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, relevant to this action at a hearing to be held in City Hall, 990 Palm Street, San Luis Obispo, on Friday, August 27, 2004 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 August 20, 2004 at the address given below, or

by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 27, 2004, at the hearing in San Luis Obispo, CA. All written comments must include the true name and mailing address of the commentor.

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, Robert R. Treanor, 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 Robert R. Treanor or Sherrie Koell at the preceding address or phone number. **Dale Sweetnam, Department of Fish and Game, phone (858) 546-7170, 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.dfg.ca.gov/fg_comm/.

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. 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 agency program staff.

IMPACT OF REGULATORY ACTION

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 Commission has made an initial determination that the adoption of the recommended regulations may result in adverse economic impacts directly affecting California's small businesses associated with the market squid fishery.

However, the potential economic impacts would not affect the ability of California's small businesses to compete with businesses in other states. Implementing restricted access fishery regulations and ensuing fleet reductions, could result in potential direct ex-vessel revenue losses as high as \$3,047,071 fleet wide. This is based on averaged 5-year landings information. On an individual basis, these losses could range from \$38,000 to \$98,000 (before deducting costs of doing business) for each fisherman removed from the fishery. Details of these potential impacts are presented in the Market Squid Fishery Management Plan, dated July 7, 2003, Section 1, Table 3-21. Contact the Agency representative named herein for a complete analysis of the impacts.

Reducing the statewide seasonal harvest to levels ranging from 11,000 to 80,000 short tons, could result in potential ex-vessel revenue losses of \$1,700,000 to \$17,400,000 for the squid fleet statewide. Potential direct revenue losses to individual fishermen will depend on how many fishermen remained in the fishery, but could range from \$7,400 to \$117,500 per individual (before deducting costs of doing business).

An updated evaluation of adverse economic impacts is now available, and is included in the Market Squid Fishery Management Plan (dated April 12, 2004).

The regulations proposed would directly affect approximately 230 commercial market squid fishermen and light boat operators. The direct impacts to the private sector will depend on which of the proposed management measures and regulations are adopted. There are three primary areas of the proposed regulations that may have significant economic impact to the businesses associated with the market squid fishery:

- **Seasonal and regional catch limits; ranging from 22,000,000 to 250,000,000 pounds statewide (11,000 to 125,000 short tons), and 11,000,000 to 223,200,000 pounds regionally (5,500 to 111,600 short tons),**
- **Implementation of a Restricted Access Squid Fishery; no new permits would be issued and permit renewal is subject to eligibility criteria intended to reduce the fleet size from about 230 permittees to as many as 148 to 199 permittees,**
- **Changes to annual permit fees; ranging from \$400 to \$5,000.**

Average market squid landings for calendar years 2001 and 2002 were 183,050,000 pounds statewide (91,525 short tons) at an ex-vessel value of about \$20,800,000. Among the roughly 230 market squid permit holders, this represents potential individual revenues of approximately \$90,400 annually (on average and before deducting costs of doing business). Reducing the statewide seasonal harvest to levels less than recent landings, at levels ranging from 22,000,000 to 160,000,000 pounds (11,000 to 80,000 short tons), would result in potential ex-vessel revenue losses of \$1,700,000 to \$17,400,000 for the squid fleet statewide. The majority of these impacts would occur in the Counties of Monterey, Santa Barbara, and Los Angeles, where most market squid landings are made. Potential revenue losses to individual fishermen would depend on how many fishermen remained in the fishery. Other proposed statewide seasonal levels of 236,000,000 and 250,000,000 pounds (118,000 and 125,000 short tons) would not present an economic impact to the fishery since these levels are above average catches in recent years.

Proposed regional catch limits, for the area North of Point Conception and area South of Point Conception, could impact local coastal communities disproportionately through reduced catch levels. The proposed 11,000,000 to 15,200,000 pound catch limits (5,500 to 7,600 short tons) for the North region and 131,000,000 to 233,000,000 pounds (65,500 to 111,600 short tons) for the South region potentially results in a much larger impact to fishermen in the North region. Recent landings information for the two regions (for calendar years 2001 and 2002 averaged), were about 75,200,000 pounds (37,600 short tons) for the North region and about 274,800,000 pounds (137,400 short tons) in the South annually. The potential loss in ex-vessel revenue for the North region fishermen ranges from \$6.8 million to \$7 million (an 80 percent to 85 percent reduction from recent landings revenues), and ranges from \$5.8 to \$16 million (a 19 percent to 52 percent reduction from recent landings revenues) for South region fishermen. However, since Northern landings were unusually high in calendar year 2002, these impact estimates are likely to be overstated.

Regulations that would establish a restricted access fishery work in tandem with proposed eligibility criteria to determine which fishermen will remain in the fishery. Depending on

the criteria adopted, the fleet of permittees may be reduced by 31 to 81 permits, in order to arrive at a fleet of 148 to 199 permittees. The proposed eligibility criteria are crafted to exclude fishermen who historically have had only marginal participation in the fishery; for example excluded fishermen may represent only 17 percent of the seasonal ex-vessel revenue generated by the entire fleet. Thus potential ex-vessel revenue losses to individual fishermen culled from the fishery, based on averaged 5-year landings information, could range from \$38,000 to \$98,000 per permittee (before deducting costs of doing business).

New fees may be stipulated under the proposed regulations, depending on which regulatory options are adopted. Currently, annual permit fees for market squid light boats and market squid fishermen are \$400. The regulations propose new annual fees ranging from \$400 to \$5,000. Permit transfer fees (or upgrade fees) currently at \$250 per transfer, may range from \$250 to \$1,000, depending on which regulations are adopted. The projected financial impact of the proposed permit fees to the average fisherman, calculated as the Present Value of permit fees paid over a 5-year time period, discounted at the 2002 Federal 5-year Treasury Bill rate of 3.82 percent, ranges from \$1,800 to \$22,400.

The proposed regulations may result in changes in seasonal market squid harvests statewide. Reducing the statewide seasonal harvest to levels less than recent landings, at levels ranging from 22,000,000 pounds to 160,000,000 pounds (11,000 to 80,000 short tons), would result in potential ex-vessel revenue losses of \$1,700,000 to \$17,400,000 for the squid fleet statewide. Extrapolating these potential revenue losses to the local economies, through the use of an output demand multiplier of 1.61, yields economic impact estimates of \$2,700,000 to \$28,000,000 in lost economic output demand statewide. Proposed statewide seasonal catch levels of 236,000,000 and 250,000,000 pounds statewide (118,000 and 125,000 short tons) would not present a statewide economic impact to the fishery since these levels are above average catches in recent years.

Statewide costs or economic impacts associated with implementing a restricted access fishery, and the ensuing loss of fishermen through permit reductions, are based on an estimated \$3.7 million loss in ex-vessel revenue production capacity due to fleet reduction. Apportion-

ing this \$3.7 million among the respective local economies and using appropriate output demand multipliers, yields potential reduction of \$6 million to \$7.8 million statewide in economic demand output (this recognizes that each \$1 of ex-vessel revenue generates \$1.61 to \$2.05 in economic activity for local economies). Further details on these economic impacts are presented in the April 12, 2004, Market Squid Fishery Management Plan, see Section 3, Item 1.1.3.

The Commission has made an initial determination that the amendment of these regulations may have a significant, statewide adverse economic impact directly affecting businesses. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit alternative proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
 - (ii) consolidation or simplification of compliance and reporting requirements for businesses;
 - (iii) the use of performance standards rather than prescriptive standards; or
 - (iv) exemption or partial exemption from the regulatory requirements for business.
- (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:

Regulations to establish a restricted access fishery and the associated eligibility criteria may result in loss of 31 to 81 market squid fishing jobs.

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

Reducing the statewide seasonal harvest to levels ranging from 11,000 to 80,000 short tons, could result in potential ex-vessel revenue losses of \$1,700,000 to \$17,400,000 for the squid fleet statewide. Potential direct revenue losses to individual fishermen will depend on how many fishermen remained in the fishery, but could range from \$7,400 to \$117,500 per individual (before deducting costs of doing business).

Implementing restricted access fishery regulations and ensuing fleet reductions, could result in potential direct ex-vessel revenue losses as high as \$3,047,071 fleet wide. This is based on averaged 5-year landings information. On an individual basis, these losses could range from \$38,000 to

\$98,000 (before deducting costs of doing business) for each fisherman removed from the fishery. Details of these potential impacts are presented in the Market Squid Fishery Management Plan, dated July 7, 2003, Section 1, Table 3-21. Contact the Agency representative named herein for a complete analysis of the impacts.

Other private person or business costs impacts that could arise from the proposed action are increases in market squid permit fees. Currently market squid permits fees are set at \$400 annually, and depending on the regulations adopted could increase to as much as \$5,000 annually.

- (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: 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.

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 or would be as effective and less burdensome to affected private persons than the proposed action.

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

NOTICE TO INTERESTED PARTIES

**ANNOUNCEMENT OF DRAFT REPORT,
PUBLIC WORKSHOP, AND PUBLIC COMMENT PERIOD**

HEALTH ADVISORY: GUIDELINES FOR CONSUMPTION OF FISH AND SHELLFISH FROM TOMALES BAY (MARIN COUNTY)

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) announces the availability of the draft

report entitled "Health Advisory: Guidelines For Consumption Of Fish And Shellfish From Tomales Bay (Marin County)." The report contains an evaluation of findings on mercury in fish and shellfish from Tomales Bay, and provides health guidelines for consumption of fish and shellfish from this water body. OEHHA is soliciting comments from interested parties on the draft report and advisory during a 30-day public comment period. OEHHA will also hold a public workshop during the comment period to present the draft report and advisory, and receive comments on them. The time, date, and place for the workshop will be posted on the OEHHA Web site at <http://www.oehha.ca.gov>. Comments may be submitted at any time until the close of the comment period.

Comments on the draft report may be submitted by phone, fax, or e-mail to Dr. Robert K. Brodberg. All comments must be received by 5:00 p.m. on June 9, 2004. OEHHA will consider comments received by this time and revise the draft report and advisory as appropriate to issue a final report and advisory.

OEHHA is making the draft document available at the OEHHA Web site at <http://www.oehha.ca.gov>. A copy of the report is also available by calling (916) 327-7319.

If you would like to submit comments, receive further information on this announcement, or have questions, please contact Dr. Robert K. Brodberg using the information provided below.

Dr. Robert K. Brodberg
California Environmental Protection Agency
Office of Environmental Health Hazard Assessment
Pesticide and Environmental Toxicology Section
P.O. Box 4010
Sacramento, California 95812-4010
Phone: (916) 323-4763
Fax: (916) 327-7320

**RULEMAKING PETITION
DECISIONS**

BOARD OF PRISON TERMS

**NOTICE OF DECISION ON PETITION TO
AMEND REGULATIONS**

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Division 2, Board of Prison Terms**

PETITIONER

Michael Brodheim's petition, submitted under Government Code section § 11340.6, was received by the Board of Prison Terms (Board) on April 2, 2004.

AUTHORITY

Under authority established in Penal Code (PC) Sections (§§) 3041, 3052 and 5076.2, the Board may prescribe and amend regulations for the administration of parole.

CONTACT PERSON

Please direct any inquiries regarding this action to Lori Manieri, Regulations Coordinator, Board of Prison Terms, by mail at 1515 "K" Street, Sixth Floor, Sacramento, CA 95814, by telephone at (916) 445-5277, by telefax at (916) 322-3475, or by e-mail to: "regcomment@bpt.ca.gov".

AVAILABILITY OF PETITION

The petition for amendment of the regulations is available upon request directed to the Board's contact person.

SUMMARY OF PETITION

The petition requests that the Board amend Title 15, California Code of Regulations (CCR) §§ 2050 through 2057 concerning a prisoner's or parolee's right to appeal decisions made by the Board. Petitioner specifically requests that prisoners convicted of murder not be subject to filing appeals prior to filing petitions in the state courts. The petitioner contends that Article V Section 8(b) removed final parole decision-making authority from the Board (in cases of murder) and delegated such authority to the Governor, making the Board's decision merely a *recommendation* to the Governor. Therefore, petitioner states that there is no purpose in appealing a Board Decision when it is the Governor who has the final parole decision-making authority with respect to those convicted of murder.

BOARD DECISION

**THE BOARD DENIES THE PETITION FOR
THE FOLLOWING REASONS:**

The Board has recently filed regulations with the Office of Administrative Law which repeal the administrative appeals' regulations (CCR §§ 2050 through 2056). The effective date of the repeal is May 1, 2004. The Board will respond to any appeals received prior to the effective date. The primary justification for abolishing the appeals' function is so that prisoners and parolees will not need to exhaust their administrative remedies with the Board prior to seeking redress through the courts.

The petitioner's claim that the Board's decision whether to grant parole is only a *recommendation* to the Governor has no merit. Board decisions as to parole suitability are based upon the circumstances of the crime, and other factors set forth in the Board's regulations. (CCR § 2281, 2402.) Such *proposed* decisions are then reviewed within a specified period

by the Board's Decision Review Unit. Any proposed decision of the panel shall become *final* within a specified time frame, which in the case of a life prisoner, would be within 120 days of the hearing. (CCR § 2041.) The decision therefore is the Board's *final* determination as to the prisoner's suitability for parole. The Governor's review authority is a separate process whereby pursuant to subdivision (b) of Section 8 of Article V of the Constitution, the Governor shall review the prisoner's file and Board decision and either agree with, reverse or modify the decision.

The Board denies the petition for the reasons stated above.

DEPARTMENT OF CORRECTIONS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Division 3, Department of Corrections

PETITIONER

Richard A. Barker.

AUTHORITY

Under authority established in Penal Code (PC) Section 5058, the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management, and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections to amend regulations in the California Code of Regulations (CCR), Title 15, Division 3, Section 3190, regarding inmate personal property.

DEPARTMENT DECISION

The Director of Corrections denies the petition to amend regulations in Title 15, Division 3, Section 3190(b) of the CCR.

The Petitioner requests that the Department amend regulations to exclude all expendable food and cosmetic items allowable from the six (6) cubic feet limit of personal property in the inmate's cell. The Petitioner further requests that any regulation adopted not conflict with Section 3044(d)(3)(C) and (G) or the Inmate Work and Training Incentive Program.

Section 3190, clearly states that institutions shall permit inmates to possess in their living quarters . . . personal property items that present no threat to institution security or the safety of persons. Section 3090(b) states that the maximum monthly canteen draw authorized by the Director is \$180. An inmate's regular canteen purchases shall not exceed the limits specified in Section 3044. Section 3044(d)(3)(C) and (G) states privileges for privilege group A, which include maximum monthly canteen draws and receipt of four 30-pound packages per year.

The Department contends that existing regulations allow inmates to possess six (6) cubic feet of authorized personal property. This limit is necessary due to the lack of storage space and constrictive conditions in the inmates' quarters/living area. Restricting the amount of property aids staff in detecting contraband during a cell search and reduces the possibility of fire hazards in the inmate's cell. Inmate cells, quarters/livings areas are typically no larger than 6' x 10' in size. Most cells at the institutions/facilities are not single-celled, but are occupied by two inmates, thereby allowing even less space, and creating an even greater fire hazard if the six (6) cubic feet limit is not adhered to.

The Department contends that expendable items purchased monthly are meant to be consumed or used up, and are not intended to be purchased in bulk quantity. There are also open draws available to inmates so that items may be replaced throughout the month. In addition, the Department is currently standardizing inmate personal property to include exceptions to this limit, including, excess legal material related to an inmate's active case and health care appliances, potentially allowing additional space for canteen purchases and/or inmate packages.

The Department contends that the above referenced CCR sections do not conflict and allow for inmates to possess the maximum amount of food and canteen items authorized.

Pursuant to CCR, Section 3084.1, any inmate may pursue a remedy through the Inmate Appeal process, which they can demonstrate as having an adverse effect upon their welfare.

PROPOSITION 65

**STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
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 7, 2004**

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**

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
Allyl chloride	407051	January 1, 1990
Delisted October 29, 1999	117793	October 1, 1989
2-Aminoanthraquinone	117793	October 1, 1989
p-Aminoazobenzene	60093	January 1, 1990
ortho-Aminoazotoluene	97563	July 1, 1987

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
4-Aminobiphenyl (4-aminodiphenyl)	92671	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989
2-Aminofluorene	153786	January 29, 1999
1-Amino-2-methylanthraquinone	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332214	February 27, 1987
Auramine	492808	July 1, 1987
Azacitidine	320672	January 1, 1992
Azaserine	115026	July 1, 1987
Azathioprine	446866	February 27, 1987
Azobenzene	103333	January 1, 1990
Benz[a]anthracene	56553	July 1, 1987
Benzene	71432	February 27, 1987
Benzidine [and its salts]	92875	February 27, 1987
Benzidine-based dyes	—	October 1, 1990
Benzo[b]fluoranthene	205992	July 1, 1987
Benzo[j]fluoranthene	205823	July 1, 1987
Benzo[k]fluoranthene	207089	July 1, 1987
Benzofuran	271896	October 1, 1990
Benzo[a]pyrene	50328	July 1, 1987
Benzotrichloride	98077	July 1, 1987
Benzyl chloride	100447	January 1, 1990
Benzyl violet 4B	1694093	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996
Bis(2-chloroethyl)ether	111444	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlor-napazine)	494031	February 27, 1987
Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987
Bis(chloromethyl)ether	542881	February 27, 1987
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541454	May 31, 2002
Bromodichloromethane	75274	January 1, 1990
Bromoethane	74964	December 22, 2000

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 19-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Bromoform	75252	April 1, 1991	Chlorozotocin	54749905	January 1, 1992
1,3-Butadiene	106990	April 1, 1988	Chromium (hexavalent compounds)	—	February 27, 1987
1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	Chrysene	218019	January 1, 1990
Butylated hydroxyanisole	25013165	January 1, 1990	C.I. Acid Red 114	6459945	July 1, 1992
beta-Butyrolactone	3068880	July 1, 1987	C.I. Basic Red 9 monohydrochloride	569619	July 1, 1989
Cacodylic acid	75605	May 1, 1996	C.I. Direct Blue 15	2429745	August 26, 1997
Cadmium and cadmium compounds	—	October 1, 1987	C.I. Direct Blue 218	28407376	August 26, 1997
Caffeic acid	331395	October 1, 1994	C.I. Solvent Yellow 14	842079	May 15, 1998
Captafol	2425061	October 1, 1988	Ciclosporin (Cyclosporin A; Cyclosporine)	59865133 79217600	January 1, 1992
Captan	133062	January 1, 1990	Cidofovir	113852372	January 29, 1999
Carbazole	86748	May 1, 1996	Cinnamyl anthranilate	87296	July 1, 1989
Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003	Cisplatin	15663271	October 1, 1988
Carbon tetrachloride	56235	October 1, 1987	Citrus Red No. 2	6358538	October 1, 1989
Carbon-black extracts	—	January 1, 1990	Clofibrate	637070	September 1, 1996
N-Carboxymethyl-N- nitrosourea	60391926	January 25, 2002	Cobalt metal powder	7440484	July 1, 1992
Catechol	120809	July 15, 2003	Cobalt [II] oxide	1307966	July 1, 1992
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	Cobalt sulfate heptahydrate	10026241	June 2, 2000
Certain combined chemotherapy for lymphomas	—	February 27, 1987	Coke oven emissions	—	February 27, 1987
Chlorambucil	305033	February 27, 1987	Conjugated estrogens	—	February 27, 1987
Chloramphenicol	56757	October 1, 1989	Creosotes	—	October 1, 1988
Chlordane	57749	July 1, 1988	para-Cresidine	120718	January 1, 1988
Chlordecone (Kepone)	143500	January 1, 1988	Cupferron	135206	January 1, 1988
Chlordimeform	6164983	January 1, 1989	Cycasin	14901087	January 1, 1988
Chlorendic acid	115286	July 1, 1989	Cyclophosphamide (anhydrous)	50180	February 27, 1987
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989	Cyclophosphamide (hydrated)	6055192	February 27, 1987
p-Chloroaniline	106478	October 1, 1994	Cytembena	21739913	May 15, 1998
p-Chloroaniline hydrochloride	20265967	May 15, 1998	D&C Orange No. 17	3468631	July 1, 1990
Chlorodibromomethane Delisted October 29, 1999	124481	January 1, 1990	D&C Red No. 8	2092560	October 1, 1990
Chloroethane (Ethyl chloride)	75003	July 1, 1990	D&C Red No. 9	5160021	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU)	13010474	January 1, 1988	D&C Red No. 19	81889	July 1, 1990
(Lomustine)			Dacarbazine	4342034	January 1, 1988
1-(2-Chloroethyl)-3-(4- methylcyclohexyl)-1- nitrosourea (Methyl- CCNU)	13909096	October 1, 1988	Daminozide	1596845	January 1, 1990
Chloroform	67663	October 1, 1987	Dantron (Chryszin; 1,8-Dihydroxyanthraqui- none)	117102	January 1, 1992
Chloromethyl methyl ether (technical grade)	107302	February 27, 1987	Daunomycin	20830813	January 1, 1988
3-Chloro-2-methylpropene	563473	July 1, 1989	DDD (Dichlorodiphenyldichloro- ethane)	72548	January 1, 1989
1-Chloro-4-nitrobenzene	100005	October 29, 1999	DDE (Dichlorodiphenyldichloro- ethylene)	72559	January 1, 1989
4-Chloro-ortho-phenylenedia- mine	95830	January 1, 1988	DDT (Dichlorodiphenyltrichloro- ethane)	50293	October 1, 1987
p-Chloro-o-toluidine	95692	January 1, 1990	DDVP (Dichlorvos)	62737	January 1, 1989
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998	N,N'-Diacetylbenzidine	613354	October 1, 1989
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997	2,4-Diaminoanisole	615054	October 1, 1990
Chloroprene	126998	June 2, 2000	2,4-Diaminoanisole sulfate	39156417	January 1, 1988
Chlorothalonil	1897456	January 1, 1989	4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988
Chlorotrianiene	569573	September 1, 1996	2,4-Diaminotoluene	95807	January 1, 1988
			Diaminotoluene (mixed)	—	January 1, 1990
			Dibenz[a,h]acridine	226368	January 1, 1988
			Dibenz[a,j]acridine	224420	January 1, 1988
			Dibenz[a,h]anthracene	53703	January 1, 1988
			7H-Dibenzo[c,g]carbazole	194592	January 1, 1988
			Dibenzo[a,e]pyrene	192654	January 1, 1988
			Dibenzo[a,h]pyrene	189640	January 1, 1988
			Dibenzo[a,i]pyrene	189559	January 1, 1988

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 19-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Dibenzo[a,l]pyrene	191300	January 1, 1988	Diphenylhydantoin (Pheny-		
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987	toin)	57410	January 1, 1988
2,3-Dibromo-1-propanol	96139	October 1, 1994	Diphenylhydantoin (Phenytoin),	630933	January 1, 1988
Dichloroacetic acid	79436	May 1, 1996	sodium salt		
p-Dichlorobenzene	106467	January 1, 1989	Direct Black 38 (technical	1937377	January 1, 1988
3,3'-Dichlorobenzidine	91941	October 1, 1987	grade)		
3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998	Direct Blue 6 (technical	2602462	January 1, 1988
1,4-Dichloro-2-butene	764410	January 1, 1990	grade)		
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988	Direct Brown 95	16071866	October 1, 1988
1,1-Dichloroethane	75343	January 1, 1990	(technical grade)		
Dichloromethane (Methylene chloride)	75092	April 1, 1988	Disperse Blue 1	2475458	October 1, 1990
1,2-Dichloropropane	78875	January 1, 1990	Diuron	330541	May 31, 2002
1,3-Dichloropropene	542756	January 1, 1989	Epichlorohydrin	106898	October 1, 1987
Dieldrin	60571	July 1, 1988	Erionite	12510428	October 1, 1988
Dienestrol	84173	January 1, 1990	Estradiol 17B	50282	January 1, 1988
Diepoxybutane	1464535	January 1, 1988	Estragole	140670	October 29, 1999
Diesel engine exhaust	—	October 1, 1990	Estrone	53167	January 1, 1988
Di(2-ethylhexyl)phthalate	117817	January 1, 1988	Estropipate	7280377	August 26, 1997
1,2-Diethylhydrazine	1615801	January 1, 1988	Ethinylestradiol	57636	January 1, 1988
Diethyl sulfate	64675	January 1, 1988	Ethoprop	13194484	February 27, 2001
Diethylstilbestrol (DES)	56531	February 27, 1987	Ethyl acrylate	140885	July 1, 1989
Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989	Ethyl methanesulfonate	62500	January 1, 1988
Dihydrosafrole	94586	January 1, 1988	Ethyl-4,4'-dichloro-		
Diisopropyl sulfate	2973106	April 1, 1993	benzilate	510156	January 1, 1990
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988	Ethylene dibromide	106934	July 1, 1987
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990	Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987
Dimethyl sulfate	77781	January 1, 1988	Ethylene oxide	75218	July 1, 1987
4-Dimethylaminoazobenzene	60117	January 1, 1988	Ethylene thiourea	96457	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738540	January 1, 1988	Ethyleneimine	151564	January 1, 1988
7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990	Fenoxycarb	72490018	June 2, 2000
3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988	Folpet	133073	January 1, 1989
3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992	Formaldehyde (gas)	50000	January 1, 1988
Dimethylcarbamoyl chloride	79447	January 1, 1988	2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570750	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989	Fumonisin B ₁	116355830	November 14, 2003
1,2-Dimethylhydrazine	540738	January 1, 1988	Furan	110009	October 1, 1993
Dimethylvinylchloride	513371	July 1, 1989	Furazolidone	67458	January 1, 1990
3,7-Dinitrofluoranthene	105735715	August 26, 1997	Furmecyclox	60568050	January 1, 1990
3,9-Dinitrofluoranthene	22506532	August 26, 1997	Fusarin C	79748815	July 1, 1995
1,6-Dinitropyrene	42397648	October 1, 1990	Ganciclovir sodium	82410320	August 26, 1997
1,8-Dinitropyrene	42397659	October 1, 1990	Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996	Gemfibrozil	25812300	December 22, 2000
2,4-Dinitrotoluene	121142	July 1, 1988	Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
2,6-Dinitrotoluene	606202	July 1, 1995	Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730114	January 1, 1990
Di-n-propyl isocinchomerate (MGK Repellent 326)	136458	May 1, 1996	Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730103	January 1, 1990
1,4-Dioxane	123911	January 1, 1988	Glycidaldehyde	765344	January 1, 1988
			Glycidol	556525	July 1, 1990
			Griseofulvin	126078	January 1, 1990
			Gyromitrin (Acetaldehyde methylformylhydrazone)	16568028	January 1, 1988
			HC Blue 1	2784943	July 1, 1989
			Heptachlor	76448	July 1, 1988

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 19-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Heptachlor epoxide	1024573	July 1, 1988	3-Methylcholanthrene	56495	January 1, 1990
Hexachlorobenzene	118741	October 1, 1987	5-Methylchrysene	3697243	April 1, 1988
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	4,4'-Methylene bis (2-chloroaniline)	101144	July 1, 1987
Hexachlorodibenzo-dioxin	34465468	April 1, 1988	4,4'-Methylene bis(N,N-dimethyl)benzenamine	101611	October 1, 1989
Hexachloroethane	67721	July 1, 1990	4,4'-Methylene bis (2-methylaniline)	838880	April 1, 1988
Hexamethylphosphoramide	680319	January 1, 1988	4,4'-Methylenedianiline	101779	January 1, 1988
Hydrazine	302012	January 1, 1988	4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988
Hydrazine sulfate	10034932	January 1, 1988	Methyleugenol	93152	November 16, 2001
Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988	Methylhydrazine and its salts	—	July 1, 1992
Indeno [1,2,3-cd]pyrene	193395	January 1, 1988	Methyl iodide	74884	April 1, 1988
Indium phosphide	22398807	February 27, 2001	Methylmercury compounds	—	May 1, 1996
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990	Methyl methanesulfonate	66273	April 1, 1988
Iprodione	36734197	May 1, 1996	2-Methyl-1-nitroanthraquinone (of uncertain purity)	129157	April 1, 1988
Iron dextran complex	9004664	January 1, 1988	N-Methyl-N'-nitro-N-nitrosoguanidine	70257	April 1, 1988
Isobutyl nitrite	542563	May 1, 1996	N-Methylolacrylamide	924425	July 1, 1990
Isoprene	78795	May 1, 1996	Methylthiouracil	56042	October 1, 1989
Isosafrole	120581	October 1, 1989	Metiram	9006422	January 1, 1990
Isoxaflutole	141112290	December 22, 2000	Metronidazole	443481	January 1, 1988
Lactofen	77501634	January 1, 1989	Michler's ketone	90948	January 1, 1988
Lasiocarpine	303344	April 1, 1988	Mirex	2385855	January 1, 1988
Lead acetate	301042	January 1, 1988	Mitomycin C	50077	April 1, 1988
Lead and lead compounds	—	October 1, 1992	Monocrotaline	315220	April 1, 1988
Lead phosphate	7446277	April 1, 1988	5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxalolidinone	139913	April 1, 1988
Lead subacetate	1335326	October 1, 1989	Mustard Gas	505602	February 27, 1987
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989	MX (3-chloro-4-dichloromethyl-5-hydroxy-2(5H)-furanone)	77439760	December 22, 2000
Lynestrenol	52766	February 27, 2001	Nafenopin	3771195	April 1, 1988
Mancozeb	8018017	January 1, 1990	Nalidixic acid	389082	May 15, 1998
Maneb	12427382	January 1, 1990	Naphthalene	91203	April 19, 2002
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990	1-Naphthylamine	134327	October 1, 1989
Medroxyprogesterone acetate	71589	January 1, 1990	2-Naphthylamine	91598	February 27, 1987
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994	Nickel (Metallic)	7440020	October 1, 1989
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500040	October 1, 1994	Nickel acetate	373024	October 1, 1989
Melphalan	148823	February 27, 1987	Nickel carbonate	3333673	October 1, 1989
Merphalan	531760	April 1, 1988	Nickel carbonyl	13463393	October 1, 1987
Mestranol	72333	April 1, 1988	Nickel compounds	—	May 7, 2004
Metham sodium	137428	November 6, 1998	Nickel hydroxide	12054487;	October 1, 1989
8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987	Nickelocene	12125563	October 1, 1989
5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988	Nickel oxide	1271289	October 1, 1989
2-Methylaziridine (Propyleneimine)	75558	January 1, 1988	Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Methylazoxymethanol	590965	April 1, 1988	Nickel subsulfide	12035722	October 1, 1987
Methylazoxymethanol acetate	592621	April 1, 1988	Niridazole	61574	April 1, 1988
Methyl carbamate	598550	May 15, 1998	Nitrotriacetic acid	139139	January 1, 1988
			Nitrotriacetic acid, tri-sodium salt monohydrate	18662538	April 1, 1989
			5-Nitroacenaphthene	602879	April 1, 1988
			5-Nitro-o-anisidine	99592	October 1, 1989
			o-Nitroanisole	91236	October 1, 1992
			Nitrobenzene	98953	August 26, 1997
			4-Nitrobiphenyl	92933	April 1, 1988
			6-Nitrochrysene	7496028	October 1, 1990

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 19-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Nitrofen (technical grade)	1836755	January 1, 1988	Phenazopyridine hydrochloride	136403	January 1, 1988
2-Nitrofluorene	607578	October 1, 1990	Phenesterin	3546109	July 1, 1989
Nitrofurazone	59870	January 1, 1990	Phenobarbital	50066	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555840	April 1, 1988	Phenolphthalein	77098	May 15, 1998
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531828	April 1, 1988	Phenoxybenzamine	59961	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	Phenoxybenzamine hydrochloride	63923	April 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	o-Phenylenediamine and its salts	95545	May 15, 1998
Nitrogen mustard N-oxide	126852	April 1, 1988	Phenyl glycidyl ether	122601	October 1, 1990
Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988	Phenylhydrazine and its salts	—	July 1, 1992
Nitromethane	75525	May 1, 1997	o-Phenylphenate, sodium	132274	January 1, 1990
2-Nitropropane	79469	January 1, 1988	o-Phenylphenol	90437	August 4, 2000
1-Nitropyrene	5522430	October 1, 1990	PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650235	October 1, 1994
4-Nitropyrene	57835924	October 1, 1990	Polybrominated biphenyls	—	January 1, 1988
N-Nitrosodi-n-butylamine	924163	October 1, 1987	Polychlorinated biphenyls	—	October 1, 1989
N-Nitrosodiethanolamine	1116547	January 1, 1988	Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
N-Nitrosodiethylamine	55185	October 1, 1987	Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
N-Nitrosodimethylamine	62759	October 1, 1987	Polychlorinated dibenzofurans	—	October 1, 1992
p-Nitrosodiphenylamine	156105	January 1, 1988	Polygeenan	53973981	January 1, 1988
N-Nitrosodiphenylamine	86306	April 1, 1988	Ponceau MX	3761533	April 1, 1988
N-Nitrosodi-n-propylamine	621647	January 1, 1988	Ponceau 3R	3564098	April 1, 1988
N-Nitroso-N-ethylurea	759739	October 1, 1987	Potassium bromate	7758012	January 1, 1990
3-(N-Nitrosomethylamino)propionitrile	60153493	April 1, 1990	Primidone	125337	August 20, 1999
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091914	April 1, 1990	Procarbazine	671169	January 1, 1988
N-Nitrosomethylethylamine	10595956	October 1, 1989	Procarbazine hydrochloride	366701	January 1, 1988
N-Nitroso-N-methylurea	684935	October 1, 1987	Procymidone	32809168	October 1, 1994
N-Nitroso-N-methylurethane	615532	April 1, 1988	Progesterone	57830	January 1, 1988
N-Nitrosomethylvinylamine	4549400	January 1, 1988	Pronamide	23950585	May 1, 1996
N-Nitrosomorpholine	59892	January 1, 1988	Propachlor	1918167	February 27, 2001
N-Nitrosornicotine	16543558	January 1, 1988	1,3-Propane sultone	1120714	January 1, 1988
N-Nitrosopiperidine	100754	January 1, 1988	Propargite	2312358	October 1, 1994
N-Nitrosopyrrolidine	930552	October 1, 1987	beta-Propiolactone	57578	January 1, 1988
N-Nitrososarcosine	13256229	January 1, 1988	Propylene oxide	75569	October 1, 1988
o-Nitrotoluene	88722	May 15, 1998	Propylthiouracil	51525	January 1, 1988
Norethisterone (Norethindrone)	68224	October 1, 1989	Pyridine	110861	May 17, 2002
Norethynodrel	68235	February 27, 2001	Quinoline and its strong acid salts	—	October 24, 1997
Ochratoxin A	303479	July 1, 1990	Radionuclides	—	July 1, 1989
Oil Orange SS	2646175	April 1, 1988	Reserpine	50555	October 1, 1989
Oral contraceptives, combined	—	October 1, 1989	Residual (heavy) fuel oils	—	October 1, 1990
Oral contraceptives, sequential	—	October 1, 1989	Saccharin		
Oxadiazon	19666309	July 1, 1991	<u>Delisted April 6, 2001</u>	81072	October 1, 1989
Oxazepam	604751	October 1, 1994	Saccharin, sodium		
Oxymetholone	434071	January 1, 1988	<u>Delisted January 17, 2003</u>	428449	January 1, 1988
Oxythioquinox	2439012	August 20, 1999	Safrole	94597	January 1, 1988
Palygorskite fibers (>5µm in length)	12174117	December 28, 1999	Salicylazosulfapyridine	599791	May 15, 1998
Panfuran S	794934	January 1, 1988	Selenium sulfide	7446346	October 1, 1989
Pentachlorophenol	87865	January 1, 1990	Shale-oils	68308349	April 1, 1990
Phenacetin	62442	October 1, 1989	Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Phenazopyridine	94780	January 1, 1988	Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 19-Z

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Spirolactone	52017	May 1, 1997
Stanozolol	10418038	May 1, 1997
Sterigmatocystin	10048132	April 1, 1988
Streptozotocin (streptozocin)	18883664	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96093	October 1, 1988
Sulfallate	95067	January 1, 1988
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540291	September 1, 1996
Terrazole	2593159	October 1, 1994
Testosterone and its esters	58220	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988
1,1,2,2-Tetrachloroethane	79345	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988
p-a,a,a-Tetrachloro-toluene	5216251	January 1, 1990
Tetrafluoroethylene	116143	May 1, 1997
Tetra nitromethane	509148	July 1, 1990
Thioacetamide	62555	January 1, 1988
4,4'-Thiodianiline	139651	April 1, 1988
Thiodicarb	59669260	August 20, 1999
Thiourea	62566	January 1, 1988
Thorium dioxide	1314201	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471625	October 1, 1989
ortho-Toluidine	95534	January 1, 1988
ortho-Toluidine hydrochloride	636215	January 1, 1988
para-Toluidine	—	—
<u>Delisted October 29, 1999</u>	<u>406490</u>	<u>January 1, 1990</u>
Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Treosulfan	299752	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Trichloroethylene	79016	April 1, 1988
2,4,6-Trichlorophenol	88062	January 1, 1988
1,2,3-Trichloropropane	96184	October 1, 1992
Trimethyl phosphate	512561	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76879	July 1, 1992
Tris(aziridiny)-para-benzoquinone (Triaziuone)	68768	October 1, 1989
Tris(1-aziridiny)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Tris(2-chloroethyl) phosphate	115968	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126727	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Trypan blue (commercial grade)	72571	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66751	April 1, 1988
Urethane (Ethyl carbamate)	51796	January 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Vinclozolin	50471448	August 20, 1999
Vinyl bromide	593602	October 1, 1988
Vinyl chloride	75014	February 27, 1987
4-Vinylcyclohexene	100403	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Vinyl fluoride	75025	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991
Zileuton	111406872	December 22, 2000
Zineb	—	—
<u>Delisted October 29, 1999</u>	<u>42422677</u>	<u>January 1, 1990</u>

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisidione	developmental	117373	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	50782	July 1, 1990
Atenolol	developmental	29122687	August 26, 1997
Auranofin	developmental	34031328	January 29, 1999
Azathioprine	developmental	446866	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534098	May 15, 1998
Benomyl	developmental, male	17804352	July 1, 1991
Benzene	developmental, male	71432	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990
Bromacil lithium salt	developmental, male	53404196	May 18, 1999
Bromoxynil	developmental	1689845	October 1, 1990

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 19-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Bromoxynil octanoate	developmental	1689992	May 18, 1999	Diffunisal	developmental, female	22494424	January 29, 1999
Butabarbital sodium	developmental	143817	October 1, 1992	Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
1,3-Butadiene	developmental, female, male	106990	April 16, 2004	Diltiazem hydrochloride	developmental	33286225	February 27, 2001
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989	<i>m</i> -Dinitrobenzene	male	99650	July 1, 1990
Cadmium	developmental, male	—	May 1, 1997	<i>o</i> -Dinitrobenzene	male	528290	July 1, 1990
Carbamazepine	developmental	298464	January 29, 1999	<i>p</i> -Dinitrobenzene	male	100254	July 1, 1990
Carbon disulfide	developmental, female, male	75150	July 1, 1989	2,4-Dinitrotoluene	male	121142	August 20, 1999
Carbon monoxide	developmental	630080	July 1, 1989	2,6-Dinitrotoluene	male	606202	August 20, 1999
Carboplatin	developmental	41575944	July 1, 1990	Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Chenodiol	developmental	474259	April 1, 1990	Dinocap	developmental	39300453	April 1, 1990
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998	Dinoseb	developmental, male	88857	January 1, 1989
Chlorambucil	developmental	305033	January 1, 1989	Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987	Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999
Chlordecone (Kepone)	developmental	143500	January 1, 1989	Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999
Chlordiazepoxide	developmental	58253	January 1, 1992	Doxycycline (internal use)	developmental	564250	July 1, 1990
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992	Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990	Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999	Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991
Cidofovir	developmental, female, male	113852372	January 29, 1999	Endrin	developmental	72208	May 15, 1998
Cladribine	developmental	4291638	September 1, 1996	Epichlorohydrin	male	106898	September 1, 1996
Clarithromycin	developmental	81103119	May 1, 1997	Ergotamine tartrate	developmental	379793	April 1, 1990
Clobetasol propionate	developmental, female	25122467	May 15, 1998	Estropipate	developmental	7280377	August 26, 1997
Clomiphene citrate	developmental	50419	April 1, 1990	Ethionamide	developmental	536334	August 26, 1997
Clorazepate dipotassium	developmental	57109907	October 1, 1992	Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Cocaine	developmental, female	50362	July 1, 1989	Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999
Codeine phosphate	developmental	52288	May 15, 1998	Ethylene dibromide	developmental, male	106934	May 15, 1998
Colchicine	developmental, male	64868	October 1, 1992	Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989
Conjugated estrogens	developmental	—	April 1, 1990	Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989
Cyanazine	developmental	21725462	April 1, 1990	Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993
Cycloate	developmental	1134232	March 19, 1999	Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993
Cyclohexanol	male	108930	November 6, 1998	Ethylene oxide	female	75218	February 27, 1987
Delisted January 25, 2002				Ethylene thiourea	developmental	96457	January 1, 1993
Cycloheximide	developmental	66819	January 1, 1989	Etodolac	developmental, female	41340254	August 20, 1999
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989	Etoposide	developmental	33419420	July 1, 1990
Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989	Etretinate	developmental	54350480	July 1, 1987
Cyhexatin	developmental	13121705	January 1, 1989	Fenoxaprop ethyl	developmental	66441234	March 26, 1999
Cytarabine	developmental	147944	January 1, 1989	Filgrastim	developmental	121181531	February 27, 2001
Dacarbazine	developmental	4342034	January 29, 1999	Fluazifop butyl	developmental	69806504	November 6, 1998
Danazol	developmental	17230885	April 1, 1990	Flunisolide	developmental, female	3385033	May 15, 1998
Daunorubicin hydrochloride	developmental	23541506	July 1, 1990	Fluorouracil	developmental	51218	January 1, 1989
2,4-D butyric acid	developmental, male	94826	June 18, 1999	Fluoxymesterone	developmental	76437	April 1, 1990
<i>o,p'</i> -DDT	developmental, female, male	789026	May 15, 1998	Flurazepam hydrochloride	developmental	1172185	October 1, 1992
<i>p,p'</i> -DDT	developmental, female, male	50293	May 15, 1998	Flurbiprofen	developmental, female	5104494	August 20, 1999
2,4-DP (dichloroprop)	developmental	120365	April 27, 1999	Flutamide	developmental	13311847	July 1, 1990
Delisted January 25, 2002				Fluticasone propionate	developmental	80474142	May 15, 1998
Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992	Fluvalinate	developmental	69409945	November 6, 1998
Diazepam	developmental	439145	January 1, 1992	Ganciclovir sodium	developmental, male	82410320	August 26, 1997
Diazoxide	developmental	364987	February 27, 2001	Gemfibrozil	female, male	25812300	August 20, 1999
1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987	Goserelin acetate	developmental, female, male	65807025	August 26, 1997
Dichlorophene	developmental	97234	April 27, 1999	Halazepam	developmental	23092173	July 1, 1990
Dichlorophenamide	developmental	120978	February 27, 2001	Halobetasol propionate	developmental	66852548	August 20, 1999
Diclofop methyl	developmental	51338273	March 5, 1999	Haloperidol	developmental, female	52868	January 29, 1999
Dicumarol	developmental	66762	October 1, 1992	Halothane	developmental	151677	September 1, 1996
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117817	October 24, 2003	Heptachlor	developmental	76448	August 20, 1999
Diethylstilbestrol (DES)	developmental	56531	July 1, 1987	Hexachlorobenzene	developmental	118741	January 1, 1989

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 19-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Hexamethylphosphoramide	male	680319	October 1, 1994	Norethisterone	developmental	68224/72333	April 1, 1990
Histrelin acetate	developmental	—	May 15, 1998	(Norethindrone)/Mestranol			
Hydramethylnon	developmental, male	67485294	March 5, 1999	Norgestrel	developmental	6533002	April 1, 1990
Hydroxyurea	developmental	127071	May 1, 1997	Oxadiazon	developmental	19666309	May 15, 1998
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Oxazepam	developmental	604751	October 1, 1992
Ifosfamide	developmental	3778732	July 1, 1990	Oxydemeton methyl	female, male	301122	November 6, 1998
Iodine-131	developmental	10043660	January 1, 1989	Oxymetholone	developmental	434071	May 1, 1997
Isotretinoin	developmental	4759482	July 1, 1987	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Lead	developmental, female, male	—	February 27, 1987	Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Paclitaxel	developmental, female, male	33069624	August 26, 1997
Levodopa	developmental	59927	January 29, 1999	Paramethadione	developmental	115673	July 1, 1990
Levonorgestrel implants	female	797637	May 15, 1998	Penicillamine	developmental	52675	January 1, 1991
Linuron	developmental	330552	March 19, 1999	Pentobarbital sodium	developmental	57330	July 1, 1990
Lithium carbonate	developmental	554132	January 1, 1991	Pentostatin	developmental	53910251	September 1, 1996
Lithium citrate	developmental	919164	January 1, 1991	Phenacemide	developmental	63989	July 1, 1990
Lorazepam	developmental	846491	July 1, 1990	Phenprocoumon	developmental	435972	October 1, 1992
Lovastatin	developmental	75330755	October 1, 1992	Pimozide	developmental, female	2062784	August 20, 1999
Mebendazole	developmental	31431397	August 20, 1999	Pipobroman	developmental	54911	July 1, 1990
Medroxyprogesterone acetate	developmental	71589	April 1, 1990	Plicamycin	developmental	18378897	April 1, 1990
Megestrol acetate	developmental	595335	January 1, 1991	Polybrominated biphenyls	developmental	—	October 1, 1994
Melphalan	developmental	148823	July 1, 1990	Polychlorinated biphenyls	developmental	—	January 1, 1991
Menotropins	developmental	9002680	April 1, 1990	Potassium dimethyldithiocarbamate	developmental	128030	March 30, 1999
Meprobamate	developmental	57534	January 1, 1992	Pravastatin sodium	developmental	81131706	March 3, 2000
Mercaptopurine	developmental	6112761	July 1, 1990	Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Mercury and mercury compounds	developmental	—	July 1, 1990	Procarbazine hydrochloride	developmental	366701	July 1, 1990
Methacycline hydrochloride	developmental	3963959	January 1, 1991	Propargite	developmental	2312358	June 15, 1999
Metham sodium	developmental	137428	May 15, 1998	Propylthiouracil	developmental	51525	July 1, 1990
Methazole	developmental	20354261	December 1, 1999	Pyrimethamine	developmental	58140	January 29, 1999
Methimazole	developmental	60560	July 1, 1990	Quazepam	developmental	36735225	August 26, 1997
Methotrexate	developmental	59052	January 1, 1989	Quizalofop-ethyl	male	76578148	December 24, 1999
Methotrexate sodium	developmental	15475566	April 1, 1990	Resmethrin	developmental	10453868	November 6, 1998
Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993	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
Methyl chloride	developmental	74873	March 10, 2000	Ribavirin	developmental, male	36791045	April 1, 1990
Methyl mercury	developmental	—	July 1, 1987			36791045	February 27, 2001
N-Methylpyrrolidone	developmental	872504	June 15, 2001	Rifampin	developmental, female	13292461	February 27, 2001
Methyltestosterone	developmental	58184	April 1, 1990	Secobarbital sodium	developmental	309433	October 1, 1992
Metiram	developmental	9006422	March 30, 1999	Sermorelin acetate	developmental	—	August 20, 1999
Midazolam hydrochloride	developmental	59467968	July 1, 1990	Sodium	developmental	128041	March 30, 1999
Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992	dimethyldithiocarbamate			
Misoprostol	developmental	59122462	April 1, 1990	Sodium fluoroacetate	male	62748	November 6, 1998
Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990	Streptomycin sulfate	developmental	3810740	January 1, 1991
Myclobutanol	developmental, male	88671890	April 16, 1999	Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Nabam	developmental	142596	March 30, 1999	Sulfasalazine	male	599791	January 29, 1999
Nafarelin acetate	developmental	86220420	April 1, 1990	Sulindac	developmental, female	38194502	January 29, 1999
Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992	Tamoxifen citrate	developmental	54965241	July 1, 1990
Netilmicin sulfate	developmental	56391572	July 1, 1990	Temazepam	developmental	846504	April 1, 1990
Nickel carbonyl	developmental	13463393	September 1, 1996	Teniposide	developmental	29767202	September 1, 1996
Nicotine	developmental	54115	April 1, 1990	Terbacil	developmental	5902512	May 18, 1999
Nifedipine	developmental, female, male	21829254	January 29, 1999	Testosterone cypionate	developmental	58208	October 1, 1991
Nimodipine	developmental	66085594	April 24, 2001	Testosterone enanthate	developmental	315377	April 1, 1990
Nitrapyrin	developmental	1929824	March 30, 1999	2,3,7,8-Tetrachlorodibenzo- paradoxin (TCDD)	developmental	1746016	April 1, 1991
Nitrofurantoin	male	67209	April 1, 1991	Tetracycline (internal use)	developmental	60548	October 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989	Tetracyclines (internal use)	developmental	—	October 1, 1992
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990				
Norethisterone (Norethindrone)	developmental	68224	April 1, 1990				
Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991				
Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990				

Chemical	Type of Reproductive Toxicity	CAS No.	Date Listed
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	97048130	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: May 7, 2004

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

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

NOTICE TO INTERESTED PARTIES

**CHEMICAL LISTED EFFECTIVE May 7, 2004
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *nickel compounds* to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5, Proposition 65). The listing of *nickel compounds* is effective **May 7, 2004**.

“Nickel and certain nickel compounds” were added to the Proposition 65 list October 1, 1989 by reference to Labor Code Sections 6382(b)(1) and (d) as required by Health and Safety Code Section 25249.8(a). The law requires that certain substances identified by the International Agency for Research on Cancer (IARC)

or the National Toxicology Program (NTP), as described in Labor Code Section 6382(b)(1) and Labor Code Section 6382(d) be included on the Proposition 65 list. IARC and NTP have updated their prior listing, from “nickel and certain nickel compounds” to “metallic nickel” and “nickel compounds.” OEHHA is therefore updating the Proposition 65 list to conform to the language in the IARC classifications and the new listing designations in NTP’s Report on Carcinogens, as required by law.

The basis for the update of “nickel compounds” on the Proposition 65 list was described in OEHHA’s Request for Comment on Proposed Listing of Nickel Compounds as Known to Cause Cancer published in the June 6, 2003, issue of the *California Regulatory Notice Register* (Register 2003, No. 23-Z). Briefly, both IARC and NTP have identified nickel compounds, as a group, as carcinogens. Specifically, IARC issued the monograph *Chromium, Nickel and Welding* (Volume 49) in 1990 in its series *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*, and classified “nickel compounds” as “carcinogenic to humans (Group 1)” and NTP released its *Tenth Report on Carcinogens* in 2002 in which it included “nickel compounds” on the list of substances “known to be human carcinogens.”

For the purposes of clarification, OEHHA notes that nickel alloys are distinct from nickel compounds, and are not included in the Proposition 65 listing of *nickel compounds*. A nickel compound is a substance consisting of nickel and one or more other elements combined in definite proportions (e.g., by ionic or covalent bonds). A nickel alloy is a mixture of nickel with one or more other elements, typically produced by mixing molten nickel with other substances. The atoms in an alloy are not covalently or ionically bonded in fixed ratios.

As indicated in Title 22 of the California Code of Regulations Section 12707(b)(5), for purposes of Proposition 65, nickel and nickel compounds present no significant risk of cancer by the route of ingestion.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by

contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339; (916) 323-6225; FAX (916) 323-6826. Please request by OAL file number.

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
(Gov. Code, sec. 11349.3)
OAL File No. 03-0308-01 S**

**DECISION OF DISAPPROVAL OF
RULEMAKING ACTION**

In re:

AGENCY: BOARD OF PHARMACY

REGULATORY ACTION: Title 16, California Code of Regulations (CCR)

Adopt: 1751.01, 1751.02, Amend: 1751, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.9

Repeal: 1751.8

DECISION SUMMARY

This action implements SB 293 (Chap. 827, Stats. 2001) by establishing required standards for compounding injectable sterile drug products.

On April 20, 2004, the Office of Administrative Law ("OAL") disapproved the proposed adoption, amendment and repeal of the above-cited sections in Title 16, California Code of Regulations ("CCR") for failing to follow the procedures required by the Administrative Procedure Act ("APA").

Date: April 27, 2004

GORDON R. YOUNG
Senior Staff Counsel

For: **EDWARD G. HEIDIG**
Director

Original: Patricia Harris, Executive Officer
cc: Paul Rich

cc: Stan Nishimura, Executive Director, California Building Standards Commission

**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.

AIR RESOURCES BOARD
Off-Highway Recreational Vehicles

This action delays application of the previously adopted seasonal closure of public off-highway vehicle areas to some off-highway recreational vehicles, by grandfathering vehicles manufactured prior to the 2003 model year, thus conferring on them eligibility for a green sticker, and leaving its provisions intact for 2003 and later model year off-highway motorcycles and ATVs.

Title 13
California Code of Regulations
AMEND: 2415
Filed 04/28/04
Effective 05/28/04
Agency Contact:
Aron Livingston (916) 322-2884

BOARD OF EDUCATION
Golden State Seal Merit Diploma

The regulatory action deals with the requirements for the Golden State Seal Merit Diploma.

Title 5
California Code of Regulations
ADOPT: 876
Filed 04/22/04
Effective 04/22/04
Agency Contact: Debra Strain (916) 319-0641

**CALIFORNIA LABOR AND WORKFORCE
DEVELOPMENT AGENCY**
Procedure and Form Changes to Record Hearing Loss

This action amends occupational injury and illness reporting criteria for reporting hearing loss and musculoskeletal disorders to comply with Federal OSHA mandates.

Title 8
California Code of Regulations
AMEND: 14300.10, 14300.12, 14300.29, Appendix A, Appendix B, Appendix D, Appendix E
Filed 04/23/04
Effective 04/23/04
Agency Contact:
Robert Nakamura (415) 703-5160

**CALIFORNIA TAX CREDIT ALLOCATION
COMMITTEE**
Low Income Housing Tax Credit

The emergency regulations provide for the allocation of low-income housing tax credits as authorized by federal and state law. Pursuant to Health and Safety Code section 50199.17, this emergency regulatory

action became effective on February 18, 2004 when the emergency regulations were adopted by the California Tax Credit Allocation Committee .

Title 4

California Code of Regulations

ADOPT: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337

Filed 04/26/04

Effective 02/18/04

Agency Contact: Jeanne L. Peterson

CAL-PERS

Retirement Optional Settlement 4

The regulatory action deals with Retirement Optional Settlement 4.

Title 2

California Code of Regulations

ADOPT: 585

Filed 04/26/04

Effective 05/26/04

Agency Contact: Marilyn Clark (916) 326-3007

DEPARTMENT OF CORPORATIONS

Conflict of Interest Code

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

Title 10

California Code of Regulations

AMEND: 250.30

Filed 04/26/04

Effective 05/26/04

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF FOOD AND AGRICULTURE

Engine Fuel Specifications

This action adopts ASTM standards for blends of gasoline and methanol and ethanol, and for biodiesel blending stock that is blended with diesel fuel, and conforms the standard limiting the vapor pressure of fuel for spark-ignition engines with the standard set by the Air Resources Board.

Title 4

California Code of Regulations

ADOPT: 4145, 4146, 4147, 4148 AMEND: 4140

Filed 04/22/04

Effective 05/22/04

Agency Contact: David Lazier (916) 229-3044

DEPARTMENT OF FOOD AND AGRICULTURE

Cattle Health Advisory Task Force

This action would amend the title of the Department's "Cattle Health Advisory Committee" to "Cattle Health Advisory Task Force" to be consistent with Food and Agriculture Code section 10610. In

addition, the Department is amending the duties of the Committee's (proposed "Task Force") review of not only the "bovine trichomonosis control program," but to any bovine disease control or eradication program, which is consistent with the language of F & A Code section 10610. In addition, this action moves the section from an Article dealing solely with the bovine trichomonosis control program to its own Article and renumbers another section.

Title 3

California Code of Regulations

ADOPT: 797.5 AMEND: 820.8 REPEAL: 820.7

Filed 04/23/04

Effective 04/23/04

Agency Contact: Nancy Grillo (916) 651-7280

DEPARTMENT OF FOOD AND AGRICULTURE

Assessments for Control of Beet Leafhopper

In this emergency regulatory action, the Department of Food and Agriculture amends its schedule of the assessment rates applicable to the funding of the beet leafhopper control program provided under Food and Agricultural Code sections 6031 through 6043.

Title 3

California Code of Regulations

AMEND: 3601(g)

Filed 04/26/04

Effective 07/01/04

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF HEALTH SERVICES

Upper Billing Limit

This filing is a certificate of compliance for emergency regulatory actions that made changes to the Medi-Cal billing system including requiring that billings by providers for medical supplies, incontinence medical supplies, and durable medical equipment not exceed the lesser of the usual charges to the general public or the net purchase price plus no more than a 100% markup. The emergency regulatory actions were deemed an emergency by the Legislature and exempt from review by the Office of Administrative Law pursuant to section 14043.75(a) of the Welfare and Institutions Code.

Title 22

California Code of Regulations

ADOPT: 51008.1 AMEND: 51104, 51520, 51521

Filed 04/26/04

Effective 04/26/04

Agency Contact:

Jasmin Delacruz

(916) 657-0501

DEPARTMENT OF HEALTH SERVICES

Drug Medi-Cal Rates for Fiscal Year 2002-2003

This emergency regulatory action updates the Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for Fiscal Year (FY) 2002-2003.

Title 22
 California Code of Regulations
 AMEND: 51516.1
 Filed 04/22/04
 Effective 04/22/04
 Agency Contact:
 Jasmin Delacruz (916) 657-0501

DEPARTMENT OF JUSTICE
 Reserve Fund Statute Complementary Legislation
 AB71

This emergency rulemaking action establishes the procedures to be followed by all tobacco product manufacturers that wish to sell cigarettes or roll your own tobacco in California. The regulations specify the certification process for inclusion on the directory of compliant tobacco product manufacturers and their cigarettes or roll your own tobacco; specify the conditions under which a manufacturer must provide supplemental certifications; specify requirements for record retention and production of documents by manufacturers, distributors and wholesalers; specify the circumstances under which manufacturers must certify and make escrow deposits more frequently than on an annual basis; specify additional requirements for nonparticipating manufacturers who are non-resident or foreign and who are not registered to do business in California; clarify certain duties of distributors and the conditions for claiming certain protections under Revenue and Taxation Code section 30165.1; and, specify the conditions a manufacturer that has been removed from the directory must satisfy if it seeks to be relisted with its brand families.

Title 11
 California Code of Regulations
 ADOPT: 999.15, 999.16, 999.17, 999.18, 999.19, 999.20, 999.21, 999.22, 999.23 AMEND: 999.10, 999.11, 999.12, 999.13, 999.14 REPEAL: Appendix A
 Filed 04/26/04
 Effective 04/26/04
 Agency Contact: Nancy Wagner (916) 323-3724

DEPARTMENT OF PESTICIDE REGULATION
 Civil Penalty Actions By Commissioners

County Agricultural Commissioners may fine any person (e.g., pesticide user, pest control business, pest control adviser, or pesticide dealer) for a violation of certain sections of the Food and Agricultural Code. Existing regulation section 6130 specifies three types of violations for which civil penalties may be levied and the range of fines that may be assessed. The amount of fines is related to the seriousness of the violation and the potential for harm to public health, worker safety, or the environment. This rulemaking action restructures the fine range for the three categories of fines to reflect an increase in the

statutory maximum civil penalty. The action also overlaps the fine ranges to allow Commissioners the option of selecting from a wider range of fines while remaining in the same violation class, depending upon the seriousness of the violation.

Title 3
 California Code of Regulations
 AMEND: 6130
 Filed 04/26/04
 Effective 05/26/04
 Agency Contact: Roy Hirose (916) 445-4017

DEPARTMENT OF PESTICIDE REGULATION
 Ground Water Protection

This action repeals the current Pesticide Management Zones (PMZs) and adopts a new ground water protection system based upon soils type and depth to ground water. This action is the resubmittal of OAL file number 03-1016-01S.

Title 3
 California Code of Regulations
 ADOPT: 6487.1, 6487.2, 6487.3, 6487.4, 6487.5, 6609 AMEND: 6000, 6416, 6800, 6486.6 REPEAL: 6486.1, 6486.2, 6486.3, 6486.4, 6486.5, 6486.8, 6557, 6570, 6802
 Filed 04/27/04
 Effective 05/27/04
 Agency Contact: Mark Pepple (916) 324-4086

DEPARTMENT OF SOCIAL SERVICES
 Community Care Licensing (CCL) Transitional
 Housing Placement Program

AB 427 (Chapter 125, Statutes of 2001) provides for the licensing of transitional housing placement programs which are intended to provide opportunities for youth to develop independent living skills and employment skills improving their chances of success in society as adults living independently. This filing is a readoption of an emergency regulatory action which implemented AB 427 by specifying the requirements for transitional housing placement programs and is deemed an emergency and exempt from review by the Office of Administrative Law pursuant to section 13 of AB 427.

Title 22, MPP
 California Code of Regulations
 ADOPT: 86000, 86001, 86005, 86009, 86010, 86018, 86020, 86022, 86023, 86024, 86028, 86030.5, 86031.5, 86036, 86044, 86044.5, 86045, 86061, 86064, 86065, 86065.2, 86065.3, 86065.4, 86065.5, 86066, 86068.1, 86068.2, 86068.3, 86068.4, 86070, 86072, 86073, 8
 Filed 04/26/04
 Effective 04/26/04
 Agency Contact:
 Maureen Miyamura (916) 653-1925

DEPARTMENT OF SOCIAL SERVICES
Restaurant Meals for the Homeless, Elderly and Disabled

This regulatory action would implement changes in the federal regulation as a county option to allow eligible homeless, elderly, and disabled persons under a CDSS approved restaurant meals program to use food stamp benefits to purchase meals from FNS authorized restaurants.

Title MPP
California Code of Regulations
AMEND: 63-102, 63-504
Filed 04/22/04
Effective 04/22/04
Agency Contact:
Maureen Miyamura (916) 653-1925

DIVISION OF WORKERS COMPENSATION
Workers' Compensation—Collective Bargaining Agreements

Labor Code section 3201.7 as adopted 1/1/04 allows unions and employers who have a collective bargaining relationship to agree on a labor-management agreement that may establish, among other things, an alternative dispute resolution process in place of existing procedures required under the Labor Code and an exclusive list of medical providers and medical-legal evaluators. This emergency regulatory action implements the statute.

Title 8
California Code of Regulations
ADOPT: 10202.1, 10203.1, 10203.2 AMEND:
10200, 10201, 10203, 10204
Filed 04/22/04
Effective 04/22/04
Agency Contact: James Robbins (415) 703-4600

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
Reduction in Special Fee Charged to Hospitals and Long Term Care Facilities

This action reduces the special fee that health facilities and long-term care facilities are charged to support the California Health Data and Planning Fund and the work of the office.

Title 22
California Code of Regulations
AMEND: 90417
Filed 04/26/04
Effective 04/26/04
Agency Contact:
Kenrick J. Kwong (916) 323-7681

RESPIRATORY CARE BOARD
Technical Amendments and Education

In this regulatory action, the Respiratory Care Board of California adopts, amends, and repeals

regulations relating to educational requirements, continuing education, education waiver criteria, fees, and other matters affecting respiratory care practitioners.

Title 16
California Code of Regulations
ADOPT: 1399.330, 1399.349, 1399.352.5
AMEND: 1399.301, 1399.321, 1399.350,
1399.351, 1399.352, 1399.353, 1399.356, 1399.395
REPEAL: 1399.330, 1399.331, 1399.333
Filed 04/22/04
Effective 05/22/04
Agency Contact:
Christine Molina (916) 323-9983

STATE CONTROLLER'S OFFICE
Conflict of Interest Code

The California State Controllers Office is amending its conflict of interest code found at the captioned citation (2 CCR 1142). The changes were approved for filing by the Fair Political Practices Commission on May 23, 2003. (The late filing was approved by the Fair Political Practices Commission by email from Adrienne Korchmaros of that Office April 22, 2004.)

Title 2
California Code of Regulations
AMEND: 1142
Filed 04/22/04
Effective 05/22/04
Agency Contact: Sally Lim (916) 324-6750

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN DECEMBER 24, 2003 TO APRIL 28, 2004

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1
03/29/04 ADOPT: 1395, 1398 AMEND: 1314, 1321, 1322, 1323, 1324, 1332, 1334, 1354, 1390, 1392

Title 2
04/26/04 ADOPT: 585
04/22/04 AMEND: 1142
04/15/04 AMEND: 599.508
04/13/04 ADOPT: 599.511 AMEND: 599.500
03/23/04 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4,

1859.75, 1859.75.1, 1859.78.3, 1859.79,
1859.81.1, 1859.83, 1859.107, 1859.145
03/23/04 ADOPT: 649.23, 649.24, 649.25, 649.26,
649.27, 649.28
03/23/04 ADOPT: 1859.160, 1859.161, 1859.162,
1859.162.1, 1859.163, 1859.164,
1859.164.1, 1859.165, 1859.166,
1859.166.1, 1859.167, 1859.168,
1859.169, 1859.170, 1859.171 AMEND:
1859.2, 1859.51, 1859.103, 1859.106,
1859.145.1
03/22/04 ADOPT: 599.517
03/22/04 AMEND: 1859.77.2
03/11/04 AMEND: 18703.1, 18703.2, 18703.3,
18703.4, 18703.5
03/11/04 AMEND: Div. 8, Ch. 53, Section 54200
03/09/04 ADOPT: 22500, 22501, 22502, 22503,
22504, 22505, 22506, 22507, 22508,
22509, 22510, 22511, 22512, 22513,
22514, 22515, 22516, 22517, 22518,
22519
03/02/04 ADOPT: 1859.77.3 AMEND: 1859.2,
1859.77.2
03/01/04 AMEND: 1555
02/26/04
02/23/04 AMEND: 1181.1
02/23/04 AMEND: 59150
02/20/04 ADOPT: 58600
02/20/04 AMEND: Div. 8, Ch. 4, Sec. 25001
02/09/04 ADOPT: 599.893, 599.898, 599.906,
599.907, 599.909 AMEND: 599.894,
599.895, 599.896, 599.898 (renumbered
to 599.897), 599.903, 599.904, 599.905,
599.906 (renumbered to 599.908),
599.910
02/05/04 AMEND: 20107
01/23/04 ADOPT: 18531.6 AMEND: 18531.61
01/22/04 AMEND: 18707.5
01/15/04 AMEND: 2270, 2271
01/15/04 ADOPT: 599.516
01/14/04 AMEND: 18427.1
12/29/03 REPEAL: Division 8, Chapter 20, Sec-
tions 41001, 41002, 41003, 41004,
41005, 41006, 41007, 41008, 41009,
41010, 41011, 41012, 41013

Title 3

04/27/04 ADOPT: 6487.1, 6487.2, 6487.3, 6487.4,
6487.5, 6609 AMEND: 6000, 6416, 6800,
6486.6 REPEAL: 6486.1, 6486.2, 6486.3,
6486.4, 6486.5, 6486.8, 6557, 6570, 6802
04/26/04 AMEND: 3601(g)
04/26/04 AMEND: 6130
04/23/04 ADOPT: 797.5 AMEND: 820.8 RE-
PEAL: 820.7
04/20/04 AMEND: 3700(c)
04/20/04 AMEND: 2676, 2681, 2735, 2783

04/01/04 AMEND: 3700(d)
03/23/04 AMEND: 3423(b)
03/23/04 AMEND: 6462
02/17/04 AMEND: 3430(b)
02/05/04 AMEND: 3417(b)
01/27/04 ADOPT: 2850, 2851, 2852, 2853, 2854,
2855, 2856, 2857
01/14/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
01/05/04 AMEND: 3700(c)
12/26/03 AMEND: 3417(b)

Title 4

04/26/04 ADOPT: 10300, 10302, 10305, 10310,
10315, 10317, 10320, 10322, 10325,
10326, 10327, 10328, 10330, 10335,
10337
04/22/04 ADOPT: 4145, 4146, 4147, 4148
AMEND: 4140
04/13/04 ADOPT: 144
03/29/04 ADOPT: 10163, 10164 AMEND: 10152,
10153, 10154, 10155, 10156, 10157,
10158, 10159, 10160, 10161, 10162
03/23/04 AMEND: 4001
03/05/04 ADOPT: 12204, 12205, 12210, 12211,
12212, 12213, 12214, 12224, 12225,
12227, 12228, 12229, 12230, 12231,
12232 AMEND: 12200, 12201, 12202,
12203, 12206, 12207, 12208, 12209,
12220, 12221, 12222, 12223, 12226
02/27/04 ADOPT: 12270, 12271, 12272
02/20/04 ADOPT: 12300, 12301, 12301.1, 12302,
12303, 12304, 12305, 12306, 12307,
12308, 12309, 12310 AMEND: 12300,
12301, 12302, 12303, 12304, 12305,
12309 REPEAL: 12303, 12307
02/05/04 AMEND: 12202, 12212, 12213, 12220,
12221, 1222, 12223, 12224, 1225, 12226,
12227, 12228, 12229, 12230, 12231,
12232
02/05/04 ADOPT: 12370, 12371
01/22/04 AMEND: 1371 REPEAL: 1373.1

Title 5

04/22/04 ADOPT: 876
03/15/04 ADOPT: 19810, 19811, 19812, 12913,
19814, 19815, 19816, 19817, 19818,
19819, 19820, 19821, 19822, 19823,
19824, 19825, 19826, 19827, 19828,
19829, 19830, 19831
03/11/04 ADOPT: 19802
03/08/04 AMEND: 30060
02/27/04 ADOPT: 6100, 6101, 6102, 6103, 6014,
6110, 6111, 6112, 6115
02/10/04 AMEND: 11960
02/03/04 ADOPT: 853.5 AMEND: 850, 852, 853,
589

CALIFORNIA REGULATORY NOTICE REGISTER 2004, VOLUME NO. 19-Z

02/02/04 AMEND: 41301
02/02/04 REPEAL: 41801
02/02/04 ADOPT: 42353.1 AMEND: 42354
01/16/04 ADOPT: 58509 REPEAL: 58509
12/29/03 ADOPT: 18074, 18074.1, 18074.2,
18074.3, 18075, 18075.1, 18075.2,
18076, 18076.1, 18076.2 AMEND:
18413, 18428 REPEAL: 18021

Title 8

04/23/04 AMEND: 14300.10, 14300.12, 14300.29,
Appendix A, Appendix B, Appendix D,
Appendix E
04/22/04 ADOPT: 10202.1, 10203.1, 10203.2
AMEND: 10200, 10201, 10203, 10204
04/20/04 AMEND: 8403
04/19/04 AMEND: 20299, 20390
04/13/04 AMEND: 5044, 5046, 5049 and Table
S-1, Table S-1a Table S-11, Table S-12,
Table S-13, and Table S-14.
04/01/04 AMEND: 3427
03/22/04 AMEND: 1529(g)
03/18/04 ADOPT: 5148
02/03/04 AMEND: 1712
02/02/04 ADOPT: 32017, 32018, 51096, 71010,
71026, 71027, 71030, 71035, 71040,
71050, 71055, 71060, 71070, 71080,
71090, 71095, 71100, 71110, 71115,
71120, 71130, 71140, 71200, 71210,
71225, 71230, 71235, 71300, 71310,
71320, 71330, 71340, 71680, 71685,
71700, 71
01/02/04 ADOPT: 9789.10, 9789.11, 9789.20,
9789.21, 9789.22, 9789.23, 9789.24,
9789.30, 9789.31, 9789.32, 9789.33,
9789.34, 9789.35, 9789.36, 9789.37,
9789.38, 9789.40, 9789.50, 9789.60,
9789.70, 9789.80, 9789.90, 9789.100,
9789.110
12/31/03 ADOPT: 10250

Title 9

03/04/04 ADOPT: 7000.2, 7001.2, 7001.5, 7002.5,
7006, 7006.3, 7009.1, 7013.2, 7013.6,
7014, 7014.1, 7017.2, 7017.5, 7017.7,
7018.4, 7019.5, 7021.5, 7024.7, 7028.1,
7028.6, 7028.8, 7029.1, 7029.6, 7029.7,
7029.9, 7035, 7037, 7038, 7098, 7128,
7129, 7130, 7130.5, 7

Title 10

04/26/04 AMEND: 250.30
04/20/04 ADOPT: 2020, 2021 AMEND: 250.51
04/19/04 AMEND: 2498.6
04/13/04 AMEND: 260.102.14
03/25/04 ADOPT: 2695.40, 2695.41, 2695.42,
2695.43, 2695.44, 2695.45
03/15/04 ADOPT: 2361

03/08/04 ADOPT: 2194, 2194.1, 2194.2, 2194.3,
2194.4, 2194.5, 2194.6, 2194.7, 2194.8
03/01/04 ADOPT: 2698.102, 2698.600, 2698.602,
2698.604 AMEND: 2698.100, 2698.200,
2698.201, 2698.202, 2698.203, 2698.204,
2698.205, 2698.206, 2698.207, 2698.208,
2698.300, 2698.301, 2698.302, 2698.303,
2698.401, 2698.403, 2698.405, 2698.407,
2698.500, 2698.501,
01/16/04 AMEND: 260.102.14
01/02/04 AMEND: 2698.30, 2698.31, 2698.32,
2698.33, 2698.34, 2698.35, 2698.36,
2698.37, 2698.38, 2698.39, 2698.40,
2698.41, 2698.42 REPEAL: 2698.40,
2698.41, 2698.42, 2698.43, 2698.44,
2698.45
12/31/03 AMEND: 2318.6, 2353.1
12/31/03 AMEND: 2318.6, 2353.1, 2354
12/30/03 ADOPT: 2699.6612, 2699.6827
AMEND: 2699.6500, 2699.6600,
2699.6607, 2699.6611, 2699.6705,
2699.6715, 2699.6717, 2699.6725,
2699.6813, 2699.6815, 2699.6819
12/26/03 REPEAL: 4620
12/26/03 REPEAL: 4610, 4611, 4612, 4613, 4614,
4615, 4616, 4617, 4618, 4619
12/26/03 REPEAL: 4550, 4551, 4552, 4553
12/26/03 REPEAL: 5300, 5310, 5311, 5312, 5313,
5314, 5315, 5316, 5317, 5318, 5319,
5320, 5321, 5322, 5323, 5324, 5326,
5327, 5328, 5329, 5330, 5340, 5341,
5342, 5343
12/26/03 AMEND: 4070, 4071, 4072, 4073, 4074
REPEAL: 4070, 4071, 4072, 4073, 4074
12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3,
4081.4, 4081.5, 4081.6, 4081.7, 4081.8
12/26/03 REPEAL: 6200, 6201, 6202, 6203, 6204,
6205, 6206, 6207
12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3,
4081.4, 4081.5, 4081.6, 4081.7, 4081.8
12/26/03 REPEAL: 4025, 4026, 4027, 4028, 4029,
4030, 4031, 4032
12/26/03 REPEAL: 4300, 4301, 4302, 4303, 4305
12/26/03 REPEAL: 4035, 4036, 4037, 4038

Title 11

04/26/04 ADOPT: 999.15, 999.16, 999.17, 999.18,
999.19, 999.20, 999.21, 999.22, 999.23
AMEND: 999.10, 999.11, 999.12,
999.13, 999.14 REPEAL: Appendix A
01/06/04 ADOPT: 2000, 2001, 2020, 2050, 2051,
2052, 2053, 2070, 2071, 2072, 2140,
2141, 2142
12/30/03 AMEND: 1005

Title 13

04/28/04 AMEND: 2415

04/09/04 REPEAL: 55.01, 55.02, 55.03, 55.04, 55.05, 55.06
 03/01/04 ADOPT: 159.00
 02/25/04 AMEND: 1900, 1960.1(k), 1961(a)(d), 1962
 01/26/04 AMEND: 553.70
 01/05/04 ADOPT: 25.06, 25.07, 25.08, 25.09, 25.10, 25.11, 25.12, 25.13, 25.14, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
 12/31/03 AMEND: 550, 551.1, 551.2, 551.11, 551.12, 551.13, 551.14, 551.15, 551.16, 551.17, 552, 553.40, 555, 555.1, 556, 557, 558, 560, 561, 562, 565, 566, 570, 571, 572, 573, 574, 575, 577, 584, 585, 586, 587, 588, 589, 590, 592, 593, 593.1, 595, 598

Title 14

03/30/04 AMEND: 27.60, 27.65, 27.82, 28.27
 03/29/04 AMEND: 2000, 2200, 2305, 2310, 2320, 2401, 2500, 2501, 2518
 03/29/04 AMEND: 150, 150.02, 150.03, 150.05
 03/08/04 AMEND: 3698, 3699
 03/02/04 AMEND: 18464, 18465
 02/24/04 AMEND: 1.17, 1.59, 2.10, 5.00, 5.50, 5.75, 7.00, 7.50, 8.00, 27.60, 29.15, 43, 195
 02/09/04 AMEND: 630
 02/02/04 AMEND: 112
 01/23/04 AMEND: 27.60, 27.82, 27.83, 28.26, 28.27, 28.28, 28.29, 28.54, 28.55, 28.58
 01/15/04 AMEND: 150.06(c)
 01/12/04 ADOPT: 17946, 17949
 12/31/03 ADOPT: 4970.09 AMEND: 4970.00, 4970.01, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21, 4970.21, 4970.21, 4970.22, 4970.23, 4970.2
 12/30/03 ADOPT: 1.18
 12/26/03 AMEND: 7.50(b)(147)

Title 14, 27

12/26/03 ADOPT: 17387, 17387.1, 17387.5, 17388, 17388.1, 17388.2, 17388.3, 17388.4, 17388.5, 17389, 17390, 18223.6
 AMEND: 24565, 21570

Title 15

04/15/04 ADOPT: 2251.5 AMEND: 2041, 2057, 2072, 2073, 2074 REPEAL: 2050, 2051, 2052, 2054, 2055, 2056, 2701
 03/03/04 AMEND: 2005
 01/27/04 AMEND: 3426
 01/09/04 ADOPT: 3000 AMEND: 3005, 3044, 3062, 3313, 3314, 3315, 3323, 3376

12/30/03 AMEND: 3044, 3092, 3138, 3190

Title 16

04/22/04 ADOPT: 1399.330, 1399.349, 1399.352.5
 AMEND: 1399.301, 1399.321, 1399.350, 1399.351, 1399.352, 1399.353, 1399.356, 1399.395 REPEAL: 1399.330, 1399.331, 1399.333
 04/15/04 ADOPT: 1399.700, 1399.701, 1399.702, 1399.703, 1399.704, 1399.705, 1399.706, 1399.707 AMEND: 1399.650, 1399.700, 1399.705
 04/12/04 AMEND: 2756
 03/09/04 ADOPT: 4150, 4151, 4152, 4153, 4154, 4155
 03/03/04 ADOPT: 1829 AMEND: 1816.2, 1816.3, 1877 REPEAL: 1815
 01/23/04 ADOPT: 6.1, 7.1, 7.2, 8.1, 8.2, 51.1, 56.4, 59, 60, 61, 68.2, 68.3, 68.4, 68.5
 AMEND: 5.1, 7, 8, 52, 70, 71, 88, 88.2, 98 REPEAL: 52.1
 12/29/03 AMEND: 3830

Title 17

04/12/04 AMEND: 54001, 54010
 02/05/04 ADOPT: 90800.75, 90800.9, 90804
 AMEND: 90800.8, 90801, 90802, 90803
 02/03/04 AMEND: 50604, 50608, 54326, 54370, 56003, 56082, 57540, 58510, 58671
 01/23/04 AMEND: 54001, 54010

Title 18

01/26/04 AMEND: 1591
 01/21/04 ADOPT: 1621

Title 20

01/14/04 ADOPT: 14.7
 12/31/03 ADOPT: 1395, 1395.1, 1395.2, 1395.3, 1395.4, 1395.6

Title 22

04/26/04 ADOPT: 51008.1 AMEND: 51104, 51520, 51521
 04/26/04 AMEND: 90417
 04/22/04 AMEND: 51516.1
 04/12/04 AMEND: 12705
 04/12/04 AMEND: 12000
 04/02/04 ADOPT: 119003, 119015, 119019, 119045, 119069, 119076, 119191
 03/26/04 AMEND: 66250.1, 66250.2, 66260.1, 66260.2, 66260.3, 66260.4, 66260.5, 66260.1, 66260.2, 66260.3, 66260.4, 66260.5
 03/23/04 AMEND: 5200
 03/22/04 AMEND: 66260.10
 03/08/04 AMEND: 97232
 02/26/04 AMEND: 66260.10, 66268.7, 66268.8, 66268.42
 02/24/04 ADOPT: 51008.1 AMEND: 51104, 51520, 51521

02/03/04 ADOPT: 51200.01 AMEND: 51000.4,
51000.30, 51000.45, 51000.50, 51000.55,
51200, 51454
01/14/04 ADOPT: 51315 REPEAL: 51515
12/24/03 ADOPT: 1326-3 AMEND: 1251-1,
1253(a)-1, 1326-2, 1326-4, 1326-5,
1326-6

Title 22, MPP

04/26/04 ADOPT: 86000, 86001, 86005, 86009,
86010, 86018, 86020, 86022, 86023,
86024, 86028, 86030.5, 86031.5, 86036,
86044, 86044.5, 86045, 86061, 86064,
86065, 86065.2, 86065.3, 86065.4,
86065.5, 86066, 86068.1, 86068.2,
86068.3, 86068.4, 86070, 86072, 86073,
8
03/11/04 ADOPT: 102416.1 AMEND: 80001,
80019, 80019.1, 80019.2, 80054, 80061,
80065, 80066, 87101, 87219, 87219.1,
87454, 87565, 87566, 87801, 87819,
81819.1, 87854, 87861, 87865, 87866,
101152, 101170, 101170.1, 101170.2,
101195, 101212, 101216, 101217,
102352,
12/30/03 AMEND: 101170, 102370
12/29/03 ADOPT: 87701.2 AMEND: 87101,
87218, 87561, 87575.1, 87577, 87578,
87691, 87701, 87701.1, 87701.2, 87702,
87702.1, 87703, 87704, 87705, 87707,
87708, 87709, 87710, 8711, 87713

Title 23

04/08/04 ADOPT: 2631.1, 2638, 2715 AMEND:
2611, 2630, 2635, 2636, 2636.1, 2637,
2641, 2712

04/02/04 REPEAL: 595
03/24/04 ADOPT: 3956
02/27/04 ADOPT: 3939.7
02/27/04 ADOPT: 3939.6
01/30/04 ADOPT: 3939.5
01/30/04 ADOPT: 3939.4
01/26/04 ADOPT: 3717
01/05/04 AMEND: 3977

Title 25

03/30/04 AMEND: 19200, 19205
03/22/04 AMEND: 7552

Title 27

04/01/04 ADOPT: 10050, 10051, 10052, 10053,
10054, 10055, 10056

Title 28

02/24/04 AMEND: 1000

Title MPP

04/22/04 AMEND: 63-102, 63-504
04/19/04 AMEND: 63-300, 63-504
04/15/04 AMEND: 42-710.66, 42-711.512,
02/26/04 ADOPT: 63-502.371 AMEND: 63-
502.371, 63-502.372, 63-502.373, 63-
502.374, 63-502.375, 63-502.376
REPEAL: 63-502.371(c)
02/25/04 AMEND: 63-503, 63-504, 63-505
02/02/04 ADOPT: 47-120, 47-430 AMEND: 40-
107, 40-131, 40-181, 42-711, 47-301
01/16/04 AMEND: 63-300, 63407, 63-408, 63-
410, 63-411, 63-503, 63-505
12/31/03 AMEND: 42-207, 42-215, 63-501, 63-
1101
12/29/03 AMEND: 42-712, 42-719, 44-111

