



California Regulatory Notice Register

REGISTER 2002, NO. 22-Z

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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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EDITORIAL CORRECTION:

The table of contents in the May 17, 2002 edition of the California Regulatory Notice Register (**Register 2002, No. 20Z**) incorrectly identified the Notice File Z Number for the Notice concerning the Court Reporters Board of California. The correct Notice File Z Number should read **Z02-0502-01**.

PROPOSED ACTION ON REGULATIONS

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after July 11, 2002 at 9:30 a.m. Written comments must be received at the Commission offices no later than 5:00 p.m. on July 9, 2002.

BACKGROUND/OVERVIEW

This notice concerns proposed regulations interpreting Government Code sections 84501–84511. These government code sections, added to the Political Reform Act (the “Act”) by Proposition 208, pertain to the disclosure of major funding sources for campaign advertising. To implement these advertising disclosure requirements the Commission recently adopted several regulations. The Commission will consider whether to adopt regulations defining “advertisement” and “cumulative contributions.” The Commission also will consider the scope of the advertisement requirements and to which committees the various provisions apply.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. § 18450: The proposed regulation defines the scope of the advertising statutes comprised of sections 84501 through 84510.

Adopt 2 Cal. Code Regs. § 18450.1: This proposed regulation defines the term “advertisement.”

Adopt 2 Cal. Code Regs. § 18450.2: This proposed regulation defines the term “cumulative contributions.”

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code sections 81004, 83112 and 84501–84511.

CONTACT

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

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulation before its adoption or repeal.

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

California Public Entity Insurance Authority
South Bay Area Schools Insurance Authority

AMENDMENT

MULTI-COUNTY

Stockton East Water District

A written comment period has been established commencing on **May 31, 2002** and closing on **July 15, 2002**. Written comments should be directed to the Fair Political Practices Commission, Attention Teri Rindahl, 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 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 or 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 or the Commission, upon his or its own motion or at the request of any interested person, 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 15, 2002**. 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 Teri Rindahl, 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 Teri Rindahl, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after July 11, 2002 at 9:00 a.m. Written comments must be received at the Commission offices no later than 5:00 p.m. on July 9, 2002.

BACKGROUND/OVERVIEW

On November 7, 2000, the voters approved Proposition 34, which significantly amended the Political Reform Act ("Act"). Among those changes is a new statute, section 85702 of the Government Code. Generally speaking, the new law prohibits certain but not all campaign contributions from lobbyists. The statute also prohibits an elected state officer or candidate for elected state office from accepting a contribution made by such a lobbyist. To implement this new provision, the Commission is considering adopting a regulation defining the scope of the prohibition on candidates and officeholders accepting contributions from lobbyists.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. § 18572.2: The proposed regulation defines the scope of the prohibition on candidates and officeholders accepting contributions from lobbyists.

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code Section 85702.

CONTACT

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

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulation before its adoption or repeal.

TITLE 2. OFFICE OF ADMINISTRATIVE LAW

NOTICE OF PROPOSED REGULATORY ACTION

The Office of Administrative Law (OAL) proposes to adopt the regulatory action described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

Notice is hereby given that the Office of Administrative Law intends to amend its Conflict of Interest Code (California Code of Regulations, Title 2, section 51000) pursuant to Government Code Section 87306. The proposed amendments revise the list of employee positions subject to the Conflict of Interest Code (Code) and make technical changes in the Code.

Copies of the amendments may be obtained from:

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
Attn: Melvin Fong

Any interested person may present written comments concerning the proposed code amendments to the:

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
Attn: John D. Smith

Comments must be received no later than 5:00 p.m., July 15, 2002 to be considered by OAL before it amends its Conflict of Interest Code.

Any inquiries concerning the proposed Code amendments should be directed to John D. Smith, (916) 323-6225.

The Office of Administrative Law has prepared a written explanation of the reasons for the proposed changes in designated employee positions and technical amendments, and has available all of the information upon which the amendments are based.

No public hearing on this matter will be held unless any interested person or his or her representative requests no later than 15 days prior to the close of the written comment period that a public hearing be held.

The adoption of the proposed amendments will not: impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code; result in any nondiscretionary cost or savings to local agencies; result in any cost or savings in federal funding to the state; impose a mandate on local agencies or school districts; or have any potential cost impact on private persons or businesses, including small businesses.

The Office of Administrative Law must determine that no alternative considered by the office would be more effective in carrying out the purposes for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE

Government Code section 87300 requires the Office of Administrative Law to adopt and promulgate a Conflict of Interest Code. Section 87301 declares the policy of the 1974 Initiative Measure requiring the adoption of agency Conflict of Interest Codes to be that codes shall be formulated at the most decentralized level possible. Government Code section 87306 requires OAL to amend its Code which implements,

interprets or makes specific Government Code sections 87302 and 87306 when change is necessitated by changed circumstances.

INFORMATIVE DIGEST

The Political Reform Act (Government Code sections 81000 et seq.) requires, among other things, that governmental agencies promulgate Conflict of Interest Codes designating employees in positions who must disclose specific investments, business positions, interests in real property and sources of income, and must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. OAL's Code, found at section 51000 of Title 2 of the California Code of Regulations, contains a General Provisions section, an Appendix listing the designated employees and their disclosure categories, and the requirements of the disclosure categories.

Government Code section 87306 specifically requires that every agency shall amend its Conflict of Interest Code when necessary due to changed circumstances, including the creation of new positions which must be designated pursuant to Government Code section 83702. The existing Appendix to OAL's Code does not accurately reflect the current positions of designated employees. The purpose of the proposed amendment is to comply with the statutory requirement by adding a new position and amending the title of an existing position.

Specifically, the amendments:

Add a Special Counsel position

Amend an Information Systems Analyst to Staff Information Systems Analyst

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

Article 10

Sections 8110, 8111, 8112, 8113, 8114, 8115, 8116 and 8117, and

Article 11

Sections 8117, 8118, 8119, 8120, 8121, 8123, 8124 and 8125

Title 4, Division 11

California Code of Regulations

NOTICE IS HEREBY GIVEN that the California Pollution Control Financing Authority (the "Authority"), organized and operating pursuant to Sections 44500 through 44563 of the California Health and Safety Code (the "Act"), proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to adopt Sections 8110, 8111, 8112, 8113, 8114, 8115, 8116, and 8117 of the California Code of Regulations in order to implement the Sustainable Communities Grant and Loan Program-Grants; and to adopt Sections 8118, 8119, 8120, 8121, 8123, 8124 and 8125 of the California Code of Regulations in order to implement the Sustainable Communities Grant and Loan Program-Loans. The Sustainable Communities Grant and Loan Program-Grants and Sustainable Communities Grant and Loan Program-Loans shall be referred to collectively as the "Program".

AUTHORITY AND REFERENCE

Authority: Sections 44520(a) and 44520(c), Health and Safety Code. Section 44520(a) directs the Authority to adopt all necessary regulations to carry out its powers and duties authorized by statute. Section 44520(c) of the Act authorizes the Authority to adopt regulations relating to a loan program to provide financing assistance for developing and implementing growth policies and programs that reduce pollution hazards and the degradation of the environment, and that promote infill development to revitalize communities as permanent regulations and instructs the Office of Administrative Law to consider such regulations to be "necessary for the immediate preservation of the public peace, health and safety or general welfare." The proposed program also includes a granting component pursuant to Section 44526(g) of the Act.

Reference: Sections 44501, 44502, 44526(g) and 44526(i), Health and Safety Code. These Permanent Regulations implement, interpret and make specific Sections 44501, 44502, 44526(g) and 44526(i), of the Act, as amended by Assembly Bill 779, by adding Sections 8110 through 8117 to Title 4, Division 11, Article 10 and Sections 8118 through 8125 to Title 4, Division 11, Article 11 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

By virtue of the 2000 amendments to the Act, effected by Assembly Bill 779, existing law effective January 1, 2001, the Authority is authorized to adopt necessary regulations relating to the Program authorized under Section 44526(g) of the Act as permanent regulations (Health and Safety Code, Section 44520(a) and 44520(c)).

The 2000 amendments to the Act authorize the Authority to implement a program in which the Authority may provide cities and counties deemed eligible by the Authority grant and loan funding for developing and implementing growth policies and programs that reduce pollution hazards and the degradation of the environment, assist one or more

California neighborhoods that suffer from high unemployment levels, low income levels and/or high poverty, and that promote infill development to revitalize communities. The Authority may award up to \$2.5 million for this Program.

Article 10. Establishes rules for obtaining grants under the Sustainable Communities Grant and Loan Program.

Section 8110. Definitions. Establishes definitions to govern construction of Article 10.

Section 8111. Funding Eligibility. Establishes the criteria for grant funding eligibility which will ensure, among other things, eligibility of the applicant, eligibility of the project and eligibility of the costs proposed for financing. This section also establishes that applicants may submit only one application for program funds.

Section 8112. Project Application Content. Sets forth the information that must be submitted by an applicant in order to request funding for a grant.

Section 8113. Application Availability and Submission, Project Selection Process and Project Evaluation Process. Establishes (1) that the application must contain information set forth in section 8112, (2) the application submission deadlines, (3) the project selection process, (4) the project evaluation process, (5) the Executive Director's recommendation, and (6) the use of outside reviewers for reviewing, evaluating and scoring applications.

Section 8114. Authority Approval and Commitment Letter. Establishes a process for approval of applications and for notification to applicants.

Section 8115. Grant Agreements. Establishes the terms and conditions of grants to be extended under the Program including, among others, maximum amount, disbursement period, continued compliance with program requirements, and reversion provisions, if required.

Section 8116. Conditions of Funds Disbursement, Funds Disbursement. Sets forth the conditions for disbursing program funds and establishes procedures for funds disbursement.

Section 8117. Reports and Records Retention. Establishes reporting requirements and records retention for grant funding recipients. The reports are designed to provide the information needed by the Authority to monitor and evaluate the program.

Article 11. Establishes rules for obtaining loans under the Sustainable Communities Grant and Loan Program.

Section 8118. Definitions. Establishes definitions to govern construction of Article 11.

Section 8119. Funding Eligibility. Establishes the criteria for loan funding eligibility which will ensure, among other things, eligibility of the applicant, eligibility of the project and eligibility of the costs

proposed for financing. This section also establishes that applicants may submit only one application for program funds.

Section 8120. Project Application Content. Sets forth the information that must be submitted by an applicant in order to request funding for a loan.

Section 8121. Application Availability and Submission, Project Selection Process and Project Evaluation Process. Establishes (1) that the application must contain information set forth in section 8120, (2) the application submission deadlines, (3) the project selection process, (4) the project evaluation process, (5) the Executive Director's recommendation, and (6) the use of outside reviewers for reviewing, evaluating and scoring applications.

Section 8122. Authority Approval and Commitment Letter. Establishes a process for approval of applications and for notification to applicants.

Section 8123. Loan Agreements. Establishes the terms and conditions of loans to be extended under the Program including, among others, maximum amount, interest rate, term, disbursement period, continued compliance with program requirements and repayment provisions.

Section 8124. Conditions of Funds Disbursement, Funds Disbursement. Sets forth the conditions for disbursing program funds and establishes procedures for funds disbursement.

Section 8125. Reports and Records Retention. Establishes reporting requirements and records retention for loan funding recipients. The reports are designed to provide the information needed by the Authority to monitor and evaluate the program.

OTHER MATTERS PRESCRIBED BY STATUTES APPLICABLE TO THE SPECIFIC STATE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

No other matters are prescribed by statute applicable to the Authority or to any specific regulation or class of regulation pursuant to Section 11346.1(b) or 11346.5(a)(4) of the California Government Code pertaining to the Permanent Regulations or to the Authority.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Director of the Authority has determined that the Permanent Regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

The Executive Director of the Authority has determined that the Permanent Regulations do not impose any additional cost or savings requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the

California Government Code, any other non-discretionary cost or savings to any local agency or any cost or savings in federal funding to the State. Pursuant to the State Administrative Manual Section 6680, a Fiscal Impact Statement (Form 399) is submitted without the signature of a Project Budget Manager at the Department of Finance, as there are no fiscal impact disclosures required by State Administrative Manual Sections 6600–6670. There will be no cost or savings to any State Agency pursuant to Government Code Section 11346.1(b) or 11346.5(a)(6).

**INITIAL DETERMINATION REGARDING ANY
SIGNIFICANT, STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

The Authority has made an initial determination that the adopted Sustainable Communities Grant and Loan Program Regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Authority has determined that the adoption of the Sustainable Communities Grant and Loan Program Regulations will not likely adversely affect small businesses. The Sustainable Communities Grant and Loan Program may, in fact, have a positive effect on small business by expanding funds available to cities and counties to promote business development.

COST IMPACTS

The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the adopted Sustainable Communities Grant and Loan Program regulations.

**ASSESSMENT OF EFFECT ON JOBS AND
BUSINESS EXPANSION, ELIMINATION
OR CREATION**

The adopted Sustainable Communities Grant and Loan Program Regulations will have a positive effect on jobs and new and existing businesses within the State of California. The adopted Sustainable Communities Grant and Loan Program Regulations will help the Authority to give financing assistance to promote business in California.

COST IMPACT ON HOUSING

The adopted Sustainable Communities Grant and Loan Program Regulations will not have any effect on housing costs.

REASONABLE ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the adopted Sustainable Communities Grant and Loan Program Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the adopted Sustainable Communities Grant and Loan Program Regulations are proposed or would be as effective and less burdensome to affected private persons than the adopted Sustainable Communities Grant and Loan Program Regulations.

The Authority invites interested persons to present statements with respect to alternatives to the adopted Sustainable Communities Grant and Loan Program Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the adopted Sustainable Communities Grant and Loan Program Regulations shall be submitted or directed to:

Sherri Kay Wahl, Program Manager
California Pollution Control Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: (916) 654-5610
Fax: (916) 657-4821
Email: swahl@treasurer.ca.gov

The following person is designated as a backup contact person for inquiries only regarding the adopted Sustainable Communities Grant and Loan Program Regulations:

Rosalind Brewer, Program Manager
California Pollution Control Financing Authority
Telephone: (916) 654-5610

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the adopted Sustainable Communities Grant and Loan Program Regulations to the Authority. The written comment period on the adopted Sustainable Communities Grant and Loan Program Regulations will end at 5:00 p.m. on July 15, 2002. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority. In the event that changes are made to the adopted Sustainable Communities Grant and Loan Program Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified adopted Sustainable Communities Grant and Loan Program Regulations for 15 calendar days after the date on which such adopted

Sustainable Communities Grant and Loan Program Regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED SUSTAINABLE COMMUNITIES GRANT AND LOAN PROGRAM REGULATIONS

Pursuant to the California Government Code section 11346, et seq., the Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the adopted Sustainable Communities Grant and Loan Program Regulations. Copies of these items are available, upon request, from the Agency Contact Person designated in this Notice. This address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. The Notice and proposed regulations will also be available on May 31, 2002 on the State Treasurer's Office web site at <http://www.treasurer.ca.gov>.

PUBLIC HEARING

No public hearing regarding the adopted Sustainable Communities Grant and Loan Program Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the Authority at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the adopted Sustainable Communities Grant and Loan Program Regulations for which the hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, the Authority may adopt the Sustainable Communities Grant and Loan Program Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that 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 fifteen (15) calendar days before the Authority adopts the proposed Sustainable Communities Grant and Loan Program Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Authority is required to prepare a Final Statement of Reasons pursuant to Government Code Section 11346.9. Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Agency Contact Person identified in this Notice.

TITLE 8. INDUSTRIAL MEDICAL COUNCIL

NOTICE OF PROPOSED RULEMAKING

The Industrial Medical Council ("IMC") proposed to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The IMC proposes to amend section 46.1 in Title 8 of the California Code of Regulations (CCR). This section governs the conduct of medical-legal examinations of the foot and ankle.

PUBLIC HEARING

The IMC will hold two public hearings on the adoption of Industrial Medical Council regulations relating to the evaluation of injuries to the foot and ankle applicable to all physicians performing medical-legal evaluations in the workers' compensation system.

These hearings, will be on the following date at the following location:

Day: July 18, 2002
Time: 1:00 pm to 3:00pm
Place: Ramada Inn 245 S. Airport Blvd.
S. San Francisco, CA 94080

At the hearing, any person may present statements or arguments orally or in writing to the proposed action described in the informative digest. It is requested but not required that anyone wishing to make public comment at the hearing submit comments in writing to the IMC before the date of the hearing.

All written comments should be mailed to James D. Fisher, Esq., P.O. Box 8888 San Francisco, CA 94128. The IMC must be receive comments by no later than 5:00 p.m., July 18, 2002 or may be submitted at the public hearing by close of session. The IMC will

accept comments by fax be at (650) 737-2989. The IMC will also accept comments by electronic mail at IMCrules@dir.ca.gov.

AUTHORITY AND REFERENCE

The IMC is undertaking this regulatory action under the authority conferred in Labor Code sections 139, 139.2 and 5307.4. Reference is to Labor Code sections 139, 139.2, 4060, 4061, 4061.5 and 4062.

STATEMENT OF NECESSITY

The IMC has determined that the proposed regulations are necessary to the effectiveness of the operation of the QME evaluation process. Labor Code section 139.2 (j)(2) mandates adoption of these regulations by the IMC.

INFORMATIVE DIGEST

The IMC proposes to adopt specified administrative regulations governing the requirements for the conduct of medical-legal examinations of the foot and ankle in the workers' compensation system.

The Council oversees the medical aspects of the California Workers' Compensation system and appoints physicians as Qualified Medical Evaluators to perform medical-legal evaluations of injured workers. Labor Code section 139.2 (j)(2) requires the Industrial Medical Council (IMC) to promulgate rules and regulations concerning "procedures to be followed by all physicians in evaluating the existence and extent of permanent impairment and limitations resulting from an injury." The IMC has previously adopted evaluation protocols concerning various parts of the body. The purpose of these proposed rules is fulfilling the IMC's mandate by issuing evaluation protocols covering examinations of the foot and ankle.

CONSIDERATION OF ALTERNATIVES

The IMC must determine that there are no alternatives to the proposed regulation that would be more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons than the proposed regulations.

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

COSTS TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The IMC has determined that the regulations will involve no additional costs or savings to any local agency or school district because no new programs are mandated by these regulations.

IMPACT ON HOUSING COSTS

The proposed regulations will not affect housing costs.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

None. The proposed regulations will not affect any Federal funding to the state of California.

COSTS OR SAVINGS TO STATE AGENCIES

The proposed regulations will not impose costs on state agencies. Any such costs are non-reimbursable, however, since the requirement that employers contribute to the funding of California's workers' compensation programs is not unique to state agencies and applies to all employers alike, both public and private.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES DIRECTLY EFFECTED

The IMC has determined that the proposed regulations may have an insignificant impact on private persons or businesses directly effected by the regulation.

SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The IMC has made an initial determination that these regulations will not have a significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states. These proposed regulations govern the conduct of medical examinations that are already required by the California workers' compensation law. Labor Code §§ 4060-4068. These regulations do not require the use of any new procedures in these medical examinations. Rather, the regulations specify the substance of the physical examination performed on injured workers who have work related foot and ankle injuries and the content of the medical report required by the Workers' Compensation Appeals Board. 8 Cal. Code of Regs. § 10606.

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

The IMC has determined that these regulations will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing jobs within the State of California, or the expansion of existing businesses within the State of California.

OTHER NON DISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES

None. There are no non-discretionary costs or savings.

IMPACT ON SMALL BUSINESSES

The IMC believes that these regulations will affect some small businesses. The regulations will affect businesses that involve physicians who perform medical examinations to determine the existence and extent of permanent impairments and limitations resulting from a foot or ankle injury must use this protocol. Labor Code § 139.2(j)(2). During the performance of medical examinations of the foot and ankle, physicians will have to comply with the proposed regulations.

PLAIN ENGLISH REQUIREMENTS CONCERNING SMALL BUSINESSES

The Council has determined that it is not feasible to draft the regulations in plain English due to the technical nature of the regulations; however, a noncontrolling plain English summary of the regulations are available from the agency contact person named in this notice.

CONTACT PERSONS AND THE AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

You may obtain the text of the proposed regulations upon request from the IMC. A statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the IMC. The rulemaking file is available for public inspection. Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any upon which the rulemaking is based to:

Annadesa Gregorio (650) 737-2034
James Fisher, Esq. (650) 737-2049
Department of Industrial Relations
Industrial Medical Council
395 Oyster Point Blvd., Ste. 102
South San Francisco, CA 94080

Inquiries concerning the substance of the proposed action may be directed to:

James D. Fisher, Esq (650) 737-2049
Anne Searcy, M.D. (650) 737-2006
Department of Industrial Relations
Industrial Medical Council
395 Oyster Point Blvd., Ste. 102
South San Francisco, CA 94080

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearings and considering all timely and relevant comments received, the IMC may adopt the proposed regulations substantially as described in this notice. If the IMC makes modifications that are sufficiently related to the originally proposed text, the IMC will make the modified text with the changes clearly indicated available to the public. The text will be available for at least 15 days before the IMC adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Annadesa Gregorio at the address indicated above. The IMC will accept written comments on the modified regulations for 15 days after the date the text is made available.

FINAL STATEMENT OF REASONS

Upon written or e-mail request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Written requests for the final statement of reasons should be directed to the contact persons listed above.

AUTOMATIC MAILING

The IMC will automatically a copy of this Notice, including the Informative Digest, to those interested persons on the IMC's mailing list. When adopted, the regulations as amended will appear at California Code of Regulations at Title 8, Sections 46.1.

WEB ACCESS

A copy of this Notice, the Initial Statement of Reasons, and the Text of the proposed regulations can be obtained at the IMC's website at <http://www.dir.ca.gov/IMC/imchp.html>. On the left side of the page, you will see a link to "Proposed Regulations." Click on the link and you will be taken to the page containing the proposed regulation in this Notice. Alternatively, a copy of this Notice, the Initial Statement of Reasons, and the Text of the proposed regulations can be obtained at the website of the Department of Industrial Relations at <http://www.dir.ca.gov/>. In the middle of the page you will see a link "Rulemaking—Proposed Regulations." Click on the link and you will be taken to the page containing the proposed regulation in this Notice.

TITLE 8/24. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and

Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **July 18, 2002** at 11:00 a.m. in the Carmel Room of the State Building, 320 West 4th Street, Los Angeles, California.

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

PUBLIC HEARING: On **July 18, 2002** following the Public Meeting in the Carmel Room of the State Building, 320 West 4th Street, Los Angeles, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health regulations in Title 8 and Title 24 of the California Code of Regulations.

BUSINESS MEETING: On **July 18, 2002** following the Public Hearing in the Carmel Room of the State Building, 320 West 4th Street, Los Angeles, California.

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

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Boiler and Fired Pressure Vessel Safety Orders and Title 24, Part 4, California Mechanical Code; and Title 8, Construction Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on July 18, 2002.

1. TITLE 8: BOILER AND FIRED PRESSURE VESSEL SAFETY ORDERS
Chapter 4, Subchapter 2, Article 4
Section 769

TITLE 24: CALIFORNIA MECHANICAL CODE
Part 4, Chapter 10
Section 1016.0
Boiler Installations

2. TITLE 8: CONSTRUCTION SAFETY ORDERS
Chapter 4, Subchapter 4
Article 24, Section 1671.2
Use of Safety Monitors in Controlled Access Zones

A description of the proposed changes are as follows:

1. TITLE 8: BOILER AND FIRED PRESSURE VESSEL SAFETY ORDERS
Chapter 4, Subchapter 2, Article 4
Section 769

TITLE 24: CALIFORNIA MECHANICAL CODE
Part 4, Chapter 10
Section 1016.0
Boiler Installations

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The California Building Standards Commission (CBSC) is mandated, by Health and Safety Code Sections 18928 and 18938, to adopt the most recent edition of the Uniform Mechanical Code as part of its triennial adoption cycle for CCR Title 24 Building Standards. The Occupational Safety and Health Standards Board (Standards Board) is mandated by Health and Safety Code Section 18943(b) to submit Title 8 building standards to the CBSC for their approval and adoption into the Title 24 California Building Standards.

The CBSC has notified the Standards Board that on or about November 1, 2002, the 2001 California Mechanical Code (CMC), i.e., the 2000 Edition of the Uniform Mechanical Code (UMC), published by the International Association of Plumbing and Mechanical Officials, with California amendments, will become effective.

Title 8 building standards for boilers currently are included as amendments to the 1995 California Mechanical Code. In order to preserve these Title 8 requirements in Title 24 building standards, it is necessary for the Standards Board to prepare and submit amendments to the 2001 Edition of the California Mechanical Code.

Furthermore, the Title 24 amendments in this rulemaking action are based on recommendations from the Division of Occupational Safety and Health (DOSH) Pressure Vessel Unit. The Pressure Vessel

Unit is undertaking a comprehensive update to the Boiler and Fired Pressure Vessel Safety Orders and has recommended replacing the existing non-specific reference to American Institute of Steel Construction recommendations with design criteria consistent with the 2001 Edition of the California Building Code. Therefore, this rulemaking action proposes to incorporate these recommended changes to the building standards for boiler installations contained in both Titles 8 and 24.

This proposed rulemaking action contains some nonsubstantive and editorial revisions and reformatting of subsections. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Section 769. Boiler Supports.

Existing Section 769 is entitled “Boiler Supports.” An amendment is proposed to rename the Section “Boiler Installation.” The proposed change will more accurately reflect the requirements of this Section and make it easier for the regulated public to locate boiler installation and support requirements.

Subsection 769(a) currently contains design criteria for boiler supporting structures without reference to any nationally recognized standards or model codes. An amendment is proposed to reference the 2001 California Building Code for boiler supporting structure design criteria pertaining to live and dead loads, and other imposed loads, including those resulting from wind, and seismic forces. The effect of the proposed changes will be to harmonize Title 8 and Title 24 design requirements for boiler supporting structures.

Existing subsection 769(b) requires that the stresses used in the design of boiler supporting structures are to conform to the recommendations of the American Institute of Steel Construction (A.I.S.C.). The A.I.S.C. is an organization that develops standards pertaining to design and construction of structural steel buildings. The subsection, however, does not specify which A.I.S.C. standards are applicable, making the regulation vague and unenforceable. Therefore, a revision is proposed to delete this subsection. The proposed revision will have no effect on the regulated public since the existing requirement is ambiguous and unenforceable.

Existing subsections (c) through (f) cover various aspects of boiler installations, including, but not limited to: the location and protection of structural supports, inspection accessibility, and a prohibition against installing water-tube and horizontal tubular boilers in battery settings unless specific provisions

are met. These subsections are proposed for renumbering to accommodate the proposed deletion of subsection (b). In addition, it is proposed to divide existing subsection (f) into two subsections, (e) and (f), in order to separate the subject matter. The proposed amendments will have no effect upon the regulated public other than to provide clarity to the existing requirements in this section.

An amendment is proposed to replace the outdated Title 24 reference at the end of Section 769 with the new Title 24 reference, Title 24, Part 4, Section 1016.1. In addition, it is proposed to add an authority and reference citation to correct an editorial omission. The proposed amendments will have no effect other than to direct the regulated public to the correct Title 24 reference.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

Impact on Businesses

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

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

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

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

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor 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.

REASONABLE ALTERNATIVES CONSIDERED

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

2. TITLE 8: CONSTRUCTION SAFETY ORDERS
Chapter 4, Subchapter 4
Article 24, Section 1671.2
Use of Safety Monitors in Controlled Access Zones

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

In August of 1994 the United States Department of Labor, Occupational Safety and Health Administration (Fed-OSHA) promulgated Subpart M of 29 CFR Part 1926, Safety Standards for Fall Protection in the Construction Industry. The federal Final Rule became effective on February 6, 1995. On June 19, 1997, the Standards Board adopted the amendments to California’s existing construction industry fall protection regulations as contained for the most part in Article 24. Within Article 24 is Section 1671.2 that contains regulations pertaining to controlled access zones and safety monitoring systems.

It was brought to the attention of staff by a Standards Board member that as currently worded, Section 1671.2(b)(1)(C) states, “Where practicable, the safety monitor shall be within visual sighting distance of the employee. . .” The Board member indicated that this is not at least as effective as the comparable federal regulation contained in 29 CFR 1926.502(h)(1)(iii) because the federal standard does not contain the phrase “where practicable.” The federal regulation requires the safety monitor to always be in visual sighting distance with the employee(s) being monitored and not at the discretion of the employer on the basis of whether to do so is practical or not. Consequently, staff is directed to amend Title 8 Section 1671.2(b)(1)(C) to delete the phrase “Where practicable.”

This proposed rulemaking action also contains some nonsubstantive, editorial, (grammatical) revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Section 1671.2. Controlled Access Zones and Safety Monitoring Systems.

This section contains two subsections that contain regulations pertaining to the establishment and use of controlled access zones (CAZ), and the use of safety monitoring systems, including responsibilities and qualifications of the safety monitor.

Subsection (b)(1)(C) states that where practicable, the safety monitor shall be within visual sighting distance of and in communication with the employee(s) being monitored.

A revision is proposed to delete the phrase “where practicable” in paragraph (C) and to editorially revise the sentence for clarity. The proposed revision will require the employer who chooses to use a fall protection plan and a safety monitoring system to amend work practices to ensure the safety monitor is instructed to be in visual sighting distance of the monitored employee(s) as required by the proposed amendment.

The proposed action differs slightly from the comparable federal regulation to the extent that California’s comparable regulation does not require the monitor to be on the same working/walking level as the employee being monitored. California’s regulation recognizes that there may be situations where the monitor’s ability to observe the employee may be compromised by having to always be on the same working/walking level. For example, the monitor’s ability to observe the employee and the fall hazard may actually be improved by having the monitor directly sight the employee from a level above the level the employee is working from. Also, existing Section 1671.2(b)(1)(B) requires the monitor to warn the employee when it appears the employee is unaware of a fall hazard or is acting in an unsafe manner. To comply with this “performance” requirement the monitor will have to be positioned relative to the employee in such a way as to be able to effectively observe the employee’s actions. Consequently, California maintains that its language while different from the language contained in 29 CFR 1926.502(h)(1)(iii) is at least as effective as the federal regulation.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. The proposal is essentially a technical, clarifying revision to California’s existing requirements governing the use of safety monitoring systems, specifically the role of the safety monitor and the responsibility to always be in direct visual sighting of employee(s) working from elevated locations rather than only when it is practical to do so (at the employer’s discretion). Board staff has identified the proposal as one that will require a slight administrative procedures change for employers to comply with which should not result in any additional costs to the employer.

Impact on Housing Costs

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

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide

adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment(s) will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this regulation does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

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

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

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor 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.

REASONABLE ALTERNATIVES CONSIDERED

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

There are building standards contained in the proposed revisions as defined by Health and Safety Code Section 18909.

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

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

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than July 12, 2002. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on July 18, 2002 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

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

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

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

**TITLE 10. MANAGED RISK
MEDICAL INSURANCE BOARD**

NOTICE OF PROPOSED REGULATIONS

R-3-01

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) proposes to permanently adopt changes to Chapter 5.6 of Title 10 of the California Code of Regulations. MRMIB has scheduled a public hearing in Sacramento, California for July 15, 2002 from 1:00 pm to 2:00 pm at the following address:

1000 G Street, Suite 450
Large Conference Room
Sacramento, CA 95814

The action is being initiated under the authority of Insurance Code Section 12696.5. The regulations provide program improvements to the AIM program.

It is requested, but not required, that any person wishing to present testimony should register at 1:00 pm on July 15, 2002. The hearing will be adjourned immediately following the completion of oral and written testimony presentations. This public hearing is for the purpose of considering regulations. The MRMIB upon its own motion, or at the instance of any interested persons, may adopt the proposals substantially as presented.

The MRMIB may modify the regulations after public hearing and adopt the modified regulations if the regulations as modified are sufficiently related to

the text made available to the public, so that the public was adequately placed on notice that the regulations as modified could result from the proposed regulatory action. The text of any regulation as modified will be mailed to all persons who testify or submit written comments at the public hearing; submit written comments during the public comment period; and all persons who request notification, at least 15 days prior to the date on which the MRMIB adopts the regulations. A request for a copy of any regulations as modified should be addressed to Dennis Gilliam at the address below.

Any person interested may present statements or arguments relating to the proposals in writing to:

Managed Risk Medical Insurance Board
Attn: Dennis Gilliam
1000 G Street, Suite 450
Sacramento, CA 95814

Statements or arguments relating to the proposals can also be faxed to Dennis Gilliam at (916) 327-6580 or e-mailed to dgilliam@mrmib.ca.gov.

Such written statements must be received by 5:00 pm on July 15, 2002. Written testimony received after July 15, 2002 may not be assured of consideration unless otherwise expressly stated by the hearing officer. It is requested, but not required, that persons making oral presentations at the hearing provide a written statement at the conclusion of their remarks. The above facility is accessible to persons with mobility impairments. If you are in need of a language interpreter, including sign language, at the hearing, or have other special needs, please notify MRMIB at least two weeks prior to the hearing.

An Informative Digest/Policy Statement Overview for the proposed regulation changes, including a Fiscal Impact Statement and other required determinations are included below. These regulations are written in plain English. An Initial Statement of Reasons for the proposed action has been prepared. These, and copies of the proposed regulations, may be requested by telephone, or by writing to the above address. In addition, the Board has available, a rulemaking file, which contains all the information upon which the proposed regulations are based. This file is available for public perusal at the MRMIB office (see address above), during normal office hours, 8:00 am to 5:00 pm, Monday through Friday. The pertinent documents (proposed regulations and Initial Statement of Reasons) pertaining to this rulemaking can be obtained on MRMIB's website at www.mrmib.ca.gov. The final Statement of Reasons can be obtained when available, after the public hearing and final adoption, by contacting Dennis Gilliam at (916) 324-4695 or dgilliam@mrmib.ca.gov.

Please address questions and requests for available information concerning the proposed regulations to Dennis Gilliam at (916) 324-4695 or Kelli Alten at (916) 327-6554 at the address listed above. Either person can answer questions regarding the substance of the proposed regulations or can direct the question to the appropriate person within the Board. Dennis Gilliam is designated as the small business advocate contact person for the Board.

PUBLIC NOTICE

The Managed Risk Medical Insurance Board (MRMIB) proposes to adopt changes to Chapter 5.6 of Title 10 of the California Code of Regulations. These changes are necessary to make explicit that participating health plans are required to provide benefits consistent with the Knox-Keene Health Care Service Plan Act of 1975, including its amendments (Health and Safety Code Sections 1367-1374.16) and to align specific benefit descriptions with Knox-Keene requirements. In addition, the regulations also make AIM eligibility determination standards and procedures, and AIM benefit standards, more consistent with the standards in HFP.

The law the Board seeks to make specific by this filing is Part 6.2 of Division 2 of the Insurance Code, Sections 12695, 12695.06, 12695.08, 12695.18, 12695.20, 12695.22, 12695.24, 12696, 12696.05, 12696.15, 12697.10, 12698, 12698.05, 12698.06, 12698.25, and 12698.30.

Title 10, Chapter 5.6

Amend: Sections 2699.100, 2699.200, 2699.201, 2699.202, 2699.205, 2699.206, 2699.207, 2699.210, 2699.300, 2699.301, 2699.303, 2699.304, 2699.400

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Insurance Code Sections 12695, et seq. established the Access for Infants and Mothers (AIM) Program in 1991, to provide health insurance to low and moderate income pregnant women and the infant(s) born during the covered pregnancy. The program, established under the Managed Risk Medical Insurance Board, is funded from three sources; 88% through the Cigarette and Tobacco Products Surtax Fund (Prop. 99), 6% through State General Fund and Federal Funds from Title XXI of the Social Security Act, and 6% through subscriber contributions. AIM is a means tested program, covering pregnant women with family incomes above 200%, but not more than 300% of the federal poverty level (FPL). Women with family incomes below 200% FPL qualify for no cost Medi-Cal services for their pregnancy, which is funded by State and Federal funds. The AIM Program requires a premium, which is 2% of the annual gross family income. In addition, payment of \$100 is

required for the infant's second year of coverage unless records of up-to-date immunizations are submitted before the baby's 1st birthday in which case, the additional payment is reduced to \$50.

Historically, it is estimated that 25% of those women who apply for AIM are eligible for no cost Medi-Cal pregnancy related services. In order to provide greater access to prenatal care, the Board has historically attempted to balance the need for simplicity in eligibility determination, with the need for mirroring Medi-Cal eligibility requirements. The Board has a long term goal of merging the AIM and Healthy Families Program (HFP) eligibility determination functions under one administrative vendor, effective January 2004. The HFP covers children above 100% through 250% of the FPL, so many infants leaving the AIM program at age two will be eligible for HFP. Therefore these regulations also make AIM eligibility determination standards and procedures, and AIM benefit standards, more consistent with the standards in HFP, in order to make these transitions more cost effective and more seamless to AIM applicants and subscribers.

By amending the definitions of applicant, family member, and gross household income, the AIM program's income eligibility determination process is now clearer and more consistent with the process used in the HFP and Medi-Cal programs. The definitions of these terms are now also aligned and consistent with the definitions in HFP and Medi-Cal. Since 2000, the AIM application has also been used for Medi-Cal eligibility determinations. It is the joint goal of the AIM and Medi-Cal programs to lower the number of unsponsored births and to assure there are no gaps or overlaps between the AIM and Medi-Cal programs. Under these regulations each program can better contribute to that goal. In addition, the definition of "application date" was incorporated into the AIM regulations which provides a more definitive and a standard date to use when referring to due dates and time frames for completing the application process. The definition of Federal Poverty Level (FPL) was amended to allow flexibility in meeting the changes that are made to these guidelines by the federal government, as well as, to align the AIM program with the HFP and Medi-Cal programs interpretation of FPL.

AIM has now incorporated into the regulations that a federally recognized California Indian Tribal Government may make subscriber and infant contributions on behalf of a member of the tribe. This is in response to a recent law change, Chapter 701, Statutes of 2000 (AB 1032, Thompson). This process is also consistent with the process followed by HFP and Medi-Cal and provides consistency between the three programs. In addition, a declaration has been added to the regulations, that requires the applicant to declare that

the information and documentation provided is true and correct to the best of the applicant's knowledge. This declaration was added to the regulations to assure that all questions/declarations asked on the application were clearly supported by regulation text.

There have also been process changes made in order to provide better customer service to those applying for enrollment in the AIM program. A phone call will now be made to the applicant if an application is determined to be incomplete. If the applicant is not reachable by phone, a letter will be sent informing the applicant of the documentation and/or information that is required in order to complete the application. The effective date of transfers has also been more definitively stated in the regulations to provide more clarity for the vendor and also provide more consistency in the processing of transfers for both the subscriber and the infant, and the establishment of the resulting effective dates of the plan transfers. The change of address process was modified slightly to align with the process that is followed by the HFP and now also notes that this same process should also be followed when there is a change of phone number. The process for registration of the infant for the second year was modified to provide a more clear and streamlined process for the subscriber to follow. An addition to subsection 2699.400, regarding subscriber contributions was made so that what is stated in the AIM brochure/application is clearly supported by regulation text and to clarify the process that is followed if an applicant becomes ninety days in arrears in making subscriber contributions.

MRMIB is revising the AIM program regulations to clarify the program for the applicants, streamline the process, add consistency with the Medi-Cal program, and to assist in the avoidance of potential gaps between AIM and the Medi-Cal program. By further aligning and conforming the AIM program definitions and eligibility documentation requirements to those used and required by the Medi-Cal program, the ability to seamlessly refer AIM applicants who do not meet AIM eligibility requirement to the Medi-Cal program should be improved.

Insurance Code Section 12698.30 requires that the benefits provided in AIM include, at a minimum, those required pursuant to Section 417.101 of Title 42 of the Code of Federal Regulations (CFR). MRMIB is proposing changes to Article 3 to make explicit that participating health plans are required to provide benefits consistent with the Knox-Keene Health Care Service Plan Act of 1975, including its amendments (Health and Safety Code Sections 1367-1374.16) and to align specific benefit descriptions with Knox-Keene requirements. The benefits require by Knox-Keene, although organized and delineated differently than CFR requirements, are fully consistent with the CFR

standard. MRMIB is also proposing changes so that, to the extent possible, the AIM Scope of benefits is consistent with the benefits provided in the HFP. Aligning the AIM and HFP benefits will result in ease of administration for both programs since most infants in the AIM program are eligible to join the HFP once they turn age two, and the current selection process for AIM health plan requires that the plans also participate in the HFP. Aligning the benefits will assure continuity of services when an infant transitions from AIM to the HFP.

The subsections of Section 2699.300 that are being amended include the following benefit descriptions: inpatient hospital services, outpatient hospital services, professional services, diagnostic x-ray and laboratory services, durable medical equipment, medical transportation services, emergency health care services, professional services, immunization benefits, periodic health examination benefits, health education services, nutrition services, prescription drug benefits, reconstructive service benefits, diagnostic x-ray and laboratory services, home health services, physical, occupational and speech therapy benefits, blood and blood product benefits, cataract spectacles and lenses benefits, skilled nursing services, hospice benefits, orthotics and prosthetics benefits, mental health benefits, and alcohol and drug abuse benefits.

Several subsections of Section 2699.301 are being amended to ensure that excluded benefits are aligned with the changes to covered benefits in Section 2699.300. These subsections pertain to the following excluded benefits: sex change exclusion, eyeglasses exclusion, long-term skilled nursing care exclusion, dental services exclusion, residential treatment of chemical dependency exclusion, obesity treatment by surgical means exclusion, cosmetic surgery exclusion, acts of war exclusion, Worker's compensation exclusion, and services eligible for coverage by other insurance and/or programs exclusion.

These regulations have been reviewed in public and were made available for public comment during the December 19, 2001 and January 23, 2002 meeting of the Managed Risk Medical Insurance Board. The Board unanimously approved adoption of the regulation changes at the January 23, 2002 meeting.

DETERMINATIONS

In accordance with Government Code Section 11346.5(A)(7), the Managed Risk Medical Insurance Board must determine that no reasonable alternative considered by the Board, or that has been otherwise identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

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

The Board has made an initial determination that this regulatory action will have no effect on California housing costs.

FISCAL IMPACT ESTIMATE

There are no non-discretionary costs or new costs to local agency school districts.

There is no adverse economic impact on California business including the ability of California business to compete in other states. The AIM Program impacted by these regulations are for pregnant women and their child.

STATE AND FEDERAL IMPACT

The Access for Infants and Mothers (AIM) program serves pregnant women and their infants up to age two. Program funding consists primarily of Proposition 99 funds, along with Title XXI federal funds and state Tobacco Settlement funds. Program services costs are based on negotiated rates with contracted health plans. Health plans participating in AIM must be licensed by the California Department of Managed Care. As part of the licensing requirement, Health plans must provide health benefits that comply with the Knox-Keene Health Care Service Plan Act of 1975, including its amendments, and applicable regulations.

Most of the changes in these proposed AIM program improvement regulations reflect benefits that our contracted plans were already required to provide under current State licensing requirements. As part of the current contract solicitation process for AIM, interested health plans were provided copies of these draft regulation changes. To the extent that the clarification of benefit standards results in additional cost to the contracting plans, they have been built into the health plans proposed rates for the new contract period (July 1, 2002 through June 30, 2004). Furthermore, any additional cost resulting from improvements in the application and enrollment process have been included by our contracted administrative vendor (Care 1st Health Plan) in the recently completed negotiations for the current administrative contract that covers the period March 15, 2002 through December 31, 2003. These new health plan and administrative vendor rates, which may include some small increase resulting from these program regulations, were used to update AIM program costs in the May Revision of the 2002-03 budget. Total expenditures for the 2002-03 budget are \$84 million,

of which \$75.9 million are State funds. These rates will also be used to develop AIM program cost for the 2003–04 budget.

Infants born to AIM mothers with family incomes from 200% to 250% of the federal poverty level (FPL) are eligible up to age one for Title XXI federal funds under the State Children's Health Insurance Program (SCHIP). Costs for these infants are shared between the federal and state government using a 65%/35% ratio. As noted above, to the extent that these program regulations result in any increase in the health plan rates, their fiscal impact are included in the May Revision of the AIM program cost projection. Total federal dollars for the 2002–03 budget are \$8.1 million.

BUSINESS IMPACT ASSESSMENT STATEMENT

The Board has made an initial determination regarding the impact of these regulatory changes on California's businesses. There is no known significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The changes involve individuals who are applying for and receiving health coverage through AIM. This regulatory action will neither create new jobs or businesses nor eliminate existing jobs or businesses or affect the expansion of businesses currently doing business within California.

SMALL BUSINESS IMPACT STATEMENT

These regulation changes will not impact small businesses. The regulation changes are necessary to make explicit that participating health plans are required to provide benefits consistent with the Knox-Keene Health Care Service Plan Act of 1975, including its amendments (Health and Safety Code Sections 1367–1374.16) and to align specific benefit descriptions with Knox-Keene requirements. In addition, the regulations also make AIM eligibility determination standards and procedures, and AIM benefit standards, more consistent with the standards in HFP. None of the impacted health plans are known to be small businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Board has considered the cost impact on representative private persons or businesses impacted by these regulations. The AIM Program currently provides health insurance for pregnant women and their child until age two. The changes to the program regulations align eligibility determination standards and procedures to be consistent with HFP and align benefits with Knox-Keene requirements. These changes will impact subscribers and applicants in the

AIM program by improving program benefits and streamlining eligibility, but will not impact the premium rates charged subscribers.

AUTHORITY AND REFERENCES

Authority: Sections 12696.5 Insurance Code

Reference: Sections 12695, 12695.06, 12695.08, 12695.18, 12695.20, 12695.22, 12695.24, 12696, 12696.05, 12696.15, 12697.10, 12698, 12698.05, 12698.06, 12698.25, and 12698.30 Insurance Code. 7

TITLE 14. DEPARTMENT OF BOATING AND WATERWAYS

NOTICE OF PROPOSED REGULATORY ACTION

NOTICE IS HEREBY GIVEN that the California Department of Boating and Waterways (Department) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to add Section 6593, Title 14, California Code of Regulations, relating to the Boating Safety and Enforcement Financial Aid Program.

WRITTEN COMMENTS

A written comment period has been established commencing on May 31, 2002 and terminating on July 25, 2002. Any interested person may present written comments concerning the proposed regulation no later than **5:00 p.m. on July 25, 2002**. The Department will also accept written comments during the public hearing described below. Please submit your written comments to:

Ms. Corrina Dugger
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California, 95815
FAX: (916) 263-0357
e-mail: cdugger@dbw.ca.gov

PUBLIC HEARING

The Department will hold a public hearing starting at **9:30 a.m., Thursday, July 25, 2002**, at the Radisson Hotel, 500 Leisure Lane, Edgewater F Room, Sacramento, California.

At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the Informative Digest/Policy Statement Overview. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing.

AUTHORITY AND REFERENCE

This regulatory action is taken pursuant to the authority vested by Harbors and Navigation Code Section 663.7. The purpose of the proposed regulations is to implement, interpret and make specific Harbors and Navigation Code Section 663.7.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law authorizes the Department to provide State financial aid to counties for boating safety and enforcement programs. This proposal is intended to implement, interpret, and make specific the provisions of the boating safety and enforcement financial eligibility program. This proposal clarifies the definition of boating safety and enforcement activities. This proposal specifies eligibility for the program in accordance with existing law. This proposal implements the application process necessary for the Department to comply with existing law.

Existing law requires the Department to adopt and utilize a formula for allocation of State financial aid to counties that voluntarily choose to participate in the boating safety and enforcement program. This proposal provides a State boating safety and financial aid allocation formula that specifies allocations to existing participating agencies and provides a process whereby new agencies may be admitted to the program. The formula specifies how participating agencies may receive additional State financial aid, if available, and the process for reduced State financial aid when the funds appropriated for the program are reduced from the prior year.

Existing law authorizes the Department to adopt rules and regulations necessary to carry out the provisions of the boating safety and enforcement financial aid program. This proposal specifies allowable and non-allowable costs of the program, the reimbursement process, and the audit and appeals process necessary to ensure State funds are utilized in accordance with existing law.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. The Department has also determined that no non-discretionary costs or savings to local agencies will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

The Department has determined that no savings or any increased costs to any State agency will result from this regulatory action.

COSTS OR SAVINGS TO FEDERAL FUNDING TO THE STATE

The Department has determined that this regulatory action imposes no cost or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has initially determined that this regulatory action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department has made the initial determination that adoption of this proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS

The Department had determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California.

REPORTING REQUIREMENTS

The proposed regulatory action makes no reporting requirements upon businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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 regulatory action.

DETERMINATION OF EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulatory action has no impact on small businesses because only a County, or a public agency within a County, may participate in the boating safety and enforcement program, and neither of these type of entities are small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and

brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The purpose of the proposed regulatory action is to implement, interpret, and make specific the provisions of the boating safety and enforcement financial eligibility program. The general intent of the boating safety and enforcement financial eligibility program is to augment local agencies revenues for boating safety and enforcement activities when such revenues are insufficient to cover the costs. The Department has determined that, in order to ensure compliance with existing State law, reimbursement is provided to participating agencies after allowable expenditures are incurred. An alternative is to advance funds to counties prior to incurring allowable expenditures. However, such a process does not allow the Department to guarantee that local revenues are incurred for boating safety and enforcement activities prior to the use of the State-provided augmented funding without a cumbersome and time consuming reconciliation process, as well as it is difficult for the Department to recoup advanced funds if they are spent inappropriately. Thus, this alternative was not viewed as 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.

Alternative allocation formulas were considered and are discussed in the Initial Statement of Reasons in the applicable section. None of these alternatives were viewed as 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.

The Department invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above-mentioned hearing or during the comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons, and has available the express terms of the proposed regulatory action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the Department contact person named in this notice. The information upon which the Department relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, the Department may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If the Department does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the Department contact person named in this notice. The Department will accept written comments on any changes for 15 days after the modified text is made available.

CONTACT PERSON

Written comments about the proposed regulatory action, requests for a copy of the Initial Statement of Reasons and/or the proposed text of the regulation, inquiries regarding the rulemaking file, and questions on the substance of the proposed regulatory action may be directed to:

Ms. Corrina Dugger
California Department of Boating and Waterways
2000 Evergreen Street, Suite 100
Sacramento, California, 95815
Telephone: (916) 263-8184
FAX: (916) 263-0357
e-mail: cdugger@dbw.ca.gov

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above:

David Johnson, Regulations Coordinator
(916) 263-0780

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on the Department's Internet Home Page (<http://www.dbw.ca.gov>).

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on the Department's Internet Home Page and accessed at <http://www.dbw.ca.gov>.

TITLE 14. DEPARTMENT OF CONSERVATION

NOTICE IS HEREBY GIVEN that the Department of Conservation (Department), Division of Recycling (Division) proposes to adopt amendments to the California Code of Regulations (CCR). Commencing with Subchapter 2, Chapter 5, Division 2, Title 14 of the CCR, the Division will propose permanent

regulations, after the consideration of all comments, objections or recommendations. The proposed amendments are necessary to:

Subchapter 2.

Article 5. Administrative Actions

§ 2135 UNFAIR AND PREDATORY PRICING

Amended Subsection 2135 (a) is necessary to revise the reference number for the Predatory Pricing Complaint Form, DOR 51. The reference number has been revised from 10/99 to 01/02.

Amended Subsection 2135 (a)(1) is necessary to remove “or identification” from the text. Pursuant to SB 528 (Chapter 874, Statutes of 2001) all complainants must be certified recycling centers and thus, all centers would have a certification number. The term “or identification” is no longer necessary. The reference to Section 2000 (a)(34) has been revised to Section 2000 (a)(36.5) because a “person” may no longer submit a Predatory Pricing Complaint. The Predatory Pricing Complaint must be submitted by a certified recycling center located within a 5-mile radius of a recycling center not in a rural region or a 10-mile radius of a recycling center in a rural region.

Amended Subsection 2135 (a)(2) is necessary to place the term “respondent” in quotes.

Amended Subsection 2135 (a)(3)(A) is necessary to make the text consistent with the revised statute.

Amended Subsection 2135 (a)(3)(B) is necessary to remove the language stating that complaints are to be based on the amount of payment offered or paid and material for which payment was offered or paid. This language was removed from statute. The text has been revised to require the type of beverage containers in question be identified because this information is required by statute.

Amended Subsection 2135 (a)(3)(C) is necessary to remove the language stating a copy of the advertisement in a newspaper, a copy of the newspaper section containing the advertisement and if possible, the date on which the advertisement was purchased are necessary when filing a complaint. This language has been removed from statute. Text has been added to require the amount paid for beverage containers in question be identified because this information is required by statute.

Amended Subsection 2135 (b) is necessary to replace “shall” with “must” to be more permissive because statute does not require predatory pricing complaints to be filed. Complaints are filed at the option of the complainant.

Amended Subsection 2135 (c) is necessary to rewrite the subsection to explain how a complaint will be determined to be received (i.e. stated in the

affirmative), instead of how a complaint will be determined not to be received (i.e. stated in the negative).

Amended Subsection 2135 (c)(1) is necessary to state that the complaint shall also comply with Section 14588.2 (a) of the Act. The amendment is necessary to clarify for the complainant that they must comply with Subsection 2135 (a) and Section 14588.2 (a) of the Act.

Amended Subsection 2135 (c)(2) is necessary to remove the language regarding a complaint based on an advertisement in a newspaper because this criterion is no longer in statute. New language has been added to this subsection to state that the Division shall mail copies of the received complaint to the complainant and the respondent and that each copy shall be clearly marked with the date the complaint was received.

Amended Subsection 2135 (c)(3) is necessary to give the complainant 10 calendar days, instead of 30 days to submit the information needed to complete the complaint. This revision will enable the Division to begin the investigation of the complaint sooner. This section was also rewritten for clarity to state that any complaint that remains incomplete for more than 10 calendar days after the complainant has been notified shall be rejected by the Division and may not be resubmitted by the complainant.

Amended Subsection 2135 (d)(1) is necessary to revise this section to make it consistent with statute for clarity. Predatory Pricing is no longer based on “offering” of a payment.

Amended Subsection 2135 (d)(2) is necessary to remove the word “considered” because it is not needed.

Amended Subsection 2135 (e) is necessary to state that the Division may conduct field visits and inspect recycler records in conducting the audit. PRC Section 14552 gives the Department the authority to audit recyclers receiving refund values. Section 2125 in the CCR gives the Division the authority to inspect certified recyclers for the investigation of complaints related to compliance with the Division’s regulations and with provisions of the Act.

Amended Subsection 2135 (e)(1) is necessary to remove language which is no longer in statute regarding surveying recyclers within a 10-mile radius of the respondent specified in the complaint to determine the highest scrap value paid or offered by these certified recycling centers for the specific material type identified in the complaint on the date specified in the complaint. New language has been added to be consistent with statute to state that the Division shall audit a three day period, including the

date of the alleged occurrence, the day before the alleged occurrence, and the day after the alleged occurrence.

Amended Subsection 2135 (e)(1)(A) is necessary to remove language that is inconsistent with statute. The Division will no longer be using the Predatory Pricing Survey Form DOR 54 (11/99). The recycling centers are no longer required to submit the highest scrap value offered by the recycling center. Language has been added to the text to require recycling centers subject to the audit to submit receipts, logs and daily summaries. The new language also states that the information may be made available to Division staff conducting a field visit to the recycling center.

Deleted Subsection 2135 (e)(2) is removed because it is no longer necessary. This language is now in amended Subsection 2135 (e) in a revised form to be consistent with statute.

Amended Subsection 2135 (e)(3) is necessary to renumber this section to Subsection 2135 (e)(2) since Subsection 2135 (e)(2) has been deleted. This section has also been amended to remove “or offered by recycling centers within” to be consistent with statute. The phrase “a ten mile radius or the respondent” has also been removed to be consistent with statute. The phrase “per pound by specified recycling centers” has been added to be consistent with statute.

Amended Subsection 2135 (e)(4) is necessary to renumber this Subsection to 2135 (e)(3) since Subsection 2135 (e)(2) has been deleted. This section has also been amended to remove the previous definition of “scrap value paid or offered” since this definition has been revised in statute. This section has been revised to calculate the “average scrap value paid” to be consistent with statute. The average scrap value paid by the specified recycling centers for the three-day period in question is now calculated by dividing the total amount paid for all audited transactions less the total refund value paid for all audited transactions by the total weight purchased for all audited transactions.

New Subsection 2135 (e)(4) is necessary to clarify that “specified recycling centers” are those that did not receive handling fees in three or more of the twelve months immediately preceding the date of the alleged violation.

New Subsection 2135 (e)(5) is necessary to clarify that the audit of recycling centers will be limited to recycling centers located within either a five-mile radius or a ten-mile radius of the respondent as specified in Section 14588.1 (a)(2) of the Act.

Amended Subsection 2135 (f)(1) is necessary to change subsection “(b)” to “(c)” because the subsections in Section 14588.2 have been renumbered in statute.

Amended Subsection 2135 (f)(2) is necessary to add text stating that the complaint shall be dismissed pursuant to paragraph (c)(5)(A) of Section 14588.2 of the Act because this section gives the Director the authority to dismiss the complaint, if it is without basis.

Deleted Subsection 2135 (g) is no longer necessary because it is no longer needed in the regulations. Section 14588.2 (c)(5)(B) has been added to statute to state that the director or director’s designee may dismiss a complaint if it is repetitious of prior similar complaints against the same supermarket site for which the director or director’s designee has determined that no unfair and predatory pricing occurred.

Reference Sections 14591.1 and 14591.2 have been added to Section 2135 because the Department may assess civil penalties and take disciplinary action against any person violating this division.

INFORMATION IS AVAILABLE UPON REQUEST

Copies of the express terms of the proposed action, the initial statement of reasons and all of the information upon which this proposal is based are available upon request. The rulemaking file is available to the public for review during normal business hours at the Division of Recycling, 801 “K” Street, 18th Floor, Sacramento, California. Please contact the agency contact person, Karen Denz, at (916) 322-1899. The backup agency contact person for this rulemaking file is Eloisa Hernandez, who may be contacted at (916) 327-2757. Questions regarding this file may be directed to either Karen Denz or Eloisa Hernandez.

SUBMITTING WRITTEN COMMENTS

The written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendment to the Department. Written comments, which offer a recommendation and/or objection, or support the proposed amendment, should indicate the amended section to which the comment or comments are directed. Written comments should be sent to the Department and received before the close of the public comment period, no later than 5:00 p.m. on July 15, 2002. Additionally, written comments that do not reference a subsection or section of the proposed action, or are received by the Department after the close of the public comment period, will not be responded to in the rulemaking file. Submit your written comments to: Karen Denz, SB 528 Predatory Pricing Proposed Permanent Regulations, Department

of Conservation, Division of Recycling, 801 "K" St., MS 18-58, Sacramento, CA 95814. During the 45-day comment period, written comments may also be E-mailed to: DORRegulations@consrcv.ca.gov, or faxed to (916) 327-2144.

PUBLIC HEARING SCHEDULED

The hearing will be begin promptly at 10:00 a.m. and will adjourn immediately after hearing the last public comment by those individuals present. The conference room is wheelchair accessible. The public hearing to record public comments on the proposed amended regulations is scheduled for:

July 15, 2002 at 10:00 a.m.
 The Renaissance Tower
 20th Floor Conference Room
 801 "K" Street
 Sacramento, CA 95814

SUBSTANTIAL REVISIONS WILL REQUIRE A RENOTICE

Following the public hearing, the Department will adopt the regulations without further notice. However, if the Department chooses to substantially alter or revise the proposed regulatory action, a revised notice, called a rennotice, and the amended version of the proposed text of the regulations will be made available to the public for another public comment period for fifteen (15) days. Only persons who have provided their names and addresses to the Department and were present at the hearings, submitted written or oral comments, or requested notification of amendments to the regulations, will be sent any rennotices.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under the existing law, the California Beverage Container Recycling and Litter Reduction Act (Act) encourages recycling of specific beverage containers and reduces litter of these beverage containers along the State's highways. Under this Act, the Department, through the Division of Recycling (Division), is responsible for administering the Act and protecting the integrity of the California Beverage Container Recycling Fund (Fund).

SB 528, passed as urgency legislation, authorizes the Department (pursuant to Public Resources Code Section 14536 (b)(1)) to adopt emergency regulations to implement Sections 14588.1 and 14588.2 of the Beverage Container Recycling and Litter Reduction Act. To comply with and implement provisions of SB 528, the Department adopted emergency regulations on February 22, 2002. These emergency regulations implement Sections 14588.1 and 14588.2 to define predatory pricing, how the average scrap value paid will be calculated, how predatory pricing

complaints will be handled and how predatory pricing hearings will be conducted.

The revisions to SB 528 seek to clarify the predatory pricing provisions and assist in stabilizing the ongoing operations for recycling centers located in convenience zones. Convenience zone (e.g. supermarket recycling) centers typically have lower volumes of material and often seek to offer "attractive" prices to consumers that will encourage convenience zone center use. However, since many of these recycling centers receive handling fee payments from the Beverage Container Recycling Fund (to ensure that recycling convenience is offered to the public), there has been sensitivity in the overall recycling community about "fair prices" to consumers. As a result of the conservative pricing available to convenience zone recyclers, and uncertainty regarding aluminum prices, the ability of convenience zone recyclers to compete with non-convenience zone recyclers has been questioned. These regulations will make the emergency regulations permanent and clarify the predatory pricing provisions in SB 528 and enable convenience zone recycling centers receiving handling fees to better compete for customers with other recycling centers in the area.

AUTHORITY

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

REFERENCE

Public Resources Code Sections, 14588, 14588.1, 14588.2, 14591.1 and 14591.2.

DISCLOSURES REGARDING THE PROPOSED ACTION

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

Cost or savings to any State agency: No savings or additional expenses to state agencies are identified because the implementation of statute is financed by the beverage container recycling program itself.

Costs to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: The Department has determined that the adoption of these proposed regulations do not impose any additional cost obligations on local agencies or on local school districts.

Other non-discretionary cost or savings imposed upon local agencies: No other nondiscretionary costs or savings to local agencies have been identified.

Cost or savings in Federal funding to the State: No costs or savings in Federal funding to the state have been identified.

Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: The Department has determined that no statewide adverse impacts to California businesses result from the adoption of this proposed regulatory language. These proposed regulations serve to clarify and make specific existing statutory requirements.

Potential cost impact on private persons or directly affected businesses: 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. This proposed regulation does not mandate actions upon private persons or businesses, but rather clarifies existing statutory mandates.

Creation or elimination of jobs in California: The Department has determined that the adoption of these regulations will not:

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

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

Adverse effects on small businesses: The Department has determined that the adoption of these proposed regulations do not adversely affect small businesses. These proposed regulations serve to clarify and make specific existing requirements contained in statute. These proposed regulations do not mandate actions upon private persons or businesses, but rather clarifies existing statutory mandates.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative that it considers 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. The Department has not identified any adverse impacts resulting from these proposed regulations.

FINAL STATEMENT OF REASONS

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

ACCESSING INFORMATION REGARDING THIS FILE ON THE DEPARTMENT OF CONSERVATION WEBSITE

The text of the proposed regulations, the Notice of Proposed Action, the Initial Statement of Reasons and

the Final Statement of Reasons, when available for review, will be on the Department of Conservation website at: www.consrv.ca.gov.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203, 355, 713, 1050, 1526, 1528, 1530, 1570, 1572, 1765, and 10504 of the Fish and Game Code and to implement, interpret or make specific sections 355, 711, 713, 1050, 1055.3, 1526, 1528, 1530, 1570–1572, 1585, 1764, 1765, 2006, and 10505 of said Code, proposes to amend sections 550, 551 and 552, Title 14, California Code of Regulations, relating to regulations for hunting and other public uses on state and federal areas.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations in sections 550, 551 and 552, Title 14, CCR provide for various types of public uses on wildlife areas administered by the Department of Fish and Game (Department). The Department is proposing several regulatory changes to provide greater clarity, impose necessary use restrictions, and increase public use opportunities.

Subsection 550(a)(37)(State Wildlife Areas). The existing regulation would be amended to change the name of a unit of the Grizzly Island Wildlife Area from the Cordelia Unit, to the Garibaldi Unit. The Fish and Game Commission at its June 17, 1994 meeting in Bridgeport, accepted the subject 270± acre parcel as a donation to the Department and designated it the Garibaldi Unit of the Grizzly Island Wildlife Area.

Subsection 550(a)(37)(State Wildlife Areas) would be amended to add the West Family Unit as a Type B area to the Grizzly Island Wildlife Area. The West Family Unit is a new unit of the wildlife area and will be managed as a Type B area.

Subsection 550 (a)(41)(State Wildlife Areas) would be added to the regulations to designate the Hollenbeck Canyon Wildlife Area, located in San Diego County, as a Type C area to reflect the action taken by the Fish and Game Commission at its October 5, 2001 meeting in San Diego.

Subsection 550(a)(79) would be added to the regulations to designate Rhode Island, located in Contra Costa County, a Type C wildlife area. The property was acquired by the Department in 1981. Currently public use occurs on the land, but is not subject to regulation under the provisions of Title 14.

Subsection 550(b)(20)(Possession and Use of Alcohol). Existing regulations permit the Department to eject any person from a state wildlife area for intoxication. However, the regulations do not address the possession and use of alcohol on State and Federal Areas. The regulations would be amended to add a new section clearly stating that no person shall possess or use alcohol while in the field hunting or engaged in other authorized recreational activities on any State wildlife area or Federal wildlife refuge.

For the purpose of this section, "in the field" is defined as all areas except checking stations and designated parking areas. The amendment brings the regulations into consistency with similar Federal regulations.

Subsection 551(a)(2)(F)(San Luis National Wildlife Refuge) would be amended to include the West Bear Creek, and Freitas Units as part of the San Luis National Wildlife Refuge. These units have always been a part of the refuge and included in section 552(a)(6) of the regulations. The amendment corrects this inadvertent omission.

Subsection 551(a)(2)(G)(Sonny Bono Salton Sea National Wildlife Refuge). The existing subsection has a misspelling. The regulation would be amended to correct the spelling of Impaerial to Imperial.

Subsection 551(f)(Requirements for Entry Permits and Trespass). The existing regulation states that entry must be made at locations designated by the department. The regulation would be amended to state entry and exit must be made at locations designated by the department.

Subsection 551(q)(Additional Regulations for Specific Areas) would be amended to list the Hollenbeck Canyon Wildlife Area as a wildlife area requiring specific regulations not included in Subsection 550(b)(Area Regulations). The Fish and Game Commission designated the area as Hollenbeck Canyon Wildlife Area at its October 5, 2001 meeting in San Diego.

Subsection 551(q)(Additional Regulations for Specific Areas) would be amended to list Rhode Island Wildlife Area as a wildlife area requiring specific regulations not included in Subsection 550(b)(Area Regulations).

Subsection 551(q)(17)(D)(1)(Tehama Wildlife Area). The existing regulation permits year-round use of the campgrounds on the wildlife area. The regulation would be amended to prohibit users from entering that portion of the wildlife area south of Antelope Creek during the period beginning on the first Monday in December through the fast Friday in March except with the prior written permission of the regional manager. The department has determined that adequate camping and motel facilities are available to potential users during the subject closed period. The

amendment will increase hunter opportunity by opening up more of the wildlife area to turkey hunting. The change also reduces disturbance to wintering deer during the breeding season.

Subsection 551(q)(33)(E)(Oroville Wildlife Area). The existing regulation permits that only paper targets may be used at the target practice area. The change was adopted by the Commission to eliminate the use of target materials, such as glass, metal, cans, etc., that could not be easily removed from the range. The proposed amendment would permit the use of clay targets.

Subsection 551(q)(35)(A), (B), (C), (D), and (E) (Rhode Island Wildlife Area) would be added to the regulations to permit the department to regulate public uses on the wildlife area. The addition of the proposed regulations would allow the Department to establish method of take restrictions, prohibit use of rifles and pistols, and provide for the take of waterfowl, coots, and moorhens daily, during open seasons. The proposed regulations would also prohibit the camping and construction of structures on the Island which is accessible only by boat.

Subsection 551(q)(38)(D)(Spenceville Wildlife Area). The existing regulation permits that only paper targets may be used at the target practice area. The change was adopted by the Commission to eliminate the use of target materials, such as glass, metal, cans, etc., that could not be easily removed from the range. The proposed amendment would permit the use of clay targets.

Subsections 551(q)(46)(B),(D), and (F)(Grizzly Island Wildlife Area) would be amended to add reference to the West Family Unit in the regulations for the Grizzly Island Wildlife Area. The West Family Unit would be managed as a Type B wildlife area.

Subsections 551(q)(46)(B), and (F)(Grizzly Island Wildlife Area)(Garibaldi Unit). The existing regulations list the unit as the Cordelia unit. The Fish and Game Commission at its June 17, 1994 meeting in Bridgeport, accepted the subject 270± acre parcel as a donation to the Department and designated it the Garibaldi Unit. The regulation would be amended to change the name of the unit to the Garibaldi Unit.

Subsection 551(q)(46)(F)(Grizzly Island Wildlife Area). The existing regulation lists waterfowl hunt days and closures periods for certain units of the wildlife area with the same subject dates in separate sentences. The regulation would be amended to clarify and simplify the language by deleting certain regulatory language and sentences in the regulation and combining the reference language into other existing language that addresses units of the wildlife area managed in the same manner. The existing regulation refers to the "general waterfowl season" which is sometimes confusing to hunters. The regulation would

be amended to delete “general” from the language to clarify that waterfowl season now includes special youth hunt days. The existing regulation refers to the use of dogs only during organized field trials, but does not specify when dogs are allowed on the area or are prohibited. The regulation would be amended to clarify when dogs and/or dog training is allowed on the wildlife area. Sighthounds or coursing dogs would not be allowed because staff have determined they disturb and are detrimental to wildlife. The regulation would prohibit users from bringing dogs onto the wildlife area during the ground nesting bird season, March 1 through June 30. The regulation would be amended to close the Gold Hills, Goodyear Slough, Grey Goose, and West Family Units of the wildlife area, from all public use, except with prior written permission from the area manager, from the end of the waterfowl hunting season to September 30. General unrestricted public access cannot be managed properly with existing staff levels. The regulation would be amended to keep the Island Slough Unit of the wildlife area open to public use, excluding dogs, During the same period of time. Dogs would be excluded from Island Slough because the area is managed to protect the endangered salt marsh harvest mouse. The existing regulation allows boats to be launched from the Grizzly Island Unit of the wildlife area. The regulation would be amended to prohibit launching boats from the unit because the launch area is no longer safe to use. The regulation would be amended to prohibit the use of all terrain vehicles (ATV’s) on all units of the Grizzly Island Wildlife Area. Staff have determined that the use of ATV’s is detrimental to the sensitive peat soils and related habitats and disturb other public users, particularly during hunting seasons, because of noise the ability to access closed areas.

Subsection 551(q)(60)(A)(1)(Cottonwood Creek Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the Lower Cottonwood Creek Unit of the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take. The regulation would also be amended to clarify that only archery equipment may be used from the start of the Zone A archery deer season, until the start of the Zone A general deer season, when firearms may be used.

Subsection 551(q)(60)(A)(5)(Cottonwood Creek Wildlife Area). The existing regulation does not specify that vehicles are not allowed beyond the Lower Cottonwood Creek Unit wildlife area parking lot. The regulation would be amended to prohibit vehicles from being driven beyond the parking lot into the closed zone.

Subsection 551 (q)(60)(B)(1)(Cottonwood Creek Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the Upper Cottonwood Creek Unit of the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take. The regulation would also be amended to clarify that only archery equipment may be used from the start of the Zone A archery deer season, until the start of the Zone A general deer season, when firearms may be used.

Subsection 551(q)(60)(B)(5)(Cottonwood Creek Wildlife Area). The existing regulation does not specify that vehicles are not allowed beyond the Upper Cottonwood Creek Unit wildlife area parking lot. The regulation would be amended to prohibit vehicles from being driven beyond the parking lot into the closed zone.

Subsection 551(q)(62)(A)(Little Panoche Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that the use of shotguns and archery equipment are approved methods of take.

Subsection 551(q)(63)(A)(Los Banos Wildlife Area). The existing regulation addresses only ammunition restrictions and does not specify allowed method of take. The regulation would be amended to change the name of the subsection from “Ammunition Restrictions”, to “Method of Take”. The regulation would be amended to specify that the use of shotguns and archery equipment is permitted.

Subsection 551(q)(63)(B)(Los Banos Wildlife Area). The existing regulation does not specifically state that when the wildlife area is closed to all general public use, it is also closed to hunting. The regulation would be amended to make it clear that when the wildlife area is closed to all public use, it is also closed to hunting.

Subsection 551(q)(63)(F)(Los Banos Wildlife Area). The existing regulation allows for up to three hunters to enter the Zone 6, 6J, and Mud Slough, hunting units under one reservation. Comfortable and safe three person blind sites are not always available on a consistent basis, causing confusion among hunters. The regulation would be amended to change and clearly set the number of hunters allowed to enter these blind sites to two hunters in the following combinations: For the Zone 6 unit, two hunters. For Zone 6J, and Mud Slough units , one adult hunter and one junior hunter. The existing regulation is also not clear in stating the Department’s intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Some parties will split up and use more than one blind site or area which displaces other hunters. This is unsportsmanlike and

causes conflict in the field. The regulation would be amended to make is clear that hunters entering the wildlife area on the same reservation will be assigned to same hunt site.

Subsection 551(q)(63)(G)(Los Banos Wildlife Area). The existing regulation states that the wildlife area is closed to all public uses from September 15 until the opening of waterfowl hunting season. General public users, particularly wildlife viewers, become confused concerning were on the area they are allowed to access during waterfowl season. The regulation would be amended to clearly state that the wildlife area will be closed during the waterfowl and pheasant hunting seasons to all public use, except for controlled hunting. The existing regulation providing for wildlife observation during waterfowl season would not be amended.

Subsection 551(q)(65)(F)(North Grasslands Wildlife Area). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Some party's will split up and use more than one hunt area which displaces other hunters, causing conflict in the field. The regulation would be amended to add this subsection to make it clear that hunters entering the wildlife area must have a Type A Permit. The regulation would also make it clear that hunters entering the area under one reservation will be assigned to the same hunt site.

Subsection 551(q)(66)(A)(O'Neill Forebay Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that shotguns and archery equipment permitted.

Subsection 551(q)(67)(A)(San Luis Reservoir Wildlife Area). The existing regulation states that rifles and pistols are prohibited on the wildlife area. The regulation would be amended to make it clear that shotguns and archery equipment are permitted.

Subsection 551(q)(68)(A)(Volta Wildlife Area). The existing regulation addresses only ammunition restrictions and does not specify allowed method of take. The regulation would be amended to change the name of the subsection from "Ammunition Restrictions", to "Method of Take", and would permit the use of shotguns and archery equipment.

Subsection 551(q)(68)(D)(Volta Wildlife Area). The existing regulation limits camping and trailers to parking at the checking station parking lot during waterfowl season. The regulation would be amended to permit hunters with boat trailers to drive past parking lot 1 to launch their boats during waterfowl and pheasant seasons only. The regulation would also be amended to prohibit hunters from parking or stopping vehicles, except to launch a boat, between designated parking areas on the wildlife area for the

purpose of gaining an unfair advantage over other hunters and to prevent disturbing hunters already in the field.

Subsection 551 (q)(68)(F)(Volta Wildlife Area). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife area under the same reservation must hunt together as one party. Some party's split up and use more than one area which displaces other hunters causing conflict in the field. The regulation would be amended to change the subsection name from "Entry Permits" to "Reservations and Entry Permits", for added clarity. The regulation would also make it clear that hunters entering the area on the same reservation will receive the same hunt site assignment.

Subsection 551(q)(71)(A), (B), (C), (D), (E), (F) and (G)(Hollenbeck Canyon Wildlife Area) would be added to the regulations to increase recreational opportunities for a range of public users by allowing the Department to regulate public uses on the wildlife area. Currently the Department regulates public use on the wildlife area through authority granted to the Regional Manager in Subsection 550(b)(1)(Regional Manager's Authority). The addition of the proposed regulations would allow the Department to establish method of take restrictions on the wildlife area for safety, and would prohibit the use of rifles and pistols, while allowing for the take of upland game birds and resident small game when in season. The regulations would prohibit camping, and fires all year round because of the extreme fire danger conditions that exists in the area. The regulations would also provide for dog training on the wildlife area as set forth in Subsection 550, but would limit the possession and release of birds for dog training to male only ring-neck pheasants, bobwhite quail, mallard ducks with at least one clipped wing, and either sex feral pigeons. The proposed regulations would also permit the Department to designate trails or routes on the wildlife area for equestrian and bicycle access. Possession of paint ball guns and engaging in paint ball related recreational activities would be prohibited on the wildlife area because these activities are not compatible uses on wildlife areas.

Subsection 552(a)(1)(D)(Colusa National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. The refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity

with Federal regulations for the area, and would make it clear that tents, and open fires are not permitted on the refuge.

Subsection 552(a)(1)(E)(Delevan National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. The refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations for the area, and would make it clear that tents, and open fires are not permitted on the refuge.

Subsection 552(a)(4)(B)(Merced National Wildlife Refuge). The existing regulation refers to waterfowl hunting as duck hunting. The regulation would be amended to clarify that waterfowl hunting includes species other than ducks.

Subsection 552(a)(4)(G)(Merced National Wildlife Refuge). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife refuge under the same reservation must hunt together as one party. Some party's split up and use more than one blind site or hunting area displacing other hunters causing conflict in the field. The regulation would be amended to add this subsection making it clear that hunters entering the wildlife area under one reservation will receive the same hunt assignment.

Subsection 552(a)(5)(E)(Sacramento National Wildlife Refuge). The existing regulation currently does not allow camping on the refuge. The refuge parking lot and checking station are opened to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for an 8:00 p.m. nonreservation drawing. Hunters that enter the drawing are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations and would make it clear that tents, and open fires are not permitted.

Subsection 552(a)(6)(C)(San Luis National Wildlife Refuge). The existing regulation restricts pheasant hunting on the Kesterson Unit to the free roam area designated along Highway 140. The regulation would be amended to reflect recent adjustments and changes made to the pheasant hunt program to make it more flexible. This change is necessary to provide needed management discretion in the selection of sites to prepare and maintain as habitat for pheasants. The regulation would also be amended to enable the Department to designate hunting areas and days when pheasant hunting will be allowed.

Subsection 552(a)(6)(F)(San Luis National Wildlife Refuge). The existing regulation is not clear in stating the Department's intent that hunters entering the wildlife refuge under the same reservation must hunt together as one party. Some party's split up and use more than one blind site or hunting area displacing other hunters which causes conflict in the field. The regulation would be amended make is clear that hunters entering the wildlife area under one reservation will receive the same hunt site assignment.

Subsection 552(a)(8)(D)(Sutter National Wildlife Refuge). The existing regulation does not allow camping on the refuge. The refuge parking lot and checking station are open to public access at 6:00 p.m. on the evening prior to each waterfowl hunt day for the purpose of issuing first-come, first-served numbers to nonreservation hunters. Hunters that arrive the evening prior to the hunt are permitted to stay in their vehicles until they are processed onto the refuge early the following morning. The regulation would be amended to bring State regulations into conformity with Federal regulations and would make it clear that tents, and open fires are not permitted.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Lakeland Village Beach and Mountain Resort, Lakeshore Room, 3535 Lake Tahoe Blvd., South Lake Tahoe, NV on Thursday, June 20, 2002 at 10:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Hall, City Council Chambers, 990 Palm Street, San Luis Obispo on Friday, August 2, 2002 at 8:30 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before Friday, July 26, 2002, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than Friday, August 2, 2002 at the hearing in San Luis Obispo. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. John Anderson, Department of Fish and Game, (916) 445-3472 has

been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Hunting and other public uses on state and federal areas benefits local businesses because users utilize motels, restaurants, and sporting good stores.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203, 203.1, 208, 215, 220, 355 and 356 of said Code, proposes to amend Section 300(a) and repeal Section 502.1, Title 14, California Code of Regulations, relating to Resident Upland Game Birds and North Coast Canada Goose Hunt.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 300(a)

- 1. Permit Ranges for Sage Grouse
Existing regulations [section 300(a)(1)(D)(4)] allow 200 two-bird permits for the East Lassen Zone, 75

two-bird permits for the Central Lassen Zone, 25 one-bird permits for the North Mono Zone, and 25 one-bird permits for the South Mono and Inyo Zone. Under the current regulatory cycle, the first Fish and Game Commission notice hearing date for sage grouse regulation changes occurs in May. However, the final sage grouse population survey results are not available until after the date that the Department must submit proposed regulation changes to the Commission. The Department proposes a range of maximum and minimum hunting permit numbers to the Commission, with the provision that the actual number of permits recommended for each hunt will be based on April strutting ground and June brood count surveys.

The proposed ranges are 10 to 375 permits for the East Lassen Zone, 10 to 175 permits for the Central Lassen Zone, 10 to 100 permits for the North Mono Zone, and 10 to 100 permits for the South Mono and Inyo Zone.

Section 502.1

The proposed changes in goose regulations in Humboldt and Del Norte counties eliminate the limited entry, 9-day September season in Humboldt County in preparation for a general 5 day Canada goose season in Humboldt and Del Norte counties during the Balance of State Zone goose season. This change is dependent on federal action to allow the modification of the existing federal regulations.

Existing regulations (Section 502.1 Title 14, CCR) provide for a 9-day, permit only hunt for Canada geese in Humboldt County. Other existing regulations (Section 502 (D), Title 14, CCR) prohibit the take of Canada geese in Humboldt and Del Norte counties during the goose season in the Balance of State Zone.

The proposed change is dependent upon approval by the Flyway Council and the Service. Consideration of the proposal will be made by those entities by August 1, 2002.

The proposal would allow the take of 1 Large or Small Canada goose during a 5 day period of the regular Balance of State Zone goose season. This proposal would allow for greater hunter opportunity and is intended to reduce complaints of depredations by geese on agricultural lands. The shorter season and lower bag limit are necessary to conserve the locally nesting population of Western Canada geese.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Lakeland Village Beach and Mountain Resort, Lakeshore Room, 3535 Lake Tahoe Blvd., South Lake Tahoe on Thursday, June 20, 2002, at 10:00 a.m. or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City hall, City Council Chambers, 990 Palm Street, San Luis Obispo, on Friday, August 2, 2002, at 8:30 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before July 26, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 2, 2002 at the hearing in San Luis Obispo. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. John Carlson, Department of Fish and Game, (916) 358-2794 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION

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

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

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

Section 300(a)

The nature of these regulatory changes is directed at wise stewardship and would have no significant adverse effect on businesses.

Section 502.1

- i. Allow the hunting of Canada Geese (Large or Small) during the entire Balance of State zone goose season in Humboldt and Del Norte counties with a daily bag limit of 1 Large or Small Canada goose.
- ii. Allow the hunting of Canada Geese during the entire Balance of State zone goose season in Humboldt and Del Norte counties with the same Canada goose bag limits as in the rest of the Zone (a daily bag limit of 2 dark geese which may include only one small Canada goose).
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

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

**TITLE 14/27. CALIFORNIA
INTEGRATED WASTE
MANAGEMENT BOARD**

NOTICE OF PROPOSED RULEMAKING

- TITLE 14. NATURAL RESOURCES
- DIVISION 7. CALIFORNIA WASTE MANAGEMENT BOARD
- CHAPTER 3. MINIMUM STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL
- ARTICLE 4. DEFINITIONS
- ARTICLE 5.9. CONSTRUCTION AND DEMOLITION AND INERT DEBRIS TRANSFER/PROCESSING REGULATORY REQUIREMENTS
- TITLE 14. NATURAL RESOURCES
- DIVISION 7. CALIFORNIA WASTE MANAGEMENT BOARD
- CHAPTER 5. ENFORCEMENT OF SOLID WASTE STANDARDS AND ADMINISTRATION OF SOLID WASTE FACILITY PERMITS; LOAN GUARANTEES
- ARTICLE 3.2. REPORTS OF FACILITY INFORMATION
- TITLE 27 ENVIRONMENTAL PROTECTION
- DIVISION 2. SOLID WASTE
- SUBDIVISION 1. CONSOLIDATED REGULATIONS FOR TREATMENT, STORAGE, PROCESSING OR DISPOSAL OF SOLID WASTE
- CHAPTER 4. DOCUMENTATION AND REPORTING FOR REGULATORY TIERS, PERMITS, WDRS AND PLANS

SUBCHAPTER 3. DEVELOPMENT OF WASTE DISCHARGE REQUIREMENTS (WDRS) AND SOLID WASTE FACILITY PERMITS

ARTICLE 1. GENERAL

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 14, California Code of Regulations (14 CCR), Division 7, Chapter 3.0, Article 4, section 17225.15, add section 17225.225, delete section 17225.54 and to add Article 5.9, commencing with section 17380 and to add to Chapter 5, Article 3.2, Sections 18223 and 18223.5 and to amend Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Article 1, Section 21565. The proposed regulations are intended to establish regulations for construction and demolition and inert debris processing and to amend existing regulations to accommodate the establishment of the regulations.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. The written comment period for this rulemaking ends at 5:00 p.m. on July 15, 2002. The CIWMB will also accept written comments during the public hearing described below. Please submit your written comments to:

Allison Reynolds
Permitting and Enforcement Division
California Integrated Waste Management Board
P.O. Box 4025
Sacramento, CA 95812-4025
Phone: (916) 341-6803
FAX: (916) 319-7617
e-mail: areynold@ciwmb.ca.gov

PUBLIC HEARING

CIWMB staff will conduct a public hearing at the Joe Serna, Jr. Cal/EPA Building, 2nd Floor Central Valley Auditorium, 1001 I Street, Sacramento, CA on August 12, 2002. The hearing will begin at 9:30 a.m. and conclude after all testimony is given. The CIWMB requests that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The Central Valley Auditorium is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act) [AB 939 (Sher), Stats. 1989, c. 1095] and Public Resources Code (PRC) Section 40000 et seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC

Section 40502 requires the CIWMB to adopt rules and regulations to implement this Act. PRC Section 43020 requires the CIWMB to adopt and revise regulations, which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal. Regulations in California Code of Regulations, Title 14, Division 7, Chapter 3, Articles 6.0–6.4, set forth minimum operating standards and permitting requirements for the transfer/processing of solid waste.

The CIWMB has determined that commingled solid waste and recyclable materials resulting from construction, remodeling, repair, demolition, or deconstruction of buildings can pose a threat to public health, safety, and the environment.

PRC Section 40200(b) states that a facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal, are not solid waste “transfer or processing stations.” In regulations adopted in 1998, the CIWMB included provisions known as the “two-part test” designed to distinguish between self-proclaimed recyclers that were legitimately handling separated for reuse materials and those who were actually handling solid waste. The two-part test provides that a business is a recycling center, and is not subject to regulation, if it: 1) accepts only material that has been separated for reuse (or source separated)(14 CCR 17381.1(a)(1)(A) and (B)); and 2) the amount of residual waste sent to landfills from the business is less than 10% of the incoming material (14 CCR 17381.1(b)(1)). If a business fails either part of the test, it is subject to regulation as a transfer/processing operation or facility. These proposed regulations also utilize the “two-part test” to distinguish between recyclers and waste handlers.

In establishing the two-part test, the CIWMB did not intend to allow a business accepting putrescible wastes to pass the two-part test and avoid being subject to regulation. The CIWMB determined and continues to believe that putrescible wastes can pose a significant threat to public health, safety, or the environment, and, therefore, sites handling putrescible wastes should be regulated. In an active but separate rulemaking, the CIWMB is proposing to add a third part to the “two-part test.” The third part limits, to less than 1%, the amount of putrescible wastes allowed at a recycler. These proposed regulations also include the third part of the test.

Additionally, through these proposed regulations, the CIWMB is adding a fourth part to the test. The fourth part states that a recycler cannot accept commingled recyclable material, with the exception of wood and steel. Construction and demolition material is innately different from traditional recyclable mate-

rials such as cans, bottles, newspapers and cardboard and the CIWMB has determined that commingled construction demolition debris can pose a significant threat to public health, safety, or the environment. Inert debris when commingled on the other hand, does not pose a significant threat to public health, safety, or the environment because of its benign nature and therefore is not subject to the fourth part of the test.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that commingled construction and demolition debris and inert debris can pose a threat to public health, safety, or the environment, and, therefore, sites handling these materials should be regulated.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Section 11342.580 and 11346.2(a)(1). The proposed final regulations are considered non-technical and are written to be easily understood by those parties that will use them.

AUTHORITY AND REFERENCES

PRC Sections 40502, 43020, and 43021 provide authority for these regulations. The purpose of the proposed regulations is to implement, interpret, and make specific PRC Sections 40053, 43020, and 43021.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements.

LOCAL MANDATE AND FISCAL DETERMINATIONS

CIWMB staff has determined that the proposed regulations impose a mandate on local agencies that serve as CIWMB certified local enforcement agencies. These agencies will incur costs resulting from regulatory permitting and inspection requirements. The mandate does not require state reimbursement because these agencies are authorized by PRC Sections 43213 and 44006(c) to charge a fee to recover the costs of performing these services.

CIWMB staff has determined that the proposed regulations do not impose: 1) a mandate on local school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630; 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The CIWMB has identified only a handful of facilities that would potentially be subject to application of the proposed regulations. These facilities are considered small businesses. Due to the capital investment required, few small businesses establish and operate solid waste processing facilities. As such these regulations will not significantly affect small businesses

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff analyzed the economic impact of the proposed action. The CIWMB has identified at least seven facilities that would potentially be subject to the regulations within six months of their effect date. The economic analysis indicates an initial cost to the facility of \$2,043.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB or that has otherwise been identified and brought to the attention of the CIWMB 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. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Allison Reynolds
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6803
FAX: (916) 319-7617
e-mail: areynold@ciwmb.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Michael Bledsoe
California Integrated Waste Management Board
Legal Office
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6058
FAX: (916) 341-7291
e-mail: mbledsoe@ciwmb.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file, and all information upon which the proposed regulations are based, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Allison Reynolds at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/CDMater>.

Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulations substantially as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will mail any modified text to all persons who testify at the public hearing; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept

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

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers and Land Surveyors (“Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing relevant to the action proposed. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on July 15, 2002.

The Board does not intend to hold a hearing on this matter. If any interested party wishes that a hearing be held, he or she must make such a request in writing to the Board. The written request for such a hearing must be sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice and must be received by the Board at its office no later than 5:00 p.m. on June 30, 2002.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice under Contact Person and will be mailed to those persons who submit written statements or arguments related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 6716, 6717, and 8710 of the Business and Professions Code, and to implement, interpret or make specific Sections 6731.5, 6731.6, 6775, and 8780 of said Code, the Board is considering changes to Division 5 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board proposes to amend Section 404 of Division 5 of Title 16 of the California Code of Regulations to include definitions of the terms “negligence” and “incompetence” and to conform the existing definitions of “electrical engineering” and “mechanical engineering” to statute.

The Board is mandated to protect the public health, safety, welfare, and property by investigating complaints and pursuing disciplinary actions against licensees who have violated the Professional Engineers Act (Business and Professions Code section 6700, et seq.) and the Professional Land Surveyors' Act (Business and Professions Code section 8700, et seq.). Two possible violations of these Acts are negligence and incompetence in the practices of professional engineering and professional land surveying. However, the terms "negligence" and "incompetence" as used in Sections 6775 and 8780 are not currently defined in either statute or regulation. Because they are not specifically defined in statute or regulation, many licensees and consumers do not understand what these terms mean and that these terms have different meanings when applied to administrative disciplinary actions as opposed to civil tort litigation. Defining these terms as they are specifically used in Sections 6775 and 8780 for administrative disciplinary actions will provide clarity for the licensees and the consumers, which in turn will make the Board more effective in carrying out its mandate of consumer protection.

Currently, 16 CCR § 404 contains definitions of "electrical engineering" and "mechanical engineering." However, effective January 1, 2001, these definitions were moved into statute (Business and Professions Code sections 6731.5 and 6731.6, Stats. 2000, Ch. 1006 (S.B. 2030)). This proposal would amend the regulatory definitions to refer to the appropriate statutes. This is simply a conforming change without regulatory effect.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: NONE

Nondiscretionary Costs/Savings to Local Agencies: NONE

Local Mandate: NONE

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: NONE

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

The proposed amendment is simply a clarification and does not place any new restrictions or requirements on individuals or businesses. It ex-

pands the options available to the Board's licensees. Therefore, this proposed amendment has no impact on any business or individual.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

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

Effect on Housing Costs: NONE

EFFECT ON SMALL BUSINESS

While the Board does not license businesses, but only individuals, some of its licensees do offer their professional services through business entities, some of which may be classified as small businesses. This proposed amendment will not have a negative impact on small businesses. In fact, it could have a positive effect in that it will clarify what the terms "negligence" and "incompetence" mean for administrative disciplinary purposes, thus assisting professional engineers and professional land surveyors to ensure that they conduct their professional practice and business in a manner that would not constitute negligence or incompetence in the professional practice, which will, in turn, lessen the chances that they might have administrative disciplinary action have taken against their licenses.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments in writing relevant to the above determinations. Such statements or arguments must be sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice and must be received by the Board at its office no later than 5:00 p.m. on July 15, 2002.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the initial statement of reasons and all of the

information upon which the proposal is based may be obtained upon request from the person designated in this Notice under Contact Person. The initial statement of reasons may also be obtained by accessing the website listed below.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations may be obtained upon request from the person designated in this Notice under Contact Person or by accessing the website listed below.

AVAILABILITY AND LOCATION OF THE 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 person designated in this Notice under Contact Person.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person designated in this Notice under Contact Person or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action and the substance of the proposed rulemaking may be addressed to:

Name: Nancy A. Eissler
Address: Board for Professional Engineers and Land Surveyors
2535 Capitol Oaks Drive,
Suite 300
Sacramento, California, 95833
Telephone No.: (916) 263-2241
Fax No.: (916) 263-2246
E-Mail Address: Nancy_Eissler@dca.ca.gov

The backup contact person is:

Name: Donna Vaum
Address: Board for Professional Engineers and Land Surveyors
2535 Capitol Oaks Drive,
Suite 300
Sacramento, California, 95833
Telephone No.: (916) 263-2250
Fax No.: (916) 263-2246
E-Mail Address: Donna_Vaum@dca.ca.gov

Website Access: The Notice, exact language of the proposed regulations, the initial statement of reasons, and the final statement of reasons (when prepared) can be found at www.dca.ca.gov/pels.

TITLE 16. BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Crowne Plaza Union Square, 480 Sutter Street, San Francisco, CA 94108, at 2:00 p.m., on July 19, 2002. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the California Board of Accountancy at its office no later than 5:00 p.m. on July 18, 2002 or must be received by the California Board of Accountancy at the hearing. The California Board of Accountancy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010, 5018, and 5027 of the Business and Professions Code, and to implement, interpret or make specific Sections 5010, 5018, 5026, 5027, 5051, and 5088 of said Code, the California Board of Accountancy is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Amend Section 87 of Title 16 of the California Code of Regulations.

Business and Professions Code Section 5027 requires the California Board of Accountancy to adopt regulations specifying continuing education requirements for its licensees including a requirement that licensees who provide audit, review, or compilation services complete 24 hours of accounting and auditing continuing education during the two-year renewal cycle. Section 87 of Title 16 implements this requirement.

A new accounting standard was issued, effective December 31, 2000, which permits a licensee to prepare a compiled financial statement without issuing a report in those instances in which the financial statement is intended for management use only.

This proposal would update continuing education requirements to indicate that licensees compiling these financial statements are subject to the 24 hour accounting and auditing continuing education requirement during the two year renewal period in which the report is issued.

The objective of this proposal is to clarify continuing education requirements and time frames for those licensees who issue compiled financial statements not intended for use by third parties.

2. Amend Section 89.1 of Title 16 of the California Code of Regulations.

Business and Professions Code Section 5010 authorizes the Board to adopt, amend, or repeal such regulations as may be necessary for the orderly administration of the Accountancy Act. Section 5018 authorizes the Board to prescribe, amend, or repeal regulations related to rules of professional conduct.

Section 89.1 of Title 16 of the California Code of Regulations requires licensees, selected on the basis of a statistical sampling, to submit copies of financial reports to enable the Board to monitor compliance with applicable accounting principles and reporting standards.

This proposal would revise Section 89.1 to clarify which licensees are required to submit reports. The objective of this proposal is to clarify requirements and eliminate any confusion among licensees regarding report submission requirements.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The California Board of Accountancy has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies were relied upon in making that determination: None.

Impact on Jobs/New Businesses:

The California Board of Accountancy has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The California Board of Accountancy 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 BUSINESS

The California Board of Accountancy has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The California Board of Accountancy must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The California Board of Accountancy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Accountancy at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

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 person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Aronna Granick
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815

Telephone No.: (916) 263-3788
Fax No.: (916) 263-3675
E-Mail Address: agranick@cba.ca.gov

The backup contact person is:

Name: Mary Crocker
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815

Telephone No.: (916) 263-3940
Fax No.: (916) 263-3675
E-Mail Address: mcrocker@cba.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Aronna Granick at (916) 263-3788.

Web site Access: Materials regarding this proposal can be found at www.dca.ca.gov/cba.

TITLE 16. BOARD OF REGISTERED NURSING

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 400 R Street, Suite 4030, Sacramento, California, at 10:00am, on July 17, 2002. Written comments must be received by the Board of Registered Nursing at its office not later than 5:00 p.m. on July 17, 2002 or must be received by the Board of Registered Nursing at the hearing. Written comments may be submitted by mail at the address listed above, by email at ellen_jibben@dca.ca.gov, or by fax at (916) 327-4402. The Board of Registered Nursing, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons

who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2715 of the Business and Professions Code, and to implement, interpret or make specific Sections 2750, 2759, 2761, 2762, and Sections 11400.20 and 11425.50(e) of the Government Code, the Board of Registered Nursing is considering changes to Division 14 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Business & Professions Code Sections 2750 and 2759 authorize the Board to discipline registered nurses for violation of the Nursing Practice Act. The Board's publication, "Recommended Guidelines for Disciplinary Orders and Conditions of Probation" delineates the possible disciplinary action the Board may impose for violations of the Nursing Practice Act. Government Code Section 11425.50(e) requires that disciplinary guidelines be in regulations. In accordance with this statute, the Board adopted California Code of Regulations Section 1444.5, which incorporates by reference the Board's disciplinary guidelines of September 1999.

This regulatory proposal amends Section 1444.5 to incorporate by reference the April 2002 revision of the Board's "Recommended Guidelines for Disciplinary Orders and Conditions of Probation". The revision reflects statutory and regulatory changes, strengthens consumer protection, and enhances clarity and consistency.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board of Registered Nursing has determined that this regulatory proposal will not have any impact

on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board of Registered Nursing 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 BUSINESS

The regulatory proposal affects registered nurses who violate the Nursing Practice Act; it does not affect small business.

CONSIDERATION OF ALTERNATIVES

The Board of Registered Nursing must determine that no reasonable alternative which it considered or that was brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Board of Registered Nursing has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Registered Nursing at 400 R Street, Suite 4030, Sacramento, California 95814-6200.

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 person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to Ellen Jibben at 400 R Street, Suite 4030, Sacramento, California 95814, or at (916) 324-2715 or fax to (916) 327-4402, or email to ellen_jibben@dca.ca.gov.

The backup contact person is Heidi Goodman at (916) 324-2715, or fax to (916) 327-4402, or email to heidi_Goodman@dca.ca.gov.

The person designated to respond to questions on the substance of the regulatory proposal is Geri Nibbs at (916) 324-2715 or fax to (916) 327-4402, or email to geri_nibs@dca.ca.gov.

Website Access: Materials regarding this proposal can be found at the Board's website: www.rn.ca.gov.

**TITLE 16. PHYSICIAN
ASSISTANT COMMITTEE**

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 1424 Howe Avenue, Greg Gorges Conference Room, Sacramento, California, at 10:00 a.m., on 18 July 2002. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office not later than 5:00 p.m. on 15 July 2002 or must be received by the Physician Assistant Committee at the hearing. The Physician Assistant Committee, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 3510 of the Business and Professions Code, and to implement, interpret or make specific Sections 3514 and 3517 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Amend Section 1399.508.

The existing regulation specifies that the committee may grant interim approval to an applicant for licensure as a physician assistant who provides evidence of graduation from an approved physician assistant training program and has applied for the first examination required by Section 1399.507 subsequent to the applicant's successful completion of the approved training program.

If the applicant fails the examination, the interim approval automatically terminates upon the applicant's receipt of notice of such failure from the committee or the National Commission on Certification of Physician Assistants.

Additionally, the existing regulation requires that if the applicant receives notification from the National Commission on Certification of Physician Assistants or the committee that they passed the examination and the applicant fails to complete the licensing process within a 90-day period the interim approval shall automatically terminate.

This proposal would clarify the language regarding the graduation and examination process requirements.

This proposal would also authorize an applicant to practice as a physician assistant on interim approval for a maximum period of six months.

This proposal would clarify that if the applicant fails the examination the interim approval automatically terminates upon notice by first-class mail of such failure from the committee or from the National Commission on Certification of Physician Assistants.

This proposal would specify that upon notification by the National Commission on Certification of Physician Assistants or the committee that the applicant passed the examination and they fail to complete the licensure process by the end of the 90-day period the interim approval shall automatically terminate and the applicant shall immediately cease practice as a physician assistant.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The committee has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly

affecting business, including the ability of California businesses to compete with businesses in other states because it only affects applicants for licensure as physician assistants.

Impact on Jobs/New Businesses:

The Physician Assistant Committee has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because it only affects applicants for licensure as physician assistants.

Cost Impact on Representative Private Person or Business:

The Physician Assistant Committee 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 BUSINESS

The Physician Assistant Committee has determined that the proposed regulations would not affect small businesses because it only affects applicants for licensure as physician assistants.

CONSIDERATION OF ALTERNATIVES

The Physician Assistant Committee must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Physician Assistant Committee has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 1424 Howe Avenue, Suite 35, Sacramento, California 95825-3237.

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 person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Glenn L. Mitchell, Jr.
Address: 1424 Howe Avenue
Suite 35
Sacramento, CA 95825-3237
Telephone No.: (916) 263-2670 ext. 203
Fax No.: (916) 263-2671
E-Mail Address: Gmitchell@medbd.ca.gov

The backup contact person is:

Name: Richard L. Wallinder, Jr.
Address: 1424 Howe Avenue
Suite 35
Sacramento, CA 95825-3237
Telephone No.: (916) 263-2670 ext. 202
Fax No.: (916) 263-2671
E-Mail Address: Rwallindinder@medbd.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Glenn L. Mitchell, Jr., (916) 263-2670 ext. 203.

Website Access: Materials regarding this proposal can be found at <http://www.physicianassistant.ca.gov>.

**TITLE 18. BOARD
OF EQUALIZATION**

NOTICE IS HEREBY GIVEN

The State Board of Equalization, pursuant to the authority vested in it by section 15606(a) of the Government Code, proposes to promulgate Regulation 1671.1, Rebates and Incentives, in Title 18, Division 2, Chapter 4, of the California Code of Regulations, relating to sales and use tax. A public hearing on the proposed regulation will be held in Room 121, 450 N Street, Sacramento, at 1:30 p.m., or as soon thereafter as the matter may be heard, on July 31, 2002. At the hearing, any person interested may present statements or arguments orally or in writing relevant to the proposed regulatory action. The Board will consider written statements or arguments if received by July 31, 2002.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Current law, Revenue and Taxation Code sections 6011 and 6012, provides that "sales price" (use tax) and "gross receipts" (sales tax), respectively, include the total amount for which tangible personal property is sold or leased, with specified exclusions.

Proposed Regulation 1671.1, Rebates and Incentives, is proposed to be promulgated to interpret, implement and make specific Revenue and Taxation Code sections 6011 and 6012. The regulation is proposed to promulgate in regulatory form current Board policies regarding when rebates and buy-downs are included in gross receipts or sales price, with the new requirement that the customer have knowledge of certain rebates and buy-downs.

COST TO LOCAL AGENCIES AND
SCHOOL DISTRICTS

The State Board of Equalization has determined that the proposed regulation does not impose a mandate on local agencies or school districts. Further, the Board has determined that the regulation will result in no direct or indirect cost or savings to any State agency, any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of Title 2 of the Government Code or other non-discretionary cost or savings imposed on local agencies, or cost or savings in Federal funding to the State of California.

EFFECT ON BUSINESS

Pursuant to Government Code section 11346.53(a)(8), the Board of Equalization makes an initial determination that the adoption of regulation 1671.1 will have no significant statewide adverse economic impact directly affecting business.

The adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California.

The regulation as proposed will not be detrimental to California businesses in competing with businesses in other states.

The proposed regulation may affect small business.

COST IMPACT ON PRIVATE PERSONS
OR BUSINESSES

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

FEDERAL REGULATIONS

Proposed Regulation 1671.1 has no comparable federal regulations.

AUTHORITY

Section 7051 Revenue and Taxation Code.

REFERENCE

Sections 6011 and 6012 Revenue and Taxation Code.

CONTACT

Questions regarding the substance of the proposed regulation should be directed to Mr. David Rosenthal (916) 324-0293, at 450 N Street, Sacramento, CA 95814, e-mail David.Rosenthal@boe.ca.gov or MIC:50, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0050.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Diane Olson, Regulations Coordinator, telephone (916) 322-9569, fax (916) 324-3984, email Diane.Olson@boe.ca.gov or Ms. Karen Anderson, Contribution Disclosures Analyst, telephone (916) 327-1798, email Karen.Anderson@boe.ca.gov or by mail at State Board of Equalization, Attn: Diane Olson or Karen Anderson, MIC:80, P.O. Box 942879, 450 N Street, Sacramento, CA 94279-0080.

ALTERNATIVES CONSIDERED

The Board must determine that no alternative considered would be more effective in carrying out the purpose for which this action is proposed or be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared a statement of reasons and an underscored version (express terms) of the proposed regulation. Both of these documents and all information on which the proposal is based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed regulation are available on the Internet at the Board's website <http://www.boe.ca.gov>.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The final statement of reasons will be made available on the Internet at the Board's web site following its public hearing of the proposed regulation. It is also available for your inspection at 450 N Street, Sacramento, California.

ADDITIONAL COMMENTS

Following the hearing, the State Board of Equalization may in accordance with law adopt the proposed regulation if the text remains substantially the same as described in the text originally made available to the public. If the State Board of Equalization makes modifications which are substantially related to the originally proposed text, the Board will make the modified text, with the changes clearly indicated, available to the public for fifteen days before adoption of the regulation. The text of any modified regulation will be mailed to those interested parties who commented on the proposed regulatory action orally or in writing or who asked to be informed of such changes. The modified regulation will be available to the public from Ms. Olson. The State Board of Equalization will consider written comments on the modified regulation for fifteen days after the date on which the modified regulation is made available to the public.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Housing and Community Development ("Department") proposes to formally amend regulations, which govern implementation of the Joe Serna, Jr. Farmworker Housing Grant Program (the "JSJF-WHG Program" or the "Program"). The existing regulations are codified in Title 25, Chapter 7, Subchapter 3 (commencing with section 7200) of the California Code of Regulations.

WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Department at its office not later than 5:00 p.m. on July 17, 2002, or must be received at the hearing.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is scheduled for Wednesday, July 17, 2002, commencing at 9:00 am at the Department's Sacramento Office, Room 183,1800 Third Street, Sacramento, California.

AUTHORITY AND REFERENCE

HCD is conducting this rulemaking activity pursuant to the authority provided by Health and Safety Code Sections 50402 and 50406, and to implement, interpret, or make specific Sections 50517.5 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides for the State administration of the Joe Serna, Jr. Farmworker Housing Grant Program (the "JSJFWHG Program" or the "Program"). The Program has made grants to local public entities and nonprofit corporations for the construction or rehabilitation of both ownership and rental housing for agricultural employees and their families. Effective October 9, 2001, the Program statutes were revised to permit HCD to also make loans to limited partnerships if the Program funds would be used in conjunction with low-income housing tax credits. These regulations set forth the policies and procedures governing the State's management and use of these funds. The Department proposes to make amendments, deletions and additions for the purpose of improving clarity, increasing administrative efficiency, and to facilitate the distribution of funds allocated by the State. The Department has prepared a written explanation in plain English pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and the informative digest for this proposal constitutes a plain English summary.

Section 7202

Several of the proposed amendments to program definitions are necessary to clarify and more specifically conform to the latest revisions under the statutory changes made by AB 1160. HCD proposes to amend the definitions of "Grant", "Grantee" and "Nonprofit Corporation".

Section 7234(c)

This section requires farmworker rental housing projects to maintain a reserve account. In order to make the JSJFWHG program consistent and compatible with the use of other program financing, HCD proposes to repeal subsection (c) in its entirety and replace it with the same replacement reserve requirement found in the Multifamily Housing Program.

LOCAL MANDATE

Federal Law mandates the requirements. The Department has determined that these regulations do not impose a mandate on local agencies or school districts.

The Department has determined that no savings or increased costs to any State agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code

to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in Federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has determined that the proposed action has no significant impact on housing costs in California.

INITIAL DETERMINATION OF STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

The Department 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.

EFFECT ON SMALL BUSINESS

The proposed regulations do not affect small business.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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.

ASSESSMENT STATEMENT

The Department has determined that the regulations will not affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND STATEMENT OF REASONS

The text of the proposed regulations is available upon request, along with the Initial Statement of Reasons, prepared by the Department, which provides the reasons for the proposals. All information the Department is considering as a basis for this proposal is maintained in a rulemaking file, which is available

for inspection at the address noted below. Copies can be obtained by contacting Lenora Frazier at the address and telephone number noted below.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact person named below.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the hearing and written comment period, the Department may adopt the proposed amendments 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 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 address indicated below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

CONTACT PERSON

- HCD:** **Pat Dyas**
(916) 327-0942
- HCD BACK-UP:** **Dennis Beddard**
(916) 323-7288
- HCD Address:** **State Department of Housing
and Community Development
1800 Third Street, Room 440
Sacramento, California 95814**
- HCD Website:** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations may be accessed through our website at www.hcd.ca.gov
- HCD Facsimile No:** **(916) 323-2815**

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. Direct inquiries concerning the substance of the proposed rulemaking action, as well as request for the documents noted to:

Lenora Frazier, Legal Analyst
**Department of Housing and
Community Development**
1800 Third Street, Suite 440
Sacramento, California 95814
Telephone: (916) 323-7288
Fax No.: (916) 323-2815
E-mail: LFrazier@hcd.ca.gov

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

NOTICE OF CHANGE OF TIME

**NOTICE OF PUBLIC HEARING TO CONSIDER
AMENDMENTS TO REGULATIONS FOR THE
STATE AMBIENT AIR QUALITY STANDARDS
FOR SUSPENDED PARTICULATE MATTER (PM)
AND SULFATES**

BY NOTICE dated April 23, 2002, and published in the May 3, 2002, California Regulatory Notice Register, Register 2002, No. 18-Z, the Air Resources Board (the Board or ARB) announced it would conduct a public hearing to consider amendments to its regulations for the State Ambient Air Quality Standards for Suspended Particulate Matter (PM) and Sulfates. The hearing was scheduled for June 20, 2002, at 9:00 a.m., at the California Air Resources Board, 9530 Telstar Avenue, El Monte, California.

PLEASE BE ADVISED that the start time for the hearing has been rescheduled as follows:

DATE: June 20, 2002
TIME: **9:30 a.m.**
PLACE: California Air Resources Board
9530 Telstar Avenue
El Monte, CA 91731

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., June 20, 2002, and may continue at 8:30 a.m., June 21, 2002. This item may not be considered until June 21, 2002. Please consult the agenda for the meeting, which will be available at least 10 days before June 20, 2002, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If accommodation is needed, please contact the ARB's Clerk of the Board by June 6, 2002, at (916) 322-5594, or Telephone Device for the Deaf (TDD)(916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area, to ensure accommodation.

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

NOTICE TO INTERESTED PARTIES

NOTICE OF PUBLIC COMMENT PERIOD

ON

AIR TOXICS HOT SPOTS PROGRAM
 GUIDANCE MANUAL FOR PREPARATION OF
 HEALTH RISK ASSESSMENTS

MAY 31, 2002

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing a draft document, *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments* to solicit public comment. This draft Guidance Manual has been developed by OEHHA, in conjunction with the Air Resources Board, for use in implementing the Air Toxics Hot Spots Program (Health and Safety Code Section 44360). OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360 (b)(2)). OEHHA developed four Technical Support Documents (TSDs) in response to this statutory requirement which provided the scientific basis for values used in assessing risk from exposure to facility emissions. The four TSDs describe acute Reference Exposure Levels (RELs), chronic RELs, cancer potency factors, point estimates and distributions for exposure parameters, and the general exposure assessment methodology. These TSDs underwent public and peer review, were approved by the State's Scientific Review Panel on Toxic Air Contaminants, and adopted by OEHHA for use in the Air Toxics Hot Spots program. The draft Guidance Manual combines the critical information from the four TSDs onto a guidance manual for the preparation of health risk assessments. We are seeking comment on the guidance itself including clarity and ease of use. We are not seeking comments on the information in the guidance Manual that has already undergone public and peer review, approval by the Scientific Review Panel, and adoption by OEHHA. The Guidance Manual will also undergo review by the state's Scientific Review Panel on Toxic Air Contaminants.

The Guidance Manual becomes available on the OEHHA Home Page at <http://www.oehha.ca.gov> on **June 1, 2002. The distribution of the document will commence a 30-day public review period that will**

end on July 1, 2002. Public workshops will be held June 19th in Diamond Bar and June 25th in Oakland. Location information is as follows:

June 19th

10 AM–2 PM
 South Coast Air Quality Management District??
 21865 F. Copley Dr.
 Room CC-2
 Diamond Bar, CA.

June 25th

10 AM–2 PM
 Elihu Harris Building
 1515 Clay St., 2nd Floor
 Training Room 11
 Oakland, CA

Please direct any inquiries concerning technical matters or availability of the document to Dr. Robert Blaisdell at (510) 622-3150. Please direct your written comments regarding the draft Guidance Manual to Dr. Robert Blaisdell, Office of Environmental Health Hazard Assessment, 1515 Clay St., 16th Floor, Oakland, CA 94612. Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the ARB web page at <http://www.arb.ca.gov/srp/srp.htm>.

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

ANNOUNCEMENT OF PUBLIC WORKSHOP
 AND PUBLIC COMMENT PERIOD

PUBLIC WORKSHOP DISCUSSION OF THE
 DRAFT TECHNICAL SUPPORT DOCUMENTS
 FOR PROPOSED PUBLIC HEALTH GOALS FOR
 11 CHEMICALS IN DRINKING WATER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency announces the availability of the draft technical support documents for a proposed Public Health Goal (PHG) for each of the following eleven (11) chemicals in drinking water: asbestos, barium, beryllium, chlorobenzene, 1,1-dichloroethane, diethylhexyl adipate, ethylene dibromide, hexachlorobenzene, silvex, 1,1,2,2-tetrachloroethane, and toxaphene. This first publicly-released draft of the documents will be posted on the OEHHA Web site (www.oehha.ca.gov) on June 3, 2002. In addition, a one-day public workshop will be held on July 22, 2002, at the Elihu Harris Building, 1515 Clay Street, First Floor, Oakland, California to discuss the scientific basis and recommendations in the draft technical support documents. The workshop will begin at 10:30 a.m. and will last

until all business for the day is concluded or 4:30 p.m. OEHHA follows the requirements set forth in Health and Safety Code, Sections 57003(a) and 116365, for conducting the workshop and obtaining public input.

The workshop is planned to encourage a dialogue between OEHHA scientists and the public, to discuss the PHG recommendations and to receive comments. Following the workshop, OEHHA will revise the documents as appropriate, and make them available for a 30-day public review and scientific comment period. This second review and comment period will be announced and published in the California Regulatory Notice Register and posted on the OEHHA Web site. The responses to the major comments from the public at the workshop and during the two public review and scientific comment periods, as well as from peer reviewers at the University of California system and state and federal agencies, will also be available on the OEHHA Web site at final publication.

Oral and written comments received at the workshop will be considered during the revision of the draft technical support documents. Written comments must be received at OEHHA by 5:00 p.m. July 22, 2002, to be considered during this first revision of the documents.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996 (Health and Safety Code Section 116365), amended 1999, requires OEHHA to develop PHGs based exclusively on public health considerations. PHGs published by OEHHA will be considered by the California Department of Health Services in setting drinking water standards (Maximum Contaminant Levels, or MCLs).

Printed copies of the draft technical support documents may be obtained for a fee from:

Instant Copying and Laser Printing
2015 Shattuck Avenue
Berkeley, California 94720
Phone: (510) 704-9700
FAX: (510) 704-9970

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below. Written requests should be addressed to:

Dr. Yi Wang
Pesticide and Environmental Toxicology Section
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency

1515 Clay Street, 16th Floor
Oakland, California 94612
Attention: PHG Project
FAX: (510) 622-3218

PROPOSITION 65

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

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

NOTICE TO INTERESTED PARTIES May 31, 2002

CHEMICALS LISTED EFFECTIVE **May 31, 2002** AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *bromate* and *diuron* to the list of chemicals known to the State to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The effective listing date for *bromate* and *diuron* is **May 31, 2002**.

Bromate and *diuron* (CAS No. 330-54-1) are listed as chemicals known to the State to cause cancer. The listing of these chemicals is based on a formal identification by an authoritative body that each of these chemicals cause cancer pursuant to an administrative listing mechanism provided under Proposition 65. Regulations governing the listing of chemicals under the "authoritative bodies" mechanism are published in Title 22, California Code of Regulations, Section 12306 (22 CCR 12306).

The reader is directed to the *Notices of Intent to List* for *Bromate and Diuron* published in the February 9, 2001, and March 29, 2002, issues of the *California Regulatory Notice Register* (Register 01, No. 6-Z and Register 02, No. 13-Z) for the supporting documentation which OEHHA relied upon in making its determination that the criteria for administrative listing have been satisfied for these chemicals.

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

In summary, the following chemicals are added to the Proposition 65 chemical list as **known to the State to cause cancer**:

Cancer

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹
Bromate	—	Cancer	AB
Diuron	330-54-1	Cancer	AB

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

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986**

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
MAY 31, 2002**

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

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER**

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

Chemical	CAS Number	Date
<u>AHyl chloride</u>	<u>407051</u>	<u>January 1, 1990</u>
<u>Delisted October 29, 1999</u>	<u>117793</u>	<u>October 1, 1989</u>
2-Aminoanthraquinone	60093	January 1, 1990
p-Aminoazobenzene	97563	July 1, 1987
ortho-Aminoazotoluene		
4-Aminobiphenyl (4-aminodiphenyl)	92671	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989
2-Aminofluorene	153786	January 29, 1999
1-Amino-2-methylanthraquinone	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332214	February 27, 1987
Auramine	492808	July 1, 1987
Azacitidine	320672	January 1, 1992
Azaserine	115026	July 1, 1987
Azathioprine	446866	February 27, 1987
Azobenzene	103333	January 1, 1990
Benz[a]anthracene	56553	July 1, 1987
Benzene	71432	February 27, 1987
Benzidine [and its salts]	92875	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205992	July 1, 1987
Benzo[j]fluoranthene	205823	July 1, 1987
Benzo[k]fluoranthene	207089	July 1, 1987
Benzo[ghi]perylene	271896	October 1, 1990
Benzo[a]pyrene	50328	July 1, 1987
Benzotrichloride	98077	July 1, 1987
Benzyl chloride	100447	January 1, 1990
Benzyl violet 4B	1694093	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996
Bis(2-chloroethyl)ether	111444	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlor-napazine)	494031	February 27, 1987
Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987
Bis(chloromethyl)ether	542881	February 27, 1987
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999

¹ Listing mechanism:
AB—"authoritative bodies" mechanism (22 CCR 12306)

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990	Chloroprene	126998	June 2, 2000
Bracken fern	—	January 1, 1990	Chlorothalonil	1897456	January 1, 1989
Bromate	—	May 31, 2002	Chlorotrianisene	569573	September 1, 1996
Bromodichloromethane	75274	January 1, 1990	Chlorozotocin	54749905	January 1, 1992
Bromoethane	74964	December 22, 2000	Chromium (hexavalent compounds)	—	February 27, 1987
Bromoform	75252	April 1, 1991	Chrysene	218019	January 1, 1990
1,3-Butadiene	106990	April 1, 1988	C.I. Acid Red 114	6459945	July 1, 1992
1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	C.I. Basic Red 9 monohydrochloride	569619	July 1, 1989
Butylated hydroxyanisole	25013165	January 1, 1990	C.I. Direct Blue 15	2429745	August 26, 1997
beta-Butyrolactone	3068880	July 1, 1987	C.I. Direct Blue 218	28407376	August 26, 1997
Cacodylic acid	75605	May 1, 1996	C.I. Solvent Yellow 14	842079	May 15, 1998
Cadmium and cadmium compounds	—	October 1, 1987	Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992
Caffeic acid	331395	October 1, 1994	Cidofovir	113852372	January 29, 1999
Captafol	2425061	October 1, 1988	Cinnamyl anthranilate	87296	July 1, 1989
Captan	133062	January 1, 1990	Cisplatin	15663271	October 1, 1988
Carbazole	86748	May 1, 1996	Citrus Red No. 2	6358538	October 1, 1989
Carbon tetrachloride	56235	October 1, 1987	Clofibrate	637070	September 1, 1996
Carbon-black extracts	—	January 1, 1990	Cobalt metal powder	7440484	July 1, 1992
N-Carboxymethyl-N-nitrosourea	60391926	January 25, 2002	Cobalt [II] oxide	1307966	July 1, 1992
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	Cobalt sulfate heptahydrate	10026241	June 2, 2000
Certain combined chemotherapy for lymphomas	—	February 27, 1987	Coke oven emissions	—	February 27, 1987
Chlorambucil	305033	February 27, 1987	Conjugated estrogens	—	February 27, 1987
Chloramphenicol	56757	October 1, 1989	Creosotes	—	October 1, 1988
Chlordane	57749	July 1, 1988	para-Cresidine	120718	January 1, 1988
Chlordecone (Kepone)	143500	January 1, 1988	Cupferron	135206	January 1, 1988
Chlordimeform	6164983	January 1, 1989	Cycasin	14901087	January 1, 1988
Chlorendic acid	115286	July 1, 1989	Cyclophosphamide (anhydrous)	50180	February 27, 1987
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989	Cyclophosphamide (hydrated)	6055192	February 27, 1987
p-Chloroaniline	106478	October 1, 1994	Cytembena	21739913	May 15, 1998
p-Chloroaniline hydrochloride	20265967	May 15, 1998	D&C Orange No. 17	3468631	July 1, 1990
Chlorodibromomethane			D&C Red No. 8	2092560	October 1, 1990
Delisted October 29, 1999	424481	January 1, 1990	D&C Red No. 9	5160021	July 1, 1990
Chloroethane (Ethyl chloride)	75003	July 1, 1990	D&C Red No. 19	81889	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010474	January 1, 1988	Dacarbazine	4342034	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909096	October 1, 1988	Daminozide	1596845	January 1, 1990
Chloroform	67663	October 1, 1987	Dantron (Chryszin; 1,8-Dihydroxyanthraquinone)	117102	January 1, 1992
Chloromethyl methyl ether (technical grade)	107302	February 27, 1987	Daunomycin	20830813	January 1, 1988
3-Chloro-2-methylpropene	563473	July 1, 1989	DDD (Dichlorodiphenyldichloroethane)	72548	January 1, 1989
1-Chloro-4-nitrobenzene	100005	October 29, 1999	DDE (Dichlorodiphenyldichloroethylene)	72559	January 1, 1989
4-Chloro-ortho-phenylenediamine	95830	January 1, 1988	DDT (Dichlorodiphenyltrichloroethane)	50293	October 1, 1987
p-Chloro-o-toluidine	95692	January 1, 1990	DDVP (Dichlorvos)	62737	January 1, 1989
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998	N,N'-Diacetylbenzidine	613354	October 1, 1989
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997	2,4-Diaminoanisole	615054	October 1, 1990
			2,4-Diaminoanisole sulfate	39156417	January 1, 1988
			4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988
			2,4-Diaminotoluene	95807	January 1, 1988
			Diaminotoluene (mixed)	—	January 1, 1990
			Dibenz[a,h]acridine	226368	January 1, 1988
			Dibenz[a,j]acridine	224420	January 1, 1988
			Dibenz[a,h]anthracene	53703	January 1, 1988
			7H-Dibenzo[c,g]carbazole	194592	January 1, 1988

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Dibenzo[a,e]pyrene	192654	January 1, 1988	1,4-Dioxane	123911	January 1, 1988
Dibenzo[a,h]pyrene	189640	January 1, 1988	Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988
Dibenzo[a,i]pyrene	189559	January 1, 1988	Diphenylhydantoin (Phenytoin), sodium salt	630933	January 1, 1988
Dibenzo[a,l]pyrene	191300	January 1, 1988	Direct Black 38 (technical grade)	1937377	January 1, 1988
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987	Direct Blue 6 (technical grade)	2602462	January 1, 1988
2,3-Dibromo-1-propanol	96139	October 1, 1994	Direct Brown 95 (technical grade)	16071866	October 1, 1988
Dichloroacetic acid	79436	May 1, 1996	Disperse Blue 1	2475458	October 1, 1990
p-Dichlorobenzene	106467	January 1, 1989	<u>Diuron</u>	330541	May 31, 2002
3,3'-Dichlorobenzidine	91941	October 1, 1987	Epichlorohydrin	106898	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998	Erionite	12510428	October 1, 1988
1,4-Dichloro-2-butene	764410	January 1, 1990	Estradiol 17B	50282	January 1, 1988
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988	Estragole	140670	October 29, 1999
1,1-Dichloroethane	75343	January 1, 1990	Estrone	53167	January 1, 1988
Dichloromethane (Methylene chloride)	75092	April 1, 1988	Estropipate	7280377	August 26, 1997
1,2-Dichloropropane	78875	January 1, 1990	Ethinylestradiol	57636	January 1, 1988
1,3-Dichloropropene	542756	January 1, 1989	Ethoprop	13194484	February 27, 2001
Dieldrin	60571	July 1, 1988	Ethyl acrylate	140885	July 1, 1989
Dieneestrol	84173	January 1, 1990	Ethyl methanesulfonate	62500	January 1, 1988
Diepoxybutane	1464535	January 1, 1988	Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990
Diesel engine exhaust	—	October 1, 1990	Ethylene dibromide	106934	July 1, 1987
Di(2-ethylhexyl)phthalate	117817	January 1, 1988	Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987
1,2-Diethylhydrazine	1615801	January 1, 1988	Ethylene oxide	75218	July 1, 1987
Diethyl sulfate	64675	January 1, 1988	Ethylene thiourea	96457	January 1, 1988
Diethylstilbestrol (DES)	56531	February 27, 1987	Ethyleneimine	151564	January 1, 1988
Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989	Fenoxycarb	72490018	June 2, 2000
Dihydrosafrole	94586	January 1, 1988	Folpet	133073	January 1, 1989
Diisopropyl sulfate	2973106	April 1, 1993	Formaldehyde (gas)	50000	January 1, 1988
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988	2-(2-Formylhydrazino)-4- (5-nitro-2-furyl)thiazole	3570750	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990	Furan	110009	October 1, 1993
Dimethyl sulfate	77781	January 1, 1988	Furazolidone	67458	January 1, 1990
4-Dimethylaminoazo- benzene	60117	January 1, 1988	Furmecyclox	60568050	January 1, 1990
trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988	Fusarin C	79748815	July 1, 1995
7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990	Ganciclovir sodium	82410320	August 26, 1997
3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988	Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992	Gemfibrozil	25812300	December 22, 2000
Dimethylcarbamoyl chloride	79447	January 1, 1988	Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989	Glu-P-1 (2-Amino-6- methylidiprido[1,2- a:3',2'-d]imidazole)	67730114	January 1, 1990
1,2-Dimethylhydrazine	540738	January 1, 1988	Glu-P-2 (2-Aminodipri- do[1,2-a:3',2'-d]imida- zole)	67730103	January 1, 1990
Dimethylvinylchloride	513371	July 1, 1989	Glycidaldehyde	765344	January 1, 1988
3,7-Dinitrofluoranthene	105735715	August 26, 1997	Glycidol	556525	July 1, 1990
3,9-Dinitrofluoranthene	22506532	August 26, 1997	Griseofulvin	126078	January 1, 1990
1,6-Dinitropyrene	42397648	October 1, 1990	Gyromitrin (Acetaldehyde methylformylhydra- zone)	16568028	January 1, 1988
1,8-Dinitropyrene	42397659	October 1, 1990	HC Blue 1	2784943	July 1, 1989
Dinitrotoluene mixture, 2,4-/2,6- 2,4-Dinitrotoluene	121142	May 1, 1996	Heptachlor	76448	July 1, 1988
2,6-Dinitrotoluene	606202	July 1, 1995			
Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996			

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Heptachlor epoxide	1024573	July 1, 1988	5-Methylchrysene	3697243	April 1, 1988
Hexachlorobenzene	118741	October 1, 1987	4,4'-Methylene bis		
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	(2-chloroaniline)	101144	July 1, 1987
Hexachlorodibenzo-dioxin	34465468	April 1, 1988	4,4'-Methylene bis(N,N-dimethyl)benzenamine	101611	October 1, 1989
Hexachloroethane	67721	July 1, 1990	4,4'-Methylene bis		
Hexamethylphosphoramide	680319	January 1, 1988	(2-methylaniline)	838880	April 1, 1988
Hydrazine	302012	January 1, 1988	4,4'-Methylenedianiline	101779	January 1, 1988
Hydrazine sulfate	10034932	January 1, 1988	4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988	Methyleugenol	93152	November 16, 2001
Indeno [1,2,3-cd]pyrene	193395	January 1, 1988	Methylhydrazine and its salts	—	July 1, 1992
Indium phosphide	22398807	February 27, 2001	Methyl iodide	74884	April 1, 1988
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990	Methylmercury compounds	—	May 1, 1996
Iprodione	36734197	May 1, 1996	Methyl methanesulfonate	66273	April 1, 1988
Iron dextran complex	9004664	January 1, 1988	2-Methyl-1-nitroanthraquinone (of uncertain purity)	129157	April 1, 1988
Isobutyl nitrite	542563	May 1, 1996	N-Methyl-N'-nitro-N-nitrosoguanidine	70257	April 1, 1988
Isoprene	78795	May 1, 1996	N-Methylolacrylamide	924425	July 1, 1990
Isosafrole	120581	October 1, 1989	Methylthiouracil	56042	October 1, 1989
Isoxaflutole	141112290	December 22, 2000	Metiram	9006422	January 1, 1990
Lactofen	77501634	January 1, 1989	Metronidazole	443481	January 1, 1988
Lasiocarpine	303344	April 1, 1988	Michler's ketone	90948	January 1, 1988
Lead acetate	301042	January 1, 1988	Mirex	2385855	January 1, 1988
Lead and lead compounds	—	October 1, 1992	Mitomycin C	50077	April 1, 1988
Lead phosphate	7446277	April 1, 1988	Monocrotaline	315220	April 1, 1988
Lead subacetate	1335326	October 1, 1989	5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxalolidinone	139913	April 1, 1988
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989	Mustard Gas	505602	February 27, 1987
Lynestrenol	52766	February 27, 2001	MX (3-chloro-4-dichloromethyl-5-hydroxy-2(5H)-furanone)	77439760	December 22, 2000
Mancozeb	8018017	January 1, 1990	Nafenopin	3771195	April 1, 1988
Maneb	12427382	January 1, 1990	Nalidixic acid	389082	May 15, 1998
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990	Naphthalene	91203	April 19, 2002
Medroxyprogesterone acetate	71589	January 1, 1990	1-Naphthylamine	134327	October 1, 1989
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994	2-Naphthylamine	91598	February 27, 1987
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	7500040	October 1, 1994	Nickel and certain nickel compounds	—	October 1, 1989
Melphalan	148823	February 27, 1987	Nickel carbonyl	13463393	October 1, 1987
Merphalan	531760	April 1, 1988	Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Mestranol	72333	April 1, 1988	Nickel subsulfide	12035722	October 1, 1987
Metham sodium	137428	November 6, 1998	Niridazole	61574	April 1, 1988
8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987	Nitrolic triacetic acid	139139	January 1, 1988
5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988	Nitrolic triacetic acid, tri-sodium salt monohydrate	18662538	April 1, 1989
2-Methylaziridine (Propyleneimine)	75558	January 1, 1988	5-Nitroacenaphthene	602879	April 1, 1988
Methylazoxymethanol	590965	April 1, 1988	5-Nitro-o-anisidine	99592	October 1, 1989
Methylazoxymethanol acetate	592621	April 1, 1988	o-Nitroanisole	91236	October 1, 1992
Methyl carbamate	598550	May 15, 1998	Nitrobenzene	98953	August 26, 1997
3-Methylcholanthrene	56495	January 1, 1990	4-Nitrobiphenyl	92933	April 1, 1988
			6-Nitrochrysene	7496028	October 1, 1990
			Nitrofen (technical grade)	1836755	January 1, 1988
			2-Nitrofluorene	607578	October 1, 1990
			Nitrofurazone	59870	January 1, 1990
			1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555840	April 1, 1988
			N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531828	April 1, 1988

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Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	o-Phenylenediamine and its salts	95545	May 15, 1998
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	Phenyl glycidyl ether	122601	October 1, 1990
Nitrogen mustard N-oxide	126852	April 1, 1988	Phenylhydrazine and its salts	—	July 1, 1992
Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988	o-Phenylphenate, sodium	132274	January 1, 1990
Nitromethane	75525	May 1, 1997	o-Phenylphenol	90437	August 4, 2000
2-Nitropropane	79469	January 1, 1988	PhiP(2-Amino-1-methyl-6- phenylimidazol[4,5-b] pyridine)	105650235	October 1, 1994
1-Nitropyrene	5522430	October 1, 1990	Polybrominated biphenyls	—	January 1, 1988
4-Nitropyrene	57835924	October 1, 1990	Polychlorinated biphenyls	—	October 1, 1989
N-Nitrosodi-n-butylamine	924163	October 1, 1987	Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
N-Nitrosodiethanolamine	1116547	January 1, 1988	Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
N-Nitrosodiethylamine	55185	October 1, 1987	Polychlorinated dibenzofurans	—	October 1, 1992
N-Nitrosodimethylamine	62759	October 1, 1987	Polygeenan	53973981	January 1, 1988
p-Nitrosodiphenylamine	156105	January 1, 1988	Ponceau MX	3761533	April 1, 1988
N-Nitrosodiphenylamine	86306	April 1, 1988	Ponceau 3R	3564098	April 1, 1988
N-Nitrosodi-n-propylamine	621647	January 1, 1988	Potassium bromate	7758012	January 1, 1990
N-Nitroso-N-ethylurea	759739	October 1, 1987	Primidone	125337	August 20, 1999
3-(N-Nitrosomethylamino) propionitrile	60153493	April 1, 1990	Procarbazine	671169	January 1, 1988
4-(N-Nitrosomethylam- ino)-1-(3-pyridyl)1- butanone	64091914	April 1, 1990	Procarbazine hydrochloride	366701	January 1, 1988
N-Nitrosomethylethyl- amine	10595956	October 1, 1989	Procymidone	32809168	October 1, 1994
N-Nitroso-N-methylurea	684935	October 1, 1987	Progesterone	57830	January 1, 1988
N-Nitroso-N-methylurethane	615532	April 1, 1988	Pronamide	23950585	May 1, 1996
N-Nitrosomethylvinyl- amine	4549400	January 1, 1988	Propachlor	1918167	February 27, 2001
N-Nitrosomorpholine	59892	January 1, 1988	1,3-Propane sultone	1120714	January 1, 1988
N-Nitrosornicotine	16543558	January 1, 1988	Propargite	2312358	October 1, 1994
N-Nitrosopiperidine	100754	January 1, 1988	beta-Propiolactone	57578	January 1, 1988
N-Nitrosopyrrolidine	930552	October 1, 1987	Propylene oxide	75569	October 1, 1988
N-Nitrososarcosine	13256229	January 1, 1988	Propylthiouracil	51525	January 1, 1988
o-Nitrotoluene	88722	May 15, 1998	Quinoline and its strong acid salts	—	October 24, 1997
Norethisterone (Norethin- drone)	68224	October 1, 1989	Radionuclides	—	July 1, 1989
Norethynodrel	68235	February 27, 2001	Reserpine	50555	October 1, 1989
Ochratoxin A	303479	July 1, 1990	Residual (heavy) fuel oils	—	October 1, 1990
Oil Orange SS	2646175	April 1, 1988	Saccharin <u>Delisted April 6, 2001</u>	81072	October 1, 1989
Oral contraceptives, combined	—	October 1, 1989	Saccharin, sodium	128449	January 1, 1988
Oral contraceptives, sequential	—	October 1, 1989	Safrole	94597	January 1, 1988
Oxadiazon	19666309	July 1, 1991	Salicylazosulfapyridine	599791	May 15, 1998
Oxazepam	604751	October 1, 1994	Selenium sulfide	7446346	October 1, 1989
Oxymetholone	434071	January 1, 1988	Shale-oils	68308349	April 1, 1990
Oxythioquinox	2439012	August 20, 1999	Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Palygorskite fibers (>5µm in length)	12174117	December 28, 1999	Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Panfuran S	794934	January 1, 1988	Spironolactone	52017	May 1, 1997
Pentachlorophenol	87865	January 1, 1990	Stanozolol	10418038	May 1, 1997
Phenacetin	62442	October 1, 1989	Sterigmatocystin	10048132	April 1, 1988
Phenazopyridine	94780	January 1, 1988	Streptozotocin (streptozocin)	18883664	January 1, 1988
Phenazopyridine hydrochloride	136403	January 1, 1988	Styrene oxide	96093	October 1, 1988
Phenesterin	3546109	July 1, 1989	Sulfallate	95067	January 1, 1988
Phenobarbital	50066	January 1, 1990	Talc containing asbestiform fibers	—	April 1, 1990
Phenolphthalein	77098	May 15, 1998	Tamoxifen and its salts	10540291	September 1, 1996
Phenoxybenzamine	59961	April 1, 1988	Terrazole	2593159	October 1, 1994
Phenoxybenzamine hydrochloride	63923	April 1, 1988	Testosterone and its esters	58220	April 1, 1988
			2,3,7,8-Tetrachlorodibenzo-para- dioxin (TCDD)	1746016	January 1, 1988
			1,1,2,2-Tetrachloroethane	79345	July 1, 1990

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988
p-a,a,a-Tetrachloro- toluene	5216251	January 1, 1990
Tetrafluoroethylene	116143	May 1, 1997
Tetranitromethane	509148	July 1, 1990
Thioacetamide	62555	January 1, 1988
4,4'-Thiodianiline	139651	April 1, 1988
Thiodicarb	59669260	August 20, 1999
Thiourea	62566	January 1, 1988
Thorium dioxide	1314201	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471625	October 1, 1989
ortho-Toluidine	95534	January 1, 1988
ortho-Toluidine hydrochloride	636215	January 1, 1988
para-Toluidine Delisted October 29, 1999	406490	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Treosulfan	299752	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Trichloroethylene	79016	April 1, 1988
2,4,6-Trichlorophenol	88062	January 1, 1988
1,2,3-Trichloropropane	96184	October 1, 1992
Trimethyl phosphate	512561	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76879	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziqnone)	68768	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Tris(2-chloroethyl) phosphate	115968	April 1, 1992
Tris(2,3-dibromopropyl)phos- phate	126727	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Trypan blue (commercial grade)	72571	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66751	April 1, 1988
Urethane (Ethyl carbamate)	51796	January 1, 1988
Vinclozolin	50471448	August 20, 1999
Vinyl bromide	593602	October 1, 1988
Vinyl chloride	75014	February 27, 1987
4-Vinylcyclohexene	100403	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Vinyl fluoride	75025	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
2,6-Xylidine (2,6-Dimethylani- line)	87627	January 1, 1991
Zileuton	111406872	December 22, 2000
Zineb Delisted October 29, 1999	42122677	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO
CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117373	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990
Atenolol	developmental	29122687	August 26, 1997
Auranofin	developmental	34031328	January 29, 1999
Azathioprine	developmental	446866	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534098	May 15, 1998
Benomyl	developmental, male	17804352	July 1, 1991
Benzene	developmental, male	71432	December 26, 1997
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990
Benzodiazepines	developmental	—	October 1, 1992
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990
Bromacil lithium salt	developmental	53404196	May 18, 1999
Bromoxynil	developmental	1689845	October 1, 1990
Bromoxynil octanoate	developmental	1689992	May 18, 1999
Butabarbital sodium	developmental	143817	October 1, 1992
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298464	January 29, 1999
Carbon disulfide	developmental, female, male	75150	July 1, 1989
Carbon monoxide	developmental	630080	July 1, 1989
Carboplatin	developmental	41575944	July 1, 1990
Chenodiol	developmental	474259	April 1, 1990
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998
Chlorambucil	developmental	305033	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987
Chlordecone (Kepone)	developmental	143500	January 1, 1989
Chlordiazepoxide	developmental	58253	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992
1-(2-Chloroethyl)-3- cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990

CALIFORNIA REGULATORY NOTICE REGISTER 2002, VOLUME NO. 22-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999	Endrin	developmental	72208	May 15, 1998
Cidofovir	developmental, female, male	113852372	January 29, 1999	Epichlorohydrin	male	106898	September 1, 1996
Cladribine	developmental	4291638	September 1, 1996	Ergotamine tartrate	developmental	379793	April 1, 1990
Clarithromycin	developmental	81103119	May 1, 1997	Estropipate	developmental	7280377	August 26, 1997
Clobetasol propionate	developmental, female	25122467	May 15, 1998	Ethionamide	developmental	536334	August 26, 1997
Clomiphene citrate	developmental	50419	April 1, 1990	Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Clorazepate dipotassium	developmental	57109907	October 1, 1992	Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999
Cocaine	developmental, female	50362	July 1, 1989	Ethylene dibromide	developmental, male	106934	May 15, 1998
Codeine phosphate	developmental	52288	May 15, 1998	Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989
Colchicine	developmental, male	64868	October 1, 1992	Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989
Conjugated estrogens	developmental	—	April 1, 1990	Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993
Cyanazine	developmental	21725462	April 1, 1990	Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993
Cycloate	developmental	1134232	March 19, 1999	Ethylene oxide	female	75218	February 27, 1987
Cyclohexanol	male	108930	November 6, 1998	Ethylene thiourea	developmental	96457	January 1, 1993
<u>Delisted January 25, 2002</u>				Etodolac	developmental, female	41340254	August 20, 1999
Cycloheximide	developmental	66819	January 1, 1989	Etoposide	developmental	33419420	July 1, 1990
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989	Etretinate	developmental	54350480	July 1, 1987
Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989	Fenoxaprop ethyl	developmental	66441234	March 26, 1999
Cyhexatin	developmental	13121705	January 1, 1989	Filgrastim	developmental	121181531	February 27, 2001
Cytarabine	developmental	147944	January 1, 1989	Fluazifop butyl	developmental	69806504	November 6, 1998
Dacarbazine	developmental	4342034	January 29, 1999	Flunisolide	developmental, female	3385033	May 15, 1998
Danazol	developmental	17230885	April 1, 1990	Fluorouracil	developmental	51218	January 1, 1989
Daunorubicin hydrochloride	developmental	23541506	July 1, 1990	Fluoxymesterone	developmental	76437	April 1, 1990
2,4-D butyric acid	developmental, male	94826	June 18, 1999	Flurazepam hydrochloride	developmental	1172185	October 1, 1992
o,p' -DDT	developmental, female, male	789026	May 15, 1998	Flurbiprofen	developmental, female	5104494	August 20, 1999
p,p' -DDT	developmental, female, male	50293	May 15, 1998	Flutamide	developmental	13311847	July 1, 1990
2,4-DP (dichloroprop)	developmental	120365	April 27, 1999	Fluticasone propionate	developmental	80474142	May 15, 1998
<u>Delisted January 25, 2002</u>				Fluvalinate	developmental	69409945	November 6, 1998
Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992	Ganciclovir sodium	developmental, male	82410320	August 26, 1997
Diazepam	developmental	439145	January 1, 1992	Gemfibrozil	female, male	25812300	August 20, 1999
Diazoxide	developmental	364987	February 27, 2001	Goserelin acetate	developmental, female, male	65807025	August 26, 1997
1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987	Halazepam	developmental	23092173	July 1, 1990
Dichlorophene	developmental	97234	April 27, 1999	Halobetasol propionate	developmental	66852548	August 20, 1999
Dichlorphenamide	developmental	120978	February 27, 2001	Haloperidol	developmental, female	52868	January 29, 1999
Diclofop methyl	developmental	51338273	March 5, 1999	Halothane	developmental	151677	September 1, 1996
Dicumarol	developmental	66762	October 1, 1992	Heptachlor	developmental	76448	August 20, 1999
Diethylstilbestrol (DES)	developmental	56531	July 1, 1987	Hexachlorobenzene	developmental	118741	January 1, 1989
Diflunisal	developmental, female	22494424	January 29, 1999	Hexamethylphosphoramide	male	680319	October 1, 1994
Dihydroergotamine mesylate	developmental	6190392	May 1, 1997	Histrelin acetate	developmental	—	May 15, 1998
Diltiazem hydrochloride	developmental	33286225	February 27, 2001	Hydramethylnon	developmental, male	67485294	March 5, 1999
<i>m</i> -Dinitrobenzene	male	99650	July 1, 1990	Hydroxyurea	developmental	127071	May 1, 1997
<i>o</i> -Dinitrobenzene	male	528290	July 1, 1990	Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999
<i>p</i> -Dinitrobenzene	male	100254	July 1, 1990	Ifosfamide	developmental	3778732	July 1, 1990
2,4-Dinitrotoluene	male	121142	August 20, 1999	Iodine-131	developmental	10043660	January 1, 1989
2,6-Dinitrotoluene	male	606202	August 20, 1999	Isotretinoin	developmental	4759482	July 1, 1987
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999	Lead	developmental, female, male	—	February 27, 1987
Dinocap	developmental	39300453	April 1, 1990	Leuprolide acetate	developmental, female, male	74381536	August 26, 1997
Dinoseb	developmental, male	88857	January 1, 1989	Levodopa	developmental	59927	January 29, 1999
Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987	Levonorgestrel implants	female	797637	May 15, 1998
Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999	Linuron	developmental	330552	March 19, 1999
Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999	Lithium carbonate	developmental	554132	January 1, 1991
Doxycycline (internal use)	developmental	564250	July 1, 1990	Lithium citrate	developmental	919164	January 1, 1991
Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992	Lorazepam	developmental	846491	July 1, 1990
Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991	Lovastatin	developmental	75330755	October 1, 1992
Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991	Mebendazole	developmental	31431397	August 20, 1999
				Medroxyprogesterone acetate	developmental	71589	April 1, 1990
				Megestrol acetate	developmental	595335	January 1, 1991

CALIFORNIA REGULATORY NOTICE REGISTER 2002, VOLUME NO. 22-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Melphalan	developmental	148823	July 1, 1990	Potassium dimethyldithio-carbamate	developmental	128030	March 30, 1999
Menotropins	developmental	9002680	April 1, 1990	Pravastatin sodium	developmental	81131706	March 3, 2000
Meprobamate	developmental	57534	January 1, 1992	Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Mercaptopurine	developmental	6112761	July 1, 1990	Procarbazine hydrochloride	developmental	366701	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990	Propargite	developmental	2312358	June 15, 1999
Methacycline hydrochloride	developmental	3963959	January 1, 1991	Propylthiouracil	developmental	51525	July 1, 1990
Metham sodium	developmental	137428	May 15, 1998	Pyrimethamine	developmental	58140	January 29, 1999
Methazole	developmental	20354261	December 1, 1999	Quazepam	developmental	36735225	August 26, 1997
Methimazole	developmental	60560	July 1, 1990	Quizalofop-ethyl	male	76578148	December 24, 1999
Methotrexate	developmental	59052	January 1, 1989	Resmethrin	developmental	10453868	November 6, 1998
Methotrexate sodium	developmental	15475566	April 1, 1990	Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents.	developmental	—	July 1, 1989
Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993	(NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)			
Methyl chloride	developmental	74873	March 10, 2000	Ribavirin	developmental	36791045	April 1, 1990
Methyl mercury	developmental	—	July 1, 1987	Rifampin	male	36791045	February 27, 2001
N-Methylpyrrolidone	developmental	872504	June 15, 2001		developmental, female	13292461	February 27, 2001
Methyltestosterone	developmental	58184	April 1, 1990	Secobarbital sodium	developmental	309433	October 1, 1992
Metiram	developmental	9006422	March 30, 1999	Sermorelin acetate	developmental	—	August 20, 1999
Midazolam hydrochloride	developmental	59467968	July 1, 1990	Sodium dimethyldithiocarbamate	developmental	128041	March 30, 1999
Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992	Sodium fluoroacetate	male	62748	November 6, 1998
Misoprostol	developmental	59122462	April 1, 1990	Streptomycin sulfate	developmental	3810740	January 1, 1991
Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990	Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Myclobutanil	developmental, male	88671890	April 16, 1999	Sulfasalazine	male	599791	January 29, 1999
Nabam	developmental	142596	March 30, 1999	Sulindac	developmental, female	38194502	January 29, 1999
Nafarelin acetate	developmental	86220420	April 1, 1990	Tamoxifen citrate	developmental	54965241	July 1, 1990
Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992	Temazepam	developmental	846504	April 1, 1990
Netilmicin sulfate	developmental	56391572	July 1, 1990	Teniposide	developmental	29767202	September 1, 1996
Nickel carbonyl	developmental	13463393	September 1, 1996	Terbacil	developmental	5902512	May 18, 1999
Nicotine	developmental	54115	April 1, 1990	Testosterone cypionate	developmental	58208	October 1, 1991
Nifedipine	developmental, female, male	21829254	January 29, 1999	Testosterone enanthate	developmental	315377	April 1, 1990
Nimodipine	developmental	66085594	April 24, 2001	2,3,7,8-Tetrachlorodibenzo-paradioxin (TCDD)	developmental	1746016	April 1, 1991
Nitrapyrin	developmental	1929824	March 30, 1999	Tetracycline (internal use)	developmental	60548	October 1, 1991
Nitrofurantoin	male	67209	April 1, 1991	Tetracyclines (internal use)	developmental	—	October 1, 1992
Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989	Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990	Thalidomide	developmental	50351	July 1, 1987
Norethisterone (Norethindrone)	developmental	68224	April 1, 1990	Thioguanine	developmental	154427	July 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991	Thiophanate methyl	female, male	23564058	May 18, 1999
Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990	Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990	Tobramycin sulfate	developmental	49842071	July 1, 1990
Norgestrel	developmental	6533002	April 1, 1990	Toluene	developmental	108883	January 1, 1991
Oxadiazon	developmental	19666309	May 15, 1998	Triadimefon	developmental, female, male	43121433	March 30, 1999
Oxazepam	developmental	604751	October 1, 1992	Triazolam	developmental	28911015	April 1, 1990
Oxydemeton methyl	female, male	301122	November 6, 1998	Tributyltin methacrylate	developmental	2155706	December 1, 1999
Oxymetholone	developmental	434071	May 1, 1997	Trientine hydrochloride	developmental	38260014	February 27, 2001
Oxytetracycline (internal use)	developmental	79572	January 1, 1991	Triforine	developmental	26644462	June 18, 1999
Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991	Trilostane	developmental	37273840	
Paclitaxel	developmental, female, male	33069624	August 26, 1997		developmental	13647353	April 1, 1990
Paramethadione	developmental	115673	July 1, 1990	Trimethadione	developmental	127480	January 1, 1991
Penicillamine	developmental	52675	January 1, 1991	Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Pentobarbital sodium	developmental	57330	July 1, 1990	Triphenyltin hydroxide	developmental	76879	March 18, 2002
Pentostatin	developmental	53910251	September 1, 1996	Uracil mustard	developmental, female, male	66751	January 1, 1992
Phenacemide	developmental	63989	July 1, 1990	Urethane	developmental	51796	October 1, 1994
Phenprocoumon	developmental	435972	October 1, 1992	Urofollitropin	developmental	26995915	April 1, 1990
Pimozide	developmental, female	2062784	August 20, 1999	Valproate (Valproic acid)	developmental	99661	July 1, 1987
Pipobroman	developmental	54911	July 1, 1990	Vinblastine sulfate	developmental	143679	July 1, 1990
Plicamycin	developmental	18378897	April 1, 1990				
Polybrominated biphenyls	developmental	—	October 1, 1994				
Polychlorinated biphenyls	developmental	—	January 1, 1991				

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: May 31, 2002

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

BOARD OF EQUALIZATION

Restricted Access as Damage Eligible for Reassessment Relief

For purposes of determining property eligible for property tax reassessment pursuant to Revenue and Taxation Code section 170, this State Board of Equalization regulatory action defines "damage or destruction" to include a diminution in the value of the property resulting from a period of restricted physical access to the property. The regulatory action further describes the property eligible for reassessment, the period of restricted physical access, the process for reassessing property upon the commencement of a period of restricted physical access to the property, and the process for additional assessment at the termination of the period of restricted access.

Title 18
California Code of Regulations
ADOPT: 139
Filed 05/16/02
Effective 06/15/02
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Permits

This regulatory action adopts a definition of "buying company."

Title 18
California Code of Regulations
AMEND: 1699

Filed 05/15/02
Effective 06/14/02
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Exemption for Aircraft Being Repaired, Overhauled, Modified or Serviced

The proposed regulation implements Revenue and Taxation Code section 220 which creates an exemption for aircraft being repaired, overhauled, modified or serviced. Section 220 provides that, "Aircraft operated intrastate in or interstate into California and aircraft normally based in California do not qualify for exemption." The proposed regulation provides that certificated aircraft taken out of revenue service for the purpose of being repaired, overhauled, modified or serviced including any incidental and attendant storage with an executed contract or specific written plan are not aircraft operated interstate into California for purposes of this rule. The proposed regulation provides that certificated aircraft taken out of revenue service for the purpose of being repaired, overhauled, modified or serviced including any incidental and attendant storage with an executed contract or specific written plan located in or outside of the state shall not be valued and subject to allocation pursuant to sections 401.15 and 1152 of the Revenue and Taxation Code and rule 202, until the lien date following the return to revenue service. A reporting and record keeping provision is also included.

Title 18
California Code of Regulations
ADOPT: 138
Filed 05/20/02
Effective 05/20/02
Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF FORESTRY AND FIRE PROTECTION

Comment/ Review Period-2002

This is nonsubstantive change without regulatory effect per 1 CCR 100(a)(6) in order to make the regulations consistent with changed statute.

Title 14
California Code of Regulations
AMEND: 1037.4, 1092.19
Filed 05/22/02
Effective 01/01/03
Agency Contact: James L. Mote (916) 653-9418

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Hazardous Waste Facilities disposing Nonhazardous Nonputrescible Industrial Waste

This Certificate of Compliance adopts the requirements for issuance of a permit to a hazardous waste disposal facility that disposes of nonhazardous, non-

putrescible industrial waste. (Previous OAL file #00-0720-04E, 01-0126-04EE, 01-0514-02EE, 01-1203-02EE)

Title 14

California Code of Regulations

ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225

Filed 05/21/02

Effective 05/21/02

Agency Contact:

Michael Bledsoe (916) 341-6058

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Specialized Investigations Basic Courses

This action revises the curricula for the Specialized Investigators' Basic Course and increases the minimum hourly requirement for the course. It adopts the new document, "Training and Testing Specifications for Peace Officer Basic Courses," which combines four previous publications into one, including the majority of the content of the "Training Specifications for the Specialized Investigators' Basic Course," which is being eliminated.

Title 11

California Code of Regulations

AMEND: 1005

Filed 05/21/02

Effective 07/01/02

Agency Contact: Leah Cherry (916) 227-3891

COMMISSION ON TEACHER CREDENTIALING
Plan to Develop Fully Qualified Educators

This regulatory action phases out the option of applying for and using the Plan to Develop Fully Qualified Educators to renew emergency teaching permits and waivers. An agency with an approved plan will no longer be allowed to use the plan to renew emergency teaching permits and credential waivers after January 1, 2004.

Title 5

California Code of Regulations

AMEND: 80026.4, 80026.6, 80122

Filed 05/21/02

Effective 06/20/02

Agency Contact:

Susan F. Browning (916) 327-5330

CONTRACTORS STATE LICENSE BOARD
Ceramic and Mosaic

This rulemaking adds stone tiles, natural and simulated stone slabs for bathtubs, showers and horizontal surfaces to the description of work performed by a Tile Contractor.

Title 16

California Code of Regulations

AMEND: 832.54

Filed 05/16/02

Effective 05/16/02

Agency Contact: Linda Morales (916) 255-4086

COURT REPORTERS BOARD OF CALIFORNIA
Qualifiers

The proposed regulatory action would place a maximum on the number and shorten the duration of qualifier examinations given to court reporting students by schools so that all students are held to the same standards prior to entering the licensing examination.

Title 16

California Code of Regulations

ADOPT: 2412 AMEND: 2411, 2418

Filed 05/21/02

Effective 05/21/02

Agency Contact: Gail S. Jones (916) 263-4690

DEPARTMENT OF FOOD AND AGRICULTURE
Cherries

The proposed regulatory action deletes the size marking requirement on containers used to pack cherries by the "face and fill" method and reduces the official sample size used to determine cherry size and quality to 50 cherries.

Title 3

California Code of Regulations

AMEND: 1428.12, 1428.16

Filed 05/16/02

Effective 06/15/02

Agency Contact:

Robert A. Cummings (916) 654-0919

DEPARTMENT OF HEALTH SERVICES
Increase in Newborn Screening Fees

This is the timely certification of compliance for an emergency action that increased the fee paid to the Department for laboratory screening of specimens collected from newborn infants for the detection of preventable heritable or congenital disorders.

Title 17

California Code of Regulations

AMEND: 6508

Filed 05/16/02

Effective 05/16/02

Agency Contact:

Barbara S. Gallaway (916) 657-3197

FISH AND GAME COMMISSION
Commercial Taking of Squid

This rulemaking establishes catch limitations for squid in order to protect the squid resource and manage the squid fishery at a sustainable level.

Title 14

California Code of Regulations

AMEND: 149

Filed 05/20/02
 Effective 06/19/02
 Agency Contact: John M. Duffy (916) 653-4899

MEDICAL BOARD OF CALIFORNIA
 Filing Dates

This action specifies that the date an accusation or petition to revoke probation is deemed to be "filed" is the date that it is signed by the executive director or other stated authorized person. This is to meet the statute of limitations prescribed for pursuing disciplinary action against a licensee by filing an accusation through the Office of the Attorney General.

Title 16
 California Code of Regulations
 ADOPT: 1356.5
 Filed 05/21/02
 Effective 06/20/02
 Agency Contact: Linda Whitney (916) 263-2389

OFFICE OF THE STATE FIRE MARSHAL
 Fire Extinguishers

The State Fire Marshal has withdrawn the subject file on May 16, 2002.

Title 19
 California Code of Regulations
 REPEAL: 596.15 & 596.16 & Article 12 thru Article 23
 Filed 05/16/02
 Effective 06/15/02
 Agency Contact:
 Rodney Slaughter (916) 445-8454

OFFICE OF THE STATE FIRE MARSHAL
 Hazardous Liquid Pipeline Safety

This action adopts by reference Title 49 of the Code of Federal Regulations as it relates to hazardous liquid pipelines. This action also amends an address. The action is submitted for filing and printing only pursuant to Government Code section 51011.

Title 19
 California Code of Regulations
 ADOPT: 2000
 Filed 05/22/02
 Effective 06/21/02
 Agency Contact:
 Rodney Slaughter (916) 445-8454

PUBLIC EMPLOYEES' RETIREMENT SYSTEM
 Reportability of Uniform Allowances

The proposed regulatory action amends provisions governing the reportability of uniform allowances to include the reporting of the monetary value of clothing made from specially designed protective fabrics which is not intended to be used solely for personal health and safety.

Title 2
 California Code of Regulations
 AMEND: 571(a)(5)
 Filed 05/22/02
 Effective 06/21/02
 Agency Contact: Joe Parilo (916) 326-3484

PUBLIC EMPLOYMENT RELATIONS BOARD
 Financial Reports

The Public Employment Relations Board is amending the captioned sections pursuant to those changes made in Register 95, No. 4, filed January 26, 1995, and Register 99, No. 2, filed January 8, 1999, and various statutory reference changes.

Title 8
 California Code of Regulations
 AMEND: 32125, 32130, 32140, 32603, 32604, 32720, 32735, 32738, 32739, 32744, 32752, 32763, 32980
 Filed 05/20/02
 Effective 06/19/02
 Agency Contact:
 Bernard McMonigle (916) 327-8386

VETERINARY MEDICAL BOARD
 Disciplinary Guidelines

This action updates the incorporated by reference Disciplinary Guidelines, from the existing 1996 version to May 2002 revision date.

Title 16
 California Code of Regulations
 AMEND: 2006
 Filed 05/21/02
 Effective 06/20/02
 Agency Contact: Deanne Pearce (916) 263-2622

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN JANUARY 16, 2002
 TO MAY 22, 2002**

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

Title 1
 02/22/02 AMEND: 121, Appendix A

Title 2
 05/22/02 AMEND: 571(a)(5)
 05/13/02 AMEND: 18428

CALIFORNIA REGULATORY NOTICE REGISTER 2002, VOLUME NO. 22-Z

05/10/02 AMEND: 18351
05/09/02 AMEND: 20202, 20206, 20210, 20224,
20234, 20298, 20350, 20363, 20910
REPEAL: 20106, 20205, 20213
05/02/02 AMEND: 2271
05/02/02 ADOPT: 1859.104.1, 1859.104.2,
1859.104.3 AMEND: 1859.2, 1859.21,
1859.50,1859.51, 1859.61, 1859.70,
1859.73.1, 1859.73.2, 1859.74.1,
1859.75.1, 1859.76, 1859.78.2,
1859.79.3, 1859.81, 1859.81.1, 1859.82,
1859.91, 1859.95, 1859.100, 1859.101,
1859.102,
04/26/02 ADOPT: 18520 AMEND: 18521, 18523,
18523.1
04/19/02 ADOPT: 18537.1
04/10/02 ADOPT: 1859.74.4 AMEND: 1859.2,
1859.20, 1859.21, 1859.30, 1859.33,
1859.40, 1859.41, , 1859.42, 1859.43,
1859.50, 1859.51, 1859.60, 1859.70,
1859.73.1, 1859.73.2, 1859.74.1,
1859.74.4, 1859.75.1, 1859.76,
1859.78.2, 1859.79.3, 1859.81,
1859.81.1, 1859.
04/04/02 ADOPT: 60, 60.1, 60.2, 60.3, 60.4, 60.5,
60.6, 60.7, 60.8, 60.9, 60.10
03/27/02 ADOPT: 59100
03/19/02 ADOPT: 599.930
03/18/02 AMEND: 599.502, 599.508
03/15/02 ADOPT: 1859.200, 1859.201, 1859.202,
1859.203, 1859.204, 1859.205, 1859.206,
1859.207, 1859.208, 1859.209, 1859.210,
1859.211, 1859.212, 1859.213, 1859.214,
1859.215, 1859.216, 1859.217, 1859.218,
1859.219, 1859.220
03/13/02 AMEND: 56800
03/07/02 ADOPT: 2351
02/19/02 ADOPT: 18543 REPEAL: 18543
02/19/02 ADOPT: 18530.8
02/19/02 ADOPT: 18450.11
02/14/02 ADOPT: 18404.1 REPEAL: 18404.2
02/05/02 ADOPT: 433.1 AMEND: 433
01/31/02 ADOPT: 18421.4
01/30/02 AMEND: 55300
01/24/02 ADOPT: 18450.3, 18450.4, 18450.5
AMEND: 18402
01/24/02 ADOPT: 58500
01/22/02 AMEND: 18706
01/16/02 ADOPT: 18539, 18550
01/16/02 AMEND: 18232, 18702.1, 18705.5,
18708

Title 3

05/16/02 AMEND: 1428.12, 1428.16
05/02/02 AMEND: 3700(a), (b), & (c)
04/23/02 ADOPT: 899.2 AMEND: 899.1
04/23/02 AMEND: 3591.12(a)

04/18/02 AMEND: 6510, 6793
04/12/02 AMEND: 3423(b)
04/11/02 ADOPT: 3664, 3665, 3666, 3667, 3668,
3669
04/08/02 AMEND: 6450.2, 6450.3, 6784
04/04/02 AMEND: 3033.2, 3033.3, 3033.4
04/02/02 ADOPT: 480.9 AMEND: 480.7
03/12/02 AMEND: 3423(b)
03/12/02 AMEND: 3423(b)
03/08/02 ADOPT: 306, 6188, 6780 AMEND: 6000
02/22/02 AMEND: Div. 1, Chapter 1.1, Section 2
and Appendix
02/20/02 AMEND: 3591.16(a)
02/07/02 AMEND: 3591.12 (a)
02/04/02 AMEND: 1392.1, 1392.2, 1392.4,
1392.9.1
02/04/02 AMEND: 3591.13 (a)
01/30/02 ADOPT: 2681, 2799 AMEND: 2675,
2676, 2694, 2695, 2697, 2701, 2734,
2773.1, 2773.5, 2774, 2774.5, 2775,
2778, 2782, 2783, 2783.5, 2788, 2789,
2790, 2790.5, 2793, 2794, 2796, 2798,
2801, 2802

Title 4

05/13/02 ADOPT: 8110, 8111, 8112, 8113, 8114,
8115, 8116, 8117, 8118, 8119, 8120,
8121, 8122, 8123, 8124, 8125
05/07/02 ADOPT: 3005, 3006, 3007, 3008, 3009,
3010 AMEND: 1928
04/16/02 AMEND: 1405, 1527
03/21/02 ADOPT: 8090, 8091, 8092, 8093, 8094,
8095, 8096, 8097, 8098, 8099, 8100,
8101
03/19/02 ADOPT: 12100, 12102, 12104, 12106,
12108, 12120, 12130
02/13/02 AMEND: 1691
02/06/02 AMEND: 1858
01/31/02 AMEND: 1467
01/28/02 AMEND: 1844
01/18/02 ADOPT: 2081

Title 5

05/21/02 AMEND: 80026.4, 80026.6, 80122
05/08/02 ADOPT: 80434 AMEND: 80001
03/25/02 ADOPT: 11980, 11981, 11982, 11983,
11984, 11985, 11986
03/20/02 AMEND: 50500
03/20/02 AMEND: 59300, 59302, 59303, 59304,
59305, 59306, 59310, 59311, 59320,
59322, 59324, 59326, 59327, 59328,
59329, 59330, 59333, 59334, 59336,
59338, 59339, 59340, 59342, 59350,
59351, 59352, 59354, 59358, 59360,
59362
03/15/02 ADOPT: 11963, 11963.1, 11963.2,
11963.3, 11963.4

03/12/02 ADOPT: 18400, 18405, 18406, 18407,
18408, 18409, 18409.5, 18410, 18411,
18412, 18413, 18414, 18415, 18416,
18417, 18418, 18419, 18420, 18421,
18422, 18423, 18424, 18425, 18426,
18427, 18428, 18429, 18430, 18431,
18432, 18433, AMEND: 18409.5,
18409(e),
03/01/02 ADOPT: 11967.5, 11967.5.1
02/20/02 AMEND: 41906.5
02/19/02 ADOPT: 55753.5, 55753.7 AMEND:
55753
02/08/02 AMEND: 40407.1
02/08/02 AMEND: 42350.6
02/08/02 ADOPT: 43095 REPEAL: 43101
01/24/02 AMEND: 43880, 43881, 43882, 43883,
43884
01/24/02 AMEND: 11530, 11531

Title 7

04/04/02 ADOPT: 237

Title 8

05/20/02 AMEND: 32125, 32130, 32140, 32603,
32604, 32720, 32735, 32738, 32739,
32744, 32752, 32763, 32980
05/07/02 ADOPT: 11080, 11090, 11100, 11110,
11120, 11130, 11150 REPEAL: 11080,
11090, 11100, 11130, 11130, 11150
05/06/02 AMEND: 3089
05/02/02 AMEND: 100, 106, 107
05/01/02 ADOPT: 11140 AMEND: 11140
05/01/02 ADOPT: 1716.2 AMEND: 1632, 1635,
1671, 1709, 1710
04/22/02 AMEND: 2320.2
04/03/02 AMEND: 1626
03/28/02 ADOPT: 341.15
03/05/02 AMEND: 3251
02/22/02 ADOPT: 11010, 11020, 11030, 11040,
11050, 11060, 11070, 11080 REPEAL:
11010, 11020, 11020, 11040, 11050,
11060, 11070, 11080
02/14/02 AMEND: 17
02/08/02 AMEND: 3641, 3648
01/30/02 ADOPT: New Appendix D AMEND:
450, 453, 471, 475, 477, 494 REPEAL:
486, 487
01/17/02 ADOPT: 206, 207 AMEND: 201, 205,
208, 212, 212.01, 212.2, 212.3, 212.4,
228, 229, 230, 231, 230.1, 230.2, 234.2
01/17/02 AMEND: 5155

Title 8, 24

05/08/02 AMEND: 3011(d), 3120.1 and 3122.0

Title 9

01/17/02 ADOPT: 9533 AMEND: 9500, 9505,
9510, 9515, 9517, 9520, 9525, 9530,
9532, 9535, 9540, 9545

Title 10

05/01/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
2278.4, 2278.5
04/29/02 ADOPT: 1729, 1741.5, 1950.302
AMEND: 1741.5
04/29/02 ADOPT: 2699.6606, 2699.6711,
2699.6631, 2699.6631, 2699.6717
AMEND: 2699.6500, 2699.6600,
2699.6605, 2699.6607, 2699.6611,
2699.6613, 2699.6617, 2699.6623,
2699.6625, 2699.6629, 2699.6700,
2699.6703, 2699.6705, 2699.6709,
2699.6800, 2699.6801, 2699.6809
04/16/02 AMEND: 2698.73
03/27/02 ADOPT: 260.204.9
03/26/02 AMEND: 250.30
03/22/02 AMEND: 2698.200, 2698.201, 2698.301,
2698.302
03/21/02 ADOPT: 2130, 2130.1, 2130.2, 2130.3,
2130.4, 2130.5, 2130.6, 2130.7.8
03/18/02 ADOPT: 1422 & 1423
02/27/02 AMEND: 2498.6
02/26/02 ADOPT: 2581.1, 2581.2, 2581.3, 2581.4
02/11/02 AMEND: 4019
02/11/02 AMEND: 5002
02/11/02 AMEND: 10.3154
02/07/02 AMEND: 260.102.19, 260.140.41,
260.140.42, 260.140.45, 260.140.46
01/31/02 ADOPT: 2192.1
01/31/02 ADOPT: 2130, 2130.1, 2130.2, 2130.3,
2130.4, 2130.5, 2130.6, 2130.7, 2130.8

Title 11

05/21/02 AMEND: 1005
05/06/02 ADOPT: 435, 436, 437, 438, 439, 440,
441, 442, 443, 444, 445, 446, 447, 448,
449, 450, 451, 452, 453, 454, 455, 456,
457, 458, 459, 460, 461, 462, 463, 464,
465, 466, 467, 468, 469, 470, 471, 472,
473, 474, 475, 476, 477, 478, 479, 480,
481, 482, 483, 48
04/26/02 AMEND: 1005, 1008
04/25/02 ADOPT: 1081(a)(32)
04/23/02 AMEND: 3000, 3001, 3003, 3007, 3008
04/22/02 AMEND: 900, 901, 902, 903, 904, 905,
906, 907, 908, 911
04/15/02 ADOPT: 999.10, 999.11, 999.12, 999.13,
999.14 and Appendix A
03/14/02 ADOPT: 1081(a) [31]
03/11/02 AMEND: 1005, 1007
03/07/02 AMEND: 1018
03/06/02 ADOPT: Article 20, Section 51.19
02/25/02 ADOPT: 410, 411, 415, 416, 417, 418,
419, 420, 421, 422, 423, 424, 425, 426
02/19/02 AMEND: 20

Title 13

04/29/02 AMEND: 350.44
 04/04/02 ADOPT: 565
 03/25/02 AMEND: 345.04, 345.41
 03/20/02 ADOPT: 1235.1, 1235.2, 1235.3, 1235.4,
 1235.5, 1235.6 AMEND: 1200
 03/08/02 ADOPT: 593.3
 02/19/02 ADOPT: 156.00
 02/05/02 AMEND: 160.00, 170.00
 01/30/02 AMEND: 553.70
 01/18/02 AMEND: 599

Title 14

05/22/02 AMEND: 1037.4, 1092.19
 05/21/02 ADOPT: 17367, 17368, 17369, 17370.1,
 17370.2, 18225
 05/20/02 AMEND: 149
 04/29/02 AMEND: 27.80
 04/11/02 ADOPT: 104.1
 04/10/02 AMEND: 27.67
 04/10/02 AMEND: 17943(b)(26)
 04/04/02 AMEND: 670.2
 03/26/02 AMEND: 28.59
 03/25/02 AMEND: 2090, 2105, 2420, 2425, 2530,
 2690
 03/25/02 ADOPT: 180.15
 03/14/02 AMEND: 150
 03/14/02 AMEND: 180.3
 03/13/02 ADOPT: 18627
 03/04/02 AMEND: 2030
 03/04/02 ADOPT: 17211, 17211.1, 17211.2,
 17211.3, 17211.4, 17211.5, 17211.6,
 17211.7, 17211.8, 17211.9
 02/28/02 ADOPT: 4971
 02/22/02 AMEND: 2135
 02/04/02 AMEND: 17979
 01/16/02 AMEND: 17943(b)(26)

Title 15

05/08/02 ADOPT: 4746.5
 05/06/02 AMEND: 3104
 04/17/02 AMEND: 3276
 03/20/02 AMEND: 3401.5
 03/11/02 ADOPT: 3501
 03/07/02 AMEND: 3375.2
 02/28/02 AMEND: 2005
 01/31/02 AMEND: 3041.3

Title 16

05/21/02 ADOPT: 1356.5
 05/21/02 AMEND: 2006
 05/21/02 ADOPT: 2412 AMEND: 2411, 2418
 05/16/02 AMEND: 832.54
 05/08/02 AMEND: 832.09
 05/02/02 AMEND: 3303, 3353, 3361.1
 04/09/02 AMEND: 2010.1, 2024, 2025
 04/02/02 AMEND: 2068.5
 03/29/02 AMEND: 2620.5, 2649, 2671

03/29/02 REPEAL: 1044.4
 03/26/02 AMEND: 1950, 1950.2, 1970.4 RE-
 PEAL: 1990.1, 1991.1
 03/25/02 AMEND: Section 1888
 03/20/02 AMEND: 1083
 02/28/02 ADOPT: 4100, 4101, 4102, 4110, 4111,
 4112, 4113, 4114, 4120, 4121, 4122, 4130
 02/26/02 AMEND: 3394.4, 3394.6
 02/20/02 AMEND: 1388, 1388.6, 1389, 1392,
 1397.63 REPEAL: 1388.5
 02/19/02 AMEND: 1387.6, 1387.7, 1387.8
 02/13/02 AMEND: 3361.1
 02/11/02 ADOPT: 2085.4
 02/04/02 ADOPT: 2085, 2085.1, 2085.2, 2085.3,
 2085.4, 2085.5, 2085.6, 2085.7, 2085.8,
 2085.9, 2085.10, 2085.11, 2085.12,
 2085.13 AMEND: 2070
 02/04/02 AMEND: 1399.157
 01/31/02 ADOPT: 1399.698
 01/31/02 AMEND: 411
 01/28/02 AMEND: 1531
 01/18/02 AMEND: 1391.7

Title 17

05/16/02 AMEND: 6508
 05/02/02 ADOPT: 2641.5, 2641.10, 2641.15,
 2641.20, 2641.25, 2641.30, 2641.35,
 2641.45, 2641.50, 2641.55, 2641.60,
 2641.65, 2641.70, 2641.75, 2641.77,
 2641.80, 2641.85, 2641.90, 2643.5,
 2643.10, 2643.15, 2643.20.
 04/22/02 AMEND: 70500, 70600
 04/11/02 AMEND: 58420
 04/10/02 ADOPT: 54327.2 AMEND: 54302,
 54327, 54327.1, 56002, 56026,
 56093&58651
 03/27/02 AMEND: 57310, 57332, 57530
 03/12/02 ADOPT: 33001, 33002, 33003, 33004,
 33005, 33006, 33007, 33008, 33009,
 33010, 33011, 33012, 33013, 33014,
 33015, 33025 AMEND: 33020, 33030,
 33040 REPEAL: 3001, 33010
 03/01/02 ADOPT: 2638 AMEND: 2500, 2502,
 2505, 2551, 2552, 2553, 2596, 2614,
 2626
 02/28/02 AMEND: 56002, 56031, 56033, 56034,
 56134.1, 56035, 56036, 56037, 56038,
 56048, 56054, 56057, 56059, 56060

Title 18

05/20/02 ADOPT: 138
 05/16/02 ADOPT: 139
 05/15/02 AMEND: 1699
 05/14/02 AMEND: 1603
 05/14/02 AMEND: 905
 05/13/02 ADOPT: 1434
 05/13/02 ADOPT: 4011 AMEND: 4061
 04/17/02 ADOPT: 305.3

CALIFORNIA REGULATORY NOTICE REGISTER 2002, VOLUME NO. 22-Z

04/16/02 AMEND: 1668 66273.86, 66273.87, 66273.88, 66273.89,
 04/16/02 AMEND: 1525.2 66273.90 AMEND: 66261.9, 66273.1,
 04/16/02 AMEND: 1532 662173.8, 66273.9
 04/03/02 AMEND: 25110 03/21/02 AMEND: 926-3, 926-4, 926-5
 04/03/02 ADOPT: 138 03/19/02 ADOPT: 110250, 110374, 117016,
 04/02/02 AMEND: 25111-1 117019, 117021, 117025, 117030,
 04/02/02 AMEND: 25114 117036, 117042, 117047, 117049,
 03/19/02 AMEND: 25112 117052, 117054, 117064, 117074,
 03/13/02 AMEND: 24411 117080, 117083, 117085, 117089,
 03/12/02 AMEND: 24344(c) 117091, 117094, 117200, 117300,
 03/12/02 REPEAL: 25111.1 117301, 117302, 117303, 117400,
 03/12/02 REPEAL: 25111 117401, 117402, 117403, 117404,
 03/11/02 AMEND: 25106.5-0, 25106.5 03/07/02 ADOPT: 67900.1, 67900.2, 67900.3,
 03/08/02 AMEND: 6001 67900.4, 67900.5, 67900.6, 67900.7,
 02/28/02 REPEAL: 25115 67900.8, 67900.9, 67900.10, 67900.11,
 01/16/02 ADOPT: 4063.5, 4098 AMEND: 4018, 67900.12
 4021, 4022, 4023, 4026, 4027, 4034,
 4047, 4055, 4056, 4057, 4058, 4059,
 4060, 4062, 4063, 4064, 4065, 4080,
 4081, 4091, 4092 REPEAL: 4028, 4067,
 4079, 4082

Title 19

05/22/02 ADOPT: 2000
 05/16/02 REPEAL: 596.15 & 596.16, Article 12
 thru Article 23
 04/02/02 ADOPT: 2575, 2575.1, 2575.2, 2576,
 2576.1, 2577, 2577.1, 2577.2, 2577.3,
 2577.4, 2577.5, 2577.6, 2577.7, 2577.8,
 2578, 2578.1, 2578.2
 02/08/02 AMEND: 2900, 2910, 2915, 2940, 2945,
 2955, 2970, 2980, 2990

Title 20

03/08/02 ADOPT: 1207, 1212, 1710, 1712, 1714.5,
 1718, 1741, 1748, 1751, 1752, 1755,
 1940, 1945, 2021
 01/16/02 AMEND: 201

Title 21

02/05/02 AMEND: 7101, 7102, 7111, 7114, 7116

Title 22

04/30/02 AMEND: 51515(c), 51515(e), 51518(b),
 51521(1), 51527(b)
 04/18/02 AMEND: 4304-12
 04/16/02 AMEND: 12000
 04/16/02 AMEND: 4408, 4409, 4414
 04/11/02 AMEND: 66261.6
 04/08/02 ADOPT: 68300, 68301, 68302, 68303,
 68304, 68305, 68306, 68307, 68308,
 68309
 04/04/02 AMEND: 66270.69, 67800.1, 67800.5
 04/04/02 ADOPT: 66270.42.5, 66271.20 AMEND:
 66270.42, 66271.18, 66270.21
 04/04/02 AMEND: 66262.54, 66264.71, 66264.71,
 66265.71, 66265.72, 66270.30, Appendix
 03/26/02 ADOPT: 66273.6, 66273.80, 66273.81,
 66273.82, 66273.83, 66273.84, 66273.85,
 66260.10, 66261.9, 66262.11,
 66264.1, 66265.1, 66268.1, 66270.1,
 66273.1, 66273.2, 66273.3, 66273.4,
 66273.5, 66273.6, 66273.7, 66273.8,
 66273.9, 66273.10, 66273.11, 66273.12,
 66273.13, 66273.14, 66273.15, 66273.16,
 66273.17, 66273.18, 66273.19,
 01/30/02 ADOPT: 67450.40, 67450.41, 67450.42,
 67450.43, 67450.44, 67450.45, 67450.46,
 67450.47, 67450.48, 67450.49, 67450.50
 AMEND: 66262.20, 66270.6
 01/24/02 REPEAL: Repeal the language “(See
 Section 3901.1, Retraining Benefits Defini-
 tions)” below Article 1.5. Retraining
 Benefits.

01/17/02 ADOPT: 84400, 84401, 84422, 84461, 84465, 84468.1, 84468.2, 84468.4, 84478
 REPEAL: 84001, 84022, 84061, 84063, 84065, 84300, 84322, 84322.1, 84322.2, 84361, 84365, 84365.5, 84368.3, 84369

Title 22, MPP

05/02/02 ADOPT: 110411, 110625, 111110, 111120, 111210, 111220, 111230 REPEAL: MPP 12-000, 12-003, and Appendix I
 04/08/02 ADOPT: 85081, 87593 AMEND: 85001, 87101
 03/25/02 ADOPT: 110385, 110449, 110554, 118020, 118203 REPEAL: 12-301.1, 12-301.2, 12-301.3, 12-302.1, 12-302.2, 12-302.3, 12-302.4, 12-302.5
 02/21/02 AMEND: 87102, 87564.3, 87730

Title 23

05/03/02 AMEND: 3961
 04/17/02 AMEND: Article 6, section 645
 04/03/02 AMEND: 3954
 04/03/02 AMEND: 2712(e)
 02/13/02 AMEND: 3923

Title 25

04/26/02 AMEND: 7060, 7062.1, 7078.2, 7078.4, 7078.5

Title 27

05/09/02 AMEND: 22200, 22228, 22233, 22248, Form CIWMB 106 (08/2001)
 03/05/02 AMEND: 15110, 15240

Title 28

04/24/02 ADOPT: 1300.41.8
 02/14/02 ADOPT: 1300.67.05

Title MPP

05/09/02 ADOPT: 44-302 AMEND: 25-301, 25-302, 25-303, 25-304, 25-305, 25-306, 25-310.3, 25-330.9, 25-506, 44-304, 44-305, 44-325, 44-327, 80-310
 04/26/02 ADOPT: 16-001, 16-003, 16-005, 16-010, 16-015, 16-105, 16-120, 16-130, 16-201, 16-215, 16-301, 16-310, 16-315, 16-320, 16-325, 16-401, 16-410, 16-501, 16-505, 16-510, 16-515, 16-517, 16-520, 16-601, 16-610, 16-701, 16-750, 16-801 AMEND: 20-300, 44-302,
 03/06/02 AMEND: 63-403
 02/28/02 AMEND: 63-102, 63-103, 63-300, 63-301, 63-503
 02/28/02 ADOPT: 40-107.141, 40-107.142, 40-107.143, 40-107.15, 40-107.151, 40-107.152, 42-302.114, 42-302.114(a)-(c), 42-302.21(h)(1), 42-302.3, 44-133.8, 82-833 AMEND: 40-107.14, 40-107.16, 40-107.17, 40-107.18, 40-107.19, 42-301.2, 44-133.51, 82-832
 02/21/02 AMEND: 63-102, 63-300, 63-301, 63-402, 63-405, 63-501, 63-502, 63-503, 63-504, 63-507
 01/30/02 ADOPT: 69-209, 69-210 AMEND: 69-201, 69-202, 69-203, 69-204, 69-205, 69-206, 69-207, 69-208, 69-211, 69-212, 69-213, 6-214, 69-215, 69-216, 69-217, 69-301 REPEAL: 69-210, 69-221
 01/23/02 ADOPT: 33-135 AMEND: 33-120, 33-510, 33-805

