



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT OF INTEREST CODES**

**ADOPTION**

**MULTI-COUNTY**

AGENCY: Envision Education, Inc.

**AMENDMENT**

**MULTI-COUNTY**

AGENCY: Firebaugh–Las Deltas Unified School District

A written comment period has been established commencing on **May 24, 2013** and closing on **July 8, 2013**. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested per-

son, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re–submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 8, 2013**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

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

**AVAILABILITY OF PROPOSED CONFLICT  
OF INTEREST CODES**

Copies of the proposed conflict of interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Adrienne Tackley, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 5. BOARD OF EDUCATION**

**AMENDMENT TO CALIFORNIA CODE OF  
REGULATIONS, TITLE 5, REGARDING THE  
SPECIAL EDUCATION REGULATIONS**

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PUBLIC HEARING**

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:00 a.m. on July 8, 2013 at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator  
Administrative Support and Regulations Adoption  
Unit  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov).

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on July 8, 2013. All writ-

ten comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

**AUTHORITY AND REFERENCE**

Authority: Sections 33031, 56100, and 56366.1, Education Code; 20 U.S.C. Section 1414; 34 C.F.R. Section 300.600.

References: Sections 2530, 2570.2, 2620, 2903, 2905, 4980.02, 4989.14 and 4996.9, Business and Professions Code; Sections 33300, 37600, 41976.5, 45340, 45350, 49001, 49423.5, 56001, 56026, 56320, 56324, 56326, 56327, 56333, 56337, 56341, 56345, 56363, 56363.3, 56364, 56365, 56366, 56366.1, 56366.2, 56366.6, 56366.10, 56381, 56425, 56426, 56426.1, 56430, 56500, 56501, 56502, 56503, 56504, 56505, 56506, 56507, and 56520, Education Code; Sections 95014, 11425.10, 11430.10-11430.30, 11430.50, 11430.60, 11440.20, 11455.10, 11455.20 and 11455.30, Government Code; 20 U.S.C. Sections 1401, 1414, and 1415; 34 C.F.R. Sections 300.25, 300.4-300.45, 300.8, 300.12, 300.18, 300.34, 300.106, 300.156, 300.300, 300.301, 300.304, 300.305, 300.306, 300.307, 300.308, 300.309, 300.310, 300.311, 300.320, 300.342-300.345, 300.507, 300.508, 300.509, 300.510, 300.511, 300.512, 300.550-554, and 303.21.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

California Code of Regulations, title 5, sections 3001-3088, pertain to the administration of special education instruction and related services for students with individualized education programs (IEPs). These regulations implement California Education Code, Part 30.

Many of the regulatory sections noted above have not been updated since the State Board of Education (SBE) adopted substantive changes on December 11, 1987, which became operative on April 20, 1988. Since then state and federal statutes and regulations have changed many times in response to legislative activities in California, including two reauthorizations by Congress of the federal Individuals with Disabilities Education Act (IDEA) in the United States Code, and consequent amendments to federal regulations as promulgated in title 34, Code of Federal Regulations, Part 300.

The purpose of introducing this rulemaking process is to update state regulations by bringing them into alignment with existing state statutes and federal statutes and regulations. Updating these regulations will help to ensure the consistent application of existing laws throughout California's educational entities for all students with IEPs; to standardize guidance for monitoring purposes for compliance with state and federal requirements; and to facilitate the appropriateness of administrative and judicial decisions predicated on California law.

The CDE reviewed all state regulations relating to the provision of special education and related services to students with IEPs and found that none exist that are inconsistent or incompatible with these regulations regarding the same matters.

#### DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

*The SBE has made the following initial determinations:*

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

Other non-discretionary costs or savings imposed on local educational agencies: None.

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because the proposed amendments only bring these sections into alignment with existing state statutes and federal statutes and regulations.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Updating these regulations will help to ensure the consistent application of existing laws throughout California's educational entities for all students with IEPs; to standardize guidance for monitoring purposes for compliance with state and federal requirements; and to facilitate the appropriateness of administrative and judicial decisions predicated on California law.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Allison Smith, Consultant  
Special Education Division  
California Department of Education  
1430 N Street, Room 2401  
Sacramento, CA 95814  
Telephone: 916-319-0377  
[ASmith@cde.ca.gov](mailto:ASmith@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Cynthia Olsen, Analyst, at 916-319-0860.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

**TEXT OF PROPOSED REGULATION AND  
CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's web site at

<http://www.cde.ca.gov/re/lr/rr/>.

**AVAILABILITY AND LOCATION OF  
THE FINAL STATEMENT OF REASONS  
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

**REASONABLE ACCOMMODATION FOR  
ANY INDIVIDUAL WITH A DISABILITY**

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Allison Smith, Special Education Division, 1430 N Street, Room 2401, Sacramento, CA, 95814; telephone, 916-319-0377; fax, 916-327-3706. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 9. DEPARTMENT OF  
REHABILITATION**

**SUBJECT: Repeal of Unnecessary Internal  
Process Regulations**

**NOTICE IS HEREBY GIVEN** that the Department of Rehabilitation ("Department") proposes to take the regulatory action described below after considering all

comments, objections, or recommendations regarding the proposed action. The Department proposes to repeal Sections 7001.5, 7035, 7037, 7038, 7052, 7056, 7098, 7140, and 7149. The Department also proposes to amend Sections 7169, 7170, 7172, 7174, 7175, 7177, and 7261.1.

**PUBLIC HEARING**

The Department will hold a public hearing at 9:30 a.m. on July 9, 2013, at 721 Capitol Mall, Room 242, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing, also submit a written summary of their statements. The hearing will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Angelique Huttonhill, Regulations Analyst  
Department of Rehabilitation  
721 Capitol Mall  
Sacramento, California 95814-4702

Comments may also be submitted by facsimile (FAX) at 916-558-5826 or by email to [Legal@dor.ca.gov](mailto:Legal@dor.ca.gov). Comments must be received by the Regulations Analyst by 5:00 p.m. on July 9, 2013. All written comments received by the Department during the public comment period are subject to disclosure under the Public Records Act.

**ACCESSIBILITY**

The public hearing room is wheelchair accessible. Any person with a disability who needs a reasonable accommodation should contact Regulations Coordinator Shelly Risbry, at (916) 445-4466 or [srisbry@dor.ca.gov](mailto:srisbry@dor.ca.gov) at least two weeks in advance of the date of the hearing.

**AUTHORITY AND REFERENCE**

**Authority:**

Sections 19006 and 19016, Welfare and Institutions Code; Section 1798.30, Civil Code.

**Reference:**

29 USC Sections 705(2), 721(a), 722(a)(5), 723(a); 34 CFR Sections 361.5(b), 361.13, 361.36, 361.37, 361.38, 361.41, 361.42, 361.43, 361.45, 361.47, 361.48, 361.49, 361.53, and 361.54; Sections 19005, 19011, 19018, 19050, 19102, 19150, 19200, 19500, 19501, 19502, 19503, 19504, 19505, 19506, 19525, and 19526; Welfare and Institutions Code; Sections 1798 et seq., Civil Code.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

This rulemaking eliminates regulations that do not provide consumers with a clear description of their rights and obligations by eliminating regulations that are not pertinent to the public’s needs.

Existing federal and state laws require the Department of Rehabilitation to provide support to eligible individuals with various vocational rehabilitation needs, including monitoring the order of selection of vocational rehabilitation services and providing actual services in support of eligible individuals.

The proposed regulations would repeal or amend several provisions that instruct Department staff on their administrative responsibilities, which are more appropriate in the Department’s administrative manual. For example, one regulation instructs Counselors that they must obtain approval from their District Administrator (DA) when a “maintenance request exceeds \$500 during any consecutive 12–month period” and that this DA “must verify that the requirements of this section are met before granting approval.” The proposed regulations would also repeal or amend provisions that are duplicative of federal regulations, and concern the Department’s legal obligations under federal law. For example, Department regulations describing the process for determining the order of selection are taken directly from 34 CFR 361.36 with no substantive changes. Also, the Department is already under legal obligation to abide by these federal regulations due to our participation in the federal vocational rehabilitation program.

This proposed action is beneficial because it simplifies the Department’s regulations to provide more consumer–friendly regulations that also serve to accommodate consumers with cognitive disabilities.

The Department has determined that this proposed action is neither inconsistent nor incompatible with existing state regulations. This proposed action merely seeks to create a more concise and pertinent guide to the public’s needs.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agencies: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

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

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

Significant, statewide adverse economic impact directly affecting business: The Department has made the initial determination that 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.

Significant effect on housing costs: None.

**Results of the Economic Impact Analysis/Assessment**

The Department has concluded that this proposed action will not:

1. Create or eliminate jobs within the State of California;
2. Create new businesses or eliminate existing businesses within the State of California;
3. Affect the expansion of businesses currently doing business within the State of California;
4. Adversely affect the health and safety of California residents, worker safety, or the State’s environment. The proposed action will likely promote equity and transparency between the Department and private individuals by eliminating unnecessary and duplicative regulations that do not serve to provide them with information that is most pertinent to their needs.

Business Reporting Requirements: None.

Determination of Effect on Small Business: The Department has determined that the proposed action will not affect small business as defined in Government Code Section 11342.610. This regulatory action proposes to eliminate regulations that are unnecessary because they pertain to the Department’s internal administrative process and/or duplicate federal regulations that

the Department is under legal obligation to perform as a condition of our federal grant. Thus, this proposed action will not have an effect on small business.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered 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 is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Angelique Huttonhill, Regulations Analyst  
Department of Rehabilitation  
721 Capitol Mall  
Sacramento, California 95814-4702  
Telephone: (916) 558-5414  
Email: Angelique.Huttonhill@dor.ca.gov

The backup contact person for these inquiries is:

Shelly Risbry, Regulations Coordinator  
Department of Rehabilitation  
721 Capitol Mall  
Sacramento, California 95814-4702  
Telephone: (916) 445-4466  
Email: srisbry@dor.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Regulations Coordinator at the address above. The Department will also provide copies of the regulation proposal in large print, Braille, on audiotape, compact disk, or transmit copies of the regulation proposal electronically, upon request.

The Department shall provide, upon request, a description of the proposed changes included in the proposed action, in the manner provided by Section

11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law; providing the description of proposed changes may require extending the period of public comment for the proposed action.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, Proposed Text of Regulations, and Initial Statement of Reasons. Copies may be obtained by contacting the Regulations Coordinator at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department 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 Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the Regulations Coordinator at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they were made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, the Final Statement of Reasons may be obtained by contacting Shelly Risbry at the address above or on the Department's website at [www.dor.ca.gov](http://www.dor.ca.gov).

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the proposed text of the regulations in underline and strikeout, can be accessed through the Department's website at [www.dor.ca.gov](http://www.dor.ca.gov).

**TITLE 20. PUBLIC UTILITIES  
COMMISSION**

**NOTICE OF PROPOSED  
REGULATORY ACTION**

The California Public Utilities Commission (Commission) proposes to amend regulations described below after considering all comments, objections, or recommendations regarding the proposal.

At a duly noticed regularly scheduled meeting not earlier than July 11, 2013, in the Commission Auditorium, 505 Van Ness Avenue, San Francisco, the Commission will consider a proposal to amend the Rules of Practice and Procedure set forth in Division 1, Chapter 1 of Title 20 of the California Code of Regulations. The proposed amended regulations will reflect changes in the Commission’s administration, provide consistency between the rules, and provide greater clarity.

**AUTHORITY TO ADOPT RULES**

Article XII, Section 2 of the California Constitution and Section 1701 of the Public Utilities Code authorize the Commission to adopt Rules of Practice and Procedure.

**INFORMATIVE DIGEST**

The California Public Utilities Commission proposes amendments to its Rules of Practice and Procedure to streamline procedural requirements and to provide greater clarity. These amendments include:

- Modify the font size requirements and require pagination and searchability for filed documents
- Clarify and streamline service requirements
- In an application for authority to undertake a project that is subject to the California Environmental Quality Act, eliminate the requirement that the applicant file a Proponents Environmental Assessment, but require verification that the applicant has submitted it to the appropriate industry division
- Delete references to rescinded statutes
- Clarify that an application to sell, lease or encumber utility property falls within the scope of Rule 3.6 regarding transfers and acquisitions
- Allow electronic tendering of complaints and eliminate the requirement to tender additional copies of complaints
- Clarify the scope of the rule regarding notice of evidentiary hearings

- Require evidentiary exhibits to be bound, page numbered, and to include a table of contents, and clarify the rule in other regards
- Clarify the procedure for offering prepared testimony into evidence in the absence of evidentiary hearing
- Clarify the scope of the rule regarding closing briefs, and require factual statements to be supported by evidence of record and citations to exhibits to indicate exhibit number and page number
- Provide a default procedure for requesting oral argument before the Commission
- Refine the term “alternate” to indicate whether it is in a formal proceeding (“alternate proposed decision”) or informal proceeding (“alternate draft resolution”), and to clarify that a revision to a proposed decision or draft resolution is an “alternate” if it is offered by a decisionmaker other than the proponent of the proposed decision or draft resolution
- Eliminate the requirement to serve comments on a draft or alternate draft resolution on the director of the Commission division that issued it
- Change the available location for obtaining a hard copy of the Commission’s business meeting agenda from the Process Office to the Central Files Office, consistent with practice
- Increase the time to request an extension of time to comply with a Commission decision from three days to at least 15 days before the existing date of compliance
- Delete superfluous language and edit for clarity

**AVAILABILITY OF STATEMENT OF REASONS  
AND PROPOSED TEXT**

The proposed rule amendments are set forth in Draft Resolution ALJ–290 and available on the Commission’s web site at <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M064/K139/64139676.PDF>.

The draft resolution includes a more detailed initial statement of the reasons for the rule amendments. The appendix to the draft resolution sets forth the complete text of the proposed rule amendments.

**COMMENTS AND INQUIRIES**

Any interested person may submit written comments concerning the proposed rule amendments. The written comment period closes at 5:00 p.m. on July 1, 2013. All comments must be served on the following contact person:

Hallie Yacknin  
Administrative Law Judge  
California Public Utilities Commission  
Division of Administrative Law Judges  
505 Van Ness Avenue  
San Francisco, CA 94102  
Telephone: (415) 703-1675  
e-mail: [hallie.yacknin@cpuc.ca.gov](mailto:hallie.yacknin@cpuc.ca.gov)

Inquiries concerning the substance of the proposed amendment, requests for copies of the text for the proposed amendment, or other questions should be directed to Judge Yacknin at the above street or e-mail address or telephone number.

**AVAILABILITY OF CHANGED  
OR MODIFIED TEXT**

Following the comment period, the Commission may adopt the proposed rule amendments substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, 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 Commission adopts the rule amendments. Requests for copies of any modified rule amendments should be sent to the attention of Judge Yacknin at either of the addresses indicated above. The Commission will accept written comments on the modified regulations, if any, for 15 days after the date on which the modifications are made.

**TITLE MPP. DEPARTMENT OF SOCIAL  
SERVICES**

ORD # 0712-06

**NOTICE OF PROPOSED CHANGES IN  
REGULATIONS OF THE CALIFORNIA  
DEPARTMENT OF SOCIAL SERVICES (CDSS)**

ITEM #1 California Work Opportunity and  
Responsibility to Kids (CalWORKs)  
Non-Minor Dependent — AB 12

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held July 10, 2013, as follows:

Office Building # 8  
744 P Street, Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on July 10, 2013.

Following the public hearing, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons, including the incorporated forms, are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations Development  
California Department of Social  
Services  
744 P Street, M.S. 8-4-192  
Sacramento, California 95814  
TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

**CHAPTERS**

Manual of Policies and Procedures 40-100 General; 42-100 Age; 42-200 Property; 42-300 General Time Limit Requirements; 42-700 Welfare to Work; 44-100 Income; 44-300 Aid Payments; 80-300 Definitions and Forms; 82-800 Assistance Unit.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Current law allows dependent children placed with relatives not eligible to receive federal or state foster care payments but still eligible for foster care services, to qualify for CalWORKs benefits until age 18. Benefits continue if the child is enrolled full time in high school or in a vocational or technical training program and will graduate before reaching age 19.

Assembly Bill (AB) 12 (Chapter 559, Statutes of 2010), Sections 33, 33.5, 38, 47, and 52, established a new category of non-minor dependents (NMDs) eligible to receive extended CalWORKs benefits. An NMD is defined as a current dependent child or ward of the juvenile court who is 18, but less than 21 years of age; is in foster care under the responsibility of the County Welfare Department or County Probation Department; and is participating in a Transitional Independent Living Case Plan.

Non-minor dependents are required to meet one of five conditions (described below) and retain court jurisdiction in order to remain eligible. NMDs are not subject to CalWORKs program rules or reporting requirements. They constitute their own assistance unit (AU) of one and receive a CalWORKs payment equal to the non-exempt maximum aid payment (MAP) for an AU of one.

NMDs living with a caretaker relative are eligible to receive extended CalWORKs cash aid provided that he or she meets one of the following:

- Enrolled in and working towards completing high school or an equivalency program,
- Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term,
- Participating in a program or activity that promotes or removes barriers to employment,
- Employed at least 80 hours per month, or
- Is incapable of enrollment or participation in school or employment due to a documented medical (physical, mental, or emotional) condition.

The maximum age for extended benefits will be phased in over a three-year period. Effective January 1, 2012, NMDs are eligible for payments up to 19 years of age. Effective January 1, 2013, the age limit is extended up to 20 years of age. Effective January 1, 2014, the age limit is extended up to 21 years of age.

These proposed regulations amend the California Department of Social Services Manual of Policies and Procedures to implement the extension of CalWORKs benefits to NMDs. In addition, the QR 2103 (11/11) — Reminder For Teens Turning 18 Years Old has been up-

dated, and two new forms, SOC 161 (9/11) — Six-Month Certification of Extended Foster Care Participation and SOC 162 (10/11) — Mutual Agreement for Extended Foster Care, have been developed. Youth who are unable to give consent due to a medical (physical, mental, or emotional) condition are exempt from signing the SOC 162.

The Department anticipates that these proposed regulations will benefit CalWORKs participants by allowing them to receive benefits beyond age 18, thus easing the transition to adulthood while improving their well-being and outcomes. The Legislature recognizes that 18 is too young for most youth to be without support and allows eligible youth to remain in extended foster care, providing the time they need to transition to adulthood. Extended benefits will allow youth to pursue their educational and employment goals thus decreasing their reliance on public assistance in the future. Youth will be provided with a safety net as they gain real life experience with independence and learn from their mistakes.

The Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 12, as well as with existing state regulations.

These regulations were previously noticed to the public on November 30, 2012. The CDSS made changes to the regulation text outside the scope of what was noticed to the public, specifically, amending Section 40.181.1(c) to change the title and repeal Subsection 40.181.1(c)(1). Therefore, CDSS is providing a second 45-day public notice period.

COST ESTIMATE

1. Costs or Savings to State Agencies: Additional expenditures of approximately \$107,000 in the CalWORKs program are included in the Budget Act of 2012.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: Additional expenditures of approximately \$2,500 in the current State Fiscal Year.
3. Nondiscretionary Costs or Savings to Local Agencies: Estimated cost avoidance to the CalWORKs program (due to non-minor dependents remaining in Foster Care) of approximately \$8,000 is included in the Budget Act of 2012.
4. Federal Funding to State Agencies: Estimated cost avoidance to the CalWORKs program (due to non-minor dependents remaining in Foster Care) of approximately \$611,000 is included in the Budget Act of 2012.

LOCAL MANDATE STATEMENT

These regulations do constitute a mandate on local agencies, but not on local school districts. There are state-mandated local costs of approximately \$2,500 that require reimbursement to local agencies. Reimbursement is provided by the Budget Act of 2012.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed 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. This determination was made because this action only pertains to the implementation of eligibility requirements for non-minor dependents to receive extended CalWORKs benefits.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California. These amendments will improve the health and welfare of California residents by improving the well-being and outcomes for eligible foster youth and by easing their transition to adulthood. Without this added safety net, youth who are forced to leave the foster care system at age 18 will face high rates of homelessness, incarceration, and reliance on public assistance.

The document relied upon in proposing this regulatory action is Assembly Bill 12, Chapter 559, Statutes of 2010.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any other alternatives than the one directed by statute because there were no other alternatives proposed.

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

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific 11253(b) 11253.3, 11253.3(a), 11253.3(b), 11400(v), 11400(aa), and 11403, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Kenneth Jennings (916) 651-8862  
Backup: Zaid Dominguez (916) 651-8267

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT INCONSISTENCY DETERMINATION NO. 2080-2013-003-04**

**Project:** County Service Area 34 Winchell Cove Pipeline Project  
**Location:** Millerton Lake, Fresno County  
**Applicant:** Development Services Division, County of Fresno  
**Notifier:** Peter Bontadelli, Analytical Environmental Services

**Background**

The County of Fresno (Applicant) proposes to construct a second raw water transmission main,

approximately 1.52 miles in length, in eastern Fresno County, California. The County Service Area 34 Winchell Cove Pipeline (Project) will branch from where the existing County Service Area (CSA) Water Main raw water pipeline reduces from 14 inches to 12 inches in diameter, and will begin at the pumps extending about 0.56 miles through the Millerton Lake bed to the Winchell Cove marina. From the marina, the pipeline will remain within the existing Fresno County CSA 34 pipeline easement extending for about 0.5 miles south within the Winchell Cove Road paved right-of-way. The pipeline will then transition through a public utility easement located within privately owned land for about 1,600 feet, and will terminate north of Millerton Road.

The Project footprint includes 25 feet on either side of the proposed pipeline alignment, and a 25-foot wide by 48-inch deep open-cut trench used for installing the new pipeline. Open-cut trenching requires clearing the pipeline alignment, cutting pavement with a saw where necessary, excavating the trench, installing the pipeline, backfilling operations, and surface restoration. The main construction staging area consists of a 4.65-acre gravel parking lot and storage yard located at the Winchell Cove Marina. The Applicant will use this area to store pipe and other materials, construction equipment, and other Project-related items. Additional staging areas will be located on paved and unpaved graded roads within the ruderal and disturbed areas near the construction zones. Applicant will employ surface restoration techniques after segments of pipeline construction are completed, and restore all surfaces and roadways to pre-Project conditions.

The Project activities described above are expected to incidentally take<sup>1</sup> California tiger salamander (*Ambystoma californiense*) (CTS) where those activities take place within suitable CTS habitat. In particular, CTS could be incidentally taken as a result of grubbing, excavation and grading, operation of heavy equipment, fuel and/or hazardous chemical spills and runoff. Take can be in the form of crushing, entombment in burrows, poisoning, vehicle strikes, loss of refugia and dispersal habitat, and additional predation pressures. The central California distinct population segment of the CTS is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C., § 1531 *et seq.*), and CTS is designated as a threatened species range-wide pursuant to the California Endangered Spe-

cies Act (CESA) (Fish & G. Code, § 2050 *et seq.*). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).)

Suitable CTS habitat exists within and adjacent to the Project site. Potential CTS breeding habitat is located less than 0.33 miles from the proposed Project, and rodent burrows, which could be used as CTS refugia, occur within the Project footprint. Further, in 2011, one CTS was observed and reported to the California Natural Diversity Database less than 0.25 miles from the Project site. In addition, there are 14 known CTS occurrences within 2.5 miles of the Project. According to the United States Fish and Wildlife Service (Service), the Project will result in the temporary loss of 0.9 acres of CTS upland refugia habitat. Based upon the close proximity of known CTS occurrences, known dispersal patterns and distances of CTS, and the presence of suitable CTS habitat within the Project site, the Service determined that CTS is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of CTS.

The Service has also determined that the Project may impact, although it is not likely to adversely impact, the federally endangered and state threatened San Joaquin kit fox (*Vulpes macrotis mutica*). While suitable San Joaquin kit fox (SJKF) habitat may be present in the Project area vicinity, it is unlikely that SJKF would occur within the Project site. As a result, with implementation of avoidance and minimization measures, Project activities are not expected to result in the incidental take (as defined in Fish & G. Code, § 86) of SJKF.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the United States Bureau of Reclamation (Bureau) consulted with the Service as required by the ESA. On February 4, 2013, the Service issued a biological opinion (Service file No. 81420-2011-F-0631-1) (BO) to the Bureau. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. The measures in the BO addressing impacts to CTS and SJKF include, among others:

- Prior to initiation of any on-site preparation/construction activities, a Service-approved biologist will conduct an education and training session for all individuals who will be involved in the site preparation or construction including the project representative(s) responsible for reporting take to the Service. Training sessions will be required for all new or additional personnel before they are allowed access to the project site. Proof of this instruction for all attendees will be kept on file with the County of Fresno (the applicant). The applicant will provide the Service

<sup>1</sup> Pursuant to Fish and Game Code section 86, "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL. 4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "take" . . . means to catch, capture or kill").

with a copy of the training materials and copies of the signed forms by Project staff indicating that training has been complete within 30 days of the completion of the first training session. A Service-approved biologist will be available during all activities that could result in the take of listed species. Only persons permitted by the Service may handle listed species. The qualification of the biologist(s) will be presented to the Service for review and approval at least 10 working days prior to any groundbreaking at the project site. The biologist will have oversight over implementation of all the measures described in the *Terms and conditions* of the biological opinion, and he/she will have the authority to stop project activities, through communication with the Project Manager, if any of the requirements associated with these measures are not being fulfilled. If the biologist(s) exercises this authority, the Service will be notified by telephone and electronic email within one (1) working day.

- Within 14-days prior to commencement of construction activities, a Service-approved biologist will conduct preconstruction surveys for CTS within a 75-foot area around the construction site. The biologist will make a thorough search for potential CTS occupation and identify all burrows that may be used by CTS. A 50-foot buffer shall be clearly delineated around identified burrows using materials that will indicate to construction personnel to avoid the area. If unavoidable, a reduced buffer may be established if it is determined that a burrow is unoccupied using a fiber optic scope or similar device to thoroughly inspect the burrow.
- Should a burrow be occupied by CTS, the Service-approved biological monitor will make the determination whether or not it may be subject to take as a result of the proposed project and construction activities. If the biological monitor determines CTS is subject to take, then he/she will hand excavate the burrow, in order to safely remove the CTS. The biological monitor will then transfer the CTS into a soft cooler, or similar container that will limit exposure to heat and prevent desiccation, for transport purposes. The biological monitor will relocate the individual to a suitable burrow within the vicinity of the project site, at least 100 feet outside of the construction footprint. The relocation burrow shall be identified and inspected by a fiber optic scope prior to moving the CTS. The biological monitor will keep the CTS within the cooler for no longer than 15 minutes. The biological monitor will

inform the Service of the findings via email (including photo documentation) within 24 hours of detecting the species.

- Any construction activities occurring from December 1 to February 28 shall be limited to between 30 minutes after sunrise and 30 minutes before sunset. Construction activities will be finished by 7 pm daily during the remainder of the year.
- All travel within the project site will be restricted to established roadbeds. Established roadbeds include all pre-existing and project-constructed unimproved as well as improved roads. These will be included in the preconstruction surveys. Project-related vehicles will observe a daytime speed limit of 20 miles per hour (mph) in all project areas, except on county roads and state and federal highways. If night-time work is necessary, then all project-related vehicle traffic will be restricted to 10 mph. Off-road traffic outside of designated project areas will be prohibited.
- Within 30 days prior to commencement of construction activities, a Service-approved biologist will conduct a preconstruction survey for SJKF for the action area.
- Approximately 0.9 acres of CTS habitat will be temporarily impacted by the implementation of the proposed project. The project proponent proposes to compensate for the temporary loss of habitat by purchasing appropriate conservation credits from a Service-approved conservation bank equal to at least 2.7 acres before any groundbreaking construction activities begin on the proposed project.

On April 9, 2013, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from Peter Bontadelli on behalf of the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the BO and its related ITS are consistent with CESA for purposes of the Project and CTS. (Cal. Reg. Notice Register 2013, No. 17-Z, p. 634.)

**Determination**

After review and consideration of the BO, including its associated ITS, CDFW has determined that there is substantial evidence to conclude the BO and its associated ITS are **not consistent** with CESA because the required measures do not meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-

listed species. This determination is based on the following considerations:

1. The BO does not provide CDFW with any authority to approve various conditional take minimization and mitigation measures, nor does it require the applicant to provide notification to CDFW for issues related to conditions in the BO including: notification of take occurrences, approval of biological monitors, approval of biologists, documentation of training, Project implementation reports, notification of Project suspension, post-encounter coordination, and post-Project reclamation implementation and compliance reporting. Since the BO does not provide CDFW with such approval authority or notification, CDFW cannot ensure that take minimization and mitigation measure will be properly implemented, nor would CDFW have a formal means to be aware of any associated compliance issues. Thus, CDFW cannot find that the impacts will be minimized and fully mitigated as required by Fish and Game Code section 2081, subdivision (b)(2).
2. The BO does not describe the elements of the required reclamation plan for the 0.9 acre of temporary disturbance on-site to CTS and SJKF habitats and the success criteria, including the requirement of sufficient funding, for ensuring that the applicant effectively implements the reclamation. For these reasons, the BO does not meet the requirements of Fish and Game Code section 2081, subdivision (b)(2) and (4) to minimize and fully mitigate impacts and ensure adequate funding to carry out all required mitigation.
3. The BO does not state that credits will be purchased from a conservation bank for which the Project is within the Bank's Service Area, nor does it require CDFW approval of credit purchase. Credits that are purchased outside the Bank's Service Area may not provide benefits for the population segment of CTS that will be taken incidental to Project-related activities. Further, purchase of credits from a Service-approved (but not CDFW-approved) CTS conservation bank, several of which occur within the San Joaquin Valley, may mean that the associated conservation easement, other banking documents, and associated funding assurances would not meet the criteria necessary

for a bank to be CDFW approved (e.g., purchase of credits at such a bank may not meet CESA's full mitigation requirement). Therefore, CDFW cannot find that the impacts will be minimized and fully mitigated as required by Fish and Game Code section 2081, subdivision (b)(2).

For the reasons described above, CDFW has determined there is substantial evidence that the BO, including its associated ITS, are not consistent with CESA as it pertains to incidental take of CTS by the Applicant during implementation of the Project because CDFW cannot find that the impacts have been minimized and fully mitigated as required by Fish and Game Code section 2081, subdivision (b)(2), and CDFW cannot find that the applicant has ensured adequate funding as required by Fish and Game Code section 2081, subdivision (b)(4). Pursuant to Fish and Game Code section 2080.1, subdivision (c), with this determination the incidental take of California tiger salamander or San Joaquin kit fox resulting from implementation of the Project may only be authorized by CDFW pursuant to Fish and Game Code section 2081, subdivision (b).

## FAIR POLITICAL PRACTICES COMMISSION

### NOTICE OF CORRECTION

The Publication of Notice of Adoption of 2 Cal. Code Regs. Section 18421.5, was submitted by the Fair Political Practices Commission, to the Office of Administrative Law on May 7, 2013, for publication on May 17, 2013 (Notice File Number Z-2013-0507-03).

The second sentence of the first paragraph of the Notice regarding the location and time is corrected to read: "The Commission will consider the proposed regulation at a public hearing on or after **June 20<sup>th</sup>, 2013**, at the Board of Supervisors Chambers at 70 W. Hedding Street, San Jose, CA 95110, commencing at approximately **12:00 p.m.**"

Replace "~~Isaac Newton Senter Auditorium~~ with Board of Supervisors Chambers" and replace "~~10:00 a.m.~~" with "**12:00 p.m.**"

Any inquiries regarding this correction should be made to Virginia Latteri-Lopez, Regulations Coordinator, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or email [vlatteri-lopez@fppc.ca.gov](mailto:vlatteri-lopez@fppc.ca.gov).

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES  
May 24, 2013**

**CHEMICAL LISTED EFFECTIVE MAY 24, 2013  
AS KNOWN TO THE STATE OF CALIFORNIA  
TO CAUSE CANCER:  
CLOMIPHENE CITRATE**

Effective **May 24, 2013**, the Office of Environmental Health Hazard Assessment (OEHHA) is adding *clomiphene citrate* (CAS No. 50-41-9) to the list of chemicals known to the State to cause cancer for purposes of Proposition 65<sup>1</sup>.

The listing of *clomiphene citrate* is based on a formal requirement by a state or federal agency that the chemical be identified or labeled as causing cancer or reproductive toxicity pursuant to an administrative listing mechanism<sup>2</sup> provided under the Act. *Clomiphene citrate* has been identified or labeled to communicate a risk of cancer in accordance with formal requirements by the U.S. Food and Drug Administration. Regulations governing the listing of chemicals under the “formally required to be labeled or identified” mechanism are published in Title 27, California Code of Regulations, section 25902.

The documentation supporting OEHHA’s determination that the criteria for administrative listing have been satisfied for *clomiphene citrate* is included in the Notice of Intent to List A Chemical by the “Formally Required to Be Labeled or Identified” Mechanism: Clomiphene Citrate, published in the April 5, 2013 issue of the California Regulatory Notice Register (Register 2013,

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 et seq.

<sup>2</sup> See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25902.

No. 14-Z). Please note that the CAS number for clomiphene citrate, CAS No. 911-45-5, cited in the Notice of Intent to List A Chemical by the “Formally Required to Be Labeled or Identified” Mechanism: Clomiphene Citrate, is incorrect. The correct CAS number is 50-41-9.

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

In summary, the following chemical is listed under Proposition 65 as known to the State to cause cancer:

Chemical	CAS No.	Toxicological Endpoints	Listing Mechanism <sup>3</sup>
Clomiphene citrate	50-41-9	cancer	FR

<sup>3</sup> Listing mechanism:

FR — “formally required to be labeled or identified” mechanism (Health and Safety Code section 25249.8(b) and Title 27 Cal. Code of Regs., section 25902).

**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 24, 2013**

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough 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>CASNumber</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
<u>Allyl chloride Delisted October 29, 1999</u>	<del>107-05-1</del>	<del>January 1, 1990</del>
2-Aminoanthraquinone	117-79-3	October 1, 1989
<i>p</i> -Aminoazobenzene	60-09-3	January 1, 1990
<i>ortho</i> -Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
<i>ortho</i> -Anisidine	90-04-0	July 1, 1987
<i>ortho</i> -Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987

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<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzophenone	119-61-9	June 22, 2012
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	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	15541-45-4	May 31, 2002
Bromochloroacetic acid	5589-96-8	April 6, 2010
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol <u>Delisted January 4, 2013</u>	56-75-7	October 1, 1989
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
p-Chloroaniline	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	20265-96-7	May 15, 1998

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Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
<i>p</i> -Chloro- <i>o</i> -toluidine	95-69-2	January 1, 1990
<i>p</i> -Chloro- <i>o</i> -toluidine, strong acid salts of	—	May 15, 1998
5-Chloro- <i>o</i> -toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Disperse Yellow 3	2832-40-8	February 8, 2013
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
<u>Clomiphene citrate</u>	<u>50-41-9</u>	<u>May 24, 2013</u>
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coconut oil diethanolamine condensate (cocamide diethanolamine)	68603-42-9	June 22, 2012
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
<i>para</i> -Cresidine	120-71-8	January 1, 1988
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclopenta[ <i>cd</i> ]pyrene	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990

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D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988
<u>Dienestrol Delisted January 4, 2013</u>	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988

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Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
2,6-Dimethyl-N-nitrosomorpholine (DMNM)	1456-28-6	February 8, 2013
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,3-Dinitropyrene	75321-20-9	November 2, 2012
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989

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Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine (Aziridine)	151-56-4	January 1, 1988
Etoposide	33419-42-0	November 4, 2011
Etoposide in combination with cisplatin and bleomycin	—	November 4, 2011
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB <sub>1</sub>	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glass wool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996

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Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isopyrazam	881686-58-1	July 24, 2012
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
1990MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyrin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011
Methyl iodide	74-88-4	April 1, 1988
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methylmercury compounds	—	May 1, 1996

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Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
$\alpha$ -Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furilazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro- <i>o</i> -anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988

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Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
o-Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990

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<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Phenylhydrazine and its salts	—	July 1, 1992
<i>o</i> -Phenylphenate, sodium	132-27-4	January 1, 1990
<i>o</i> -Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo- <i>p</i> -dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
3,3',4,4'-Tetrachloroazobenzene	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4'-Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> ( <i>Fusarium verticillioides</i> )	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
<u>Zineb Delisted October 29, 1999</u>	<u>12122-67-7</u>	<u>January 1, 1990</u>

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bisphenol A (BPA) <u>Delisted April 19, 2013</u>	developmental	80-05-7	April 11, 2013
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4 DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorphenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl-tert-butyl ether	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meproamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
$\alpha$ -Methyl styrene	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide)	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylphosphine	developmental	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30, 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30, 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
1,3,5-Triglycidyl-s-triazinetriene	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: May 24, 2013

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**PROPOSITION 65**

NOTICE TO INTERESTED PARTIES

**MAY 24, 2013**

REQUEST FOR PUBLIC PARTICIPATION  
NOTICE OF PUBLIC WORKSHOPS  
AND PUBLIC COMMENTS

**TITLE 27, CALIFORNIA CODE  
OF REGULATIONS  
PROPOSED SECTION 25904  
LISTINGS BY REFERENCE TO THE  
CALIFORNIA LABOR CODE**

**AND**

**PROPOSED AMENDMENTS TO  
SECTION 25302  
SCIENCE ADVISORY BOARD**

On June 17, 2013, in the Sierra Hearing Room at the Cal/EPA Headquarters Building located at 1001 I Street, Sacramento, California, the Office of Environ-

mental Health Hazard Assessment (OEHHHA) will hold two public pre-regulatory workshops for the purpose of gathering input from interested parties concerning two possible regulatory actions. The workshop on a possible regulation concerning the listing of chemicals under the Proposition 65<sup>1</sup> Labor Code mechanism<sup>2</sup> will be held from 9:00 to 11:30 a.m. The workshop on possible amendments to the regulations governing qualifications for members of the Carcinogen Identification Committee (CIC) and the Developmental and Reproductive Toxicant Identification Committee (DART-IC)<sup>3</sup> will be held from 1:00 to 3:30 p.m.

Interested parties may submit their ideas on these possible regulations in writing by 5:00 p.m. on July 1, 2013.

**PLEASE NOTE: THESE ARE PRE-REGULATORY WORKSHOPS. IN THE EVENT OEHHHA DECIDES TO FORMALLY PROPOSE EITHER OR BOTH OF THE POSSIBLE REGULATIONS, ADDITIONAL OPPORTUNITIES FOR PUBLIC INPUT AND COMMENTS WILL BE PROVIDED.**

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq., commonly known as Proposition 65.

<sup>2</sup> Health and Safety Code section 25249.8(a).

<sup>3</sup> Title 27 California Code of Regulations sections 25302 and 25304.

## BACKGROUND

OEHHA is the lead agency for implementation of Proposition 65 (The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 et seq., hereafter referred to as Proposition 65 or the Act). As part of its responsibilities related to Proposition 65, OEHHA maintains the regulations implementing the Act. These regulations can be found in Title 27 of the California Code of Regulations, sections 25000 through 27000<sup>4</sup>.

## POTENTIAL REGULATORY ACTIONS

1. OEHHA is considering a rulemaking that would clarify the procedure and criteria it uses to list and de-list chemicals via the "Labor Code" listing mechanism of Proposition 65.
2. OEHHA is considering amendments to the current regulations that would clarify and make specific the qualification requirements for members of the CIC and DART-IC. The possible regulatory action would also repeal a redundant section in the existing regulation concerning financial disclosure requirements for committee members.

Section 25302(a) establishes two committees of qualified experts within the Science Advisory Board, known as the Carcinogen Identification Committee and the Developmental and Reproductive Toxicant Identification Committee. Subsections 25302(b)(1) and (2) set out the areas of expertise for the members of the two committees. Section 25304 describes the economic interests disclosure requirements for committee members. The current regulations can be found at [http://www.oehha.ca.gov/prop65/law/pdf\\_zip/RegsArt3.pdf](http://www.oehha.ca.gov/prop65/law/pdf_zip/RegsArt3.pdf).

The text of both possible regulatory actions and draft Initial Statements of Reasons explaining the possible changes are posted on the OEHHA website at <http://www.oehha.ca.gov/prop65.html>.

## CONTACT INFORMATION

If you have special accommodations or language needs, please contact Monet Vela at (916) 323-2517 or [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) by June 3, 2013.

Please indicate "Committee Qualifications Workshop" or "Labor Code Workshop" in the subject line. All submissions should be directed to:

Monet Vela  
Office of Environmental Health Hazard Assessment  
1001 I Street  
Sacramento, CA 95812  
Or via e-mail to  
[P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov)

To ensure you receive timely notice concerning OEHHA's Proposition 65 program, you may wish to sign up for our listserv at: <http://www.oehha.ca.gov/Listservs/default.asp>.

**The workshop will be webcast:** The URL for the webcast (not active until the day and time of the meeting) is: <http://calepa.ca.gov/Broadcast/>.

## SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

### OFFICE OF ADMINISTRATIVE LAW

### SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

#### (Pursuant to Title 1, section 280, of the California Code of Regulations)

On January 3, 2013, the Office of Administrative Law (OAL) received a complete petition challenging the language labeled "Additional Items of Note" in a document titled "Notice of May 13, 2011 to all Certified Recycling Centers." issued by the Department of Resources Recycling and Recovery (CalRecycle) as an alleged underground regulation. The additional items deal with "suspicious volumes of recycling materials."

On April 26, 2013, CalRecycle certified to the OAL that the Administrative Bulletin had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or [mmolina@oal.gov](mailto:mmolina@oal.gov).

<sup>4</sup> All further references are to sections of Title 27, of the California Code of Regulations unless otherwise indicated.

**DEPARTMENT OF RESOURCES  
RECYCLING AND RECOVERY**

April 25, 2013

Debra M. Cornez, Director  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

Re: CTU2012-1126-01

Dear Ms. Cornez:

This letter is in response to a Petition for Determination submitted to your office by Mr. Bill Gausewitz on November 26, 2012. That petition challenges a notice issued by CalRecycle on May 13, 2011, which deals with, as you have characterized it, “suspicious volumes of recycling materials.”

CalRecycle has reviewed the petition, the notice in question, and the additional documentation accompanying the petition. The notice in question was not intended to be used as a rule of general applicability, but rather as information to regulated entities regarding existing laws and regulations. To the extent that the May 13, 2011, notice was used as the basis for imposing discipline upon a recycling center, that action by CalRecycle was improper. Henceforth, CalRecycle will not use the May 13, 2011, notice as a basis for imposing discipline upon entities regulated by CalRecycle.

I make this certification in accordance with Section 280 of Title 1 of the California Code of Regulations. Also in accordance with Section 280 of Title 1 of the California Code of Regulations, copy of this certification has been sent to Mr. Gausewitz.

If you have any questions or concerns, please contact Adam Tauber, Supervising Attorney at (916) 323-6888.

Sincerely,

/s/ \_\_\_\_\_  
Caroll Mortensen  
Director  
CalRecycle

Enclosures

On April 25, 2013, the CalRecycle Legal Office mailed a copy of the attached, CalRecycle’s Response to Office of Administrative Law regarding Petition for Determination, dated November 26, 2012, by placing a true copy thereof, enclosed, in a sealed envelope to petitioner Bill Gausewitz at the following address:

Bill Gausewitz  
Michelman & Robinson, LLP  
915 L Street, Suite 1110  
Sacramento, CA 95814

I declare, under penalty of perjury, that the foregoing is true and correct.

Date: 4/25/13

/s/ \_\_\_\_\_  
Adam Tauber  
Supervising Attorney  
CalRecycle Legal Office

WILLIAM L. GAUSEWITZ, Bar No. 91524  
**MICHELMAN & ROBINSON, LLP**  
915 L Street, Suite 1110  
Sacramento, California 95814  
Tel: (916) 447-4044; Fax: (916) 405-3404  
BGausewitz@mrlp.com

CALIFORNIA OFFICE OF ADMINISTRATIVE  
LAW

CALIFORNIA DEPARTMENT OF  
RESOURCES RECYCLING AND  
RECOVERY (CalRecycle)

NOTICE OF MAY 13, 2011  
TO ALL CERTIFIED RECYCLING  
CENTERS

**PETITION FOR DETERMINATION  
PURSUANT TO CALIFORNIA GOVERNMENT  
CODE § 11340.5**

**1) INTRODUCTION**

This petition is submitted to the Office of Administrative Law (OAL) requesting a determination pursuant to California Government Code § 11340.5 of whether the above-captioned communication (the Notice<sup>1</sup>) contains underground regulations as defined by title 10, Cal Code Regs § 250(a). The Notice purports to state the “specific responsibilities” of certified recycling centers, pursuant to statute and regulation.

The Notice lists eleven “indicators” that a beverage container being presented to the recycling center for redemption “is not from a legitimate source.” It establishes the standard that “if [the recycling center] encounter[s] one or more of the indicators and pay[s] CRV for the load, [the center] may be held responsible for knowingly redeeming non-CRV material”, an act which the Notice says constitutes a crime.

<sup>1</sup> A copy of the Notice is attached as Exhibit 1.

The Notice also lists four “Additional Items to Note”. These “additional items” are, in fact, explicit rules which CalRecycle asserts that all certified recycling centers are required to obey. The rules and standards issued and implemented through the Notice are underground regulations in violation of Section 11340.5 of the California Government Code.

An underground regulation is invalid and unenforceable<sup>2</sup>. By issuing these underground regulations CalRecycle is illegally attempting to implement regulations which are void, and therefore unenforceable. If CalRecycle wishes to implement the rules that it is attempting to impose through these underground regulations it must do so within the scope of its statutory authority<sup>3</sup> and must comply with the procedural and substantive requirements of the Administrative Procedure Act (APA), found in California Government Code<sup>4</sup> sections 11340 *et seq.*

This petition does not ask for a determination by OAL regarding CalRecycle’s authority to issue the challenged underground regulation. Such a determination is beyond the scope of a petition submitted pursuant to Gov. Code § 11340.5. Any formal evaluation of the scope of the Department’s authority must occur in the course of a formal APA rulemaking. By issuing these rules illegally, without going through formal APA rulemaking, CalRecycle has avoided scrutiny regarding its legal authority, if any, to impose these requirements. Only by requiring CalRecycle to obey the APA may its authority, or lack of authority, be revealed.

**2) THE PURPORTED UNDERGROUND REGULATIONS**

On May 13, 2011, CalRecycle distributed the Notice to “All Certified Recycling Centers”. The notice is posted on the CalRecycle web site at <http://www.calrecycle.ca.gov/BevContainer/Notices/2011/IllegalPmt.pdf>.

The Notice purports to “point out” the “specific responsibilities” imposed upon recycling centers by cer-

tain unspecified statutes and regulations. The Notice also specifies four “Additional Items of Note”. Included within these “Additional Items” are the purported rules that A) “it is illegal for recyclers to facilitate the splitting of large loads”; B) “any amount of out-of-state containers in a load deems the entire load ineligible; C) Inaccurate or fabricated vehicle or driver license information on consumer purchase receipts cause the transaction to be invalid; and D) specifically-named documents “are the only acceptable forms of identification” for compliance with a particular regulation.

The Notice also attempts to establish a requirement that any certified recycling center must follow specific reporting requirements “if you know of a recycling center that is currently making or facilitating illegal payments . . . please contact” CalRecycle. While this requirement is phrased as a request (“please contact”), in practice CalRecycle treats this as a mandatory requirement by imposing sanctions against any center that does not make the required reports.

The reporting requirement, the four individual rules identified above as A) – D) and the standards identifying “indicators” which determine that a load of material presented for recycling “is not from a legitimate source” are distinct regulations imposed by the Notice. Collectively they are all underground regulations, established by the Notice in violation of section 11340.5 of the Government Code.

**3) AGENCY ACTIONS DEMONSTRATING THAT CALRECYCLE HAS ISSUED, USED, ENFORCED, OR ATTEMPTED TO ENFORCE THE PURPORTED UNDERGROUND REGULATIONS**

The Notice is published on letterhead identifying CalRecycle as the source. By its own terms it is applicable to “All Certified Recycling Centers. It is posted on the CalRecycle web site. By any reasonable interpretation, it has been “issued” by CalRecycle in violation of section 11340.5.

Furthermore, at least one licensed recycling center has been subjected to enforcement actions by CalRecycle based explicitly upon “Failure to follow directions and procedures of the Department. Specifically, failure to follow May 13, 2011 Notice regarding suspicious volumes of material and failing to contact Joe Preciado”. The Notice identifies Joe Preciado as one of two specific persons who must be contacted if the recycling center “know[s] of a recycling center that is currently making or facilitating illegal payments of CRV.” A document from CalRecycle entitled “Notice of Action and Prepayment Inspection Status”, which was issued by CalRecycle to impose regulatory sanctions upon a certi-

<sup>2</sup> A “regulation or order of repeal may be declared to be invalid for a substantial failure to comply with [the rulemaking chapter of the APA]” Cal Gov Code § 11350.

“[W]e conclude that DLSE’s policy for determining whether to apply IWC wage orders to maritime employees constitutes a regulation and is void for failure to comply with the APA.” *Tidewater Marine Western, Inc. v. Bradshaw*, 14 Cal. 4th 557, 576 (Cal. 1996)

<sup>3</sup> “Each regulation adopted, to be effective, shall be within the scope of authority conferred and in accordance with standards prescribed by other provisions of law.” Cal Gov Code § 11342.1.

<sup>4</sup> Unless identified otherwise, all section references in this petition refer to the California Government Code.

fied recycler is attached as Exhibit 2<sup>5</sup>. This document specifically sanctions the recycling center for “failure to follow May 13, 2011 Notice.” Through this action CalRecycle has clearly “enforced” the underground regulation.

The Notice is published on CalRecycle letterhead. It is addressed by CalRecycle to “All Certified Recycling Centers.” It is posted on the CalRecycle web site. CalRecycle imposes regulatory sanctions against recycling centers for “failure to follow May 13, 2011 notice”. There can be no doubt that CalRecycle has “issued, used, enforced, or attempted to enforce the purported underground regulations.”

**4) THE LEGAL BASIS FOR BELIEVING THAT THE ALLEGED UNDERGROUND REGULATIONS ARE REGULATIONS AS DEFINED IN SECTION 11342.600 OF THE GOVERNMENT CODE AND THAT NO EXPRESS STATUTORY EXEMPTION TO THE REQUIREMENTS OF THE APA IS APPLICABLE**

**4a) The challenged underground regulations satisfy the legal definition of “regulation” and are not exempt from APA requirements.** The APA defines a regulation as “every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure” Cal Gov Code § 11342.600. The California Supreme Court has refined this definition as follows:

A regulation subject to the APA thus has two principal identifying characteristics. (See *Union of American Physicians & Dentists v. Kizer* (1990) 223 Cal. App. 3d 490, 497 [272 Cal. Rptr. 886] [describing two-part test of the Office of Administrative Law].) First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided (*Roth v. Department of Veterans Affairs* (1980) 110 Cal. App. 3d 622, 630 [167 Cal. Rptr.

<sup>5</sup> Although the document is presumably public record pursuant to the California Public Records Act (Sections 6250–6276.48), personally identifiable information has been redacted to protect the identity of the persons against whom CalRecycle imposed sanctions. Should OAL require an unredacted copy of this document for purposes of demonstrating that the purported underground regulation has been enforced by CalRecycle, petitioner will, upon request, attempt to obtain an unredacted copy from CalRecycle pursuant the the Public Records Act and will provide it to OAL.

552].) Second, the rule must “implement, interpret, or make specific the law enforced or administered by [the agency], or . . . govern [the agency’s] procedure” (Gov. Code, § 11342, subd. (g).) *Tidewater Marine Western, Inc. v. Bradshaw*, 14 Cal. 4th 557, 571 (Cal. 1996)

In order to conclude that the purported underground regulations satisfy the legal standard, therefore, it must be demonstrated that each of them is intended to apply generally and that each implements, interprets or makes specific a more general law. Each rule meets these standards.

A third requirement of § 11340.5 is that the challenged regulation be subject to APA rulemaking requirements. Pursuant to Gov. Code § 11346, any law exempting a regulation from APA requirements “must do so expressly.” The challenged underground regulations, therefore, are required to be adopted pursuant to APA rulemaking requirements unless they are subject to an express statutory exemption from those requirements. They are not.

**4b) The Challenged Underground Regulations are Intended to Have General Application.** Each of the underground regulations identified in Section 2), above, is intended to apply generally. Each is contained in the Notice which is addressed to “All Certified Recycling Centers”. The Notice contains numerous phrases<sup>6</sup> clearly indicating that it is directed generally at all recycling centers rather than to any specific center or category of centers.

**4c) The Challenged Underground Regulations Attempt to Implement, Interpret, or Make Specific the Laws Administered by Cal Recycle.** Each of the underground regulations in the Notice is an apparent attempt to implement, interpret, or make specific the laws which CalRecycle is required to enforce. The intent that the Notice is an element of enforcing the law is, in fact, stated explicitly in the Notice. The first paragraph of the Notice tells the certified recycling centers that “You and your employees are the first line of defense against fraud in this program.” The penultimate paragraph of the Notice refers to “our combined efforts to combat beverage container recycling fraud.” CalRecycle is expressly stating that the intent of the Notice is to implement laws intended to address fraud.

Each of the underground regulations in the Notice contains elements demonstrating that it is intended to implement, interpret, or make specific the laws administered by CalRecycle. Consider the “Indicators that the beverage container . . . is not from a legitimate

<sup>6</sup> Such phrases include “It has always been the responsibility of certified recycling centers to prevent the illegal redemption of ineligible material” and “our combined efforts to combat beverage container recycling fraud”.

source.” California Public Resources Code § 14538(a)(3) makes it mandatory for a certified recycling center to “accept and pay the refund value for all empty beverage containers, regardless of type. Subdivisions (a)(5) and (a)(6) of this section prohibit a center from paying refunds on containers that the center “knew or should have known” came from out of the state.

By specifying various indicators “that the beverage container material being presented to you is not from a legitimate source” CalRecycle is apparently trying to establish criteria that a recycling center “should have known” indicate that the material came from out of state. However, demonstrating which specific statutes an underground regulation attempts to implement, interpret, or make specific is not necessary for demonstrating that the challenged rule is an attempt to provide specificity to the law. The “indicators” specified in the Notice are found nowhere else in statute or regulation. Whatever else they may be, they provide express and specific rules demonstrating without doubt that they are intended by CalRecycle to “make specific” the laws that it administers.

**4d) The challenged underground regulation is not subject to any exemption from the rulemaking requirements of the APA.** Pursuant to section 11346, any statute exempting a regulation from the rulemaking requirements of the APA “must do so expressly.” There is no apparent express exemption in governing law permitting adoption of the rules stated in the Notice without complying with the rulemaking requirements of the APA. The general exemptions of Government Code § 11340.9 are not applicable. CalRecycle has not identified any statutory authority pursuant to which it has promulgated this rule. Without the identification of authority and reference statutes, it is difficult to demonstrate the non-existence of an express exemption definitively. The Petitioner is a California lawyer familiar with both the APA and the Public Resources Code who knows of no express statutory exemption and who asserts that no such express exemption exists.

Any claim that the Notice is subject to an express exemption amounts to an affirmative defense to the general rule that a regulation must be adopted pursuant to APA rulemaking. Therefore, the burden is on CalRecycle to demonstrate that the Notice is exempt from APA rulemaking requirements, if that is the case. Rather than presuming that this purported underground regulation is expressly exempt from APA rulemaking, OAL should accept this petition and offer CalRecycle the opportunity to defend the regulation on that basis, should it choose to do so.

**5) INFORMATION DEMONSTRATING THAT THE PETITION RAISES AN ISSUE OF CONSIDERABLE PUBLIC IMPORTANCE REQUIRING PROMPT RESOLUTION**

There are at least three issues of considerable public importance raised by this petition.

**Issue #1: Public participation in the rulemaking applicable to recycling centers.** A fundamental purpose of the rulemaking requirements of the APA is to protect the right of interested members of the public participate in developing the laws under which they are required to live. By adopting the underground regulations contained in the Notice without going through APA rulemaking, CalRecycle has denied this right to the regulated public.

**Issue #2: Due Process for Recycling Centers.** By establishing and enforcing the underground regulations contained in the Notice CalRecycle has created a system whereby its investigators may impose regulatory sanctions upon recycling centers for alleged violation of standards which are void and which have no force of law. As shown by the Notice of Action and Prepayment Inspection Status, these regulatory sanctions are imposed by bureaucratic decree, allowing no due process or right of appeal. Only by subjecting these underground regulations to the scrutiny provided by APA rulemaking can this be corrected.

**Issue #3: The Scope of the Department’s Legal Authority.** The failure to employ the rulemaking process means that the scope of authority that CalRecycle may have in this area of regulation has never been subjected to public scrutiny. There is a legitimate legal question as to whether the underground regulations within the Notice are within CalRecycle’s statutory authority.

Whether or not CalRecycle has the legal authority to implement the rules it has imposed through underground regulation is a significant legal question with far-reaching implications. By enacting the challenged rules as underground regulations, CalRecycle has avoided all scrutiny with respect to its authority. It is entirely possible that CalRecycle is implementing rules which exceed its authority in violation of section 11342.1 of the APA or that the rules are not reasonably necessary to carry out the purpose of the statutes CalRecycle administers in violation of section 11342.2. Only by subjecting these rules to formal rulemaking pursuant to the APA may the Department’s authority be properly evaluated.

**6) CONCLUSION**

The underground regulations contained in the Notice issued and enforced by CalRecycle constitute a significant exercise of regulatory power over recycling centers. This power has been exercised through regulations which have never been subjected to the scrutiny and public comment that is a central purpose of APA rule-making. These rules are not subject to any express statutory exemption which exempts them from the rulemaking requirements of the APA. The petitioner respectfully requests that OAL accept this petition so that the challenged regulations may be evaluated pursuant to the APA.

**7) CERTIFICATIONS**

I certify that I have submitted copies of this petition and all attachments to the state agency which has issued, used, enforced, or attempted to enforce the purported underground regulation.

The copies were submitted as follows:

Via email in PDF format to:

Caroll Mortensen, Director  
CA Department of Resources  
Recycling and Recovery  
Caroll.Mortensen@  
CalRecycle.com

Elliott Block, General Counsel  
CA Department of Resources  
Recycling and Recovery  
Elliot.Block@CalRecycle.com

I certify that all of the above information is true and correct to the best of my knowledge.

DATED: November 26, 2012

**MICHELMAN & ROBINSON, LLP**

By: \_\_\_\_\_ /s/  
WILLIAM L. GAUSEWITZ

<p><b>SUMMARY OF REGULATORY ACTIONS</b></p>
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**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State,

Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2013-0412-01  
**BOARD OF PSYCHOLOGY**  
Change of Address

The Board of Psychology is amending section 1380.1 of title 16 of the California Code of Regulations as a change without regulatory effect in order to update the address of its principal office.

Title 16  
California Code of Regulations  
AMEND: 1380.1  
Filed 05/08/2013  
Agency Contact: Linda Kassis (916) 263-0712

File# 2013-0408-01  
**CALIFORNIA STUDENT AID COMMISSION**  
California National Guard Education Assistance Award Program

The California Student Aid Commission amended existing sections 30730, 30731, 30733, 30734, and 30736 and adopt new sections 30737 and 30738 in title 5 of the California Code of Regulations implementing the California National Guard Education Assistance Award Program.

Title 5  
California Code of Regulations  
ADOPT: 30737, 30738 AMEND: 30730, 30731, 30733, 30734, 30736  
Filed 05/14/2013  
Effective 07/01/2013  
Agency Contact:  
Kristen Trimarche (916) 464-6439

File# 2013-0424-01  
**DEPARTMENT OF INSURANCE**  
Amendments to CCR 2632.19 Changing Violation Point Reference

The Department of Insurance amended subdivisions (c)(1)(A), (c)(2), and (e)(1)(A) of section 2632.19 of title 10 of the California Code of Regulations as a change without regulatory effect. The proposed amendments would change references to violation points assessed under "Section 2632.13" to "Section 2632.13.1" to reflect a regulatory change made in 2011 which bifurcated section 2632.13.

Title 10  
California Code of Regulations  
AMEND: 2632.19  
Filed 05/13/2013  
Agency Contact:  
Summer Volkmer (415) 904-5490

File# 2013-0328-01  
 DEPARTMENT OF REHABILITATION  
 Section 100 — Reference, Terms, and Typographical Corrections

These changes to sections of Title 9 of the California Code of Regulations are without regulatory effect. Among other things, the changes replace the term Individualized Written Rehabilitation Program with Individualized Plan for Employment, add and correct Reference Citations, eliminate redundant definitions, update the name of a state agency, and replace archaic references to individuals with disabilities, such as the term “handicapped,” with appropriate terms.

Title 9  
 California Code of Regulations  
 AMEND: 7156, 7158.8, 7159, 7160, 7160.5, 7161.5, 7162, 7163, 7211, 7263, 7302, 7310, 7312, 7320, 7321, 7322, 7330, 7332  
 Filed 05/09/2013  
 Agency Contact:  
 Angelique Huttonhill (916) 558-5414

File# 2013-0415-02  
 DEPARTMENT OF TOXIC SUBSTANCES CONTROL  
 Mercury Thermostat Collection and Performance Requirements

This rulemaking action establishes the annual collection performance goals for the collection of mercury-containing thermostats which would otherwise become waste, and the methodology for calculating the number of out-of-service, mercury-containing thermostats which become waste annually. The rulemaking action also establishes identification requirements for thermostats delivered to collection centers and the annual reporting requirements for manufacturers.

Title 22  
 California Code of Regulations  
 ADOPT: 66274.1, 66274.2, 66274.3, 66274.4, 66274.5, 66274.7, 66274.8  
 Filed 05/15/2013  
 Effective 07/01/2013  
 Agency Contact: Andre Algazi (916) 324-3114

File# 2013-0419-02  
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
 Crane or Derrick Suspended Personnel Platforms

This action without regulatory effect corrects a grammatical error in title 8, section 5004.

Title 8  
 California Code of Regulations  
 AMEND: 5004(d)(2)  
 Filed 05/08/2013  
 Effective  
 Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN December 19, 2012 TO May 15, 2013**

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

- Title 2**  
 04/16/13 AMEND: 23000  
 04/12/13 ADOPT: 51.4, 52.11, 56.5, 58.12, 58.13, 61 AMEND: 51.2, 51.6, 52.1, 52.4, 52.8, 53.2, 53.3, 54.1, 55.2, 56.3, 56.4, 57.1, 58.2, 59.1, 59.3, 60.1, 60.3  
 03/29/13 REPEAL: 26100  
 03/26/13 ADOPT: 20202, 20203, 20208, 20212, 20217, 20220.5, 20249.5 AMEND: 20200, 20201, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20215, 20216, 20220, 20221, 20222, 20223, 20224, 20225, 20226, 20227, 20230, 20235, 20236, 20245, 20247, 20249, 20250, 20251, 20252, 20253, 20254, 20255, 20256, 20257, 20258, 20259, 20260, 20261, 20262, 20265, 20266, 20267 REPEAL: 20237, 20238  
 03/25/13 ADOPT: 1859.90.3 AMEND: 1859.2, 1859.51, 1859.61, 1859.90.2, 1859.90.4, 1859.104, 1859.164.2, 1859.184.1  
 03/20/13 AMEND: 1897  
 03/12/13 AMEND: 1859.2, 1859.77.3  
 03/11/13 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95  
 02/21/13 AMEND: 599.506  
 02/14/13 ADOPT: 1896.71, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.83, 1896.84, 1896.88, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.72, 1896.73, 1896.74, 1896.75, 1896.80, 1896.90, 1896.99.100

**CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 21-Z**

	1896.99.120 REPEAL: 1896.63, 1896.64, 1896.85, 1896.98	01/28/13	ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
01/31/13	AMEND: 649.28		
01/09/13	ADOPT: 18756	01/24/13	ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
01/08/13	AMEND: 18723, 18730		
01/07/13	AMEND: 18545, 18703.4, 18940.2	01/08/13	ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133
01/07/13	AMEND: 18705.5		
01/02/13	AMEND: 22500, 22501, 22502, 22503, 22505, 22506, 22508, 22509 REPEAL: 22504, 22507, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519	12/21/12	ADOPT: 5342, 5343, 5344, 5345, 5346, 5347, 5348
		12/13/12	AMEND: 12391(a)(2)
12/31/12	ADOPT: 1859.97 AMEND: 1859.2, 1859.90.2	<b>Title 5</b>	
12/28/12	AMEND: 18410, 18425, 18435, 18465.1, 18550 REPEAL: 18539	05/14/13	ADOPT: 30737, 30738 AMEND: 30730, 30731, 30733, 30734, 30736
12/27/12	AMEND: 649.7	05/01/13	AMEND: 80054
12/26/12	ADOPT: 7294.0, 7294.2 AMEND: 7293.5, 7293.6, 7293.7, 7293.8, 7293.9, 7294.0 (renumbered to 7294.1), 7294.1(renumbered to 7294.3), 7294.2 (renumbered to 7294.4)	04/03/13	ADOPT: 41906.6
12/24/12	REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200	03/13/13	AMEND: 20135, 20136, 20140 REPEAL: 20145, 20300, 20301, 20302, 20303, 20304, 20305, 20306, 20307, 20308, 20309, 20310, 20311, 20312, 20313, 20314, 20315, 20316, 20317, 20318, 20319, 20320, 20321, 20322, 20323, 20324, 20325, 20326, 20327, 20328, 20329, 20330, 20331, 20332
		02/12/13	AMEND: 19816, 19816.1, 19839
<b>Title 3</b>		02/11/13	AMEND: 40405.1, 40405.4, 40500, 40501, 40505, 40506, 40507, 40508
05/06/13	ADOPT: 1350 AMEND: 1354	02/07/13	ADOPT: 40203
04/16/13	AMEND: 3435(b)	02/07/13	ADOPT: 42740
04/04/13	AMEND: 3435(b)	02/06/13	ADOPT: 9517.3
04/02/13	AMEND: 3435(b)	01/17/13	ADOPT: 80053.1 AMEND: 80024.6, 80053
02/28/13	AMEND: 3437(b)	01/14/13	ADOPT: 80048.3.2 AMEND: 80048.3.1
02/27/13	AMEND: 3435(b)	12/27/12	AMEND: 58108
02/25/13	ADOPT: 1180.24 AMEND: 1180.1, 1180.3.2, 1180.20 REPEAL: 1180.24	12/27/12	AMEND: 55000, 55023, 55040, 55041, 55043, 58161, 58162, 58166 REPEAL: 55030
		12/24/12	ADOPT: 18224.6, 18227, 18227.1 AMEND: 18078, 18409, 18411, 18424, 18426
<b>Title 4</b>			
05/03/13	AMEND: 1843.2	<b>Title 8</b>	
05/02/13	AMEND: 1658	05/08/13	AMEND: 5004(d)(2)
04/23/13	AMEND: 8035(e)	05/07/13	AMEND: 17000 Appendix
04/08/13	ADOPT: 8035.5	05/06/13	AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, 5194, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5217, 5218, 5220, 8358, 8359
04/02/13	AMEND: 10032, 10033, 10034, 10035	04/24/13	AMEND: 2940.8
03/21/13	AMEND: 10178, 10179, 10181, 10182, 10185, 10188	04/15/13	AMEND: 354, 371.2, 373, 376.1, 386
03/20/13	AMEND: 1462	03/29/13	AMEND: 9789.31, 9789.34, 9789.35, 9789.39
03/19/13	AMEND: 10302, 10315, 10322, 10323, 10325, 10326, 10327, 10337		
03/12/13	AMEND: 5000, 5052		
02/11/13	AMEND: 10325		
02/11/13	AMEND: 8072		
02/07/13	ADOPT: 7100, 7101, 7102, 7103, 7104, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7112		
02/04/13	AMEND: 8070, 8071, 8072, 8078, 8078.2		

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03/18/13 ADOPT: 32056, 32121, 32998, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080 AMEND: 32150, 32155, 32300, 32305, 32310, 32315, 32320, 32350, 32360, 32370, 32375, 32380, 32410 REPEAL: 15800, 15805, 15810, 15815, 15820, 15825, 15830, 15835, 15840, 15845, 15850, 15855, 15860, 15865, 15870, 15875, 15875.1, 17300

03/18/13 ADOPT: 32091, 61215, 61255, 61275 AMEND: 32132, 32135, 32140, 32147, 32169, 32305, 32320, 32450, 32455, 32615, 32620, 32661, 32798, 61090, 61210, 61220, 61240, 61250, 61260, 61270 REPEAL: 32613, 32810, 32811, 32812, 32813

03/18/13 AMEND: 344, 344.1

03/14/13 AMEND: 3381

03/13/13 AMEND: 9789.23, 9789.24, 9789.25

02/28/13 AMEND: 4309

01/28/13 ADOPT: 4993.1 AMEND: 1610.3, 1616.3, 4885, 4999, 5001

01/24/13 AMEND: 3210, 3900

12/31/12 ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208 AMEND: 10205, 10205.12

12/31/12 ADOPT: 15209 AMEND: 15201, 15210, 15210.1, 15475, 15477, 15481, 15484, 15496, 15497

12/31/12 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795

12/31/12 ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 14, 17, 30, 31.2, 31.7, 33, 35, 35.5, 36, 38, 100, 105, 106, 10160

12/31/12 ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12

12/27/12 ADOPT: 9789.25 AMEND: 9789.20, 9789.21, 9789.22

12/27/12 ADOPT: 9789.39 AMEND: 9789.30, 9789.31, 9789.32, 9789.33, 9789.36, 9789.37, 9789.38

12/27/12 AMEND: 9795.1, 9795.3

12/20/12 ADOPT: 10133.31, 10133.32, 10133.33, 10133.34, 10133.35, 10133.36 AMEND: 9813.1, 10116.9, 10117, 10118, 10133.53, 10133.55, 10133.57, 10133.58, 10133.60 REPEAL: 10133.51, 10133.52

**Title 9**

05/09/13 AMEND: 7156, 7158.8, 7159, 7160, 7160.5, 7161.5, 7162, 7163, 7211, 7263, 7302, 7310, 7312, 7320, 7321, 7322, 7330, 7332

03/13/13 AMEND: 7071.2, 7017.5, 7021, 7051, 7053

03/05/13 AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358

01/17/13 AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358

**Title 10**

05/13/13 AMEND: 2632.19

03/29/13 REPEAL: 2690.65

03/29/13 REPEAL: 2690.5

03/29/13 REPEAL: 2690.6

03/29/13 REPEAL: 2690.4

03/29/13 ADOPT: 6426

03/29/13 ADOPT: 6446

03/13/13 AMEND: 2318.6, 2353.1, 2354

03/11/13 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4

03/11/13 AMEND: 2318.6, 2353.1, 2354

03/04/13 AMEND: 2690, 2690.1, 2690.2

01/17/13 ADOPT: 6410, 6420, 6422, 6424, 6440, 6442, 6444

01/11/13 AMEND: 2498.4.9, 2498.5, 2498.6

12/31/12 AMEND: 2695.8(f), 2695.8(g)

12/19/12 ADOPT: 2523, 2523.1, 2523.2, 2523.3, 2523.4, 2523.5, 2523.6

**Title 11**

03/27/13 AMEND: 80.3

**Title 13**

05/07/13 ADOPT: 426.00

04/18/13 AMEND: 1956.8

03/07/13 AMEND: 125.12, 125.16, 126.00, 126.02, 127.00, 127.08

02/07/13 AMEND: 2193

01/28/13 ADOPT: 426.00

01/24/13 AMEND: 425.01

01/07/13 AMEND: 553.70

12/31/12 AMEND: 1900, 1956.8, 1960.1, 1961, 1961.2, 1961.3, 1962.1, 1962.2, 1976

**Title 14**

04/29/13 AMEND: 27.80

04/25/13 ADOPT: 709, 709.1

04/12/13 AMEND: 1.74, 701

03/27/13 ADOPT: 132.1, 132.2, 132.3, 132.4, 132.5

03/25/13 AMEND: 27.80

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03/25/13	ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6	3340.16.5, 3340.17, 3340.18, 3340.42, 3340.42.2, 3340.45, 3394.5	
03/06/13	ADOPT: 1299.01, 1299.02, 1299.03, 1299.03(a), 1299.03(b)(1) and most of the document incorporated therein by reference, 1299.03(b)(2)(B), 1299.03(b)(2)(C), 1299.03(c), 1299.04, 1299.05 REPEAL: 1299	04/22/13 AMEND: 2268.2, 2271 04/16/13 ADOPT: 1364.50 04/16/13 AMEND: 1132 04/15/13 ADOPT: 1508, 1508.1, 1508.2, 1508.3 04/10/13 ADOPT: 1149, 1150, 1151, 1152, 1153 04/08/13 AMEND: 2614 04/08/13 AMEND: 40, 43, 45 04/02/13 AMEND: 1888	
03/06/13	ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8	03/25/13 ADOPT: 1823, 1888.1 AMEND: 1803, 1845, 1858, 1881	
03/05/13	AMEND: 265, 365, 366, 478, 708.12, 708.16	03/14/13 ADOPT: 1399.110, 1399.130, 1399.130.1, 1399.156.5 AMEND: 1399.131, 1399.150.3, 1399.151, 1399.155, 1399.156	
02/27/13	AMEND: 670.7 (e) & (f)	03/13/13 AMEND: 1746	
02/25/13	AMEND: 670.5	02/27/13 AMEND: 3340.29	
02/14/13	ADOPT: 15183.3, Appendix M, Appendix N	02/27/13 AMEND: 1575	
02/14/13	AMEND: 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, 28.58	02/13/13 ADOPT: 4187 AMEND: 4184	
01/31/13	AMEND: 1270, 1270.02, 1270.03, 1270.04, 1270.05, 1270.06, 1270.07, 1270.08, 1270.09	02/07/13 AMEND: 1495.2	
01/08/13	AMEND: 27.65, 28.30	02/06/13 AMEND: 1735.1, 1735.2, 1735.3, 1751.2	
12/27/12	ADOPT: 1.45, 5.91 AMEND: 1.77, 2.25, 2.30, 4.20, 5.00, 5.05, 5.10, 5.40, 5.60, 5.80, 5.81, 7.00, 7.50, 8.00, 27.85, 27.90, 27.91, 28.90, 28.95, 701	01/22/13 AMEND: 1399.15	
12/20/12	AMEND: 703	01/15/13 ADOPT: 1399.99.1, 1399.99.2, 1399.99.3, 1399.99.4	
<b>Title 15</b>		01/14/13 AMEND: 1566.1	
03/11/13	AMEND: 3000, 3002, 3021, 3041, 3041.2, 3045.3, 3075.1, 3075.2, 3082, 3103, 3144, 3172.2, 3177, 3230, 3270, 3275, 3278, 3288, 3324, 3338, 3367, 3368, 3369, 3371.1, 3376, 3379, 3380, 3401.5, 3404, 3415 and CDC 345 (Rev. 5/95)	01/10/13 AMEND: 1399.536	
03/04/13	REPEAL: 3999.10	01/09/13 AMEND: 1811, 1870, 1887.3	
02/25/13	ADOPT: 3375.6 AMEND: 3000, 3375	<b>Title 17</b>	
02/25/13	ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323	05/06/13	ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525
02/21/13	AMEND: 3000, 3190, 3213, 3334	04/25/13	AMEND: 94508, 94509
02/12/13	ADOPT: 8004, 8004.1, 8004.2, 8004.3, 8004.4 AMEND: 8000	04/02/13	ADOPT: 54311 AMEND: 54302, 54310, 54314, 54320, 54326, 54332, 54370
01/17/13	AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2	03/21/13	AMEND: 100303, 100403, 100603
01/15/13	AMEND: 3999.14	03/11/13	ADOPT: 58884, 58886, 58887, 58888 AMEND: 50604, 54355, 58543
12/20/12	ADOPT: 3079, 3079.1 AMEND: 3000, 3075.2, 3075.3	02/25/13	AMEND: 94010, 94011, 94016, 94150, 94168
<b>Title 16</b>		02/11/13	ADOPT: 6300.1, 6300.3, 6300.5, 6300.7, 6300.9, 6300.11, 6300.13, 6300.15, 6300.17, 6300.19, 6300.21, 6300.23, 6301.1, 6301.3, 6301.5, 6301.7, 6301.9, 6303.1, 6303.3
05/08/13	AMEND: 1380.1	02/07/13	ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520
05/02/13	ADOPT: 3340.17.1, 3340.17.2, AMEND: 3340.1, 3340.16, 3340.16.4,		

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	REPEAL: 54521, 54522, 54523, 54524, 54525		78057, 78067, 78071, 78077, 78081, 78083, 78089, 78091, 78097, 78103, 78347, 79001, 79023, 79070, 79073, 79215, 79311, 79347, 79501, 79519, 79523, 79539, 79541, 79543, 79551, 79559, 79563, 79565, 79573, 79803
01/22/13	AMEND: 60201, 60210		
01/03/13	AMEND: 2641.56		
12/19/12	ADOPT: 95158 AMEND: 95101, 95102, 95103, 95104, 95105, 95111, 95112, 95113, 95114, 95115, 95119, 95120, 95121, 95122, 95123, 95130, 95131, 95132, 95133, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157, 95202, 95802	02/19/13	ADOPT: 70438.2
		02/11/13	ADOPT: 100144 AMEND: 100135, 100136, 100137, 100139, 100140, 100141, 100142, 100143, 100144, 100145, 100146, 100147, 100148, 100149, 100150, 100151, 100152, 100153, 100154, 100155, 100156, 100157, 100158, 100159, 100160, 100161, 100162, 100163, 100164, 100165, 100166, 100167, 100168, 100169, 100170, 100171, 100172, 100173, 100174, 100175
<b>Title 18</b>			
03/11/13	AMEND: 1620		
01/14/13	AMEND: 101, 171, 252, 1045		
01/08/13	REPEAL: 2558, 2558.1, 2559, 2559.1, 2559.3, 2559.5		
<b>Title 19</b>			
03/26/13	REPEAL: 2300, 2301, 2302, 2303, 2304, 2305, 2324, 2325, 2325.1, 2326, 2327, 2328, 2329, 2330, 2331, 2350, 2351, 2352	01/25/13	AMEND: 100058, 100060, 100063, 100066, 100074, 100075, 100078, 100079, 100080, 100081
<b>Title 20</b>		01/09/13	AMEND: 70110, 70215, 70841, 71110, 71645, 72203, 72641, 73208, 73639, 74108, 74669, 76211, 76525, 76555, 76651, 76846, 76915, 78437 REPEAL: 70111, 70114, 71111, 73209, 74109
04/18/13	ADOPT: 1680, 1681, 1682, 1683, 1684	01/07/13	AMEND: 66260.10, 66264.550, 66264.551, 66264.552, 66264.552.5, 66264.553, 67100.13, 67383.3, 67390.2, 67391.1, 67401.1, 67401.2, 67401.3, 67401.4, 67401.5, 67401.6, 67401.7, 67401.8, 67401.9, 67401.10, 67401.11, 67401.12, 67401.13 REPEAL: 69000, 69000.5, 69001, 69002, 69003, 69004, 69005, 69006, 69007, 69008, 69009, 69010, 69011, 69012, 69013, 69200, 69201, 69202, 69203, 69204, 69205, 69206, 69207, 69208, 69209, 69210, 69211, 69212, 69213, 69214
<b>Title 21</b>			
02/07/13	AMEND: 1301, 1310, 1312		
12/24/12	ADOPT: 2653, 2654, 2655, 2656, 2657, 2658		
<b>Title 22</b>			
05/15/13	ADOPT: 66274.1, 66274.2, 66274.3, 66274.4, 66274.5, 66274.7, 66274.8		
03/25/13	AMEND: 97232		
03/14/13	AMEND: 50273(c)		
03/12/13	AMEND: 70055, 70217, 70263, 70275, 70405, 70483, 70485, 70579, 70619, 70706.1, 70707.8, 70747, 71053, 71215, 71245, 71547, 72003, 72013, 72035, 72037, 72057, 72059, 72075, 72083, 72085, 72087, 72089, 72097, 72105, 72107, 72329, 72329.1, 72351, 72361, 72465, 72467, 73009, 73023, 73031, 73057, 73059, 73073, 73075, 73081, 73083, 73085, 73087, 73103, 73109, 73319, 73411, 73483, 74011, 74013, 74023, 74405, 74615, 74617, 74623, 74631, 74633, 74635, 74641, 74643, 74645, 74647, 74653, 74657, 75002, 75006, 75011, 75012, 75015, 75016, 75018, 75020, 75054, 75081, 75301, 75305, 75307, 75341, 76003, 76013, 76043, 76049, 76051, 76089, 76109, 76111, 76117, 76119, 76121, 76123, 76130, 76131, 76141, 76149, 76151, 76800, 76808, 76809, 76825, 76832, 76894, 76896, 76916, 78033, 78037,		
		<b>Title 23</b>	
		04/25/13	AMEND: 2920
		03/28/13	AMEND: 3930
		02/21/13	ADOPT: 3929.9
		01/28/13	ADOPT: 3677, 3677.1, 3677.2, 3677.3, 3677.4, 3677.5, 3677.6, 3680.1, 3680.2, 3681, 3682, 3682.1, 3682.2, 3682.3, 3682.4, 3682.5, 3682.6, 3683, 3683.1, 3683.2, 3683.3, 3683.4, 3684, 3685, 3686, 3687, 3689, 3700, 3701, 3701.1, 3701.2, 3702, 3702.1, 3702.2, 3702.3, 3702.4, 3702.5, 3702.6, 3702.7, 3703, 3709, 3712, 3712.1, 3712.2, 3715, 3716, 3719.6, 3719.8, 3719.10, 3719.11, 3719.14, 3719.15 AMEND: 3670,

3670.1, 3671, 3675, 3676, 3680, 3710, 3711, Renumber 3712 as 3711.1, Renumber 3713 as 3711.2, Renumber 3714 as 3713, Renumber 3715 as 3714, 3717, 3718, 3719, Renumber 3719.10 as 3719.1, Renumber 3719.11 as 3719.2, Renumber 3719.12 as 3719.3, Renumber 3719.13 as 3719.4, Renumber 3719.14 as 3719.5, Renumber 3719.15 as 3719.7, Renumber 3719.16 as 3719.9, Renumber 3719.17 as 3719.12, Renumber 3719.18 as 3719.13, Renumber 3719.19 as 3719.16 REPEAL: 3670.2, 3683, 3684, 3685, 3686, 3700, 3701, 3702, 3702.1, 3702.2, 3702.3, 3702.4, 3702.5, 3703, 3704, 3707, 3708, 3709, 3716

**Title 25**

03/27/13 ADOPT: 6932 REPEAL: 6932  
 02/19/13 ADOPT: 1142, 1336.4, 2142, 4041.5

AMEND: 1002, 1018, 1020.9, 1034, 1038, 1048, 1102, 1180, 1317, 1320, 1333, 1335.5, 1336.2, 1422, 1438, 1462, 1606, 1750, 2002, 2018, 2020.9, 2034, 2038, 2048, 2102, 2112, 2317, 2327, 2328, 2422, 2438, 2496, 2750, 4011, 4040, 4050

**Title 27**

04/10/13 AMEND: 25805  
 03/04/13 AMEND: 27000  
 02/06/13 AMEND: 27001

**Title 28**

04/08/13 ADOPT: 1300.74.73

**Title MPP**

01/16/13 AMEND: 40-107, 42-301, 42-302, 42-431, 42-712, 42-713, 42-721, 44-133, 44-307, 44-316, 82-833  
 01/14/13 AMEND: 40-105.4(g)(1), 44-111.23, 44-113.2, 44-113.54(QR), 44-315.39(QR), 89-201.513