



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 8. CALIFORNIA  
APPRENTICESHIP COUNCIL**

**NOTICE OF PROPOSED ADOPTION OF  
CODE OF REGULATIONS, TITLE 8,  
SECTIONS 212.5 AND 230.2(d),**

The California Apprenticeship Council (“Council”) proposes to adopt as title 8, California Code of Regulations (“CCR”) 212.5 a regulation that finds the existence of a special circumstance justifying the approval of new apprenticeship training programs within the meaning of Labor Code section 3075(b). The Council also proposes to adopt as 8 CCR section 230.2(d) a regulation that establishes a procedure for the disbursement of training fund contributions under Labor Code Section 1777.5, relating to the employment of apprentices employed on public works.

**PUBLIC HEARING, WRITTEN COMMENTS,  
AGENCY CONTACT**

**Public Hearing**

A public hearing will be heard on the proposed rulemaking as follows:

July 21, 2004 at 10:00 a.m.  
Hyatt Islandia Hotel  
1441 Quivira Road  
San Diego, CA

At the hearing any person may comment, either orally or in writing, on the proposed rulemaking. The Council requests, but does not require, persons who make oral comments to submit a written statement of their comments.

**Written Comments**

Any person may submit written comments relevant to the proposed rulemaking to the contact person identified below. The written comment period closes on July 16, 2004. Only comments received before that date will be considered. Written comments may be submitted by mail, e-mail or facsimile.

**Agency Contacts**

Comments and inquiries about the rulemaking should be addressed to:

Lucille Acosta  
California Apprenticeship Council  
455 Golden Gate Avenue, 8<sup>th</sup> Floor  
San Francisco, CA 94102  
Facsimile: (415) 703-5447  
E-mail: lacosta@hq.dir.ca.gov

**TEXT, AUTHORITY AND REFERENCE OF  
PROPOSED REGULATIONS**

**A. Proposed 8 C.C.R. § 212.5:**

**Text:** Based on current labor market conditions, a special circumstance exists that justifies the approval of new programs, provided that such programs meet the requirements of Regulations 212 and 212.2. The Council shall review this determination at its second quarterly meeting in 2006 and every two years thereafter.

**Authority:** Labor Code section 3071.

**Reference:** Labor Code section 3075.

**B. Proposed 8 C.C.R. § 230.2(d):**

**Text:** Training fund contribution paid to the CAC and deposited by the last day of a fiscal year into the Apprenticeship Training Contribution Fund shall be distributed in accordance with this subdivision within 90 days of the end of that fiscal year., Only apprenticeship programs that have had approval under Labor Code section 2075 for the entire fiscal year and are in existence at the time of the distribution of funds shall be entitled to receive a share of the distributed contributions. Contributions shall be distributed as follows: (i) payment shall first be made to the Division of Apprenticeship Standards for its budgeted expenses to administer this subdivision in the fiscal year in which the distribution is made; (ii) where there is only one applicable apprenticeship program in the same occupation for which contributions were made whose geographic area of operation as defined in 8 C.C.R. section 205(n) includes the county in which the work was performed, those contributions will be distributed to that program less the pro rata share of expenses paid by DAS; and (iii) where there are two or more applicable apprenticeship programs in the same occupation for which contributions were made whose geographic area of operation as defined in 8 C.C.R. section 205(n) includes the county in which the work was performed, those contributions will be distributed to each such program in proportion to the total number of registered apprentices that DAS has recorded in that program on June 30 of the fiscal year for which contributions were received less the pro rata share of expenses paid by DAS. “Pro rata share of expenses” means the share of DAS expenses that bears the same

ratio to the contributions to be distributed as the total DAS expenses bear to the total contributions received in the fiscal year.

Authority: Labor Code section 1777.7.

Reference: Labor Code section 1777.5 AND 1777.7

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

1. 8 CCR section 212.5

Labor Code section 3075(a) provides that a new apprenticeship training program shall be approved "whenever the apprentice training needs justify the establishment." Section 3075(b) provides that in the building and construction trades there is a need for a new program if one of the following conditions apply: (1) there is no existing program in the same craft or trade in the same geographic area; (2) existing programs lack capacity, or fail or refuse to dispatch qualified apprentices or (3) the Council has determined that existing programs are deficient. Section 3075(c) provides that, notwithstanding section 3075(b), the Council may approve a new program if justified by "special circumstances".

The proposed regulation provides that based on current market conditions a special circumstance exists within the meaning of section 3075(b) justifies the approval of new programs, providing that the programs meet the requirements of Regulations 212 and 212.2. The Council will promulgate section 212.5 pursuant to its general rule-making authority under Labor Code section 3071. Section 212.5 also provides that the Council will review this determination at its quarterly meeting in 2006 and bi-annually thereafter.

The purpose of Reg. 212.5 is to determine that a special circumstance exists that justifies the approval of qualified new programs whether or not there are existing programs in the same geographic area and same craft or trade that have the capacity or are willing to dispatch qualified apprentices.

The determination will eliminate case-by-case disputes concerning whether otherwise qualified applications for the establishment of a new program should be approved. The elimination of such disputes will reduce the cost and expense of obtaining program approval and will enable prospective program sponsors to understand with more certainty the requirements for approval. The requirement in Reg. 212.5 for a bi-annual review of the determination is intended to ensure that the determination does not remain in effect after the special circumstance has ceased to exist.

2. 8 C.C.R. Section 230.2(d)

Labor Code section 1777.5(m) provides that a public works contractor who employs journeyman or apprentices in an apprenticeship craft shall contribute to the Council the same amount that the Director of

Industrial Relations has determined is the prevailing amount of apprenticeship training contributions in the area of the public works site. At the end of each fiscal year the Council shall make a grant of the funds so received, less expenses, to approved apprenticeship programs. If there is an approved multiemployer apprenticeship program in the same geographic area in the same craft or trade a grant shall be made to that program. If there are two or more such multiemployer programs, a grant shall be made to each program in proportion to the number of apprentices enrolled in each program. All training contributions not so distributed shall be used to defray future expenses of the Division of Apprenticeship Standards ("DAS"). All training contributions shall be deposited in the Apprenticeship Training Contribution Fund in the State Treasury. Notwithstanding Government Code Section 13340, all money in the Apprenticeship Training Contribution Fund is continuously appropriated for the purpose of carrying out this subdivision and to pay DAS expenses.

Reg. 230.2(d) provides that training contributions received pursuant to Labor Code section 1777.5(m) shall be distributed within 90 days of the end of the fiscal year in which they are received. Only programs that have been approved for the entire fiscal year and are in existence at the time of distribution are entitled to participate in the distribution. Training contributions shall be distributed as follows: (1) to DAS to defray the expenses of the administration of Labor Code section 1777.5; (2) if there is only one applicable program in the same geographic area of operation as defined by 8 C.C.R. § 205(n), to that program less the pro rata share of expenses paid to DAS; and (3) if there are two or more such programs, to each program in proportion to the total number of apprentices as of June 30 of the fiscal year in which the contributions were received less the pro rata share of expenses paid to DAS. "Pro rata share of expenses" means the share of DAS expenses that bears the same ratio to the contributions to be distributed as the total DAS expenses bear to the total contributions received during the fiscal year. The purpose of Reg. 230.2(d) is to establish the priority of distributions of training fund contributions received from contractors on public works, to define the amount of DAS expenses that are deducted from grants of contributions to approved programs and to define the manner in which the number of apprentices in a program is determined.

Neither regulation mandates the use of specific technologies or equipment.

Neither regulation is based on any technical, theoretical or empirical study.

Neither regulation imposes a mandate on local agencies or school districts.

Neither regulation imposes any costs or savings to any state agency or in federal funding to the state.

Neither regulation has a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because neither imposes any requirement on any business and does not limit any business in any way. On the contrary, Reg. 212.5 enhances the ability of new apprenticeship programs to obtain approval. In making this determination, the Council does not rely on any specific fact, evidence, document, testimony or other evidence.

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

The Council finds that the proposed regulation is necessary for the health, safety and welfare of the people of the state and does not affect housing costs.

The Council has determined that neither regulation will create or eliminate jobs or existing businesses or the expansion of businesses in California. Neither regulation will affect small businesses because the regulations do not impose any requirements.

Rulemaking records, including the text of the proposed regulations may be accessed through the Department's Internet website at [www.dir.ca.gov](http://www.dir.ca.gov).

The Council must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention 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.

An initial statement of reasons for the proposed action and the information on which the proposed action is based may be obtained from the contact person identified above. The text of the proposed regulations is included in this document.

The full text of a regulation changed pursuant to Government Code section 11346.8 will be made available for at least 15 days prior to adoption of the proposed regulation.

A copy of the final statement of reasons for Reg. 212.5 once it is prepared may be obtained by contacting the contact person identified above.

## TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

### NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

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

**PUBLIC MEETING:** On **July 15, 2004**, at 10:00 a.m. in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California 95814-6413.

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 15, 2004**, following the Public Meeting in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California 95814-6413.

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

**BUSINESS MEETING:** On **July 15, 2004**, following the Public Hearing in the Auditorium, Room 102 of the Office Building 9, 744 P Street, Sacramento, California 95814-6413.

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, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on July 15, 2004.

1. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS  
Chapter 4, Subchapter 7, Article 10  
Section 3381  
**Head Protection**

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS  
Chapter 4, Subchapter 7, Article 107  
Section 5155  
**Methyl Hydrazine**

A description of the proposed changes are as follows:

1. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS  
Chapter 4, Subchapter 7, Article 10  
Section 3381  
**Head Protection**

**INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW**

Section 3381 of the GISO requires employees to wear head protection when exposed to falling objects, flying objects, and/or electric shock. Section 3381 further requires that head protection comply with specified American National Standards Institute (ANSI) standards, which classify protective helmets according to the impact and electrical resistance requirements they are designed to meet. The ANSI standards incorporated into section 3381 by reference have been superseded by the current ANSI standard for Industrial Head Protection, ANSI Z89.1-1997. In the 1997 ANSI standard, the electrical insulation classifications of Class G (General); Class E (Electrical); and Class C (conductive—no electrical protection) replace the former Classes A, B and C, respectively. Section 3381 relies on the old ANSI designations to specify the classes of protective helmets that are required to be used, and does not allow the use of protective helmets designated Class C, E or G.

The Occupational Safety and Health Standards Board (Board) staff initiated this rulemaking to update the ANSI reference for head protection allowing the use of additional classes of ANSI approved protective helmets, where appropriate, and to require helmets to comply with the current ANSI standard for head protection when they are first placed in service.

This proposed rulemaking action contains nonsubstantive, editorial, reformatting of subsections, and 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 3381. Head Protection.

Subsection (a)

Existing subsection (a) requires that employees exposed to flying or falling objects and/or electric shock or burns shall be safeguarded by means of approved head protection. Revised language is proposed to clarify the nature of the exposure and the means of safeguarding. The effect of this revision is to improve clarity and to be more consistent with the federal counterpart standard and Section 3382, Eye and Face Protection.

Subsection (b)

Existing subsections (b)(1), (b)(2) and (c) contain the criteria for selection and use of head protection. A new subsection (b) is proposed to incorporate the criteria for selection and use of head protection that are contained in revised subsections (b)(1) and (b)(2). The effect of this new subsection is to letter subsections in the proper sequential order.

Subsection (b)(1)

Existing subsection (b)(1) requires that helmets purchased after January 12, 1995, and used to protect employees from impact and low voltage electrical hazards shall comply with ANSI Z89.1-1986, Class A or Class B protective headwear. The 1986 ANSI standard was the most current version of Z89.1 when the last revision of Section 3381 became effective on January 12, 1995, and was incorporated into subsection (b)(1) by reference. The proposal incorporates ANSI Z89.1-1997 by reference and requires that all helmets placed in service after the proposal's effective date shall comply with ANSI Z89.1-1997, which is the most current publication of Z89.1. The effect of this revision is to ensure helmets comply with the most recent ANSI standard for industrial head protection when they are placed in service, and to allow for the use of the new designated classes of ANSI approved head protection.

Subsection (b)(1)(A)

Section 3381 does not require or allow the use of ANSI Z89.1-1997 approved Class C, E, or G helmets when only impact protection is needed. A new subsection (b)(1)(A) is proposed to specify that when there is no electric hazard and only impact protection is required, helmets placed in service after the

proposal's effective date shall be ANSI approved Class C, E, or G helmets. The effect of this new subsection is to allow, and specify, the use of approved Class C, E, or G helmets that comply with ANSI Z89.1-1997.

Subsection (b)(1)(B)

Section 3381 does not require or allow the use of ANSI Z89.1-1997 approved Class E or G helmets for protection from electric hazards less than 600 volts. A new subsection (b)(1)(B) is proposed to specify that when there is a risk of head injury from contact with conductors less than 600 volts, helmets placed in service after the proposal's effective date shall be ANSI approved Class E or G helmets. The effect of this new subsection is to allow, and specify, the use of approved Class E or G helmets that comply with ANSI Z89.1-1997.

Subsection (b)(1)(C)

Section 3381 does not require or allow the use of ANSI Z89.1-1997 approved Class E helmets for protection from electric hazards greater than 600 volts. A new subsection (b)(1)(C) is proposed to specify that when there is a risk of head injury from contact with conductors greater than 600 volts, helmets placed in service after the proposal's effective date shall be ANSI approved Class E helmets. The effect of this new subsection is to allow, and specify, the use of approved Class E helmets that comply with ANSI Z89.1-1997.

Subsection (b)(2)

Existing subsection (b)(2) specifies that helmets purchased on or before the effective date of the last revision of Section 3381 (i.e., January 12, 1995) shall be Class A or Class D and shall comply with ANSI Z89.1-1969. In addition to the 1969 standard, the proposal incorporates the following ANSI standards by reference: the 1981, 1986, and 1997 editions of ANSI Z89.1; and, ANSI Z89.2-1971, Safety Requirements for Industrial Protective Helmets for Electrical Workers, Class B. The proposal requires that helmets placed in service on or before the proposal's effective date shall comply with one of the referenced ANSI standards and shall be the appropriate ANSI designated class of helmet. All of the referenced ANSI standards classify protective helmets according to the impact and electrical resistance requirements they are designed to meet. Although the letter used to designate a specific class of helmet may vary from one ANSI standard to another, each of the referenced ANSI standards uses the same performance requirements to classify helmets. Consequently, a helmet that complies with any one of the referenced ANSI standards will provide substantially the same level of protection as a helmet approved by any of the other standards, as long

as the helmets are approved to provide resistance against the same hazard or hazards (i.e., impact, impact and low voltage, impact and high voltage). In making this determination, Board staff is relying on the physical requirements specified in each of the referenced ANSI standards, which include insulation resistance, impact resistance, penetration resistance, weight, flammability, and water absorption. Board staff compared each of these requirements for each referenced ANSI standard and determined they are substantially the same. The effect of this revision is to allow for the use of any class of approved helmet that meets the appropriate performance requirements.

Subsection (b)(2)(A)

Existing subsection (b)(2) specifies the use of Class A or Class D helmets that comply with ANSI Z89.1-1969. Consequently, the use of other ANSI approved helmets, which are designed to meet the same performance requirements for impact protection as Class A and Class D helmets, is not allowed. All Class A, B, C, D, E, and G approved helmets are designed and tested to meet the same criteria for impact resistance. A new subsection (b)(2)(A) is proposed to specify that when there is no electrical hazard and only impact protection is required, helmets placed in service on or before the proposal's effective date shall be ANSI approved Class A, B, C, D, E, or G helmets. The effect of this new subsection is to allow the use of additional ANSI approved classes of helmets that provide the same level of protection from impact hazards as the Class A and Class D helmets that are currently specified.

Subsection (b)(2)(B)

Existing subsection (b)(2) specifies the use of Class A or Class D helmets that comply with ANSI Z89.1-1969. The use of other ANSI designated classes of helmets, which are also designed to meet the same performance requirements for electrical resistance as Class A or Class D helmets, is not allowed. All Class A, B, D, E, and G approved helmets are designed and tested to meet the same criteria for resistance to low voltage electrical conductors. A new subsection (b)(2)(B) is proposed to specify that when there is a risk of head injury from contact with conductors less than 600 volts, helmets placed in service on or before the proposal's effective date shall be ANSI approved Class A, B, D, E, or G helmets. The effect of this new subsection is to allow the use of additional ANSI approved classes of protective helmets, which provide the same level of protection from low voltage electrical hazards as the Class A and Class D helmets that are currently specified.

Subsection (b)(2)(C)

Existing subsection (c) specifies the use of Class B helmets that comply with ANSI Z89.2-1971 for exposure to high voltage electric shock. The use of other ANSI designated classes of helmets, which are also designed to meet the same performance requirements for electrical resistance as ANSI Z89.2-1971 approved Class B helmets, is not allowed. ANSI revised and combined Z89.1-1969 and Z89.2-1971 into ANSI Z89.1-1981. All Class B and E approved helmets are designed and tested to meet the same criteria for resistance to high voltage electrical conductors. A new subsection (b)(2)(C) is proposed to specify that when there is a risk of head injury from contact with conductors greater than 600 volts, helmets placed in service on or before the proposal's effective date shall be ANSI approved Class B or E helmets. The effect of this new subsection is to allow the use of additional ANSI approved helmets that provide the same level of protection from high voltage electrical hazards as ANSI Z89.2-1971 approved Class B helmets, which are currently specified.

Subsection (c)

Existing subsection (c) specifies the head protection that shall be used for exposure to high voltage electric shock. The proposal revises and moves these requirements to subsection (b)(2)(C). The ANSI standards that are referenced in existing Section 3381 and the proposal specify that helmets shall be permanently marked to identify the manufacturer, ANSI designation (standard number and date) and class. The proposal incorporates similar language into subsection (c), which requires that helmets shall bear the original marking specified by the referenced ANSI standards for head protection. The effect of this revision is to give guidance to the employer when purchasing or selecting head protection, and to ensure that the appropriate Class of ANSI approved helmet is worn when there is a risk of head injury.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

1. *Safety Requirements for Industrial Head Protection, Z89.1-1969*, American National Standards Institute (ANSI).
2. *Industrial Protective Helmets for Electrical Workers, Class B, Z89.2-1971*, American National Standards Institute (ANSI).
3. *Requirements for Protective Headwear for Industrial Workers, Z89.1-1981*, American National Standards Institute (ANSI).
4. *Protective Headwear for Industrial Workers—Requirements, Z89.1-1986*, American National Standards Institute (ANSI).

5. *Industrial Head Protection, Z89.1-1997*, American National Standards Institute (ANSI).

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

**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, as it reflects national industry standards.

**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. The proposal reflects existing industry recognized standards.

**Cost Impact on Private Persons or Businesses**

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, as it reflects existing industry standards.

**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 standard 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 standard does not consti-

tute 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 standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard 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 standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated, as it proposes a nationally recognized standard.

#### ASSESSMENT

The adoption of the proposed amendments to this standard 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: GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7, Article 107  
Section 5155  
**Methyl Hydrazine**

#### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking action was initiated in response to Petition File No. 455 submitted to the Occupational Safety and Health Standards Board (Board) by Mr. Robert Hollenbeck, Director, Company Safety and Health, The Boeing Company. Mr. Hollenbeck’s petition requested that the Board revise the permissible exposure limit (PEL) for methyl hydrazine contained in Title 8, California Code of Regulations, General Industry Safety Orders (GISO) Table AC-1 of Section 5155, Airborne Contaminants. The Petitioner noted that the Board may have inadvertently erred in designating the PEL for methyl hydrazine as a ceiling limit in the rulemaking adopted by the Board on November 16, 2000, and effective February 3, 2001 (California Regulatory Notice Register 2000, No. 12-Z). The Division of Occupational Safety and Health (Division) concurred with the Petitioner’s assessment that when the PEL for methyl hydrazine was last revised, it was designated as a ceiling limit in error and this is inconsistent with the statements made in the Initial Statement of Reasons for this substance. In Board staff’s review of the rulemaking file, the advisory committee meeting minutes, and dialog with the advisory committee chairman, Board staff concluded that the intent of the advisory committee convened for the rulemaking adopted November 16, 2000, was to designate the PEL for methyl hydrazine as a time weighted average (TWA) rather than a ceiling limit.

#### Section 5155. Airborne Contaminants. Table AC-1

Existing Section 5155 establishes minimum requirements for controlling employee exposure to specific airborne contaminants. Currently, the PEL for methyl hydrazine is set at 10 parts per billion (ppb) as a ceiling limit. An amendment is proposed to delete the ceiling limit designation. The effect of the deletion of the ceiling limit designation for methyl hydrazine is to correct an error made in a previous rulemaking. In reviewing the minutes of the advisory committee meetings for the rulemaking adopted November 16, 2000, where methyl hydrazine was discussed, it was determined that the consensus recommendation of the committee intended the limit for methyl hydrazine to be an eight-hour time weighted average concentration based on the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs). The deletion of the ceiling limit designation for methyl hydrazine would restore consistency to the hydrazine PELs and would safeguard employee health and safety.

**COST ESTIMATES OF PROPOSED ACTION**

Compliance with the proposed time-weighted average PEL would be less burdensome to the affected public than the current ceiling limit designation.

**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 impact 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 standard 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 will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard 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 standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard 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 standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

**EFFECT ON SMALL BUSINESSES**

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

**ASSESSMENT**

The adoption of the proposed amendment to this standard 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.

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 9, 2004. 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 15, 2004 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](mailto: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, CA 95833.

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

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, 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. DEPARTMENT OF REAL ESTATE**

### **NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE REAL ESTATE COMMISSIONER**

John R. Liberator, Acting Real Estate Commissioner, proposes to amend the proposed regulation described below in Title 10, California Code of Regulations, after considering all comments, objections and recommendations regarding the proposed action.

### **PROPOSED REGULATORY ACTION**

The Acting Commissioner proposes to amend section 2731 in Title 10 of the California Code of Regulations (CCR).

### **PUBLIC COMMENTS**

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Government Code section 11346.8(a). The request for a hearing must be received by the Department's contact person designated below no later than 15 days prior to the close of the written comment period.

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commissioner. The written comment period closes on July 13, 2004. All written comments must be received by 5:00 p.m. on that date at the Department's Sacramento Office as follows:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

Comments may be sent via electronic mail to [regulations@dre.ca.gov](mailto:regulations@dre.ca.gov) or via fax to David B. Seals at (916) 227-9458.

### **AUTHORITY AND REFERENCE**

The changes to the regulation are authorized by Business and Professions Code section 10080 to implement, interpret or make specific Business and Professions Code sections 10159.5 and 10177.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

#### **AMENDMENT OF SECTION 2731**

The current regulation was amended, effective October 5, 2003, to specify the conditions under which a nickname could be used by a real estate licensee. The amendment generated some objections and may have resulted in some unwanted consequences. The proposed change would repeal the 2003 amendment and restore the regulation to its original condition prior to October 5, 2003.

### **EFFECT ON SMALL BUSINESS**

The proposed regulatory changes may affect small business.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

1. Plain English drafting: The Acting Commissioner has confirmed that this regulation has been drafted in plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).
2. Mandate on local agencies and school districts: None.
3. Cost or savings to any state agency: None.
4. Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None.
5. Other non-discretionary cost or savings imposed upon local agencies: None.
6. Cost or savings in federal funding to the state: None.
7. The Department is not aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The Department has determined that such cost impacts will not be significant.
8. The Acting Commissioner has made an initial determination that the adoption, amendment or repeal of this regulation will not have a significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
9. Impact on jobs and business expansion, elimination or creation: The Acting Commissioner has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs within the State of California nor will it significantly affect the creation of new businesses, the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.
10. Significant effect on housing costs: None.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Acting Commissioner must determine that no reasonable alternative he considered or that has otherwise been identified and brought to his attention 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 Acting Commissioner invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period.

**CONTACT PERSON**

Inquiries concerning the proposed action may be directed to:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

The backup contact person is:

Larry A. Alamao, Assistant Chief Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

The name of the person who can respond to questions concerning the substance of the proposed regulatory action is:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

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, or other information upon which the rulemaking is based to:

David B. Seals, Real Estate Counsel  
Department of Real Estate  
2201 Broadway  
P. O. Box 187000  
Sacramento, CA 95818-7000  
Telephone: (916) 227-0789

**AVAILABILITY OF STATEMENT OF REASONS,  
TEXT OF PROPOSED REGULATIONS AND  
INTERNET SITE**

The Acting Commissioner will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at his office, at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The final statement of reasons once it is prepared pursuant to Section 11346.9 of the Government Code will also be a part of the rulemaking file and available for inspection and copying as indicated above. Portions of the rulemaking file and information regarding the Department is available through our website ([www.dre.ca.gov](http://www.dre.ca.gov)). The express terms of the proposed action written in plain English are available from the agency contact person

named in this notice. Copies may be obtained by contacting David B. Seals at the address and phone number listed above.

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

The Acting Real Estate Commissioner may, on his own motion or at the recommendation of any interested person made by written or oral comment, modify the Proposed Regulation and adopt the Regulation Change as modified if the change is determined to be one that the public could have reasonably anticipated from this Notice, the Informative Digest, and the Initial Statement of Reasons.

If the Acting Commissioner decides to modify the Proposed Regulation change, the Department will make copies of the full text of the regulation, as originally proposed with the proposed modifications clearly indicated, available for not less than 15 days prior to adopting the modified regulation. Copies of the modified regulation will be mailed to all persons who have made written or oral comments concerning the Proposed Regulation and all persons who have requested notification of availability of the modifications.

Requests for modified regulations or other communications concerning the Proposed Regulation change should be addressed to the Department's contact person, David B. Seals, at the address and/or telephone number above.

COMPLIANCE WITH GOVERNMENT CODE  
§ 11346.4(a)(1) THROUGH (4)

The Department of Real Estate (the Department) has complied with Government Code § 11346.4(a)(1) through (4) and Section 86, Title 10 of the California Code of Regulations, by mailing or delivering a copy of this Notice of Proposed Changes in the Regulations of the Real Estate Commissioner and of the Proposed Regulations with changes indicated in strikeout and underline to the Department's list of interested persons including:

1. Every person who has filed a Request for Notice of Regulatory Action with the Department.
2. The Director of the Department. (The Acting Real Estate Commissioner and the Secretary of the Business, Transportation and Housing Agency).
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be, or have been in the past, affected by our Proposed Regulation change. The Department has no way of knowing which are small businesses.
4. The California Association of Realtors, a real estate licensee trade organization and the California Building Industry Association, a home builders trade organization.

5. A substantial number of land developers. Not small businesses by definition, but some of which may be, or have been in the past, affected by our Proposed Regulations.

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

**Division 7: Natural Resources**

**Chapter 4: Resource Conservation Programs**

**Article 1.1: Recycling Market Development  
Zone Low-Interest Revolving  
Loan Fund**

**Article 1.2: Leveraging The Recycling Market  
Development Zone Loan Fund**

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 14, California Code of Regulations (14 CCR), Division 7, Chapter 4, Article 1.1, Sections 17930–17936 and add Article 1.2, Sections 17939.1–17939.5. The proposed regulations in Article 1.1 are intended to reflect the passage of AB 1364 (Migden), Stats. 1999, c. 467, which recodified Article 3 of Chapter 1 of Part 3 of Division 30 of the Public Resources Code (sections 42010, et seq.) to make the Recycling Market Development Revolving Loan Program sustainable over the long-term and to make minor technical changes in the Loan Program. The proposed regulations in Article 1.2 will clarify the Board's authority in Public Resources Code (PRC) Sections 42023.6 and 42024 to use Recycling Market Development Revolving Loan Funds to stimulate more private lending to recycling-based businesses through loan leveraging techniques.

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 12, 2004.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

John Nuffer  
California Integrated Waste Management Board  
Waste Prevention and Market  
Development Division  
P.O. Box 4025, M.S. 11  
Sacramento, CA 95812-4025  
E-mail: [jnuffer@ciwmb.ca.gov](mailto:jnuffer@ciwmb.ca.gov)  
Fax: (916) 319-7219  
Phone: (916) 341-6527

**PUBLIC HEARING**

A public hearing to receive comments on the proposed rulemaking will be scheduled for a meeting of the California Integrated Waste Management Board, in the Central Valley Auditorium at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, 2nd Floor, Sacramento, California. The hearing will begin at 9:30 A.M. on August 10, 2004 and conclude after all testimony is given. The CIWMB requests that persons who make oral comments at the hearing also submit written copies of their testimony at the hearing. The Central valley Auditorium is wheelchair accessible.

**INFORMATIVE DIGEST**

The Integrated Waste Management Act (Act), 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 state waste processing and disposal. PRC Section 40502 requires the CIWMB to adopt rules and regulations to implement this Act. PRC Section 42023.1 established the Recycling Market Development Zone (RMDZ) Program, which supports CIWMB's goals of waste prevention and waste diversion. This section authorizes the CIWMB to make loans to recycling-based businesses within Recycling Market Development Zones.

The California Code of Regulations, Title 14, Division 7, Chapter 4, Article 1.1 implements the RMDZ Loan program. With the Loan Program, the CIWMB is able to finance the start up and expansion of recycling-based businesses, which banks often hesitate to fund. The proposed regulations incorporate technical changes into Article 1.1 and add Article 1.2 that will allow the Board to use RMDZ Loan Funds to leverage private funds. Article 1.2, for example, will allow the CIWMB to participate in the State Small Business Loan Guarantee Program. This program will allow the CIWMB to use \$1 in RMDZ Loan Funds to generate \$4 in private lending to the recycling-based businesses. This will stimulate additional business activity throughout California, creating jobs, sales and tax revenue. It also will help local governments meet their state-mandated waste diversion requirements.

**POLICY STATEMENT OVERVIEW**

The CIWMB determined that existing regulations in the California Code of Regulations, Title 14, Division 7, Chapter 4, Article 1.1, Sections 17930–17936 are cumbersome and do not fully reflect previous changes in statute. In addition, Sections 17939.1–17939.5 should be added to clarify the Board's authority to use Recycling Market Development Loan Funds as leverage or stimulate more private lending to recycling-based businesses.

**PLAIN ENGLISH REQUIREMENTS**

CIWMB staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section § 11349 and the plain English requirements of Government Code Sections 11342.580 and 1134.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

**AUTHORITY AND REFERENCES**

PRC Section 40502 provides authority for these proposed regulations. The purpose of the proposed regulations is to implement, interpret and make specific PRC Sections 42023.1 through 42024.

**FEDERAL LAW OR REGULATIONS MANDATE**

Federal law or regulations do not contain comparable requirements.

**MANDATE ON LOCAL AGENCIES  
OR SCHOOL DISTRICTS**

CIWMB staff determined that the proposed regulations will result in no costs or savings to any state agencies, no costs to any school districts that are required to be reimbursed under part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other non-discretionary costs or savings on local agencies or school districts, and no costs or savings in federal funding to the state. CIWMB staff also determined that the proposed regulations do not impose a mandate on local school districts.

These regulations, in fact, will help local governments meet their state-mandated 50% waste diversion requirement by assisting businesses that divert material from the waste stream and/or make new products out of recycled material.

**EFFECT ON HOUSING COSTS**

CIWMB staff determined that the proposed regulations would have no effect on housing costs.

**EFFECT ON BUSINESSES**

CIWMB staff determined that the proposed regulations would not have a significant, statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. In fact, these regulations are designed to make it easier for businesses to obtain financing for start up and expansion, creating an incentive to conduct business in California.

**EFFECT ON SMALL BUSINESSES**

CIWMB staff determined that the proposed regulations would not have a significant, statewide adverse economic impact on small businesses. The proposed regulations clarify the Board's authority to leverage Recycling Market Development Revolving Loan Funds and to participate in the State Small Business Loan Guarantee Program (SSBLG). The SSBLG

program provides a guarantee of repayment, thereby encouraging private lenders to make loans to small businesses, which might not otherwise be able to obtain reasonable financing for start up or expansion.

#### 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 promote: 1) the creation of jobs within the State of California; 2) the creation of new businesses with California; and 3) the expansion of businesses currently doing business with the state. Air Resources Board (ARB) staff in the Agency-wide Economic Analysis Unit analyzed the economic impact of the proposed action. The economic analysis indicates that this action will stimulate economic development and create jobs.

The proposed regulations will not eliminate jobs or businesses in California, and will not affect the expansion of businesses currently doing business in California.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff analyzed the economic impact of the proposed action and found that there would not be a significant, statewide adverse economic impact on businesses. In addition, Air Resources Board staff in the Agency-wide Economic Analysis Unit reviewed the proposed action and found "the proposed regulation would modify a very low-cost, high-benefit program by increasing the level of potential participation."

#### 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

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

John Nuffer  
California Integrated Waste Management Board  
Waste Prevention and Market  
Development Division  
P.O. Box 4025, M.S. 11  
Sacramento, CA 95812-4025

E-mail: [jnuffer@ciwmb.ca.gov](mailto:jnuffer@ciwmb.ca.gov)  
Fax: (916) 319-7406  
Phone: (916) 341-6524

Back-up contact person to whom inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Jim La Tanner  
California Integrated Waste Management Board  
Waste Prevention and Market  
Development Division  
P.O. Box 4025, M.S. 11  
Sacramento, CA 95812-4025  
E-mail: [jlatanne@ciwmb.ca.gov](mailto:jlatanne@ciwmb.ca.gov)  
Fax: (916) 319-7150  
Phone: (916) 341-6534

#### 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 John Nuffer 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/RMDZ/>.

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 a public hearing if one is held; 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 15. BOARD OF PRISON TERMS**

NOTICE OF PROPOSED REGULATORY ACTION  
RN 04-03

SUBJECT: *ATTEMPTED MURDER*

NOTICE IS HEREBY GIVEN that the Board of Prison Terms (Board) proposes to amend sections (§§) 2000, 2400 and 2403 of Title 15, Division 2, California Code of Regulations (CCR) after considering all comments, objections, and recommendations regarding the proposed action.

**AUTHORITY/REFERENCE**

These regulations are submitted pursuant to the Board's authority under Penal Code §§ 3052 and 5076.2 and are amended to implement, interpret, and/or make specific Penal Code sections 182, 664, 3040, 3041, 3046 and 5076.1.

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Board. *The written comment period on the proposed regulations will close at 5:00 p.m., on July 14, 2004.* All comments must be submitted in writing (by mail, fax, or e-mail) to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Board.

Comments may be submitted to:

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

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

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

This action will implement the recent court order in the case of *In re Thomas Sims* which found that the referral to "attempted murder" as referenced in the

CCR §§ 2403 (b) and (c) does not accurately apply to prisoners who have been convicted of attempted murders.

Currently, CCR § 2403 provides matrices for life prisoners convicted of first and second degree murder consisting of "suggested base terms" which are established solely on the gravity of the base crime, taking into account all of the circumstances of that crime. The panel shall determine the category most closely related to the circumstances of the crime and impose the middle base term indicated in the matrix unless the panel finds circumstances in aggravation or mitigation. If the panel finds circumstances in aggravation or in mitigation, as provided in CCR §§ 2404 and 2405, it may impose the upper or lower base term provided in the matrix by stating the specific reasons for imposing such term. If the prisoner has been sentenced to prison for attempted willful, deliberate and premeditated murder, the panel shall refer to matrix (b), designated for first degree murders; for all other attempted murders, the panel shall refer to matrix (c), designated for second degree murders. After determining the appropriate category, the panel shall impose one-half the middle base term, unless the panel finds circumstances in aggravation or mitigation.

The proposed amendments will implement three new matrices (§ 2403(d)-(f)) for attempted murder crimes which call for a punishment of life with the possibility of parole. The matrices are analogous to the matrices for first and second degree murder, setting out categories relating to the relationship of the prisoner to the victim and the gravity and circumstances of the crime. The base terms implemented for each matrix reflect the punishments for the specific attempted murders as indicated in Penal Code § 664 (a), (e) and (f), respectively.

Further amendments (CCR § 2000) add to the list of definitions the life crimes of attempted murder of a peace officer or firefighter and attempted willful, deliberate, and premeditated murder of a peace officer or firefighter pursuant to PC § 664(e) and (f). In addition, changes to CCR § 2400 are necessary to delete reference to specific attempted murder crimes and the respective effective dates. Including all attempted murder crimes and the effective dates would be ambiguous and cumbersome. New subsection (g) of CCR § 2403, entitled "Base Terms for Other Life Crimes," has been added for consideration of those life crimes that are not addressed in the life term matrices.

**LOCAL MANDATES**

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

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: *None*
- Cost or savings to any state agency: *None*
- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

EFFECT ON SMALL BUSINESSES

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

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

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

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered 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 regulatory action.

CONTACT PERSON

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

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

In any such inquiries, please identify the action by using the **Board's regulation control number RN 04-03**.

**Note:** In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above: **Denise Schmidt, 324-7604**.

Questions on the substance of the proposed regulatory action may be directed to: **Marc Remis, 323-3286**.

**Website Access:** Materials regarding this proposal can be accessed from the Board's website at: [www.bpt.ca.gov](http://www.bpt.ca.gov).

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

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following the preparation of the final statement of reasons, copies may be obtained from the Board contact person, by fax, or from the Board's website.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

**TITLE 16. BOARD OF PHARMACY**

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. 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 of Pharmacy at its office not later than 5:00 p.m. on July 12, 2004.

The board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the board. The request must be received in the board office not later than 5 p.m. on June 28, 2004.

The Board of Pharmacy, 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 4005 of the Business and Professions Code and to implement, interpret or make specific Section 4052 of the Business and Professions Code the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Section 4005 of the Business and Professions Code grants the Board of Pharmacy authority to adopt regulations relating to the practice of pharmacy.

Section 4052 of the Business and Professions Code permits a pharmacist to furnish emergency contraception pursuant to a statewide protocol approved by the Board of Pharmacy and the Medical Board of California.

This notice proposed to add Section 1746 as follows:

1. Require a pharmacist dispensing emergency contraception based on the authority granted by Section 4052(a)(8)(ii) to comply with the protocol specified in this section.
2. Establishes the statewide protocol for furnishing emergency contraception. This protocol specifies

the procedures to be followed and products to be furnished to patients requesting emergency contraception.

The Board of Pharmacy has proposed to this section to implement a statewide protocol as specified by Senate Bill 490 (Chapter 651, Statutes of 2003).

**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, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have a significant 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 of Pharmacy 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 Board of Pharmacy has determined that the proposed regulations would not adversely affect small businesses. The Board of Pharmacy made this determination because the proposed regulation would provide pharmacies with greater flexibility in providing emergency contraception products to consumers.

**CONSIDERATION OF ALTERNATIVES**

The Board of Pharmacy must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons 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 Pharmacy 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 Board of Pharmacy at 400 R Street, Suite 4070, Sacramento, California 95814, or from the Board of Pharmacy website ([www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)).

**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**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Paul Riches  
Address: 400 R Street, Suite 4070  
Sacramento, CA 95814  
Telephone No.: (916) 445-5014 x 4016  
Fax No.: (916) 327-6308  
E-Mail Address: [Paul\\_Riches@dca.ca.gov](mailto:Paul_Riches@dca.ca.gov)

The backup contact person is:

Name: Virginia Herold  
Address: 400 R Street, Suite 4070  
Sacramento, CA 95814  
Telephone No.: (916) 445-5014 x4005  
Fax No.: (916) 327-6308  
E-Mail Address: [Virginia\\_Herold@dca.ca.gov](mailto:Virginia_Herold@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

**TITLE 22. DEPARTMENT OF  
HEALTH SERVICES**

**ACTION:** Notice of Proposed Rulemaking  
Title 22, California Code of  
Regulations

**SUBJECT:** California Standard Admission  
Agreement for Skilled Nursing and  
Intermediate Care Facilities, **R-05-01**

**PUBLIC PROCEEDINGS**

Notice is hereby given that the California Department of Health Services will conduct a public hearing commencing at 10 a.m. on July 14, 2004 in the Auditorium, 1500 Capitol Avenue, Sacramento, CA, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice.

Please Note: Attendees are required to register at the security desk when entering the building.

Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, by 5 p.m. on July 14, 2004, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

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

**CONTACTS**

**In any of the following inquiries, please identify the action by using the Department regulation control number, R-05-01:**

1. In order to request a copy of this regulation package be sent to you, please call (916) 440-7695 or email [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov).
2. Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Paula Campbell of Licensing and Certification Division at (916) 552-8756.
3. All other inquiries concerning the action described in this notice may be directed to Barbara S. Gallaway, RN, MSN, of the Office of Regulations at (916) 440-7689, or to the designated backup contact person, Linda Tutor, at (916) 440-7695.

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

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

Section 1599.61 of the Health and Safety Code requires the Department to develop, and skilled nursing and intermediate care facilities to use, a standard admission agreement which complies with all applicable state and federal laws.

The Department proposes to add Section 72516 to Title 22 of the California Code of Regulations to implement this requirement for skilled nursing facilities (as defined in Section 72103), and Section 73518 to implement this requirement for intermediate care facilities (as defined in Section 73051).

The proposed regulations require these facilities to use the "California Standard Admission Agreement for Skilled Nursing and Intermediate Care Facilities", form number HS 327 (04/04), which is incorporated by reference. The Standard Admission Agreement contains the following sections: Preamble, Identification of Parties to this Agreement, Consent to Treatment, Your Rights as a Resident, Financial Arrangements, Transfers and Discharges, Bed Holds and Readmission, Personal Property Protection, Photographs, Confidentiality of Your Medical Information, Facility Rules and Grievance Procedure, and Other Provisions of this Agreement.

The Standard Admission Agreement also contains attachments needed to meet all statutory requirements. Those attachments include: (A) Resident's Bill of Rights, (B-1) Supplies and Services Included in the Basic Daily Rate for Private Pay and Privately Insured Residents, (B-2) Optional Supplies and Services Not Included in Basic Daily Rate for Private Pay and Privately Insured Residents, (C-1) Supplies and Services Included in the Basic Daily Rate for Medi-Cal Residents, (C-2) Supplies and Services Not Included in the Medi-Cal Basic Daily Rate That Medi-Cal Will Pay the Dispensing Provider For Separately, (C-3) Optional Supplies and Services Not Covered by Medi-Cal That May Be Purchased By Medi-Cal Residents, (D-1) Supplies and Services Covered by the Medicare Program For Medicare Residents, (D-2) Optional Supplies and Services Not Covered by Medicare That May Be Purchased By Medicare Residents, and (E) Authorization for Disclosure of Medical Information.

The proposed regulations provide that the Standard Admission Agreement is the only document a patient must sign at the time of, or as a condition of, admission to the facility, or as a condition of continued stay in the facility.

The proposed regulations prohibit any alteration of the Standard Admission Agreement without prior written authorization from the Department, except to fill in spaces provided on the form to record information specific to the facility or the resident.

The proposed regulations further provide that arbitration agreements (also referred to in statute as "arbitration clauses") shall not be presented to prospective residents as part of the Standard Admission Agreement. The proposed regulations also require that arbitration agreements must contain an advisory, prominently printed in bold 12 point font, indicating that residents cannot be required to sign an arbitration agreement as a condition of admission to the facility, nor can patients waive their right to sue for violations of the Resident Bill of Rights.

While federal law and regulation establish certain resident rights and require the provision of certain information before, or at the time of admission, there are no federal requirements for use of a standard admission agreement or federal standards with regard to the content of admission agreements for skilled nursing or intermediate care facilities. On the other hand, the content of the proposed Standard Admission Agreement must be consistent with federally established resident rights and facility responsibilities. There are no other state regulations specific to the content of admission agreements. The only statutory requirements with respect to a standard admission agreement and the content thereof are found in Health and Safety Code Sections 1599.60 through 1599.89, and 123222.1.

AUTHORITY

Section 1275, Health and Safety Code.

REFERENCE

Sections 1276, 1430, 1599.60, 1599.61, 1599.81, 123222.1, Health and Safety Code.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: \$0
- B. Fiscal Effect on State Government: \$0
- C. Fiscal Effect on Federal Funding of State Programs: \$0
- D. The Department is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action.

While there may be some cost impact on skilled nursing or intermediate care facilities that must comply with these regulations, any impact on these businesses is a result of the legislation directing the Department to adopt and facilities to use a standard admission agreement, not these regulations themselves. However, the Department expects minor savings to these businesses, since they will not have to incur costs associated developing, maintaining, and defending their own contracts of admission.

E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: \$0

**DETERMINATIONS**

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

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

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

The Department has determined that the regulations would not affect small business because any impact on these businesses is a result of the legislation (Health and Safety Code Section 1599.61) directing the Department to adopt and facilities to use a standard admission agreement.

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

**AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS**

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

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

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

**ADDITIONAL STATEMENTS AND COMMENTS**

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

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

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

**TITLE 24. STATE LANDS COMMISSION**

**REGARDING THE 2001 CALIFORNIA BUILDING CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2**

**MARINE OIL TERMINALS, CHAPTER 31F**

Notice is hereby given that the California State Lands Commission (CSLC) proposes to adopt regulations. The CSLC is proposing building standards related to Marine Oil Terminals, that will be codified in Chapter 31F, California Code of Regulations (CCR), Title 24, Part 2.

**PUBLIC COMMENT PERIOD**

The CSLC Staff will hold a public hearing. It will start at 10:00 a.m. on July 13, 2004, at the Port of Long Beach Board Room, 925 Harbor Plaza, Long Beach, CA 90802. The location is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing, relevant to the proposed regulatory action described in the Informa-

tive Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing they attend.

Written comments will be accepted by the California State Lands Commission regarding the proposed changes until 5:00 pm on July 13, 2004.

Please address your comments to:

Attention: Livin D. Prabhu  
Marine Facilities Division  
State Lands Commission  
200 Oceangate, Suite 900  
Long Beach, CA 90802

Written comments may also be submitted by facsimile to (562) 499-6317, attention Livin D. Prabhu or by e-mail to "prabhul@slc.ca.gov".

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

#### POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CSLC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CSLC adopts, amends, or repeals the regulation(s). CSLC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

#### AUTHORITY AND REFERENCE

Public Resources Code (P.R.C.) Section 8755 directs the Commission to adopt rules, regulations and guidelines for reviewing the location, type character, performance standards, size and operation of all existing and proposed marine terminals within the state.

#### INFORMATIVE DIGEST

During the course of inspections at marine oil terminals carried out per Title 2, CCR Section 2320, the staff of the California State Lands Commission (CSLC) determined that most, if not all, of these marine oil terminals are ageing, with some built in the 1920's. The average age is over 50 years. Design criteria for these facilities were basically non-existent when they were built, or at least minimal when

compared to present day practice. In the last 20 years, "performance-based" design and analysis have been developed, to facilitate the analysis/design of wharf/pier structures, subjected to seismic loads. Much has been learned from recent earthquakes in countries with adequate building codes (e.g., Northridge, California (January 1994), Kobe, Japan (January 1995) and Izmit, Turkey (August 1999)). These events and the resulting damage to coastal structures have demonstrated that such damage can be significant and there is a real possibility of a major oil spill resulting from such an earthquake (Izmit 1999). Seismic forces can be significant both in the lateral and vertical directions and can produce destructive effects, resulting in danger to the public health, safety and the environment. Seismologists predict moderate to severe earthquakes for the San Francisco Bay area and Southern California, within the next 40 years. In addition, there has been a steady increase in the size and deadweight of tank vessels berthing at marine oil terminals. These newer vessels impose substantially greater loads on the terminal than the ones for which the terminal was originally designed.

In order to mitigate the potential effects of future earthquakes and to ensure the safest possible operation of these terminals, the CSLC submitted a proposal to the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP), coordinated through the Governor's Office of Emergency Services (OES), for the Development of Seismic and Fire Regulations for Marine Oil Terminals and Related Facilities. The proposal was accepted and a grant awarded. The CSLC provided additional funding for the non-seismic portions of the effort.

The CSLC's Marine Facilities Division (MFD) utilized the expertise of consulting engineers as contractors to help draft Marine Oil Terminal Engineering and Maintenance Standards (MOTEMS). The MOTEMS development process included two engineering workshops that included the representatives of the regulated community (terminal owners and operators), engineering consultants, port engineers and engineering academicians. Two other workshops, regarding the related topics of offshore seismic and tsunami hazards were also held. Numerous meetings with the principal investigators of collateral projects (offshore seismic hazards analysis and tsunami hazard analysis) were held to ensure the incorporation of appropriate data into the proposed standards.

The process of developing the MOTEMS, has produced parallel guidelines and recommended provisions. The "Seismic Design Guidelines for Port Structures," published in 2001 by the International Navigation Association (PIANC) uses text virtually identical to that found in the MOTEMS. The language for the PIANC and the MOTEMS comes from the

Naval Facilities Engineering Service Center Technical Report (TR-2103-SHR), "Seismic Criteria for California Marine Oil Terminals," that was funded and directed by the CSLC as part of the Hazard Mitigation Grant project.

In addition, engineering staff of the CSLC has been directly involved in the development of standards at a national level. A subcommittee of the National Earthquake Hazards Reduction Program (NEHRP), including engineers from the MFD and the major ports of California, have developed a set of provisions that are being adopted for the 2003 edition of the "NEHRP Recommended Provisions for Seismic Regulations for New Buildings and Other Structures" (FEMA Publication 368). The seismic performance level proposed is the same as that used in the MOTEMS and has been agreed upon for future use (new construction) by the Ports of Los Angeles, Long Beach, Oakland and San Francisco.

The Marine Oil Terminal Engineering and Maintenance Standards were submitted to the Governor's Office of Emergency Services (OES) on July 17, 2002, thereby completing the Hazard Mitigation Grant Program project. The standards as submitted to OES are "recommendations" and are currently published on the CSLC website

([http://www.slc.ca.gov/Division\\_Pages/MFD/MFD\\_Home.htm](http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home.htm)).

These standards have already been used for the re-assessment of a major marine oil terminal in California.

The Hazard Mitigation Grant proposal called for the MOTEMS to be drafted into regulations. Consultation with the staff of the California Building Standards Commission indicated that the appropriate legal approach would be to codify the MOTEMS into the California Building Code (Title 2, California Code of Regulations, Part 2, Chapter 31F).

With these new standards in place, the marine oil terminals of California are expected to remain in service, or be repairable within months, following a major earthquake. In addition, all vessels, including the larger vessels using these terminals, will now have a greater degree of safety when operating within the permissible environmental operating limits (maximum wind, current and impact). Having marine oil terminals meet the proposed Code will help ensure protection of the public health, safety and the environment from oil spills resulting from earthquakes or excessive loads from vessels.

#### SUMMARY OF EXISTING LAWS

As Under Section 6111 of the Public Resources Code (P.R.C.), the CSLC is not to adopt building standards directly. In accordance with instructions from the California Building Standards Commission

staff, the CSLC is therefore promulgating the proposed Marine Oil terminal Engineering and Maintenance Standards (MOTEMS) as part of the California Building Code. The MOTEMS will be codified as Chapter 31F, California Code of Regulations (CCR), Title 24, Part 2.

PRC Section 8755 states, in part, ". . . the commission shall adopt, rules, regulations, guidelines, and commission leasing policies for reviewing the location, type, character, performance standards, size, and operation of all existing and proposed marine terminals within the state, whether or not on lands leased from the commission, and all other marine facilities on lands under lease from the commission to minimize the possibilities of a discharge of oil. Rules, regulations, and guidelines adopted by the commission shall not conflict with regulations of the administrator or the Coast Guard. The commission shall ensure that the rules, regulations, guidelines, and commission lease covenants provide the best achievable protection of public health and safety and the environment. . ."

The CSLC believes that the proposed standards accomplish these mandates.

#### SUMMARY OF EXISTING REGULATIONS

There are no existing standards relating to the engineering analysis, design, rehabilitation, inspection, or maintenance of marine oil terminals. There are no marine oil terminal engineering standards or regulations known to the CSLC.

#### SUMMARY OF EFFECT

*Cost or savings to any state agency:* None

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

*Other non-discretionary costs or savings imposed on local agencies:* Ports or cities may incur sizable costs as a result of the inspections and the potential need for structural or other types of upgrading of marine oil terminals within their purview.

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

*Comparable Federal Statute or Regulations:* None

#### POLICY STATEMENT OVERVIEW

As mandated in PRC 8750-8760 the CSLC intends to prevent oil spills and protect the public health and safety and the environment. The CSLC believes the proposed standards will meet the mandates of these PRC sections and provide a better level of spill prevention and protection of the public health and safety and the environment than currently exists.

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

None

MANDATE ON LOCAL AGENCIES  
OR SCHOOL DISTRICTS

The CSLC has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. Ports or cities that own, operate or lease marine oil terminals and private entities will be affected by these proposed building standards. They will be obliged to comply with these standards, when adopted.

INITIAL DETERMINATION OF SIGNIFICANT  
STATEWIDE ADVERSE ECONOMIC  
IMPACT ON BUSINESSES

There will be some economic impact on businesses owning and/or operating marine oil terminals in the state, as a result of the audit and analyses required by the proposed regulations. However, the impact may prove to be beneficial or cost saving, in the long run. The Standards are designed in part to mitigate future seismic induced damage to these facilities, thereby preventing oil spills and their associated costs. They also may save the cost of downtime and repair, which can be very substantial. Mitigating seismic damage beforehand may enhance the ability of businesses to compete with businesses elsewhere and certainly could prevent a loss of commerce should a damaging earthquake occur.

- A. Identification of the types of businesses that would be affected: Marine Oil Terminals
- B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action:  
Engineering audit reports, including structural analyses and above and below water inspection results and recommendations. Proposed plans and schedules for implementation of repairs and upgrades as necessary. Engineering records and documents regarding the marine oil terminal structure and systems (electrical, mechanical, piping, firefighting, etc.).
- C. The CSLC has made an initial determination that the adoption of this building standard may have a significant adverse economic impact on businesses, including the ability of California businesses to compete in other states. Private businesses (owners and operators of MOTs) may incur substantial costs as a result of these proposed standards. Depending on engineering analyses and audit results, structural, electrical or mechanical

upgrading of part or all of a berthing system may be required. The intention of these regulations is to ensure that these facilities are fit-for-purpose and that the best achievable protection of the public health, safety, environment and the state's infrastructure is being provided.

The CSLC has not considered proposed alternatives that would lessen any adverse impact on business and invites interested parties to submit proposals that may be equally effective and less burdensome.

FINDING OF NECESSITY FOR THE PUBLIC'S  
HEALTH, SAFETY, OR WELFARE

PRC 8755(a) states, in part, that ". . . The Commission (CSLC) shall ensure that the rules, regulations, guidelines, and commission lease covenants provide the best achievable protection of public health and safety and the environment. . ." The Commission believes these proposed standards provide the protection mandated.

COST IMPACT ON REPRESENTATIVE PRIVATE  
PERSON OR BUSINESS

Private businesses (owners and operators of MOTs) may incur substantial costs as a result of these proposed regulations. Depending on engineering analyses and audit results, structural, electrical or mechanical upgrading of part or all of a berthing system may be required. The purpose of these standards is to ensure that these facilities are fit-for-purpose and that the best achievable protection of the public health, safety, environment and the state's infrastructure is achieved.

ASSESSMENT OF EFFECT OF REGULATIONS  
UPON JOBS AND BUSINESS EXPANSION,  
ELIMINATION OR CREATION

The CSLC has assessed whether or not and to what extent this proposal will affect the following:

1. The creation or elimination of jobs within the State of California.  
The proposal may create jobs within California because the amendments to the California Building Code will require engineering audits. These audits are technical inspections that may be performed by the terminal engineering personnel. However, MFD staff is aware that many of these terminals do not carry appropriately qualified engineers on their staff; they will subsequently need to contract for these services. Because of the number of terminals in the state, existing contracting engineering firms may find it necessary to hire additional personnel to provide the needed services required by these proposed regulations within the timeframes imposed therein.

2. The creation of new businesses or the elimination of existing businesses within the State of California.

It will not create new businesses or eliminate existing businesses within California.

3. The expansion of businesses currently doing business with the State of California.

The proposed Code may affect the expansion of businesses currently doing business within California, for the reasons mentioned above. It may expand the marine construction industry, as these facilities perform the required upgrades. Also, there may be purchase and installation of new equipment, pipelines, control systems or other components, as the operator complies with the requirements of the proposed Code.

#### INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The CLSC has made an initial determination that this proposal WOULD NOT have a significant effect on housing costs.

#### CONSIDERATION OF ALTERNATIVES

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

To date, no other alternatives have been presented to or considered by the CSLC, regarding Chapter 31F (24 CCR Part 2) of the State Building Code.

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

#### AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed standards are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California State Lands Commission website, <http://www.slc.ca.gov/>

#### CSLC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

Livin Prabhu, Supervisor, Planning Branch  
Marine Facilities Division

California State Lands Commission  
200 Oceangate, Suite 900  
Long Beach, CA 90802  
562-499-6400  
562-499-6317 (fax)  
[prabhul@slc.ca.gov](mailto:prabhul@slc.ca.gov)

Please direct requests for copies of the proposed text of the standards, the initial statement of reasons, the modified text of the proposed standards, if any, or other information upon which the rulemaking is based to Mr. Livin Prabhu at the above address.

#### PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Martin L. Eskijian, P.E., Supervising Engineer  
Marine Facilities Division  
California State Lands Commission  
200 Oceangate, Suite 900  
Long Beach, CA 90802  
562-499-6312  
562-499-6317(fax)  
[eskijim@slc.ca.gov](mailto:eskijim@slc.ca.gov)

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF HEALTH SERVICES

#### NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD AND RESCHEDULED PUBLIC HEARING

Notice is hereby given that the State Department of Health Services is extending the period for submission of written comments regarding emergency regulations R-14-02E, Drug Medi-Cal Rates for Fiscal Year 2002-2003, to 5 p.m. on July 14, 2004, which is hereby designated as the close of the written comment period. In addition, the public hearing scheduled for June 23, 2004 in Hearing Room 72.167, 1500 Capitol Avenue, Sacramento, CA has been rescheduled to 10 a.m. on July 14, 2004, in the Auditorium, 1500 Capitol Avenue, Sacramento, CA.

All other information contained in the public notice for R-14-02E, which was previously published on May 7, 2004 in the California Regulatory Notice Register 2004 #19-Z, remains unchanged.

Inquiries concerning the action described in this notice may be directed to Jasmin Delacruz of the Office of Regulations at (916) 440-7688. In any such

inquiries, please identify the action by using the Department regulation control number R-14-02E.

**DEPARTMENT OF  
HEALTH SERVICES**

**THE DEPARTMENT OF HEALTH SERVICES TO  
ADOPT 2004 CURRENT PROCEDURAL  
TERMINOLOGY—4<sup>th</sup> EDITION (CPT-4) AND  
HEALTHCARE COMMON PROCEDURE  
CODING STRUCTURE (HCPCS) BILLING  
CODES FOR MEDI-CAL**

This notice is being given to provide information of public interest with respect to the billing codes accepted by the Medi-Cal program, in compliance with the 2004 Healthcare Common Procedure Coding System (HCPCS) Update. These proposed changes will be effective for dates of service on or after October 18, 2004.

It is the intent of the Department of Health Services (DHS) to adopt the 2004 Current Procedural Terminology—4<sup>th</sup> Edition (CPT-4) and HCPCS Level II codes and modifiers.

- In compliance with Welfare & Institutions Code, sections 14105.21 and 14105.22, maximum reimbursement for new codes for orthotic and prosthetic appliances and clinical laboratory services, respectively, will be at 80% of Medicare rates.
- Maximum reimbursement for new billing codes for physician services will be made at either 80% of the Medicare rate for the same item or service, or at an amount which ensures that the amount paid for the item or service will not exceed the amount paid for the same item or service during the year prior to the enactment of these changes.

These proposed changes will impact the following provider categories:

Clinical laboratories, hospital outpatient departments and clinics, long-term care facilities, other outpatient clinics, optometrists, orthotists and prosthetists, pharmacies/pharmacists, physicians, podiatrists, and providers of services under the California Children's Services/Genetically Handicapped Persons Program.

**PUBLIC REVIEW**

The changes discussed above are available for public review at local county welfare offices throughout the State. Copies of this notice and the list of billing codes and reimbursement rates to be adopted under the 2004 HCPCS Update may be requested in writing to Kathleen Menda, Chief, Professional Provider Unit, Department of Health Services, 1501 Capitol Avenue, MS 4600, P.O. Box 942732, Sacramento, CA 94234-7320.

Written comments must be submitted to the address above within 45 days from the publication date of these changes in the California Administrative Notice Register. All comments should include the author's name, organization or affiliation, phone number and Provider ID number, if appropriate.

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

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

**AVAILABILITY OF THE DRAFT  
PRIORITIZATION PROCESS DOCUMENT FOR  
PUBLIC REVIEW AND COMMENT**

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65, California Health and Safety Code 25249.5 et seq.) requires the Governor to publish a list of chemicals known to cause cancer and reproductive toxicity. One of the mechanisms by which a chemical is placed on this list is a finding by the "state's qualified experts" that a chemical "has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity." (Health and Safety Code section 25249.8(b)) As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) has formed the Science Advisory Board (SAB), which includes two committees of independent scientists and health professionals that serve as the state's qualified experts. These committees are the Carcinogen Identification Committee (CIC) and the Developmental and Reproductive Toxicant Identification Committee (DART IC).

This document describes a process used by OEHHA staff to identify chemicals for evaluation by the CIC and DART IC. The process is designed to ensure that the efforts of these committees are focused on chemicals that may pose significant hazards to Californians. As with the previous prioritization process, this process includes opportunities for public input at multiple points.

At its December 2002 meeting the CIC asked OEHHA to develop this process as an alternative to the prioritization process currently in use. The CIC specifically asked for an alternative process that could better take into account the level of exposure and population potentially affected by various chemicals being reviewed by OEHHA, as well as the degree and extent of potential harm posed by the chemicals. The

CIC also asked OEHHA to address the deficiencies in the current process and the costs of the alternative process.

The prioritization process also affects the work of the DART IC and, after consultation with the Director of OEHHA, the Chair of the DART IC asked that the DART IC be involved in developing an alternative prioritization process. The Prioritization Subcommittee, formed as a subcommittee of the DART IC and CIC, is advising OEHHA in this effort. When finalized, this prioritization process will replace the existing one described in OEHHA's 1997 document, "Procedure for Prioritizing Candidate Chemicals for Consideration under Proposition 65 by the 'State's Qualified Experts'."

OEHHA is seeking public comment on the proposed changes to its prioritization procedure. However, the discretion to modify or adopt this or any other internal management procedure remains with the Director. This procedure does not have the force or effect of law or regulation and is not subject to the requirements of the Administrative Procedure Act (see Health and Safety Code section 25249.8(e)). OEHHA is requesting comments regarding whether the proposed prioritization procedure can efficiently identify chemicals for CIC and DART IC review.

This notice announces the availability of the draft prioritization process document and initiates a 30-day public review and comment period. A public workshop will be held during the comment period on **Wednesday, June 16, 2004**, in Oakland, California. The workshop will commence at 10:00 a.m. in Conference Room 2, Elihu Harris State Building, 1515 Clay Street, Oakland California, and will last until all business has been conducted or until 5:00 p.m. After revisions, the revised procedure will undergo a second comment period (30-day) prior to review by the CIC and DART IC. The draft document is available from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the Internet at the following address: <http://www.oehha.ca.gov/prop65.html>. Written comments provided in **triplicate** should be submitted to:

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Street Address: 1001 I Street  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900

**Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments be transmitted via email addressed to: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). In**

**order to be considered, comments must be post-marked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Monday, June 28, 2004.**

## PROPOSITION 65

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

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

#### CHEMICALS UNDER CONSIDERATION FOR POSSIBLE LISTING VIA THE AUTHORITATIVE BODIES MECHANISMS: REQUEST FOR RELEVANT INFORMATION

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act) which is codified at Health and Safety Code section 25249.5 et seq., requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Act provides two primary mechanisms for administratively listing chemicals as known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8(b)).

One mechanism by which a chemical is listed is if a body considered to be authoritative by the state's qualified experts has formally identified it as causing cancer or reproductive toxicity. For reproductive toxicity, the U.S. Environmental Protection Agency (U.S. EPA), the International Agency for Research on Cancer (IARC) solely as to transplacental carcinogenicity, the National Toxicology Program (NTP) solely as to final reports of the NTP's Center for Evaluation of Risks to Human Reproduction, the U.S. Food and Drug Administration (FDA), and the National Institute for Occupational Safety and Health (NIOSH) have been identified as authoritative bodies for purposes of the Act. The criteria for listing chemicals through the "authoritative bodies" mechanism are set forth in Title 22, California Code of Regulations, Section 12306.<sup>1</sup>

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is investigating the possible listing of the chemicals identified below,

<sup>1</sup> All further citations are to the California Code of Regulations unless otherwise indicated.

based upon information in the references cited. Documentation summarizing the rationale for considering the evaluation of these chemicals for possible administrative listing is available from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the Internet at the following address:

<http://www.oehha.ca.gov/prop65.html>.

OEHHA is committed to public participation and external scientific peer review in its implementation of Proposition 65, and welcomes public input on this listing process. As part of its efforts to ensure that regulatory decisions are based upon a thorough consideration of all relevant information, OEHHA is soliciting information concerning whether the criteria set out in Section 12306 has been met for these chemicals.

A public forum to present oral comments and to discuss the scientific data and other information concerning whether these chemicals meet the criteria for listing set forth in Section 12306 will be scheduled only upon request. Such request must be submitted in writing no later than 30 days before the close of the comment period on Tuesday, July 27, 2004. The written request must be sent to OEHHA at the address listed below no later than **Monday, June 28, 2004**. A notice for the public forum, if one is requested, will be posted on the OEHHA web site at least ten days in advance of the forum date. The notice will provide the date, time, location and subject matter to be heard. Notices will also be sent to those individuals requesting such notification. Written comments provided in **triplicate**, along with supporting information, should be submitted to:

Ms. Cynthia Oshita  
 Office of Environmental Health Hazard Assessment  
 Street Address: 1001 I Street  
 Sacramento, California 95814  
 Mailing Address: P.O. Box 4010  
 Sacramento, California 95812-4010  
 Fax No.: (916) 323-8803  
 Telephone: (916) 445-6900

**Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov). In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on Tuesday, July 27, 2004.**

Following the review of all comments received, OEHHA will announce its intention to proceed with the listing of those candidate chemicals that meet the regulatory criteria for administrative listing in a *Notice of Intent to List Chemicals*.

A. Chemicals which may meet the criteria set forth in Section 12306 for listing as known to cause **reproductive toxicity** via the "authoritative bodies" mechanism:

| Chemical                     | CAS No.                               | Toxicological Endpoints  | Reference         |
|------------------------------|---------------------------------------|--|-------------------|
| 1-Bromopropane (1-BP)        | 106-94-5                              | developmental toxicity<br>male reproductive toxicity<br>female reproductive toxicity | NTP-CERHR (2003a) |
| Butyl benzyl phthalate (BBP) | 85-68-7                               | developmental toxicity   | NTP-CERHR (2003b) |
| Di-n-butyl phthalate (DBP)   | 84-74-2                               | developmental toxicity<br>female reproductive toxicity<br>male reproductive toxicity | NTP-CERHR (2003c) |
| Di-n-hexyl phthalate (DnHP)  | 84-75-3                               | female reproductive toxicity<br>male reproductive toxicity                           | NTP-CERHR (2003d) |
| Di-isodecyl phthalate (DIDP) | 68515-49-1 <sup>1</sup><br>26761-40-0 | developmental toxicity   | NTP-CERHR (2003e) |

<sup>1</sup> DIDP is a complex substance, assigned two different CAS Numbers. See NTP-CEHR (2003e) for details.

REFERENCES

National Toxicology Program—Center for the Evaluation of Risks to Human Reproduction (NTP-CERHR, 2003a). *NTP-CERHR Monograph on the Potential Human Reproductive and Developmental Effects of 1-Bromopropane*. NIH Publication No. 04-4479.

National Toxicology Program—Center for the Evaluation of Risks to Human Reproduction (NTP-CERHR, 2003b). *NTP-CERHR Monograph on the Potential Human Reproductive and Developmental Effects of Butyl Benzyl Phthalate (BBP)*. NIH Publication No. 03-4487.

National Toxicology Program—Center for the Evaluation of Risks to Human Reproduction (NTP-CERHR, 2003c). *NTP-CERHR Monograph on the Potential Human Reproductive and Developmental Effects of Di-n-Butyl Phthalate (DBP)*. NIH Publication No. 03-4486.

National Toxicology Program—Center for the Evaluation of Risks to Human Reproduction (NTP-CERHR, 2003d). *NTP-CERHR Monograph on the Potential Human Reproductive and Developmental Effects of Di-n-Hexyl Phthalate (DnHP)*. NIH Publication No. 03-4489.

National Toxicology Program—Center for the Evaluation of Risks to Human Reproduction (NTP-CERHR, 2003e). *NTP-CERHR Monograph on the*

*Potential Human Reproductive and Developmental Effects of Di-Isodecyl Phthalate (DIDP).* NIH Publication No. 03-4485.

Filed 05/13/04  
 Effective 05/17/04  
 Agency Contact: Lori Manieri (916) 445-5277

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

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

**BOARD OF EDUCATION**

California High School Exit Examination

The regulatory action deals with the California High School Exit Examination.

Title 5  
 California Code of Regulations  
 ADOPT: 1204.5, 1211.5, 1218.6 AMEND: 1200, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1215, 1217 REPEAL: 1212, 1218.5, 1219.5  
 Filed 05/19/04  
 Effective 05/19/04  
 Agency Contact: Debra Strain (916) 319-0641

**BOARD OF EQUALIZATION**

Process for Reviewing Transactions & Use Tax Inquiries

This action adopts a regulation that defines terms and establishes a five tier administrative appeal process for any city, county or special district to use in order to request Board review of a suspected improper distribution of district transactions (sales) and use tax.

Title 18  
 California Code of Regulations  
 ADOPT: 1828  
 Filed 05/18/04  
 Effective 06/17/04  
 Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF PRISON TERMS**

Attempted Murder

The emergency regulatory action deals with the setting of a base term for each life prisoner who is found suitable for parole.(Board of Prison Terms File RN 04-03.)

Title 15  
 California Code of Regulations  
 AMEND: 2000, 2400, 2403

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**  
 Landfill Closure Loan Program

This action adopts the Landfill Closure Loan Program (LCLP) pursuant to the mandate of A.B. 467 (Stats. 2002, Chap. 587).

Title 27  
 California Code of Regulations  
 ADOPT: 23001, 23002, 23003, 23004, 23005, 23006, 23007, 23008, 23009, 23010, 23011, 23012, 23013, 23014  
 Filed 05/18/04  
 Effective 06/17/04  
 Agency Contact:  
 Michael Bledsoe (916) 341-6058

**CEMETERY AND FUNERAL BUREAU**

Disclosure of Preneed Funeral Arrangements

In this regulatory action, the Cemetery and Funeral Bureau of the Department of Consumer Affairs implements provisions of Business and Professions Code sections 7685, 7685.6, and 7745 pertaining to funeral establishments disclosing a "preneed agreement" (sometimes referred to as a "preneed arrangement" or a "preneed") to a deceased's survivor or responsible party.

Title 16  
 California Code of Regulations  
 ADOPT: 1258.4, 1277, 1277.5  
 Filed 05/13/04  
 Effective 06/12/04  
 Agency Contact: Linda Kassis (916) 322-0852

**DEPARTMENT OF CORPORATIONS**

Time Period for Filing 25102(f) Notice

In this emergency regulatory action, the Department of Corporations amends its regulation pertaining to the "Limited Offering Exemption Notice of Transaction" under Corporations Code section 25102(f).

Title 10  
 California Code of Regulations  
 AMEND: 260.102.14  
 Filed 05/17/04  
 Effective 05/17/04  
 Agency Contact: Karen Fong (916) 322-3553

**DEPARTMENT OF CORRECTIONS**

Early Intervention Program

In this regulatory action, the Department of Corrections amends its regulation pertaining to the "Employee Early Intervention Program" (a voluntary employee program available to Department employees who have sustained industrial injuries/illnesses).

Title 15  
California Code of Regulations  
AMEND: 3426  
Filed 05/18/04  
Effective 05/18/04  
Agency Contact:  
Ann Cunningham (916) 322-9702

**DEPARTMENT OF FOOD AND AGRICULTURE**  
Oak Mortality Disease Control

This action amends existing oak mortality disease control provisions by adding Lake County to the oak mortality disease regulated area.

Title 3  
California Code of Regulations  
AMEND: 3700(b)  
Filed 05/13/04  
Effective 05/13/04  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF MOTOR VEHICLES**  
Lapses of Consciousness

The Department of Motor Vehicles is amending the captioned sections, (13 California Code of Regulations, sections 110.01 and 110.02) in order to provide for the change in the cross-reference in both sections from section 2572, title 17, California Code of Regulations. In File No. 00-0405-02S the aforementioned section 2572 was repealed and was replaced with sections 2800 through 2812. However, sections 2800 through 2808 pertain to definitions while sections 2810 and 2812 pertain to reporting requirements which are wholly the responsibility of the Department of Health Services. Therefore, the sections applicable to the instant filing are sections 2800 through 2808, title 17, California Code of Regulations which appropriately replace repealed section 2572, title 17, California Code of Regulations.

Title 13  
California Code of Regulations  
AMEND: 110.01, 110.02  
Filed 05/13/04  
Effective 05/13/04  
Agency Contact: John Urakawa (916) 657-9927

**DEPARTMENT OF PESTICIDE REGULATION**  
Methyl Bromied Field Fumigation

This emergency action repeals and readopts the current emergency regulations on methyl bromide field fumigation in order to preserve the status quo and allow DPR more time before adopting final regulations.

Title 3  
California Code of Regulations  
ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784  
AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 9784

Filed 05/17/04  
Effective 05/18/04  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

**DEPARTMENT OF SOCIAL SERVICES**  
Child Care Intercounty Transfers

This regulatory action provides for intercounty transfers of CalWORKs Child Care clients.

Title MPP  
California Code of Regulations  
ADOPT: 47-310 AMEND: 47-110  
Filed 05/13/04  
Effective 06/12/04  
Agency Contact:  
Maureen Miyamura (916) 653-1925

**FAIR POLITICAL PRACTICES COMMISSION**  
Post-election Fundraising

This action is the Certificate of Compliance filing making permanent the prior emergency adoption of provisions governing post-election fundraising for contributions accepted before January 24, 2004 and for contributions accepted on or after that date. The prior emergency file was OAL file number 04-0114-05FPPE.

Title 2  
California Code of Regulations  
ADOPT: 18531.61 AMEND: 18531.6  
Filed 05/13/04  
Effective 05/13/04  
Agency Contact: Scott Tocher (916) 322-5660

**FAIR POLITICAL PRACTICES COMMISSION**  
Reports by Lobbyist Employers and Persons Spending 5,000 or More

This action concerns reports by lobbyist employers and persons spending \$5,000 or more to influence legislative or administrative action.

Title 2  
California Code of Regulations  
AMEND: 18616  
Filed 05/17/04  
Effective 05/17/04  
Agency Contact: Galena West (916) 322-5660

**FISH AND GAME COMMISSION**  
Ocean Salmon Sport Fishing

This action establishes the recreational ocean salmon fishing regulations for state waters for the 2004 season, by amending last years' regulation to conform with federal law.

Title 14  
California Code of Regulations  
AMEND: 27.80

Filed 05/13/04  
 Effective 05/15/04  
 Agency Contact: Tracy L. Reed (916) 653-4899

**NATIVE AMERICAN HERITAGE COMMISSION  
 Conflict of Interest Code**

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

Title 2  
 California Code of Regulations  
 AMEND: 48000  
 Filed 05/17/04  
 Effective 06/16/04  
 Agency Contact: Robert M. Wood 653-4040

**STATE PERSONNEL BOARD  
 Merit Selection Manual**

This regulatory action incorporates by reference the Board's "Merit Selection Manual: Policy and Practices," revised October 2003, which adds Section 3300—Recruitment for Civil Service Examinations, dealing with outreach and recruitment for civil service examination processes. This regulatory action is exempt from the Administrative Procedure Act and OAL's review pursuant to Government Code sections 18211 and 18213, and is being submitted only for filing with the Secretary of State and printing in the California Code of Regulations.

Title 2  
 California Code of Regulations  
 AMEND: 50  
 Filed 05/17/04  
 Effective 05/17/04  
 Agency Contact:  
 Elizabeth Montoya (916) 654-0842

**STATE PERSONNEL BOARD  
 Requirement That Selection be Based on Merit and Fitness**

This regulatory action adopts section 250 dealing with the requirement that selection be based on merit and fitness. This regulatory action is exempt from the Administrative Procedure Act and OAL's review pursuant to Government Code sections 18211 and 18213, and is being submitted only for filing with the Secretary of State and printing in the California Code of Regulations.

Title 2  
 California Code of Regulations  
 ADOPT: 250  
 Filed 05/17/04  
 Effective 05/17/04  
 Agency Contact:  
 Elizabeth Montoya (916) 654-0842

**STATE PERSONNEL BOARD  
 Merit Selection Manual**

This regulatory action incorporates by reference the Board's "Merit Selection Manual: Policy and Practices," revised September 2003, which adds Section 1300—Selection Program Standards, Section 2100—Validation Strategies, and Section 2200—Job Analysis, all dealing with ensuring and documenting the job-relatedness of the examination processes. This regulatory action is exempt from the Administrative Procedure Act and OAL's review pursuant to Government Code sections 18211 and 18213, and is being submitted only for filing with the Secretary of State and printing in the California Code of Regulations.

Title 2  
 California Code of Regulations  
 AMEND: 50  
 Filed 05/17/04  
 Effective 05/17/04  
 Agency Contact:  
 Elizabeth Montoya (916) 654-0842

**STATE WATER RESOURCES CONTROL BOARD  
 Underground Storage Tanks (Laws Governing Red Tags)**

This rulemaking action implements AB 2481 (Statutes 2002, chapter 999), which allows local agencies to prohibit fuel delivery to an underground petroleum storage tank system found to have one or more significant violations by affixing a red tag to the system's fill pipe. The regulations define "significant violation"; describe how a local agency may obtain red tags and how a tag must be affixed; require notification of operators and owners; require, to the extent feasible, expedited review and issuance by the local agency of any permits needed to correct significant violations; establish procedures for removal of a red tag; require notice of correction of significant violations; specify significant violations exempt from red tags; and require local agencies to report information on red tag usage to the State Water Resources Control Board.

Title 23  
 California Code of Regulations  
 ADOPT: 2717, 2717.1, 2727.2, 2717.3, 2717.4, 2717.5, 2717.6, 2717.7 AMEND: 2713  
 Filed 05/13/04  
 Effective 06/12/04  
 Agency Contact:  
 David M. Boyers (916) 341-5182

**STRUCTURAL PEST CONTROL BOARD  
 Branch Office Registration**

This is a change without regulatory effect, changing the phrase "A registered company who opens a branch

office shall . . . ” to “A registered company that opens a branch office shall . . . ”

Title 16  
 California Code of Regulations  
 AMEND: 1912  
 Filed 05/17/04  
 Effective 05/17/04  
 Agency Contact:  
 Delores Coleman (916) 263-2540

**CCR CHANGES FILED WITH THE  
 SECRETARY OF STATE  
 WITHIN JANUARY 14, 2004  
 TO MAY 19, 2004**

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

**Title 1**

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

**Title 2**

05/17/04 AMEND: 50  
 05/17/04 AMEND: 48000  
 05/17/04 ADOPT: 250  
 05/17/04 AMEND: 18616  
 05/17/04 AMEND: 50  
 05/13/04 ADOPT: 18531.61 AMEND: 18531.6  
 05/11/04 ADOPT: 22100 (renumbered to 22100 and 22100.1), 22110 (renumbered to 22100.2), 22120 (renumbered to 22100.3), and 22130 (renumbered to 22100.4)  
 04/26/04 ADOPT: 585  
 04/22/04 AMEND: 1142  
 04/15/04 AMEND: 599.508  
 04/13/04 ADOPT: 599.511 AMEND: 599.500  
 03/23/04 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145  
 03/23/04 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28  
 03/23/04 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168,

1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1  
 03/22/04 AMEND: 1859.77.2  
 03/22/04 ADOPT: 599.517  
 03/11/04 AMEND: Div. 8, Ch. 53, Section 54200  
 03/11/04 AMEND: 18703.1, 18703.2, 18703.3, 18703.4, 18703.5  
 03/09/04 ADOPT: 22500, 22501, 22502, 22503, 22504, 22505, 22506, 22507, 22508, 22509, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519  
 03/02/04 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2  
 03/01/04 AMEND: 1555  
 02/26/04  
 02/23/04 AMEND: 1181.1  
 02/23/04 AMEND: 59150  
 02/20/04 AMEND: Div. 8, Ch. 4, Sec. 25001  
 02/20/04 ADOPT: 58600  
 02/09/04 ADOPT: 599.893, 599.898, 599.906, 599.907, 599.909 AMEND: 599.894, 599.895, 599.896, 599.898 (renumbered to 599.897), 599.903, 599.904, 599.905, 599.906 (renumbered to 599.908), 599.910  
 02/05/04 AMEND: 20107  
 01/23/04 ADOPT: 18531.6 AMEND: 18531.61  
 01/22/04 AMEND: 18707.5  
 01/15/04 ADOPT: 599.516  
 01/15/04 AMEND: 2270, 2271  
 01/14/04 AMEND: 18427.1

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05/17/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 9784  
 05/13/04 AMEND: 3700(b)  
 05/03/04 AMEND: 3700(c)  
 04/27/04 ADOPT: 6487.1, 6487.2, 6487.3, 6487.4, 6487.5, 6609 AMEND: 6000, 6416, 6800, 6486.6 REPEAL: 6486.1, 6486.2, 6486.3, 6486.4, 6486.5, 6486.8, 6557, 6570, 6802  
 04/26/04 AMEND: 6130  
 04/26/04 AMEND: 3601(g)  
 04/23/04 ADOPT: 797.5 AMEND: 820.8 REPEAL: 820.7  
 04/20/04 AMEND: 2676, 2681, 2735, 2783  
 04/20/04 AMEND: 3700(c)  
 04/01/04 AMEND: 3700(d)  
 03/23/04 AMEND: 6462  
 03/23/04 AMEND: 3423(b)  
 02/17/04 AMEND: 3430(b)  
 02/05/04 AMEND: 3417(b)  
 01/27/04 ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857

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01/14/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,  
6784 AMEND: 6000 REPEAL: 6450,  
6450.1, 6450.2, 6450.3, 6784

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

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05/19/04 ADOPT: 1204.5, 1211.5, 1218.6  
AMEND: 1200, 1203, 1204, 1205, 1206,  
1207, 1208, 1209, 1210, 1211, 1215,  
1217 REPEAL: 1212, 1218.5, 1219.5  
05/10/04 ADOPT: 19800, 19801, 19803, 19804,  
19805  
04/22/04 ADOPT: 876  
03/15/04 ADOPT: 19810, 19811, 19812, 12913,  
19814, 19815, 19816, 19817, 19818,  
19819, 19820, 19821, 19822, 19823,  
19824, 19825, 19826, 19827, 19828,  
19829, 19830, 19831  
03/11/04 ADOPT: 19802  
03/08/04 AMEND: 30060  
02/27/04 ADOPT: 6100, 6101, 6102, 6103, 6014,  
6110, 6111, 6112, 6115  
02/10/04 AMEND: 11960  
02/03/04 ADOPT: 853.5 AMEND: 850, 852, 853,  
589  
02/02/04 AMEND: 41301

02/02/04 REPEAL: 41801  
02/02/04 ADOPT: 42353.1 AMEND: 42354  
01/16/04 ADOPT: 58509 REPEAL: 58509

**Title 8**

04/29/04 AMEND: 3427  
04/23/04 AMEND: 14300.10, 14300.12, 14300.29,  
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Appendix E  
04/22/04 ADOPT: 10202.1, 10203.1, 10203.2  
AMEND: 10200, 10201, 10203, 10204  
04/20/04 AMEND: 8403  
04/19/04 AMEND: 20299, 20390  
04/13/04 AMEND: 5044, 5046, 5049. and Table  
S-1, Table S-1a, Table S-11, Table S-12,  
Table S-13, and Table S-14.  
04/01/04 AMEND: 3427  
03/22/04 AMEND: 1529(g)  
03/18/04 ADOPT: 5148  
02/03/04 AMEND: 1712  
02/02/04 ADOPT: 32017, 32018, 51096, 71010,  
71026, 71027, 71030, 71035, 71040,  
71050, 71055, 71060, 71070, 71080,  
71090, 71095, 71100, 71110, 71115,  
71120, 71130, 71140, 71200, 71210,  
71225, 71230, 71235, 71300, 71310,  
71320, 71330, 71340, 71680, 71685,  
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05/04/04 REPEAL: 7336, 7337, 7338, 7339, 7341,  
7342, 7343, 7344, 7345, 7346, 7347,  
7347.1, 7347.2, 7348, 7349  
04/29/04 AMEND: 1921, 1922  
03/04/04 ADOPT: 7000.2, 7001.2, 7001.5, 7002.5,  
7006, 7006.3, 7009.1, 7013.2, 7013.6,  
7014, 7014.1, 7017.2, 7017.5, 7017.7,  
7018.4, 7019.5, 7021.5, 7024.7, 7028.1,  
7028.6, 7028.8, 7029.1, 7029.6, 7029.7,  
7029.9, 7035, 7037, 7038, 7098, 7128,  
7129, 7130, 7130.5, 7

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05/17/04 AMEND: 260.102.14  
05/04/04 AMEND: 2698.30, 2698.31, 2698.32,  
2698.33, 2698.34, 2698.35, 2698.36,  
2698.37, 2698.38, 2698.39, 2698.40,  
2698.41, 2698.42 REPEAL: 2698.40,  
2698.41, 2698.42, 2698.43, 2698.44,  
2698.45  
04/29/04 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,  
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,  
2192.10, 2192.11, 2192.12  
04/26/04 AMEND: 250.30  
04/20/04 ADOPT: 2020, 2021 AMEND: 250.51  
04/19/04 AMEND: 2498.6  
04/13/04 AMEND: 260.102.14

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03/25/04 ADOPT: 2695.40, 2695.41, 2695.42,  
2695.43, 2695.44, 2695.45  
03/15/04 ADOPT: 2361  
03/08/04 ADOPT: 2194, 2194.1, 2194.2, 2194.3,  
2194.4, 2194.5, 2194.6, 2194.7, 2194.8  
03/01/04 ADOPT: 2698.102, 2698.600, 2698.602,  
2698.604 AMEND: 2698.100, 2698.200,  
2698.201, 2698.202, 2698.203, 2698.204,  
2698.205, 2698.206, 2698.207, 2698.208,  
2698.300, 2698.301, 2698.302, 2698.303,  
2698.401, 2698.403, 2698.405, 2698.407,  
2698.500, 2698.501,  
01/16/04 AMEND: 260.102.14

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05/05/04 AMEND: 51.20  
04/30/04 ADOPT: 51.21  
04/30/04 ADOPT: 51.20  
04/26/04 ADOPT: 999.15, 999.16, 999.17, 999.18,  
999.19, 999.20, 999.21, 999.22, 999.23  
AMEND: 999.10, 999.11, 999.12,  
999.13, 999.14 REPEAL: Appendix A

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05/13/04 AMEND: 110.01, 110.02  
04/28/04 AMEND: 2415  
04/09/04 REPEAL: 55.01, 55.02, 55.03, 55.04,  
55.05, 55.06  
03/01/04 ADOPT: 159.00  
02/25/04 AMEND: 1900, 1960.1(k), 1961(a)(d),  
1962  
01/26/04 AMEND: 553.70

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05/13/04 AMEND: 27.80  
05/11/04 ADOPT: 3808.5  
05/10/04 AMEND: 851.6  
05/10/04 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4,  
1665.5  
05/10/04 ADOPT: 18660.5, 18660.6, 18660.7,  
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18660.12, 18660.13, 18660.14, 18660.15,  
18660.16, 18660.17, 18660.18, 18660.19,  
18660.20, 18660.21, 18660.22, 18660.23,  
18660.24, 18660.25, 18660.30, 18660.31,  
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05/03/04 ADOPT: 8100, 8100.01, 8100.02,  
8100.03, 8100.04, 8100.05, 8100.06,  
8100.07, 8100.08, 8100.09, 8100.10,  
8100.11, 8100.12, 8100.13  
04/30/04 AMEND: 27.60, 27.67, 27.82, 28.28,  
28.29, 28.55  
04/29/04 AMEND: 27.60, 28.55  
03/30/04 AMEND: 27.60, 27.65, 27.82, 28.27  
03/29/04 AMEND: 150, 150.02, 150.03, 150.05  
03/29/04 AMEND: 2000, 2200, 2305, 2310, 2320,  
2401, 2500, 2501, 2518  
03/08/04 AMEND: 3698, 3699

03/02/04 AMEND: 18464, 18465  
02/24/04 AMEND: 1.17, 1.59, 2.10, 5.00, 5.50,  
5.75, 7.00, 7.50, 8.00, 27.60, 29.15, 43,  
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02/09/04 AMEND: 630  
02/02/04 AMEND: 112  
01/23/04 AMEND: 27.60, 27.82, 27.83, 28.26,  
28.27, 28.28, 28.29, 28.54, 28.55, 28.58  
01/15/04 AMEND: 150.06(c)

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05/18/04 AMEND: 3426  
05/13/04 AMEND: 2000, 2400, 2403  
05/03/04 AMEND: 3043.5, 3043.6, 3044  
05/03/04 AMEND: 3040, 3041, 3041.1, 3041.2,  
3043.5  
04/15/04 ADOPT: 2251.5 AMEND: 2041, 2057,  
2072, 2073, 2074 REPEAL: 2050, 2051,  
2052, 2054, 2055, 2056, 2701  
03/03/04 AMEND: 2005  
01/27/04 AMEND: 3426

**Title 16**

05/17/04 AMEND: 1912  
05/13/04 ADOPT: 1258.4, 1277, 1277.5  
05/04/04 AMEND: 1079.3  
04/29/04 AMEND: 2030.2  
04/22/04 ADOPT: 1399.330, 1399.349, 1399.352.5  
AMEND: 1399.301, 1399.321, 1399.350,  
1399.351, 1399.352, 1399.353, 1399.356,  
1399.395 REPEAL: 1399.330, 1399.331,  
1399.333  
04/15/04 ADOPT: 1399.700, 1399.701, 1399.702,  
1399.703, 1399.704, 1399.705, 1399.706,  
1399.707 AMEND: 1399.650, 1399.700,  
1399.705  
04/12/04 AMEND: 2756  
03/09/04 ADOPT: 4150, 4151, 4152, 4153, 4154,  
4155  
03/03/04 ADOPT: 1829 AMEND: 1816.2, 1816.3,  
1877 REPEAL: 1815  
01/23/04 ADOPT: 6.1, 7.1, 7.2, 8.1, 8.2, 51.1, 56.4,  
59, 60, 61, 68.2, 68.3, 68.4, 68.5  
AMEND: 5.1, 7, 8, 52, 70, 71, 88, 88.2,  
98 REPEAL: 52.1

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04/29/04 AMEND: 54342, 57332  
04/12/04 AMEND: 54001, 54010  
02/05/04 ADOPT: 90800.75, 90800.9, 90804  
AMEND: 90800.8, 90801, 90802, 90803  
02/03/04 AMEND: 50604, 50608, 54326, 54370,  
56003, 56082, 57540, 58510, 58671  
01/23/04 AMEND: 54001, 54010

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05/18/04 ADOPT: 1828  
05/06/04 AMEND: 6001

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

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01/14/04 ADOPT: 14.7

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05/04/04 ADOPT: 110226, 110242, 110251,  
 110336, 110337, 110355, 110485,  
 110547, 110615, 116004, 116018,  
 116036, 116038, 116042, 116061,  
 116062, 116063, 116100, 116102,  
 116104, 116106, 116108, 116110,  
 116114, 116116, 116118, 116120,  
 116122, 116124, 116130, 116132,

05/03/04 AMEND: 123000

04/26/04 AMEND: 90417

04/26/04 ADOPT: 51008.1 AMEND: 51104,  
 51520, 51521

04/22/04 AMEND: 51516.1

04/12/04 AMEND: 12000

04/12/04 AMEND: 12705

04/02/04 ADOPT: 119003, 119015, 119019,  
 119045, 119069, 119076, 119191

03/26/04 AMEND: 66250.1, 66250.2, 66260.1,  
 66260.2, 66260.3, 66260.4, 66260.5,  
 66260.1, 66260.2, 66260.3, 66260.4,  
 66260.5

03/23/04 AMEND: 5200

03/22/04 AMEND: 66260.10

03/08/04 AMEND: 97232

02/26/04 AMEND: 66260.10, 66268.7, 66268.8,  
 66268.42

02/24/04 ADOPT: 51008.1 AMEND: 51104,  
 51520, 51521

02/03/04 ADOPT: 51200.01 AMEND: 51000.4,  
 51000.30, 51000.45, 51000.50, 51000.55,  
 51200, 51454

01/14/04 ADOPT: 51315 REPEAL: 51515

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04/26/04 ADOPT: 86000, 86001, 86005, 86009,  
 86010, 86018, 86020, 86022, 86023,  
 86024, 86028, 86030.5, 86031.5, 86036,  
 86044, 86044.5, 86045, 86061, 86064,  
 86065, 86065.2, 86065.3, 86065.4,  
 86065.5, 86066, 86068.1, 86068.2,  
 86068.3, 86068.4, 86070, 86072, 86073,  
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03/11/04 ADOPT: 102416.1 AMEND: 80001,  
 80019, 80019.1, 80019.2, 80054, 80061,  
 80065, 80066, 87101, 87219, 87219.1,  
 87454, 87565, 87566, 87801, 87819,  
 81819.1, 87854, 87861, 87865, 87866,

101152, 101170, 101170.1, 101170.2,  
 101195, 101212, 101216, 101217,  
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05/13/04 ADOPT: 2717, 2717.1, 2727.2, 2717.3,  
 2717.4, 2717.5, 2717.6, 2717.7 AMEND:  
 2713

05/06/04 ADOPT: 3939.8

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

04/02/04 REPEAL: 595

03/24/04 ADOPT: 3956

02/27/04 ADOPT: 3939.7

02/27/04 ADOPT: 3939.6

01/30/04 ADOPT: 3939.4

01/30/04 ADOPT: 3939.5

01/26/04 ADOPT: 3717

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03/30/04 AMEND: 19200, 19205

03/22/04 AMEND: 7552

**Title 27**

05/18/04 ADOPT: 23001, 23002, 23003, 23004,  
 23005, 23006, 23007, 23008, 23009,  
 23010, 23011, 23012, 23013, 23014

04/01/04 ADOPT: 10050, 10051, 10052, 10053,  
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05/05/04 AMEND: 1005

02/24/04 AMEND: 1000

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05/13/04 ADOPT: 47-310 AMEND: 47-110

04/29/04 ADOPT: 30-501, 30-502, 30-503, 30-  
 504, 30-505, 30-506, 30-507, 30-900,  
 30-901, 30-902, 30-903, 30-904, 30-905,  
 30-906, 30-907, 30-908, 30-909, 30-910,  
 30-911, 30-912, 30-913, 30-914, 30-915,  
 30-916, 30-917, 30-918, 30-919, 30-920,  
 31-236 AMEND: 11-400t,

04/22/04 AMEND: 63-102, 63-504

04/19/04 AMEND: 63-300, 63-504

04/15/04 AMEND: 42-710.66, 42-711.512, .61

02/26/04 ADOPT: 63-502.371 AMEND: 63-  
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 502.374, 63-502.375, 63-502.376  
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02/25/04 AMEND: 63-503, 63-504, 63-505

02/02/04 ADOPT: 47-120, 47-430 AMEND: 40-  
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01/16/04 AMEND: 63-300, 63407, 63-408, 63-  
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