



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**

**TITLE 2. FAIR POLITICAL PRACTICES
COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Western Municipal Water District

A written comment period has been established commencing on June 1, 2012, and closing on July 16, 2012. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than July 16, 2012. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

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

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

AUTHORITY AND REFERENCE

**NOTICE OF PROPOSAL TO AMEND
RULE 1867. PROHIBITED
VETERINARY PRACTICES**

The California Horse Racing Board (Board/CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

Authority cited: Sections 19440, 19562, 19580, and 19582, Business and Professions Code. Reference: 19580, 19581, and 19582, Business and Professions Code.

Business and Professions Code sections 19440, 19562, 19580 and 19581 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19580, 19581, and 19582, Business and Professions Code.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1867, Prohibited Veterinary Practices, to add ractopamine and zilpaterol, or their metabolites or analogues, to the list of drug substances whose possession and/or use of on the premises of a facility under the jurisdiction of the Board is considered a prohibited veterinary practice.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Business and Professions Code section 19440 provides that the Board shall adopt regulations for the control of horse racing. Business and Professions Code section 19562 states the Board may prescribe rules and regulations under which all horse races with wagering on their results shall be conducted in California. Section 19580 of the Business and Professions Code requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 states that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof as specified. Section 19582 of the Business and Professions Code provides that violations of Section 19581, as determined by the Board, are punishable as set forth in regulations adopted by the board.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, July 19, 2012**, or as soon after that as business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Blvd., Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

Board Rule 1867, Prohibited Veterinary Practices, states that an act or practice which may endanger the safety and welfare of the horse and rider/driver is a prohibited veterinary practice. The rule also identifies those acts, practices, drugs or substances that fall into the “prohibited practices” category. The Board proposes to amend Rule 1867 to add ractopamine and zilpaterol to the prohibited veterinary practices category. Ractopamine is a beta agonist similar to clenbuterol and albuterol, and is used as a feed additive to increase weight-gain in livestock. Ractopamine helps keep nutrients from going into fat stores so as to enhance muscle mass. It is not approved for use in horses. Zilpaterol is an adrenergic agonist drug used as a feed additive for cattle at slaughter age to produce rapid weight and muscle gain. Zilpaterol has anabolic properties, similar to the steroids some athletes take to build muscle and provide a performance edge. The Racing Commissioners International (RCI) lists ractopamine and zilpaterol as a Category III drug, or a drug that may or may not

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on July 16, 2012**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6025
Fax: (916) 263-6022
E-mail: esward@chrb.ca.gov

have a therapeutic use in horses and may have the potential to affect performance.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment of Rule 1867 promotes fairness. The regulation prohibits trainers and owners from using ractopamine and zilpaterol which could give them an unfair advantage in a race. Prohibiting the drugs not only allows horses an equal chance of winning a race, but also promotes the protection of horse health and safety. Ractopamine and zilpaterol are approved for cattle and swine, not horses. If the horses' health and safety are protected, the jockeys who ride the horses will in turn have their health and safety protected. In addition, if the horses entered to race are not having drug positives, the public will have more confidence in California horse racing and see it as an honest product, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Consistency with Existing State Regulations: The Board does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment of Rule 1867 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.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact 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 effect on housing costs: none.

The adoption of the proposed amendment of Rule 1867 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment of Rule 1867 will benefit California by promoting fairness. The regulation prohibits trainers and owners from using ractopamine and zilpaterol which could give them an unfair advantage in a race. Prohibiting the drugs not only allows horses an equal chance of winning a race, but also promotes the protection of horse health and safety. Ractopamine and zilpaterol are approved for cattle and swine, not horses. If the horses' health and safety are protected, the jockeys who ride the horses will in turn have their health and safety protected. In addition, if the horses entered to race are not having drug positives, the public will have more confidence in California horse racing and see it as an honest product, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Effect on small businesses: none. The proposal to amend Rule 1867 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), 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 on affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: esward@chr.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Regulation Analyst
Telephone: (916) 263-6397

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices 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. Copies may be obtained by contacting Erica Ward, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Erica Ward at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Erica Ward at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial

statement of reasons. The Board's web site address is: www.chrb.ca.gov.

**TITLE 5. SUPERINTENDENT OF
PUBLIC INSTRUCTION**

**AMENDMENT TO CALIFORNIA CODE OF
REGULATIONS, TITLE 5, REGARDING
FEDERAL BASED MIGRANT PROGRAM**

NOTICE IS HEREBY GIVEN that the State Superintendent of Public Instruction (SSPI) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SSPI, will hold a public hearing at 9:00 a.m. on July 16, 2012, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SSPI requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

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

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

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on July 16, 2012. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SSPI may

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

AUTHORITY AND REFERENCE

Authority: Sections 8235, 8250, 8261, 8263 and 8447, Education Code.

References: Sections 8231, 8233, 8250, 8261, 8263, Education Code; 34 C.F.R. Parts 201, 201.3, 201.30, 201.31 and 201.32; and 20 U.S.C. Parts 2761, 2762 and 2763.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Education Code section 8261 provides that the SSPI shall adopt rules and regulations pursuant to the Child Care and Development Services Act.

These proposed deletions clean up sections in order to eliminate reference to the Federal Based Migrant Program because federal requirements no longer apply to migrant center based programs. There are no federal dollars used to fund migrant center based programs. These proposed changes provide clarification of the regulations to ensure consistency and compliance amongst contractors.

The benefit of amending these regulations is to ensure that the regulations are clear and consistent with statutory requirements by deleting sections that are no longer applicable to agencies providing child care and development services on behalf of the California Department of Education.

The proposed regulatory amendments are consistent and compatible with State laws and regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

The SSPI has made the following initial determinations:

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

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

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

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

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

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

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

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

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because they align fee exemptions for child development and care programs with existing statute.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

The benefit of amending these regulations is to ensure that the regulations are clear and consistent with statutory requirements by deleting sections that are no longer applicable to agencies providing child care and development services on behalf of the California Department of Education.

CONSIDERATION OF ALTERNATIVES

The SSPI 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, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

CONTACT PERSONS

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

Guadalupe Romo-Zendejas, Consultant
Child Development Division
California Department of Education
1430 N Street, Room 3410
Sacramento, CA 95814
Telephone: 916-323-1317
E-mail: GRomozen@cde.ca.gov

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

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF PROPOSED REGULATION AND
CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/ir/rr/>.

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

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

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

REASONABLE ACCOMMODATION FOR ANY
INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request as-

sistance by contacting Guadalupe Romo-Zendejas, Child Development Division, 1430 N Street, 3rd Floor, Sacramento, CA, 95814; telephone, 916-323-1317; fax, 916-323-6853. It is recommended that assistance be requested at least two weeks prior to the hearing.

**TITLE 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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

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

PUBLIC MEETING: On **July 19, 2012**,
at 10:00 a.m.
in Room 310 of the County
Administration Center
1600 Pacific Highway,
San Diego, California.

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

PUBLIC HEARING: On **July 19, 2012**, following
the Public Meeting,
in Room 310 of the County
Administration Center
1600 Pacific Highway,
San Diego, California.

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

BUSINESS MEETING: On **July 19, 2012**, following
the Public Hearing,
in Room 310 of the County
Administration Center
1600 Pacific Highway,
San Diego, California.

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

DISABILITY ACCOMMODATION NOTICE:
Disability accommodation is available upon request. Any person with a disability requiring an accommoda-

tion, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

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

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders as indicated below, at its Public Hearing on July 19, 2012.

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4,
Subchapter 4
Article 10, Section 1593
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4,
Subchapter 7
Article 25, Section 3650
**Use of Forklift Trucks and
Excavators for Hoisting Loads**

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4,
Subchapter 7
Article 59, Section 4297
**Definitions for Woodworking
Machines and Equipment**

Descriptions of the proposed changes are as follows:

1. TITLE 8: **CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4,
Subchapter 4
Article 10, Section 1593
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4,
Subchapter 7
Article 25, Section 3650
**Use of Forklift Trucks and
Excavators for Hoisting Loads**

INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

This rulemaking is an Occupational Safety and Health Standards Board (Board) staff initiated proposal with regard to the use of forklift trucks and excavators for lifting loads. Construction Safety Orders (CSO), Section 1593 and General Industry Safety Orders (GISO), Section 3650 are silent as to the use of industrial trucks and haulage vehicles, respectively, for lifting suspended loads. The proposal will amend Sections 1593 and 3650 to require that slings used for lifting meet the sling standards contained in Article 101 of the GISO. Article 101 applies to slings used in conjunction with material handling equipment for the movement of material by hoisting and addresses alloy steel, wire rope, metal mesh, natural or synthetic fiber rope and synthetic web slings. Article 101 also addresses safe operating practices and inspection maintenance of slings. The misuse of slings on these vehicles could result in toppling of the vehicle and its load and cause serious injury or fatality to the operator and others in the vicinity. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at Subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that

California have a system of occupational safety and health regulations that at least mirrors the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.

- Differs from existing federal regulations, in that federal regulations do not include provisions that are equivalent to this proposal. However, this proposal adds clarity to existing State standards and does not contradict any federal standard.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.
- Is the least burdensome effective alternative because the proposal is a clarification of existing Title 8 standards governing the use of slings to ensure that the employer knows that existing GISO Article 101 sling standards are meant to be applied to forklifts, excavators, loaders and similar equipment. The GISO and CSO are silent as to the use of industrial trucks and haulage vehicles, respectively, for lifting suspended loads. No alternative proposal for going forward has been suggested.

Section 1593. Haulage Vehicle Operation.

Existing Section 1593 of the CSO prescribes safe operating procedures for haulage vehicles. A new subsection (n) is proposed to specify that the use, care and maintenance of slings used in lifting suspended loads with excavators, loaders and similar equipment shall comply with Article 101 of the GISO. This proposed amendment will promote the safe use of slings in conjunction with this sort of equipment.

Section 3650. Industrial Trucks. General.

Existing Section 3650 contains design and construction requirements referencing national consensus standards that apply to various types of powered industrial trucks (forklifts). This section also contains operating rules for safe use including modifications and structural changes that affect the capacity and safe handling of these vehicles.

An amendment is proposed to add a new subsection (u) for the use, care and maintenance of slings, requiring compliance with Article 101 of the GISO. This proposal will clarify that whenever any sling is used in conjunction with material handling equipment, safe operat-

ing practices shall be enforced. The amendment will promote the safe use of slings in conjunction with forklifts.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

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

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal provides direction to use existing standards already in Title 8 for the use, care and maintenance of slings when operating forklift trucks, excavators and similar equipment for lifting loads. The Board believes the proposal will have insignificant, if any, adverse cost impact upon the employer's operations, since the thrust of the proposal is to ensure that employers are adequately aware of requirements that already exist in GISO Article 101.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commenc-

ing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

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

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

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

EFFECT ON SMALL BUSINESSES
AND RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

The Board has determined that the proposed amendments may affect small businesses. However, no adverse economic impact is anticipated. The proposal would provide businesses, small or large, specific guidance in regard to the safe use of slings by industrial trucks (forklifts) and haulage vehicles (excavators). The amendments do not create new requirements, but rather, add clarification as to which existing standards apply to these slings. The proposal will promote worker safety by directing employers to standards in GISO, Article 101, that will require that slings be used safely.

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

ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise

been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4,
Subchapter 7
Article 59, Section 4297
**Definitions for Woodworking
Machines and Equipment**

INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

The proposed amendments for this rulemaking action were initiated by the Division of Occupational Safety and Health (Division) in its memorandum to the Board dated May 11, 2011 with an attachment that included a number of new proposed definitions recommended for addition to the General Industry Safety Orders (GISO) Article 59, Section 4297 “Definitions” for woodworking machinery and equipment.

The intent of this rulemaking action is to add definitions in Section 4297 to clarify the existing standards which, in part, include provisions that address older equipment and machinery that is still in use, but not defined in Article 59. The proposed definitions also include terms for some commonly used woodworking machinery and equipment that are undefined. Other added definitions are either trade terms used by professionals in woodworking shops and mills or terms for equipment that, in some cases, are rarely used but are still encountered by Division compliance personnel and therefore, the Division finds it necessary to define these terms and/or equipment.

The definitions are applicable to existing Article 59 standards, and consequently, may not be verbatim of, or necessarily included in, the latest editions of consensus standards for woodworking equipment. In some cases, particularly for older and less common woodworking operations, some definitions are unique and were drafted with the assistance of the Division and reviewed by several power tool manufacturers. The addition of these definitions will provide clarity for Division personnel and stakeholders in woodworking industries that are subject to the provisions in Article 59. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at Subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirrors the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal regulations in that federal OSHA does not have specific counterpart definitions for the majority of these definitions of terms and equipment used in woodworking operations. Further, the federal woodworking standards do not specifically address some of the equipment and machinery that is defined in this proposal.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.
- Is the least burdensome effective alternative. The proposed definitions were developed with the assistance of the Division and several woodworking equipment manufacturers and reviewed by a stakeholder organization representing employers that use woodworking equipment and machinery. The proposal, thereby, will enhance understanding on the part of stakeholders impacted by these woodworking definitions. No alternative proposal has been suggested.

GISO, Article 59. Woodworking Machines and Equipment.
Section 4297. Definitions.

Existing Section 4297 contains five definitions specific to Article 59 standards. However, Article 59 contains a broad range of woodworking machinery and associated woodworking terms. The proposal adds a number of new definitions for some commonly used terms or equipment such as, but not limited to, “arbor,” “band saw,” “dado,” “jointer” and “miter saw” etc.

The proposal also adds a number of definitions for more obscure or antiquated types of woodworking equipment that are still in use and occasionally encountered by Division staff and other stakeholders. An ex-

ample is “cordwood saw”, which is a circular saw powered by an agricultural tractor power takeoff or other drive mechanism usually associated with a tractor or farm vehicle/equipment. Another example is the “box shook cut–off saw”, which was once commonly used to cut wood slats to be banded up and assembled into fruit boxes in orchards or packing houses. These saws feature a rolling tray on which the stock is stacked and moved through the saw blade. While these saws are uncommon, the Division notes that the rolling tray configuration has now begun to reappear on certain saws that are encountered. An additional example is the “wobble saw”, which is a saw prohibited by Section 4323, and yet not many individuals understand its design or use.

With respect to the existing definitions in Article 59, amendments are proposed for the definition of “block”, to acknowledge that it is more commonly referred to as a “push block.” Additional language for this definition is provided for clarity, stating that it can be designed with one or more handles and can be made of wood or other non–metallic material.

It is not expected that the amendments or proposed definitions will change the regulatory requirements in Article 59 but will have the effect of providing clarity and a better understanding of the existing provisions applicable to woodworking machinery and equipment.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

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

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal concerns the definition of woodworking terms and equipment for clarity. It does not add regulatory requirements or alter existing regulatory requirements, and thus, will not have an economic impact.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

EFFECT ON SMALL BUSINESSES
AND RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. The proposal does not add regulatory requirements. However, the additional definitions provided will improve understanding of the requirements and simplify compliance for businesses of all sizes.

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

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 amendments 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 Ca1.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, this standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this 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.)

This 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.

ALTERNATIVES STATEMENT

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

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

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

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than July 13, 2012. 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 19, 2012, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health

Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

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

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

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

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

TITLE 10. OFFICE OF REAL ESTATE APPRAISERS

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE OFFICE OF REAL ESTATE APPRAISERS

NOTICE IS HEREBY GIVEN that the Office of Real Estate Appraisers, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Office of Real Estate Appraisers proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment deletes obsolete classifications and adds new classifications of employee positions and makes other technical changes to reflect the current or-

ganizational structure of the Office. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than July 16, 2012, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or person's representative requests a public hearing, he or she must do so no later than July 16, 2012, by contacting the Contact Person set forth below.

The Office of Real Estate Appraisers has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Office of Real Estate Appraisers has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Office of Real Estate Appraisers must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Kathy Chovan, Department Counsel
Office of Real Estate Appraisers
1102 Q Street, Suite 4100
Sacramento, CA 95811
Kathy.chovan@orea.ca.gov

Irene Ogbonna, Regulations Coordinator
Healthcare Information Division
Office of Statewide Health Planning
and Development
400 R Street, Suite 250
Sacramento, California 95811

e-mail: Irene.Ogbonna@oshpd.ca.gov
telephone: 916-326-3937; fax: 916-322-9718

All comments should be in writing. E-mailed comments are preferred.

TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Section 97240. Request for Modifications to Patient
Data Reporting

PUBLIC PROCEEDINGS

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (hereafter the "Office") will conduct written public proceedings during which time any interested person or organization may present statements, arguments, or contentions relevant to the amendment of Section 97240 of Title 22 of the California Code of Regulations (CCR).

Interested parties may submit written comments presenting statements, arguments, or contentions relating to the proposed action. All such comments must be received by the Office at 400 R Street, Suite 250, Sacramento, California, 95811 by 5:00 p.m. on July 16, 2012, which is designated as the close of the written comment period. NOTICE IS ALSO GIVEN that no public hearings will be held. However, a public hearing will be held if, no later than 15 days prior to the close of the written comment period, an interested person submits a written request to hold a public hearing to the Contact Person (see Contact Person below).

CONTACT PERSON

General and substantive inquiries and comments concerning the proposed regulation changes may be addressed to:

Ron Spingarn, Deputy Director
Healthcare Information Division
Office of Statewide Health Planning
and Development
400 R Street, Suite 250
Sacramento, California 95811

e-mail: Ron.Spingarn@oshpd.ca.gov
telephone: 916-326-3801; fax: 916-322-9718

The Office's backup contact person is:

POLICY STATEMENT OVERVIEW

As required by Health and Safety Code Section 128760, the Office many years ago adopted a regulation that specifies how hospitals and ambulatory surgery facilities that report patient-level data may request modifications to the reporting requirements. The Office now proposes to update that regulation, Section 97240 of Title 22.

INFORMATIVE DIGEST

The proposed amendments have been developed to better meet the needs of both the reporting facilities, which have reported difficulty in understanding and complying with the regulation as currently written, and the Office, which is now using very different internal procedures in light of the program changes.

The problem to be solved is that components of the regulation are now outdated because a number of significant changes have been made to the reporting process in recent years. Data are now reported using on-line systems and out-patient data are submitted quarterly, not semi-annually. Changes are necessary to update the modification request process. The benefit will be to make the process more functional, efficient and user-friendly for facilities.

Because of the transition to online reporting, the office no longer needs to require that modification renewal requests be submitted 60 days in advance. With on-line data review and reporting systems, that amount of lead time is not required. Modification requests can be quickly analyzed and all modifications need only be approved before the data can be accepted. The new language allows facilities to determine when they wish to initiate the modification process, but clarifies that modified data will not be accepted unless the modification has been approved by the Office. There are no reasonable alternatives that meet the identified needs.

As required by Government Code Section 11346.5(a)(3)(D), the Office has determined that the amended regulation is not inconsistent or incompatible with existing state regulations.

AUTHORITY AND REFERENCE

DETERMINATIONS

Health and Safety Code Section 128810 requires that the Office make rules and regulations necessary to implement the provisions and achieve the purposes stated in Chapter 10, Health Facility Data.

As required by Health and Safety Code Section 128760, the Office many years ago adopted a regulation that specifies how hospitals and ambulatory surgery facilities that report patient-level data may request modifications to the reporting requirements. The Office now proposes to update that regulation, section 97240, Article 8 Patient Data Reporting Requirements, Chapter 10, Division 7, of Title 22, of the California Code of Regulations.

Health and Safety Code Section 128735 requires that California hospitals file a Hospital Discharge Abstract Data Record with OSHPD for each patient discharged. The statute enumerates the data elements that must be included in each record. Health and Safety Code Section 128736 requires that each California hospital file an Emergency Care Data Record with OSHPD for each patient encounter in a hospital emergency department. The statute enumerates the data elements that must be included in each record. Health and Safety Code Section 128737 requires hospitals and freestanding ambulatory surgery clinics to file an Ambulatory Surgery Data Record for each patient encounter during which at least one ambulatory surgery procedure is performed. The statute enumerates the data elements that must be included in each record.

FISCAL IMPACT ESTIMATES

- A. Estimate of Cost or Savings to Any State Agency (Cal. Gov't Code §11346.5(a)(6)): None.
- B. Cost to Any Local Agency or School District That is Required to be Reimbursed by the State (Cal. Gov't Code §11346.5(a)(6)): None.
- C. Non-Discretionary Cost or Savings Imposed on Local Agencies (Cal. Gov't Code §11346.5(a)(6)): None.
- D. Cost or Savings in Federal Funding to the State (Cal. Gov't Code §11346.5(a)(6)): None.
- E. Impact on Housing Costs (Cal. Gov't Code §11346.5(a)(12)): None.
- F. Potential Cost Impact on Private Persons or Affected Businesses, Other Than Small Businesses (Cal. Gov't Code §11346.5(a)(9)): The Office is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

As required by Government Code Section 11346.5(a)(5), the Office has determined that the proposed regulation would not impose a reimbursable 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.

As required by Government Code Section 11346.5(a)(8), the Office has made an initial determination that the proposed regulation would not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

As required by Government Code Section 11346.3(b)(1), the Office has determined that the proposed regulation, allowing modifications to be submitted at any time rather than specifying that they must be submitted 60 days in advance, would not significantly affect the following:

- 1) The proposed regulation, allowing modifications to be submitted at any time rather than specifying that they must be submitted 60 days in advance, would not significantly affect creation or elimination of jobs within the State of California.
- 2) The proposed regulation, allowing modifications to be submitted at any time rather than specifying that they must be submitted 60 days in advance, would not significantly affect creation of new businesses or the elimination of existing businesses within the State of California.
- 3) The proposed regulation, allowing modifications to be submitted at any time rather than specifying that they must be submitted 60 days in advance, would not significantly affect expansion of businesses currently doing business within the State of California.
- 4) The proposed regulation, allowing modifications to be submitted at any time rather than specifying that they must be submitted 60 days in advance, would not significantly affect benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

As required by Section 4 of Title 1 of the California Code of Regulations, the Office has determined that the proposed regulation will affect ten small businesses as defined in Government Code Section 11342.610. None of these small businesses will incur any increased or decreased costs as a result of the regulation amendment because the changes are allowing modifications to be submitted at any time rather than specifying that they must be submitted 60 days in advance. This does not increase or decrease any costs incurred by a facility initi-

ating a request for a modification to Patient Data Reporting.

AVAILABILITY OF STATEMENT OF REASONS,
TEXT OF PROPOSED AMENDMENT, AND
RULEMAKING RECORD

The Office prepared an Initial Statement of Reasons for the proposed regulations. This statement, the text of the proposed regulations (in underline and strikeout format), and all the information upon which this proposal is based (the rulemaking record) are available from the Office at the address indicated above (see Contact Person). In addition, the Initial Statement of Reasons and the text of the proposed changes will be available on the Office’s web site at: http://www.oshpd.ca.gov/HID/MIRCal/Proposed_Regulations.html. The Office will notify all affected data reporters, hospitals and Interested Parties.

Upon its completion, the Final Statement of Reasons will be posted on the OSHPD website. Hard copies may be requested from the agency’s regulation coordinator named in this notice or may be printed from the website listed in this notice.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After the close of the public comment period or at the end of the public hearing, if one is requested and held, the Office may, without further notice, adopt the proposed regulatory changes as filed or adopt them with non-substantial or grammatical changes as it deems appropriate. If the Office changes or modifies the express terms of the proposed action, other than non-substantial or grammatical changes, the full text of the modified regulations will be made available to the public at least 15 days before it is adopted. A request for copies of modified regulations should be submitted to the Contact Person at the address noted above.

ALTERNATIVES

According to Government Code Section 11346.5(a)(13), the Office 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

THE BENEFIT OF THE REGULATION

The new language allows facilities to determine when they wish to initiate the modification process, giving them greater control over the modification process by eliminating a time restriction. Online processing has eliminated the need for the hard-copy mailing of documents, shortening the modification processing time; it is no longer necessary to specify when requests may be submitted.

**TITLE 27. OFFICE OF
ENVIRONMENTAL HEALTH HAZARD
ASSESSMENT**

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
PROPOSITION 65
AMENDMENT TO SECTION 25805
SPECIFIC REGULATORY LEVELS:
CHEMICALS CAUSING REPRODUCTIVE
TOXICITY
BUTYL BENZYL PHTHALATE (ORAL
EXPOSURE)

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to adopt a Proposition 65¹ Maximum Allowable Dose Level (MADL) of 1,200 micrograms per day for oral exposures to butyl benzyl phthalate (BBP) by amending Section 25805(b) of Title 27 of the California Code of Regulations.²

PUBLIC PROCEEDINGS

Any written comments concerning this proposed action, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on **July 16, 2012**, the designated close of the written comment period. All comments received will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information via e-mail, rather than in paper form. Send e-mail comments to P65Public.Comments@oehha.ca.gov. Please include “BBP MADL” in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*, referred to herein as “Proposition 65” or “The Act.”

² All further references are to sections of Title 27, Cal. Code of Regs., unless otherwise indicated.

Mailing Address: Ms. Monet Vela
 Office of Environmental Health Hazard Assessment
 P.O. Box 4010, MS-23B
 Sacramento, California 95812-4010
 Fax: (916) 323-2610
 Street Address: 1001 I Street
 Sacramento, California 95814

A public hearing on this proposed regulatory amendment will be scheduled on request. To request a hearing, please send an e-mail to Monet Vela at monet.vela@oehha.ca.gov or to the address listed above by no later than **July 2, 2012**. OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA web site at least ten days before the public hearing date. The notice will provide the date, time and location of the hearing.

If a hearing is scheduled and you have special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or monet.vela@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela, in writing at the address given above, via e-mail to monet.vela@oehha.ca.gov or by calling (916) 323-2517. Susan Luong is a back-up contact person for inquiries concerning processing of this action and is available at susan.luong@oehha.ca.gov or by telephone at (916) 327-3015.

INFORMATIVE DIGEST

Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the State to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual.³ The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water.⁴ Warnings are not required and the discharge prohibition does not apply when exposures are insignificant.⁵ The MADL provides guidance for determining when an exposure is insignificant.⁶

³ Health and Safety Code section 25249.6.
⁴ Health and Safety Code section 25249.5.
⁵ Health and Safety Code sections 25249.9 and 25249.10.
⁶ See Sections 25801 through 25805.

Details on the basis for the proposed MADL for BBP are provided in the initial statement of reasons for this regulatory amendment, which is available on request from Monet Vela and is posted on the OEHHA web site at www.oehha.ca.gov.

The proposed MADL was derived using scientific methods outlined in Section 25803.

The proposed regulation would adopt the following MADL for BBP, by amending Section 25805 as follows (addition in underline):

(b) Chemical Name	Level (Micrograms/day)
...	
<u>Butyl benzyl phthalate</u>	<u>1,200 (oral)</u>
...	

POLICY STATEMENT OVERVIEW AND RESULTS OF ECONOMIC IMPACT ANALYSIS
 (Gov. Code section 11346.3(b))

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses in California

This regulatory proposal will not affect the creation or elimination of jobs within the State of California. Proposition 65 requires businesses with ten or more employees to provide warnings when they expose people to chemicals that are listed under Proposition 65 as known to cause cancer or developmental or reproductive harm. The law also prohibits the discharge of listed chemicals into sources of drinking water. BBP is listed under Proposition 65, therefore businesses and individuals who manufacture, distribute or sell products with BBP in the state must provide a warning if their product or activity exposes the public or employees to this chemical.

No Inconsistency or Incompatibility with Existing Regulations

OEHHA has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations because it does not impose any mandatory requirements on businesses, state or local agencies and does not address compliance with any other law or regulation.

Benefits of the Proposed Regulation: Some businesses may not be able to afford the expense of establishing a MADL and therefore may have to defend litigation for a failure to warn or for a prohibited discharge of the listed chemical. Adopting this regulation will save these businesses those expenses and may reduce litigation costs. By providing a MADL, this regulatory proposal does not require but may encourage businesses to lower the amount of the listed chemical in their products to a level that does not cause a significant exposure. This in turn may reduce exposures to chemicals that cause reproductive harm.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because Proposition 65 expressly⁷ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

Because Proposition 65 expressly⁸ does not apply to any State agency, OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

Because Proposition 65 expressly⁹ does not apply to any federal agency, OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs because it provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

Because the proposed MADL provides compliance assistance to businesses subject to the Act, but does not

impose any mandatory requirements on those businesses, OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The proposed MADL was developed to provide compliance assistance for businesses in determining whether a warning is required or a discharge is prohibited. The MADL provides a level of exposure at or below which a warning is not required and a discharge is not prohibited. Use of the MADL is not mandatory. The implementing regulations allow a business to calculate its own level.¹⁰ However, conducting such an analysis can be expensive and time consuming, and the resulting levels may not be defensible in an enforcement action.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulation will not impose any mandatory requirements on small business. Rather, the proposed regulation will provide compliance assistance for small businesses subject to the Act because it will help them determine whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition of the Act.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons, the text of the regulation and docu-

⁷ See Health and Safety Code section 25249.11(b).

⁸ See Health and Safety Code section 25249.11(b).

⁹ See Health and Safety Code section 25249.11(b).

¹⁰ Section 25801 *et seq.*

ments used by OEHHA to develop the proposed regulation are available upon request from OEHHA at the address and telephone number indicated above. These documents are also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, if held, or whose comments were received by OEHHA during the prior public comment period, and anyone who requests notification from OEHHA of the availability of such changes. Copies of the notice and the changed regulation will also be available on the OEHHA Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons for this regulatory action may be obtained, when it becomes available, from OEHHA at the address and telephone number indicated above, and on the OEHHA website at www.oehha.ca.gov.

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

AMENDMENT TO SECTION 25705 SPECIFIC REGULATORY LEVELS POSING NO SIGNIFICANT RISK:

TRIS(1,3-DICHLORO-2-PROPYL) PHOSPHATE (TDCPP)

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to adopt a No Significant Risk Level (NSRL) for tris(1,3-dichloro-2-propyl) phosphate (TDCPP) and amend Title 27, California Code of Regulations, Section 25705.¹ The proposed NSRL of 5.4 micrograms per day ($\mu\text{g}/\text{day}$) is based on a carcinogenicity study in

rodents and was derived using the methods described in Section 25703.

PUBLIC PROCEEDINGS

Any written comments concerning this proposed action, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on **July 16, 2012**, the designated close of the written comment period. All comments received will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information via e-mail, rather than in paper form. Send e-mail comments to P65Public.Comments@oehha.ca.gov. Please include "TDCPP Safe Harbor" in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

Mailing Address: Ms. Susan Luong
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California 95812-4010
Fax: (916) 323-8803
Street Address: 1001 I Street
Sacramento, California 95814

A public hearing on this proposed regulatory amendment will be scheduled on request. To request a hearing send an e-mail to Susan Luong at susan.luong@oehha.ca.gov or to the address listed above by no later than **July 2, 2012**. OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA web site at least ten days before the public hearing date. The notice will provide the date, time, and location of the hearing.

If a hearing is scheduled and you have special accommodation or language needs, please contact Susan Luong at (916) 327-3015 or susan.luong@oehha.ca.gov at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Susan Luong, in writing at the address given above, or by telephone at (916) 327-3015. Monet Vela is a back-up contact person for inquiries concerning processing of this action and is available at monet.vela@oehha.ca.gov or (916) 323-2517.

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Proposition 65² prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the State to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual.³ The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water.⁴

For carcinogens, an exemption from the warning requirement is provided by the Act when the exposure for which the person is responsible can be demonstrated to produce no significant risk or that a discharge which otherwise complies with all applicable requirements would not cause any significant amount of the discharged or released chemical to enter any source of drinking water.⁵ A determination that a level of exposure poses no significant risk may be made utilizing OEHHA regulations (Sections 25701–25721). Section 25701 describes alternative methods for making such a determination. Section 25705 sets forth the process for determining “no significant risk” levels for purposes of Proposition 65 and establishes those levels for certain listed chemicals.

Details on the basis for the proposed level are provided in the Initial Statement of Reasons for this regulatory amendment, which is available upon request from Susan Luong and is posted on the OEHHA web site at www.oehha.ca.gov.

This proposed amendment to section 25705(b) would adopt the NSRL for TDCPP as follows:

Chemical	NSRL, in units micrograms per day
Tris(1,3–dichloro–2–propyl) phosphate (TDCPP)	5.4

To develop the proposed NSRL for TDCPP, OEHHA relied on a 2011 OEHHA document entitled, “Evidence on the Carcinogenicity of Tris(1,3–dichloro–2–propyl)

phosphate,⁶ which summarizes the available data from rodent carcinogenicity studies of TDCPP, as well as other information relevant to the carcinogenic activity of the chemical. The NSRL is based upon the results of the most sensitive scientific study deemed to be of sufficient quality.⁷ OEHHA determined that this criterion was met by a two–year diet study conducted in male Sprague–Dawley CD rats by Bio/dynamics⁸ and reported in the published scientific literature by Freudenthal and Henrich.⁹ The study and the derivation of the NSRL are discussed in more detail in the Initial Statement of Reasons for this proposed regulatory amendment.

Specific Benefits Anticipated by the Regulation: Some businesses may not be able to afford the expense of establishing an NSRL and therefore may face litigation for a failure to warn or for a prohibited discharge of the listed chemical. Adopting this regulation will save these businesses those expenses and may reduce litigation costs. In addition, by providing an NSRL, this regulatory proposal may encourage businesses to reduce the amount of the listed chemical in their products to a level that does not cause a significant exposure. This may reduce exposures to TDCPP and reduce state’s residents, worker and environmental exposures to chemicals that cause cancer.

PEER REVIEW

This notice and the initial statement of reasons are being provided to members of the Carcinogen Identification Committee for scientific peer review and comment.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

²The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq., commonly known as Proposition 65 and referred to herein as “Proposition 65” or “The Act.”

³ Health and Safety Code section 25249.6.

⁴ Health and Safety Code section 25249.5.

⁵ Health and Safety Code section 25249.9 and 25249.10.

⁶ Office of Environmental Health Hazard Assessment (OEHHA), 2011. Evidence on the Carcinogenicity of Tris(1,3–dichloro–2–propyl) phosphate. California Environmental Protection Agency, OEHHA, Reproductive and Cancer Hazard Assessment Branch, July 2011, available at: http://oehha.ca.gov/prop65/hazard_ident/pdf_zip/TDCPP070811.pdf.

⁷ Section 25703(a)(4).

⁸ Bio/dynamics, Inc., 1981. A Two Year Oral Toxicity/Carcinogenicity Study on Fyrol FR–2 in Rats (Final Report). Volume V. Submitted to Stauffer Chemical Co. by Bio/dynamics, Inc. Project No. 77–2016. Sept. 21, 1981.

⁹ Freudenthal RI and Henrich RT, 2000. Chronic toxicity and carcinogenic potential of tris(1,3–dichloro–2–propyl) phosphate in Sprague–Dawley rat. *International Journal of Toxicology* 19(2):119–25.

RESULTS OF ECONOMIC IMPACT ANALYSIS
(Gov. Code section 11346.3(b))

By providing an NSRL, this regulatory proposal spares businesses the expense of calculating their own NSRL and may also enable them to reduce or avoid litigation costs. In addition, the NSRL does not require, but may encourage, businesses to lower the amount of the listed chemical in their product to a level that does not cause a significant exposure, thereby providing a public health benefit to Californians.

**IMPACT ON THE CREATION, ELIMINATION,
OR EXPANSION OF JOBS/BUSINESSES
IN CALIFORNIA**

This regulatory proposal will not affect the creation or elimination of jobs within the State of California. Proposition 65 requires businesses with ten or more employees to provide warnings when they expose people to chemicals that are known to cause cancer or reproductive toxicity. The law also prohibits the discharge of listed chemicals into sources of drinking water. TDCPP is listed under Proposition 65 as causing cancer, and therefore businesses that knowingly expose employees or members of the public to TDCPP through their products or operations must provide a warning.

Because the proposed NSRL provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses, OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

**NO INCONSISTENCY OR INCOMPATIBILITY
WITH EXISTING REGULATIONS**

OEHHA has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations because it does not impose any mandatory requirements on businesses, state or local agencies and does not address compliance with any other law or regulation.

**IMPACT ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

Because Proposition 65 expressly¹⁰ does not apply to local agencies or school districts, OEHHA has deter-

mined the proposed regulatory action would not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

Because Proposition 65 expressly¹¹ does not apply to any State agency, OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

**EFFECT ON FEDERAL FUNDING
TO THE STATE**

Because Proposition 65 expressly¹² does not apply to any federal agency, OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs because it provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY AFFECTING
BUSINESS, INCLUDING ABILITY TO COMPETE**

Because the proposed NSRL provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses, OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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

Since the proposed NSRL provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses,

¹⁰ Health and Safety Code section 25249.11(b).

¹¹ Health and Safety Code section 25249.11(b).

¹² Health and Safety Code section 25249.11(b).

the Office of Environmental Health Hazard Assessment 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 SMALL BUSINESSES

OEHHA has determined that the proposed NSRL will not impose any mandatory requirements on small business. Rather, the proposed NSRL will provide compliance assistance for small businesses subject to the Act because it will help them determine whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition of the Act.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, all the information upon which the regulation is based and the text of the regulation. A copy of the Initial Statement of Reasons, the text of the regulation and the risk assessment which was used by OEHHA to develop the proposed regulation are available upon request from OEHHA at the address and telephone number indicated above. This document is also posted on OEHHA's Web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, if held, or whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of

such changes. Copies of the notice and the changed regulation will also be available on the OEHHA Web site at www.oehha.ca.gov.

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons for this regulatory action may be obtained, when it becomes available, from OEHHA at the address and telephone number indicated above, and on the OEHHA website at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH CARE SERVICES WILL PROVIDE SUPPLEMENTAL REIMBURSEMENT FOR THE FEDERAL SHARE OF THE COSTS THAT ARE IN EXCESS OF THE RATE PAID TO A DISTINCT PART NURSING FACILITY OF A PUBLIC GENERAL ACUTE CARE HOSPITAL

This notice is to provide information of public interest with respect to Nursing Facilities which are Distinct Parts of general acute care hospitals that are owned or operated by a city, county, city and county or health care district that currently receive supplemental reimbursement for the provision of nursing facility services to Medi-Cal beneficiaries.

A Governmental Entity is defined as a State, a city, county, city/county, special purpose district, or other governmental unit in the State. The Governmental Entity must be legally authorized to levy and collect ad valorem taxes, generate public revenue, or receive and expend appropriated public funds.

The Governmental Entity will attest to the source of funds as being derived from a legitimate source, and will certify that the funds have been expended to support the nonfederal share of supplemental Medicaid payments to specified hospitals.

Changes to legislation and the State Plan are necessary to allow participating facilities to claim up to cost, allow for an interim payment process, an interim reconciliation, and a final reconciliation. These changes will take effect August 1, 2012.

PUBLIC REVIEW AND COMMENTS

Copies of the State Plan Amendment that amends California's Medicaid State Plan may be requested, in

writing, from Ms. Pilar Williams, Department of Health Care Services, Safety Net Financing Division, MS 4518, P.O. Box 997436, Sacramento, CA 95899-7436.

Written comments concerning the proposal may be mailed to Ms. Williams at the above address and must be received on or before July 9, 2012.

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

DEPARTMENT OF MANAGED HEALTH CARE

PLEASE TAKE NOTICE that the Department of Managed Health Care's precedent decision index is available for purchase or you may view it at the Department of Managed Health Care's website located at www.dmhc.ca.gov/healthplans/gen/gen_precedent.aspx#cgc.

You may obtain a copy by either calling or writing to:

Sarah Jafarnejad
Office of Legal Services
Department of Managed Health Care
980 9th St. Ste 500
Sacramento, CA 95814
Phone No. (916) 322-6727
Fax No. (916) 322-3968
Email: pra@dmhc.ca.gov

This notice is published pursuant to California Government Code section 11425.60, subdivision (c).

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2012-0427-02
DEPARTMENT OF FOOD AND AGRICULTURE
Phyotosanitary Certification

The Department of Food and Agriculture submitted this rulemaking action to amend title 3, California Code of Regulations, section 4603. The amendment establishes fees and procedures for issuing phyotosanitary certifications, a nonregulatory service authorized by Food and Agricultural Code section 5852(a).

Title 3
California Code of Regulations
AMEND: 4603(i)
Filed 05/17/2012
Effective 07/01/2012
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2012-0510-01
DEPARTMENT OF HEALTH CARE SERVICES
Nonphysician Medical Practitioners (NMPs)

This rulemaking action amends Medi-Cal regulations in Title 22 of the California Code of Regulations so as to correct any current or future inconsistencies with provisions of the California Business and Professions Code and Title 16 of the California Code of Regulations governing nonphysician medical practitioners.

Title 22
California Code of Regulations
AMEND: 51240, 51305, 51476
Filed 05/17/2012
Effective 06/16/2012
Agency Contact: Ben Carranco (916) 440-7766

File# 2012-0411-01
DEPARTMENT OF PUBLIC HEALTH
Disinfectant Residuals, Disinfection Byproducts

The Department of Public Health adopted, amended, and repealed nearly fifty sections in title 22 of the California Code of Regulations relating to disinfectant residuals and disinfection byproducts in drinking water and public notification of drinking water violations.

Title 22
California Code of Regulations
ADOPT: 60098, 64400.05, 64400.29, 64400.36, 64400.41, 64400.66, 64400.90, 64402.30, 64400.46
AMEND: 60001, 60003, 63790, 63835, 64001, 64211, 64213, 64252, 64254, 64256, 64257, 64258, 64259, 64400.45, 64415, 64463.1, 64463.4, 64470, 64481, 64530, 64531, 64533, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536.6, 64537, 64537.2
REPEAL: 60430, 64002, 64439, 64468.5
Filed 05/22/2012
Effective 06/21/2012
Agency Contact: Coleen Keelan (916) 440-7439

File# 2012-0503-03
 FISH AND GAME COMMISSION
 Klamath-Trinity Rivers Sport Fishing

The Fish and Game Commission amended title 14, California Code of Regulations, section 7.50 to amend the sport fishing quota and bag and possession limits for the Klamath River and Trinity River fall-run Chinook salmon.

Title 14
 California Code of Regulations
 AMEND: 7.50
 Filed 05/17/2012
 Effective 06/16/2012
 Agency Contact:
 Sherrie Fonbuena (916) 654-9866

File# 2012-0409-03
 FISH AND GAME COMMISSION
 2012 Fee Adjustments for Section 703, Title 14, CCR

This regulatory action by the Fish and Game Commission is the annual adjustment of fees within section 703 of title 14 of the California Code of Regulations (CCR). These amendments to regulation text and related forms are changes without regulatory effect made pursuant to section 713 of the California Fish and Game Code.

Title 14
 California Code of Regulations
 AMEND: 703
 Filed 05/21/2012
 Agency Contact: Jon Snellstrom (916) 654-9868

File# 2012-0427-03
 FISH AND GAME COMMISSION
 Central Valley Salmon Sport Fishing

The Fish and Game Commission in this rulemaking amended section 7.50 of title 14 of the California Code of Regulations to allow the limited recreational take of Chinook salmon in the Sacramento, Feather, Mokelumne, and American rivers.

Title 14
 California Code of Regulations
 AMEND: 7.50
 Filed 05/21/2012
 Effective 06/20/2012
 Agency Contact:
 Sherrie Fonbuena (916) 654-9866

File# 2012-0409-02
 FISH AND GAME COMMISSION
 2012 Fee Adjustments for Section 705, Title 14, CCR

This regulatory action by the Fish and Game Commission is the annual adjustment of fees within section

705 of title 14 of the California Code of Regulations (CCR). These amendments to regulation text and related forms are changes without regulatory effect made pursuant to section 713 of the California Fish and Game Code.

Title 14
 California Code of Regulations
 AMEND: 705
 Filed 05/21/2012
 Agency Contact: Jon Snellstrom (916) 654-9868

File# 2012-0405-01
 PROFESSIONAL FIDUCIARIES BUREAU
 Reporting Requirements, Cite & Fine, etc.

This regulatory action by the Professional Fiduciaries Bureau (Bureau) revises four sections and adopts nine sections in Title 16 of the California Code of Regulations. It concerns the handling of fines, orders of abatement, the Code of Ethics and factors to consider in issuing a citation, among other things.

Title 16
 California Code of Regulations
 ADOPT: 4544, 4600, 4602, 4604, 4606, 4608, 4610, 4620, 4622 AMEND: 4422, 4440, 4446, 4470
 Filed 05/17/2012
 Effective 06/16/2012
 Agency Contact: Gil DeLuna (916) 574-7754

File# 2012-0508-01
 WORKERS COMPENSATION APPEALS BOARD
 WCAB Rules of Practice and Procedure

The Workers' Compensation Appeals Board adopted sections 10582.5 and 10770.1 and amended section 10770 in Title 8 of the California Code of Regulations concerning dismissal of inactive lien claims for lack of prosecution, lien conferences and lien trials, and the filing and service of lien claims. This regulatory action is exempt from review by the Office of Administrative Law pursuant to section 11351 of the Government Code.

California Code of Regulations
 ADOPT: 10582.5, 10770.1 AMEND: 10770
 Filed 05/21/2012
 Effective 05/21/2012
 Agency Contact: Rick Dietrich (415) 703-4554

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN December 28, 2011 TO
 May 23, 2012**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations

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titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

05/15/12 AMEND: 1859.2
 05/10/12 AMEND: 1859.2, 1859.82
 05/08/12 ADOPT: 559.1
 04/30/12 ADOPT: 565.5 AMEND: 565.1, 565.2, 565.3
 04/26/12 AMEND: 554.4
 04/23/12 AMEND: 18705.5
 04/23/12 AMEND: 554.3
 04/19/12 ADOPT: 18412 AMEND: 18215, 18413
 04/10/12 ADOPT: 18215.3
 04/09/12 ADOPT: 59710
 03/26/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193
 03/13/12 AMEND: 1859.2, 1859.82
 03/06/12 ADOPT: 589.11
 03/06/12 AMEND: 1189.10
 03/02/12 AMEND: 560
 02/16/12 AMEND: 18401.1
 02/13/12 AMEND: 18943
 01/31/12 ADOPT 260.1, 261.1 AMEND 258, 260, 262
 01/31/12 AMEND 640
 01/26/12 AMEND 37000
 01/23/12 ADOPT: 1880
 01/23/12 ADOPT: 18940.1, 18942.2, 18942.3 AMEND: 18940, 18940.2, 18941, 18942, 18942.1, 18943, 18944.1, 18944.2, 18944.3, 18945, 18945.1, 18945.2, 18946, 18946.1, 18946.2, 18946.3, 18946.4, 18946.5 REPEAL: 18941.1, 18943, 18945.3, 18946.5
 01/18/12 AMEND: Div. 8, Ch. 35, Sec. 52400
 01/10/12 AMEND: 18423, 18539, 18550
 01/05/12 ADOPT: 18404.2
 01/05/12 ADOPT: 18227.5, 18247.5 REPEAL: 18247.5
 12/28/11 AMEND: 1859.76

Title 3

05/17/12 AMEND: 4603(i)
 05/01/12 AMEND: 3423(b)
 04/16/12 AMEND: 3591.19
 04/16/12 AMEND: 3439
 04/12/12 AMEND: 3591.21(b)

04/12/12 ADOPT: 3435(c)
 04/12/12 AMEND: 3434(b)&(c)
 04/03/12 ADOPT: 3639
 04/03/12 ADOPT: 3439
 04/02/12 AMEND: 480.9, 498, 499, 499.5, 500, 501, 576.1, 623, 755.2, 756.2, 760.2, 790, 790.2, 791, 791.1, 796.2, 797, 799, 820.1, 821.2, 900, 900.1, 900.2, 901.3, 901.8, 901.9, 901.11, 902, 902.15, 907.3, 909.3, 910.4, 910.7, 913, 913.1, 1180, 1180.11, 1200, 1204, 1205, 1210, 1235, 1242, 1246, 1246.14, 1247, 1256, 1266, 1268, 1269, 1271, 1300.1, 1310.1
 03/20/12 AMEND: 1430.5, 1430.6, 1430.35, 1430.36, 1430.37, 1430.38
 03/09/12 AMEND: 3436(b)
 03/08/12 AMEND: 3437(b)
 03/07/12 ADOPT: 1180, 1180.20, 1180.22, 1180.23, 1180.24, 1180.25, 1180.27, 1180.28, 1180.29, 1180.30, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39 AMEND: 1180.1, 1180.2, 1180.3, 1180.3.1, 1180.3.2, 1180.13, 1180.14, 1180.15, 1180.16, 1180.17, 1180.18, 1180.19, 1180.31, 1180.32, 1180.33, 1180.34, 1180.35, 1180.36, 1180.37, 1180.38, 1180.39, 1180.40, 1180.41 REPEAL: 1180, 1180.21, 1180.22, 1180.23, 1180.24, 1180.25, 1180.26, 1180.27, 1180.28, 1180.29, 1180.30
 02/28/12 ADOPT: 2320.1, 2320.2, 2322, 2322.1, 2322.2, 2322.3, 2323 AMEND: 2300, 2300.1, 2302, 2303, 2320, 2321
 02/23/12 AMEND: 3700(c)
 02/13/12 AMEND: 3591.2(a)
 02/06/12 AMEND: 3435(b)
 02/02/12 AMEND: 3423(b)
 01/23/12 ADOPT: 588
 01/18/12 ADOPT: 3591.25
 01/06/12 AMEND: 3591.2(a)
 12/29/11 AMEND: 3280

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05/15/12 REPEAL: 61.3
 05/04/12 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
 04/30/12 ADOPT: 511 AMEND: 399
 04/26/12 AMEND: 2066
 04/19/12 ADOPT: 10192, 10193, 10194, 10195, 10196, 10197, 10198, 10199
 04/17/12 AMEND: 53
 04/12/12 AMEND: 10317, 10325

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05/07/12 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
 04/03/12 AMEND: 1001, 1005, 1007, 1008, 1052, 1055
 03/14/12 AMEND: 1005, 1007, 1008
 01/03/12 ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22
 12/28/11 AMEND: 101.1

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04/19/12 ADOPT: 345.31, 345.32, 345.42 AMEND: 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30, 345.34, 345.36(renumbered to 345.33), 345.38 (renumbered to 345.35), 345.39 (renumbered to 345.36), 345.40, 345.41 REPEAL: 345.17, 345.21, 345.25, 345.26
 04/10/12 ADOPT: 553.30 AMEND: 553, 553.10, 553.20, 553.50, 553.70, 553.72
 02/29/12 AMEND: 553
 02/13/12 REPEAL: 158.00

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05/21/12 AMEND: 703
 05/21/12 AMEND: 7.50
 05/21/12 AMEND: 705
 05/17/12 AMEND: 7.50
 05/07/12 ADOPT: 18835, 18836, 18837, 18838, 18839
 05/01/12 AMEND: 27.80
 05/01/12 ADOPT: 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877
 05/01/12 AMEND: 791.7, 870.17
 04/30/12 AMEND: 632
 04/27/12 AMEND: 228, 228.5
 04/05/12 AMEND: 28.29, 52.10, 150.16
 04/03/12 ADOPT: 791.6 AMEND: 791.7, 795, 796
 03/28/12 AMEND: 11900, 11945
 03/26/12 AMEND: 11960
 03/22/12 AMEND: 27.80
 02/24/12 AMEND: 29.15
 02/13/12 AMEND: 29.17, 127
 02/08/12 AMEND: 1257
 01/31/12 AMEND 29.15
 01/26/12 ADOPT 18940, 18941, 18942, 18943, 18944, 18945, 18945.1, 18945.2, 18945.3, 18946, 18947, 18948
 01/25/12 AMEND: 18419

01/23/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
 01/09/12 AMEND: 7.00, 7.50(b)(68)
 01/05/12 ADOPT: 749.7
 01/05/12 AMEND: 895.1, 898.1, 1037.3, 1090.17, 1092.18

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05/10/12 ADOPT: 3375.6 AMEND: 3000, 3375
 04/11/12 AMEND: 3187, 3188
 04/09/12 AMEND: 3172.2
 04/05/12 AMEND: 3341.5, 3375.2, 3377.1
 04/02/12 ADOPT: 3571, 3582, 3590, 3590.1, 3590.2, 3590.3 AMEND: 3000
 03/28/12 ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358
 03/19/12 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
 03/12/12 ADOPT: 3999.11
 03/08/12 ADOPT: 8006
 03/08/12 AMEND: 3315, 3323
 02/22/12 AMEND: 173
 02/22/12 ADOPT: 4845, 4849, 4853, 4854, 4939.5, 4961.1, 4977.5, 4977.6, 4977.7, 4983.5 AMEND: 4846, 4847, 4848, 4848.5, 4850, 4852, 4900, 4925, 4926, 4927, 4928, 4929, 4935, 4936, 4937, 4938, 4939, 4940, 4977, 4978, 4979, 4980, 4981, 4982, 4983
 01/19/12 ADOPT: 3076.4, 3076.5 AMEND: 3076, 3076.1, 3076.2, 3076.3
 01/11/12 REPEAL: 3999.8
 01/05/12 AMEND: 3140

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05/17/12 ADOPT: 4544, 4600, 4602, 4604, 4606, 4608, 4610, 4620, 4622 AMEND: 4422, 4440, 4446, 4470
 05/14/12 AMEND: 932
 05/04/12 ADOPT: 2509, 2518.8, 2524.1, 2568, 2576.8, 2579.11 AMEND: 2503, 2524.1 (renumber to 2524.5), 2563, 2579.11 (renumber to 2579.20)
 04/27/12 AMEND: 407, 428
 04/26/12 AMEND: 3605
 04/23/12 AMEND: 3005
 04/16/12 ADOPT: 2295, 2295.1, 2295.2, 2295.3 AMEND: 2252, 2275, 2284
 03/30/12 AMEND: 3340.43, 3394.3, 3394.4, 3394.5, 3394.6, 3394.7
 03/29/12 AMEND: 109, 116, 117, 121
 03/19/12 AMEND: 4155
 03/08/12 AMEND: 318

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03/07/12	AMEND: 2615, 2620	03/26/12	ADOPT: 25137-8.2 AMEND: 25137-8 (re-numbered to 25137-8.1)
03/07/12	AMEND: 1889.2 REPEAL: 1832.5	02/27/12	ADOPT: 25136-2
03/07/12	AMEND: 2615, 2620	02/07/12	AMEND: 1807, 1828
03/07/12	AMEND: 1889.2 REPEAL: 1832.5	01/11/12	AMEND: 1616
02/27/12	AMEND: 2, 8.2, 9.1, 26, 49, 58, 59, 62, 65, 75.4, 87, 87.5, 88, 88.1, 88.2, 89, 90, 94 REPEAL: 5.1, 7, 7.2	01/09/12	AMEND: 1532, 1533.1, 1534, 1535
02/16/12	AMEND: 1397.60, 1397.61, 1397.62, 1397.63, 1397.64, 1397.65, 1397.66, 1397.67, 1397.68, 1397.69, 1397.70, 1397.71	Title 19	
02/09/12	AMEND: 28 REPEAL: 30	02/16/12	ADOPT: 560.4 AMEND: 557.19, renumber 560.4, 560.5, and 560.6 as 560.5, 560.6, and 560.7, respectively
02/08/12	ADOPT: 1018.05 AMEND: 1020	Title 22	
02/01/12	ADOPT 3340.16.4 AMEND 3306, 3340.1, 3340.10, 3340.15, 3340.16.5, 3340.17, 3340.22, 3340.22.1, 3340.23, 3340.28, 3340.29, 3340.30, 3340.31, 3340.50, 3351.1 3340.16.4 3306, 3340.1, 3340.10, 3340.15, 3340.16.5, 3340.17, 3340.22, 3340.22.1, 3340.23, 3340.28, 3340.29, 3340.30, 3340.31, 3340.50, 3351.1	05/22/12	ADOPT: 60098, 64400.05, 64400.29, 64400.36, 64400.41, 64400.66, 64400.90, 64402.30, 64400.46 AMEND: 60001, 60003, 63790, 63835, 64001, 64211, 64212, 64213, 64252, 64254, 64256, 64257, 64258, 64259, 64400.45, 64415, 64463.1, 64463.4, 64470, 64481, 64530, 64531, 64533, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536.6, 64537, 64537.2 REPEAL: 60430, 64002, 64439, 64468.5
01/19/12	ADOPT: 1379.40, 1379.42, 1379.44, 1379.46, 1379.48, 1379.50, 1379.52, 1379.54, 1379.56, 1379.58, 1379.68, 1379.70, 1379.72, 1379.78	05/17/12	AMEND: 51240, 51305, 51476
01/17/12	ADOPT: 1707.6 AMEND: 1707.2	05/04/12	AMEND: 123000
01/11/12	AMEND: 109, 117, 121	04/11/12	AMEND: 97174
01/10/12	AMEND: 12, 12.5, 98 REPEAL: 9, 11.5	03/15/12	ADOPT: 123000 and Appendices REPEAL: 123000 and Appendices
01/10/12	AMEND: 2328.1	02/21/12	AMEND: 51003
01/06/12	ADOPT: 3340.38	02/21/12	AMEND: 66261.21(a)(3), 66261.21(a)(4)
12/28/11	AMEND: 1399.157, 1399.160, 1399.160.3, 1399.160.6	02/08/12	AMEND: 66261.33, 66268.40
Title 17		02/06/12	AMEND: 80001, 80075, 83000, 83001, 84001, 84061, 86001, 88001
04/18/12	AMEND: 100607, 100608	01/31/12	ADOPT 126010, 126020, 126030, 126040, 126042, 126050, 126055, 126060, 126070, 126072, 126074, 126076, 126090 126010, 126020, 126030, 126040, 126042, 126050, 126055, 126060, 126070, 126072, 126074, 126076, 126090
03/28/12	AMEND: 100080	01/26/12	AMEND 50273
03/15/12	ADOPT: 58883	12/28/11	AMEND: 97232, 97240, 97247
03/15/12	AMEND: 6020, 6035, 6051, 6065, 6070, 6075	Title 23	
03/12/12	AMEND: 95307	04/23/12	ADOPT: 3979.4
02/21/12	AMEND: 95486	04/10/12	AMEND: 2631
02/15/12	AMEND: 95802, 95833, 95841.1, 95852, 95852.1.1, 95852.2, 95870, 95891, 95892, 95914, 95920, 95971, 95974, 95975, 95977.1, 95979, 95980, 95981, 95981.1, 95985, 95986, 95987, 95990, 95993, 95994, 96021 REPEAL: 95893, 95943	04/09/12	ADOPT: 3969.1
01/26/12	AMEND 6540	04/05/12	AMEND: 645
01/17/12	AMEND: 50602, 50604, 50607, 50612, 54326	03/21/12	ADOPT: 3969
Title 18		03/21/12	ADOPT: 3939.41
05/01/12	AMEND: 1685.5	03/21/12	ADOPT: 3939.44
		03/15/12	ADOPT: 3939.43
		03/12/12	AMEND: 2922

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02/29/12 ADOPT: 3939.42

02/27/12 ADOPT: 3919.12

02/15/12 ADOPT: 20, 21, 22, 23, 24, 25, 26, 27

AMEND: 4, 5, 5.1, 9, 10, 11, 12, 13, 14,
16, 17, 23 (re-numbered to 28), 103, 109,

110, Appendix A REPEAL: 20, 21, 22

12/29/11 ADOPT: 862

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03/13/12 ADOPT: 6932 REPEAL: 6932

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03/26/12 AMEND: 25705

03/15/12 AMEND: 25705

01/25/12 AMEND: 27001

01/09/12 AMEND: 25705

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04/11/12 AMEND: 47-230, 47-240, 47-401

03/15/12 AMEND: 25705