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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**

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

**TITLE 4. GAMBLING
CONTROL COMMISSION**

NOTICE OF PROPOSED RULEMAKING

“Initial and Renewal License Applications;
Required Forms”

The California Gambling Control Commission (“Commission”) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to adopt sections 12270, 12271, and 12272 of Title 4 of the California Code of Regulations, concerning the forms required for initial and renewal applications for state gambling licenses and key employee licenses, as well as the processing times for such applications.

PUBLIC HEARING

The Commission will hold a public hearing starting at 11:00 a.m. on Wednesday, August 4, 2004, at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833-4231. 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.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for summary and response, all written comments must be received no later than 5:00 p.m., Wednesday, August 4, 2004 (the day of the public hearing).

Written comments for the Commission’s consideration should be directed to:

Herb Bolz, Senior Legal Counsel
and Regulations Coordinator
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231

Telephone: 916-263-0490
E-mail: hbolz@cgcc.ca.gov
FAX 916-263-0452

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions (“B & P”) Code sections 19800–19980. In particular, B & P Code sections 19811, 19824, 19840, and 19841.

The reference citations are as follows: the proposed regulations implement, interpret, or make specific B & P Code sections 19850, 19851, 19852, 19854, 19855, 19856, 19857, 19864, 19865, 19866, 19867, 19876, 19880, 19881, 19883, 19890, 19893, 19951, and 19982.

**INFORMATIVE DIGEST AND POLICY
STATEMENT OVERVIEW**

Existing law requires persons applying to renew state gambling licenses and key employee licenses (or obtain initial licenses) to pay an application fee of \$500, to complete both an application and supplemental background information forms, and to deposit a sum of money to cover costs incurred by the Division of Gambling Control in conducting background investigations. The Commission is mandated in Business and Professions Code section 19841(a) to adopt regulations concerning application and supplemental forms, fees, etc. Prior to the Commission becoming operational, necessary forms were in 1999 incorporated by reference into regulations of the Division of Gambling Control.

The effect of the new Commission regulation is to continue to require preparation and submission of license application and associated forms by those seeking to obtain or retain licenses. These various forms are required by the Gambling Control Act to protect the public from criminal or corruptive influences.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

Mandate on local agencies and school districts: These regulations do not impose a mandate on local agencies or school districts.

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 section 17561: None

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: The Commission is not aware of any cost impacts that a representative private person or

business would necessarily incur in reasonable compliance with the proposed action.

Impact on Business: The Commission has made an initial determination that the proposed regulatory changes 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.

Business Report: The Commission finds that it is necessary for the public health, safety, or welfare of the people of this state that these regulations that require a report apply to businesses.

Significant effect on housing costs: The Commission has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: The Commission has made an initial determination that the effect these regulations will have on small business will be minor.

CONSIDERATION OF ALTERNATIVES

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

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSONS

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

Herb Bolz, Senior Legal Counsel
and Regulations Coordinator
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231
Telephone: 916-263-0490
E-mail: hbolz@cgcc.ca.gov
FAX 916-263-0452

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the

modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to:

Herb Bolz, Senior Legal Counsel
and Regulations Coordinator
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231
Telephone: 916-263-0490
E-mail: hbolz@cgcc.ca.gov
FAX 916-263-0452

Or:

Susie Hernandez, Regulations Analyst
Telephone: (916) 274-0688
FAX number: (916) 263-0499
e-mail shernandez@cgcc.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting the Regulations Coordinator at the address or telephone number listed above or accessing the Commission's website at <http://www.cgcc.ca.gov>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Coordinator or viewed on the website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing, the Commission 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 indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of the Regulations Coordinator at the address indicated above. The Commission will accept written comments on the modified regulation for 15 days after the date on which it is made available.

TITLE 4. GAMBLING CONTROL COMMISSION

NOTICE OF PROPOSED RULEMAKING

"Proposition Players and Gambling Businesses"
The California Gambling Control Commission ("Commission") proposes to adopt, amend, or repeal

the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to adopt sections 12200.1, 12200.3, 12200.5, 12200.7, 12200.9, 1200.11, 12200.13, 12200.15, 12200.16, 12200.17, 12200.18, 12200.19, 12200.20, 12200.25, 12202, 12203.1, 12204, 12205, 12218, 12218.15, 12218.17, 12218.19, 12220, 12221, 12223, 12224, 12225, 12226, 12227, 12228, 12229, 12230, 12231, and 12232; to amend section 12200, 12201, and 12203; and to repeal sections 12206, 12207, 12208, 12209, 12210, 12211, 12212, 12213, and 12214 of Title 4 of the California Code of Regulations, concerning (1) registration and licensing of proposition players and (2) registration of gambling businesses. Regulations on these topics were initially adopted on an emergency basis in October 2003. The current rulemaking action would make some of these emergency regulations permanent, would amend some of them, would repeal some of them, and would adopt new regulations.

PUBLIC HEARING

The Commission will hold a public hearing starting at 1 p.m. on Thursday, August 5, 2004, at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833-4231. 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.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for summary and response, all written comments must be received no later than 5:00 p.m., Friday, July 30, 2004, or handed in at the public hearing on Thursday, August 5, 2004.

Written comments for the Commission's consideration should be directed to:

Herb Bolz, Senior Legal Counsel
and Regulations Coordinator
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231
Telephone: 916-263-0490
E-mail: hbolz@cgcc.ca.gov
FAX 916-263-0452.

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions

(“B & P”) Code sections 19800–19980. In particular, B & P Code sections 19984 and 19853(a)(3).

The reference citations are as follows: the proposed regulations implement, interpret, or make specific B & P Code sections 19805, 19840, 19841, 19853(a)(3), 19867, 19931, 19984, and 19951(c).

**INFORMATIVE DIGEST AND POLICY
STATEMENT OVERVIEW**

Existing state law (the Gambling Control Act) generally grants to the Commission jurisdiction and supervision over all cardrooms (“gambling establishments”) in California and over all persons and things having to do with the operation of cardrooms. The Commission is directed, among other things, to assure that cardrooms are operated in a manner that protects public health, safety, and welfare. Existing law mandates adoption of regulations by the Commission containing criteria for the licensure and registration of persons providing proposition player services to cardrooms. House banking is prohibited in California cardrooms, but legislation has been enacted that recognizes certain kinds of player-banked games as an exception to restrictions on banked games. The Legislature has authorized third parties to enter into contracts with cardrooms for the third parties to act as player bankers in these games for the purpose of providing the capacity to cover bets made by cardroom patrons.

Large amounts of cash are utilized every day by the proposition player. The basic purpose of the regulations is to protect cardroom patrons and the general public from the corrupting influences of organized crime, money laundering, loan sharking, etc. The regulations create a program in which all proposition players are required to register with the Commission (and later be licensed by the Commission) and to submit contracts for review by the Division of Gambling Control. The regulations would also require set fees and require the creation and maintenance of records concerning cash handled by proposition players.

The regulation provides a similar registration program for gambling businesses that provide banking in player-banked games like third-party proposition players, but that do not have contracts or other agreements with the house. Many of the same considerations that prompted the Legislature to require regulation of third-party proposition players are equally applicable to these gambling businesses. It is the intent of the Commission to change this gambling business registration program into a licensing program, so that persons currently registered as proposition players are not tempted to evade the forthcoming proposition player licensing program and its more demanding background investigation procedures by seeking registration as gambling businesses.

DISCLOSURES REGARDING THE
PROPOSED ACTION

Mandate on local agencies and school districts:

These regulations do not impose a mandate on local agencies or school districts.

Cost or savings to any state agency: Costs to the Commission and to the Division of Gambling Control will be covered by fees.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: Primary owners of proposition player companies will be required to pay annual fees in the amounts set in proposed Section 12200.20. All applicants applying for initial or renewal registration will be required to pay a \$500 application fee, as required by statute.

Impact on Business: The Commission has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: The Commission has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: The Commission has made the following initial determination: insofar as proposition player companies are small businesses, these companies will be required to pay substantial annual fees to defray the costs of providing regulation and oversight. The Legislature has directed that this program be fully supported by fees. Business and Professions Code section 19984.

CONSIDERATION OF ALTERNATIVES

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

ASSESSMENT REGARDING CREATION OR
ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State

of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

BUSINESS REPORTING REQUIREMENT

The Commission finds that it is necessary for the public health, safety, or welfare of the people of this state that these regulations that require a report apply to businesses.

CONTACT PERSONS

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

Herb Bolz, Senior Legal Counsel
and Regulations Coordinator
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231
Telephone: 916-263-0490
E-mail: hbolz@cgcc.ca.gov
FAX 916-263-0452

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to:

Herb Bolz, Senior Legal Counsel
and Regulations Coordinator
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231
Telephone: 916-263-0490
E-mail: hbolz@cgcc.ca.gov
FAX 916-263-0452

Or:

Susie Hernandez, Regulations Analyst
Telephone: (916) 274-0688
FAX number: (916) 263-0499
e-mail shernandez@cgcc.ca.gov

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

The Regulations Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting the Regulations Coordinator at the address or telephone number listed above or accessing the Commission's website at <http://www.cgcc.ca.gov>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Coordinator or viewed on the website.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

Following the public hearing, the Commission 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 indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of the Regulations Coordinator at the address indicated above. The Commission will accept written comments on the modified regulation for 15 days after the date on which it is made available.

**TITLE 10. DEPARTMENT
OF INSURANCE**

NOTICE OF PROPOSED RULEMAKING

SUBJECT: AUTOMOBILE INSURANCE
CONSUMER SERVICE ASSESSMENT

File No. RH03031215
May 18, 2004

PROPOSED REGULATORY ACTION

The Insurance Commissioner of the State of California (Commissioner) proposes to amend section 2698.68 to Article 4 of Subchapter 9, Chapter 5, of title 10 of the California Code of Regulations (CCR), regarding the program for the funding of consumer services function of the California Department of Insurance (CDI) related to automobile Insurance.

PUBLIC HEARING

A public hearing has been scheduled in connection with this proposed action. A public hearing will be held:

Location: 300 Capitol Mall, 13th Floor
Conference Room
Sacramento, CA 95814
Date: July 26, 2004.
Time: 10:00 A.M.

AUTHORITY AND REFERENCE

The Commissioner proposes to adopt, amend and repeal specified portions of the subject regulations under the authority of California Insurance Code (CIC) sections 12921, 12926. The Commissioner's decision on the proposed changes to the regulations will implement, interpret and make specific provisions of Insurance Code Sections 1872.81.

PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on July 26, 2004. Please direct all written comments to the following contact person:

Wesley E. Kennedy
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3561

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

Gene Woo
45 Fremont Street, 24th Floor
San Francisco, CA 94105
(415) 538-4496

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for these hearings in order to make special arrangements, if necessary.

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Commissioner, addressed to one of the contact persons at his respective address listed above, no later than 5:00 p.m. on July 26, 2004. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY
E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address:

kennedyw@insurance.ca.gov.

The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Wesley E. Kennedy and sent to the following facsimile number: (916) 324-1883. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

PUBLIC DISCUSSION OF
PROPOSED REGULATIONS

Pursuant to Government Code section 11346.45, the CDI mailed an invitation to Pre-notice Public Workshop to a number of insurer-group representatives and also posted such notice on its public web-site.

Subsequently, the CDI held a public discussion in order to receive comments about the proposed regulation. Input from the workshop participants was taken into account in the formulation of the proposed regulation.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of CCR, title 10, Chapter 5, Subchapter 4.5, in connection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address in order to inquire about the appropriate procedures:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person listed above. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commissioner proposes to amend title 10 CCR Section 2698.68 pertaining to the program for assessment of insurers to fund the automobile insurance consumer services function of the CDI. The purpose of the proposed amendment is to implement, interpret and make specific the provisions of CIC section 1872.81 which requires the Commissioner to assess funds for the purpose of funding these functions.

SB 940, Chapter 884, Statutes of 1999, was signed by the Governor on October 9, 1999 and, inter alia, added CIC 1872.81. CIC section 12921 requires the Commissioner to enforce the provisions of the Insurance Code and other laws regulating the business of insurance in the State of California. CIC section 1872.81, requires the Commissioner to establish an annual assessment on each automobile for which a policy of insurance has been issued in order to fund the consumer services function of the CDI relating to automobile insurance, specifically including the rating and underwriting services bureau, the claims services bureau, the investigations bureau or any successor bureaus of the CDI that may assume the consumer services function of these bureaus.

The proposed amendments are necessary to implement, interpret and make specific the provisions of CIC sections 1872.81 and to establish a process and

methodology for calculating, collecting and verifying the assessment that conforms with that currently being proposed in the related provisions of title 10, CCR, sections 2698.62 and 2698.71.

The specific regulation being added by this notice is as follows:

Section 2698.68

Pursuant to CIC section 1872.81, each insurer is to be assessed and pay an annualized fee of thirty cents (\$.30) for each vehicle it insures under a policy of insurance issued in this State. Under the existing provisions of title 10 CCR 2698.68, the assessment is to be calculated in the same manner as set forth in title 10 CCR Section 2698.62 and may be remitted in increments of \$.075 per quarter. Concurrently with this amendment, the Commissioner is proposing to amend title 10 CCR 2698.62 to delete the authority to pay the assessment on a prorated (incremental) basis. This amendment will make a conforming amendment to this title 10 CCR 2698.68 by deleting the text providing for prorate payment.

MATERIAL INCORPORATED BY REFERENCE

No material has been incorporated by reference in the proposed regulations.

DETERMINATIONS

BUSINESS REPORTS

To the extent that any provision of the proposed regulations could be interpreted as requiring a report of business, the Commissioner finds that the application of these regulations to business necessary in the public health, safety, or welfare of the people of the state

EFFECT ON SMALL BUSINESSES

The proposed regulation will not have an adverse effect on small businesses. This section pertains to the methodology for the calculation and payment of an assessment by insurance companies (Govt. Code 11342.610(b)(2).)

IMPACT ON BUSINESSES AND JOBS

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

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

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.

- (3) The expansion of businesses currently within the State of California.

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Commissioner must determine the potential impact of the proposed action on private persons or businesses directly affected by the proposal. The proposed regulations are not expected to have significant cost impact on private persons or businesses directly affected. These regulations do not alter the existing statutory and regulatory provisions impose on the businesses directly affected, insurers, is thirty cents (\$.30) per vehicle, per policy annually and costs associated with the calculation and transmittal of this assessment.

IMPACT ON HOUSING

The matters proposed herein will not affect housing costs.

COST OR SAVINGS AND MANDATE TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Commissioner has determined that there will be no cost savings or increase, nor will these regulations impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the CDI must determine that no reasonable alternative considered by the CDI or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affect private persons than the emergency action. These regulations are to implement, interpret and make specific a statutorily prescribed program. The Commissioner has not identified any effective alternative, or any equally effective or less burdensome alternative to the regulation, at this time. The public is invited to submit such alternatives during the public comment process.

FEDERAL FUNDING

The matters proposed herein will not affect federal funding.

NON-DISCRETIONARY COST OR SAVING

The matters proposed will not impose any non-discretionary cost or savings to local agencies.

COSTS AND SAVINGS TO STATE AGENCIES

The matters proposed herein will not result in any cost or savings to state agencies.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

All persons are invited to submit written comments to the Commissioner prior to the public hearing on the proposed regulations. Written comments transmitted via facsimile machine will not be accepted. Comments should be sent to the agency contact person:

Department of Insurance
Attn: Wesley E. Kennedy
300 Capitol Mall, 17th Floor
Sacramento, CA 95814

All interested persons may present oral/or written testimony at the scheduled public hearing.

ACCESS TO COPIES OF PROPOSED REGULATION AND INITIAL STATEMENT OF REASONS

The CDI has prepared an initial statement of reasons that sets forth the reasons for the proposed adoption of the regulations. On request, the initial statement of reasons, including the text of the regulations and any supplemental information contained in the rulemaking file will be made available for inspection and copying. On written request the final statement of reasons will be made available for inspection and copying once it has been prepared and will be available on the CDI website.

The rule-making file will be made available for inspection, by appointment, at 300 Capitol Mall, 17th Floor, Sacramento, California, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. Written request for the initial statement of reasons, review of the rule making file or questions regarding these proceedings should be directed to the contact person listed above.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the CDI website. To access them, go to <http://www.insurance.ca.gov/docs/index.html>. Near the right side of the page under "Quick Links" go to the bottom of the list and click on "Legal Information." On the next page, click on "Proposed Regulations" In this section, scroll down until you see the subheading "Search." Enter RH03031215 (the CDI's regulation file number for these regulations) in the "Search for" field. Alternatively, search using as your search term the CIC number of a code section that the regulations implement (for instance, "1872.81"), or search by key

words (“assessment” for example). Then, click on the “Submit” button to display links to the various filing documents.”

To browse, click on the “Browse All Regulations” button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the “organized automobile fraud assessment” link, and click it. Links to the documents associated with these regulations will then be displayed.

AUTOMATIC MAILING

A copy of this notice, including the Informative Digest, containing the substance of the proposed regulations will automatically be sent all persons on the Commissioner’s mailing list.

ADOPTION OF REGULATION

Following the close of the comment period and any hearing, the Commissioner may adopt the regulation substantially as described in this notice and informative digest. Copies of the regulations, as adopted, will be sent to all persons on the Commissioner’s interested parties mailing list and to all person who provided comment during the comment period or at any public hearing, and those persons who have requested copies of information regarding the regulations.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

Adoption of these regulations as proposed would not mandate the use of specific technologies or equipment.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

As a result of public comment (oral or written) the Commissioner may determine that changes to the proposed regulations are appropriate. If those changes are sufficiently related to the original text the public was originally noticed of in the proposed regulatory action, copies of the revised proposed regulations will be sent to all persons who testified at the public hearing or submitted comments during the comment period or at the public hearing, and those persons who have requested copies of information regarding the regulation. The full text of the changed regulations will be available for at least 15 days prior to the date on which the agency adopts, amends or repeals the resulting regulations. At least 45 days notice will be given if the changes are not sufficiently related to the original text that the public was not adequately placed on notice that the changed action could result from the originally proposed action.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED RULEMAKING AND NOTICE OF PUBLIC HEARING

**SUBJECT: AUTOMOBILE INSURANCE
FRAUD PROGRAM**

File No. RH03032089

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner of the State of California (Commissioner) proposes to amend and adopt the regulations as described below after considering comments from the public. The Commissioner proposes to amend Sections 2698.61 and 2698.62 of title 10, Chapter 5, Subchapter 9, Article 4 of the California Code of Regulations (CCR). The proposed amendments and additions govern the assessment for the funding of a grant program to fight the organized automobile insurance fraud.

PUBLIC HEARING

A public hearing has been scheduled in connection with this proposed action. A public hearing will be held:

Location: 300 Capitol Mall, 13th Floor
Conference Room
Sacramento, CA 95814

Date: July 26, 2004.

Time: 10:00 A.M.

AUTHORITY AND REFERENCE

The Commissioner proposes to adopt, amend and repeal specified portions of the subject regulations under the authority of California Insurance Code (CIC) sections 12921, 12926. The Commissioner’s decision on the proposed changes to the regulations will implement, interpret and make specific provisions of CIC section 1872.8.

PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on July 26, 2004. Please direct all written comments to the following contact person:

Wesley E. Kennedy
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3561

Questions regarding procedure, comments, or the substance of the proposed action should be addressed

to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

Gene Woo
45 Fremont Street, 24th Floor
San Francisco, CA 94105
(415) 538-4496

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for these hearings in order to make special arrangements, if necessary.

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Commissioner, addressed to one of the contact person at his respective address listed above, no later than 5:00 p.m. on July 26, 2004. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address:

kennedyw@insurance.ca.gov.

The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Wesley E. Kennedy and sent to the following facsimile number: (916) 324-1883. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

PUBLIC DISCUSSION OF PROPOSED REGULATIONS

Pursuant to Government Code section 11346.45, the California Department of Insurance (CDI) mailed an invitation to Pre-notice Public Workshop to a number of insurer-group representatives and also posted such notice on its public web-site. Subsequently, the CDI held a public discussion in order to receive comments about the proposed regulation. Input from the workshop participants was taken into account in the formulation of the proposed regulation.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of CCR, title 10, Chapter 5, Subchapter 4.5, in connection with their participation in this matter. Interested persons should

contact the Office of the Public Advisor at the following address in order to inquire about the appropriate procedures:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person listed above. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW AND POLICY STATEMENT OVERVIEW

The Commissioner proposes to amend title 10, CCR, sections 2698.61 and 2698.62 regarding the calculation and collection of an assessment to fund a program for the investigation and prosecution of automobile insurance fraud. The proposed amendment will implement, interpret and make specific the provisions of the CIC section 1872.8 which, inter alia, require the Commissioner to assess and distribute certain funds to California district attorneys for the purpose of prosecuting automobile insurance fraud cases.

AB 1050, Chapter 885, Statutes of 1999, was signed by the Governor on October 9, 1999 creating the Organized Crime Prevention and Victim Protection Act of 1999 (the Act). AB 1050, inter alia, added CIC 1874.8 and 1874.81 as well as modifying existing CIC section 1872.8. In adopting AB 1050, the Legislature made the following findings and declaration of purpose:

Section 1. (a) This act shall be known as the Organized Crime Prevention and Victim Prevention Act of 1999.

“(b) The Legislature finds that organized automobile fraud activity operating in the major urban centers of the state represents a significant portion of all individual fraud-related automobile insurance cases. These cases result in artificially higher insurance premiums for core urban areas and low-income areas of the state than for other areas of the state. Only a focused, coordinated effort by all appropriate agencies and organizations can effectively deal with this problem.”

CIC section 12921 requires the Commissioner to enforce the provisions of the Insurance Code and other laws regulating the business of insurance in the State of California. CIC section 1872.8, requires the Commissioner to establish an annual assessment on each vehicle for which a policy of insurance has been

issued in this state in order to fund the activities under the Act by the Commissioner, the California Highway Patrol and county district attorney offices.

CIC section 1872.8 does not provide for a specific method for the calculation and payment of this assessment. Prior to November 12, 2001, the regulations implementing that section also did not provide a method for calculating and remitting the payment of the assessment. As a result of this lack of specificity, assessments were undertaken in a variety and often-inconsistent methods. In August, 2000, the Commissioner issued a notice of intent to adopt regulations to address this problem. As initially noticed, section 2698.62, required an annual assessment to be paid on a non-prorated quarterly basis where each insurer would calculate and pay a full assessment on each vehicle insured under a policy of insurance issued in this state during the proceeding quarter or any part thereof. As a result of comments received during the public comment period, the proposed text was amended to enable a limited amount of prorating in the calculation and payment of the assessment.

In addition, the CDI expressed its belief that the most accurate means of identifying vehicles for the purpose of calculating the assessment was to employ a vehicle specific or "hard count" method. However, in response to comments during pre-notice discussions some insurers indicated that undertaking a hard count may be difficult for some lines of insurance and that comparable surrogates could be employed. Accordingly, the extant regulations do not expressly mandate a "hard count. Although not expressly requiring the use of a hard count, at that time, the CDI did indicate that it would seek to promulgate further changes to the regulation to address this issue should it subsequently be deemed necessary.

After two and one-half years under the extant regulations, the Commissioner has determined that allowing the assessment to be calculated and paid on a prorated basis, especially in the absence of specific and uniform method for identifying the number of vehicles, has resulted in the use of methods in the calculating and remitting the assessment that are inconsistent, less accurate and raise difficulties in undertaken efficient verification. In addition, the result may have also contributed to a reduction in the appropriate total amount of the assessment. The Commissioner believes that insurers are readily capable of employing a hard count in nearly, if not all, lines of automobile insurance. That using a uniform method for counting vehicle would provide a clear and uniform standard for insurer and the CDI to use in calculating the assessment. Remitting the full annual assessment in the quarter each vehicle is initially identified would be a more clear, simpler and less confusing process. That by using a 12 month rather

than a calendar or budget year, would preclude any ostensible inequity that could result from eliminating prorating. Providing a data file where the vehicle identification number and basic policy information is retained will provide an efficient calculation and payment of the assessment as well as enhance the ability to verify the accuracy of the same by the Department. Finally, the proposed amendments will provide insurers an option to use an alternative method subject to prior approval by the Commissioner.

Accordingly, the proposed amendments will modify the method for calculating the annual assessment by eliminating the text allowing for prorating in the calculation and payment of the assessment, make more specific that the calculation must be based on a hard count of the vehicles by using a vehicle specific identification number and verification thereof. A related but distinct provision for the assessment of \$.50 is set forth in title 10, California Code of Regulations, section 2698.71 as well as a \$.30 assessment provided for under 10 California Code of Regulations, section 2698.68. Conforming amendments are being proposed concurrently with this submission.

SUMMARY OF PROPOSED PROVISIONS

Section 2698.61

Adds a definition for the terms "in force" and "vehicle identification number" and makes appropriate adjustment to the existing definitions for the insertion of the added provisions.

Section 2698.62

The proposed amendments to subsection (a) deletes the provisions of the existing text providing that the amount, calculation and remittance of the assessment may be undertaken on an annualized and prorated basis. The proposed amendment further specifies that assessment may not be prorated either in amount assessed or remitted.

Deletes provisions of the existing subsection (b) that provide a method for the calculation of the assessment on a prorated basis. Adds text to subsection that provides a method for the calculation and remittance of the assessment on a quarterly but non-prorated basis. Further adds to existing provision that insurer's will certify that they have calculated the assessment in conformity with the provisions of this section.

Renumbers existing subsection (c) to subsection (d). As proposed, subsection (c) adds text requiring insurers to maintain, in an identified data file, information necessary for the verification of assessment calculation, which shall include the vehicle identification number, policy number and dates of coverage for each vehicle insured in this state. .

Renumbers existing subsections (d) to subsection (e). Adds to renumbered subsection (d) in the first sentence the term "separate" and adds a item (d) which provides for an exclusion from assessment for vehicles on which a policy has been written but never put in force (i.e., a "flat cancellation"). Renumbers existing subsection (e) to subsection (f).

MATERIAL INCORPORATED BY REFERENCE

No material has been incorporated by reference in the proposed regulations.

DETERMINATIONS

BUSINESS REPORTS

To the extent that any provision of the proposed regulations could be interpreted as requiring a report of business, the Commissioner finds that the application of these regulations to business necessary in the public health, safety, or welfare of the people of the state.

EFFECT ON SMALL BUSINESSES

The proposed regulation will not have an adverse effect on small businesses. This section pertains to the methodology for the calculation and payment of an assessment by insurance companies (Govt. Code 11342.610(b)(2).)

IMPACT ON BUSINESSES AND JOBS

The Commissioner has determined that the regulations would not have a significant statewide adverse economic impact on directly affecting businesses, including the ability of California businesses to compete with the businesses in other states.

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

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

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Commissioner must determine the potential impact of the proposed action on private persons or businesses directly affected by the proposal. The proposed regulations are not expected to have a significant cost impact on private persons or businesses directly affected. The cost imposed on the businesses directly affected, insurers, is one-dollar (\$1.00) per policy per year and costs associated with the calculation and transmittal of this assessment and are imposed by existing statute and regulation. .

IMPACT ON HOUSING

The matters proposed herein will not affect housing costs.

COST OR SAVINGS AND MANDATE TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The CDI has determined that there will be no cost savings or increase, nor will these regulations impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Commissioner must determine that no alternative considered by the CDI would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than the emergency action. These regulations are to implement, interpret and make specific a statutorily prescribed program. No alternatives were considered.

FEDERAL FUNDING

The matters proposed herein will not affect federal funding.

NON-DISCRETIONARY COST OR SAVING

The matters proposed will not impose any non-discretionary cost or savings to local agencies.

COSTS AND SAVINGS TO STATE AGENCIES

The matters proposed herein will not result in any cost or savings to state agencies.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

All persons are invited to submit written comments to the Commissioner prior to the public hearing on the proposed regulations. Written comments transmitted via facsimile machine will not be accepted. Comments should be sent to the agency contact person:

Department of Insurance
Attn: Wesley E. Kennedy
300 Capitol Mall, 17th Floor
Sacramento, CA 95814

All interested persons may present oral/or written testimony at the scheduled public hearing.

**ACCESS TO COPIES OF PROPOSED
REGULATION AND INITIAL
STATEMENT OF REASONS**

The CDI has prepared an initial statement of reasons that sets forth the reasons for the proposed adoption of the regulations. On request, the initial statement of reasons, including the text of the regulations and any supplemental information contained in the rulemaking file will be made available for inspection and copying. On written request the final statement of reasons will be made available for inspection and copying once it has been prepared and will be available on the Department's website.

The rule-making file will be made available for inspection, by appointment, at 300 Capitol Mall, 17th Floor, Sacramento, California, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. Written request for the initial statement of reasons, review of the rulemaking file or questions regarding these proceedings should be directed to the contact person listed above.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the CDI's website. To access them, go to <http://www.insurance.ca.gov/docs/index.html>. Near the right side of the page under "Quick Links" go to the bottom of the list and click on "Legal Information." On the next page, click on "Proposed Regulations" In this section, scroll down until you see the subheading "Search." Enter RH03032089 (the Department's regulation file number for these regulations) in the "Search for" field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "1872.8"), or search by key words ("assessment" for example). Then, click on the "Submit" button to display links to the various filing documents."

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "organized automobile fraud assessment" link, and click it. Links to the documents associated with these regulations will then be displayed.

AUTOMATIC MAILING

A copy of this notice, including the Informative Digest, containing the substance of the proposed regulations will automatically be sent all persons on the Insurance Commissioner's mailing list.

ADOPTION OF REGULATION

Following the close of the comment period and any hearing, the Commissioner may adopt the regulation substantially as described in this notice and Informa-

tive Digest. Copies of the regulations, as adopted, will be sent to all persons on the Commissioner's interested parties mailing list and to all person who provided comment during the comment period or at any public hearing, and those persons who have requested copies of information regarding the regulations.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

Adoption of these regulations as proposed would not mandate the use of specific technologies or equipment.

**AVAILABILITY OF ADDITIONAL
STATEMENTS AND COMMENTS**

As a result of public comment (oral or written) the Commissioner may determine that changes to the proposed regulations are appropriate. If those changes are sufficiently related to the original text the public was originally noticed of in the proposed regulatory action, copies of the revised proposed regulations will be sent to all persons who testified at the public hearing or submitted comments during the comment period or at the public hearing, and those persons who have requested copies of information regarding the regulation. The full text of the changed regulations will be available for at least 15 days prior to the date on which the agency adopts, amends or repeals the resulting regulations. At least 45 days notice will be given if the changes are not sufficiently related to the original text that the public was not adequately placed on notice that the changed action could result from the originally proposed action. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above. If adopted these regulations will appear in title 10, Chapter 5, Subchapter 9, Article 4.5, Sections 2698.62, CCR

**TITLE 10. DEPARTMENT
OF INSURANCE**

NOTICE OF EMERGENCY RULEMAKING

**SUBJECT: ORGANIZED AUTOMOBILE
INSURANCE FRAUD GRANT
FUNDING PROGRAM**

File No. RH03032090
May 18, 2004

PROPOSED REGULATORY ACTION

The Insurance Commissioner of the State of California (Commissioner) proposes to amend Article 5, sections 2698.70 and 2698.71 of Subchapter 9, Chapter 5, of Title 10 of the California Code of Regulations (CCR), regarding the program for the investigation and prosecution of organized automobile insurance fraud.

PUBLIC HEARING

A public hearing has been scheduled in connection with this proposed action. A public hearing will be held:

Location: 300 Capitol Mall, 13th Floor
Conference Room
Sacramento, CA 95814

Date: July 26, 2004.

Time: 10:00 A.M.

AUTHORITY AND REFERENCE

The Commissioner proposes to adopt, amend and repeal specified portions of the subject regulations under the authority of Insurance Code (CIC) sections 12921, 12926. The Commissioner's decision on the proposed changes to the regulations will implement, interpret and make specific provisions of Insurance Code section 1874.8 and 1874.81.

PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on July 26, 2004. Please direct all written comments to the following contact person:

Wesley E. Kennedy
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3561

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

Gene Woo
45 Fremont Street, 24th Floor
San Francisco, CA 94105
(415) 538-4496

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for these hearings in order to make special arrangements, if necessary.

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to one of the contact persons at his respective address listed above, no later than 5:00 p.m. on July 26, 2004. Any written materials received after that time will not be considered.

COMMENTS TRANSMITTED BY
E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address:

kennedyw@insurance.ca.gov.

The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Wesley E. Kennedy and sent to the following facsimile number: (916) 324-1883. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

PUBLIC DISCUSSION OF
PROPOSED REGULATIONS

Pursuant to Government Code section 11346.45, the CDI mailed an invitation to Pre-notice Public Workshop to a number of insurer-group representatives and also posted such notice on its public web-site. Subsequently, the CDI held a public discussion in order to receive comments about the proposed regulation. Input from the workshop participants was taken into account in the formulation of the proposed regulation.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of CCR, title 10, Chapter 5, Subchapter 4.5, in connection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address in order to inquire about the appropriate procedures:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person listed above. Please contact the Office of the Public Advisor for further information.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The Commissioner proposes to amend sections 2698.70 and 2698.71 of title 10, of the CCR regarding the program for investigation and prosecution of organized automobile fraud. The purpose of the proposed amendment is to implement, interpret and make specific the provisions of the CIC sections

1874.8 and 1874.81 which require the Commissioner to assess and distribute certain funds to California district attorneys for the purpose of prosecuting organized automobile fraud cases.

AB 1050, Chapter 885, Statutes of 1999, was signed by the Governor on October 9, 1999 creating the Organized Crime Prevention and Victim Protection Act of 1999. AB 1050, inter alia, added CIC 1874.8 and 1874.81 as well modifying existing CIC section 1872.8. In adopting AB 1050, the Legislature made the following findings and declaration of purpose:

Section 1. (a) This act shall be known as the Organized Crime Prevention and Victim Prevention Act of 1999.

“(b) The Legislature finds that organized automobile fraud activity operating in the major urban centers of the state represents a significant portion of all individual fraud-related automobile insurance cases. These cases result in artificially higher insurance premiums for core urban areas and low-income areas of the state than for other areas of the state. Only a focused, coordinated effort by all appropriate agencies and organizations can effectively deal with this problem.”

CIC section 12921 requires the Commissioner to enforce the provisions of the Insurance Code and other laws regulating the business of insurance in the State of California. CIC section 1874.8, requires the Commissioner to establish an annual assessment on each automobile for which a policy of insurance has been issued in order to fund the activity of the Commissioner, the California Highway Patrol and from 3 to 10 county District Attorney’s Offices.

The existing regulations provide for a method of calculation and payment of this assessment in the same manner as that used for the similar but distinct assessment under CIC section 1872.8 (10 CCR 2698.61 and 2698.62). The existing regulation permits the calculation and payment of the assessment to be prorated on a quarterly basis and do require a specific method of identifying the vehicles subject to assessment is required. The proposed amendments will implement, interpret and make specific the provisions of CIC sections 1874.8 and 1874.81 and title 10, CCR sections 2698.70 and 2698.71. The proposed action would specify and make more clear and uniform the process the calculation, payment and verification of the annual assessment by providing conforming the provisions of title 10 CCR 2698.70 and 2698.71 with those of title 10 CCR 2698.61 and 2698.62, which are being amended concurrently herewith (RH 03032089).

The specific regulations being amended by this notice are as follows:

Section 2698.70 Definitions

Adds a definition for the terms “in force” and “vehicle identification number” and makes appropriate adjustment to the existing definitions for the insertion of the added provisions.

Section 2698.71 Annual Fee

This notice would amend the existing text of this section to delete the entire section except the amount of assessment and otherwise conform the process for the calculation and payments of the assessment by providing an express cross reference in this section to the provisions of a similar assessment under title 10 CCR 2698.62.

MATERIAL INCORPORATED BY REFERENCE

No material has been incorporated by reference in the proposed regulations.

DETERMINATIONS

BUSINESS REPORTS

To the extent that any provision of the proposed regulations could be interpreted as requiring a report of business, the Commissioner finds that the application of these regulations to business necessary in the public health, safety, or welfare of the people of the state.

EFFECT ON SMALL BUSINESSES

The proposed regulation will not have an adverse effect on small businesses. This section pertains to the methodology for the calculation and payment of an assessment by insurance companies (Govt. Code 11342.610(b)(2).)

IMPACT ON BUSINESSES AND JOBS

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

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

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

COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The Insurance Commissioner must determine the potential impact of the proposed action on private persons or businesses directly affected by the proposal. The proposed regulations are not expected to have significant cost impact on private persons or businesses directly affected. The cost imposed on the businesses directly affected, insurers, is one-dollar (\$1.00) per policy per year and costs associated with the calculation and transmittal of this assessment.

IMPACT ON HOUSING

The matters proposed herein will not affect housing costs.

COST OR SAVINGS AND MANDATE TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Commissioner has determined that there will be no cost savings or increase, nor will these regulations impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CDI must determine that no reasonable alternative considered by the CDI or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affect private persons than the emergency action. These regulations are to implement, interpret and make specific a statutorily prescribed program. The Commissioner has not identified any equally or less burdensome alternative to these regulations, at this time. The public is invited to submit such alternatives during the public comment period.

FEDERAL FUNDING

The matters proposed herein will not affect federal funding.

NON-DISCRETIONARY COST OR SAVING

The matters proposed will not impose any non-discretionary cost or savings to local agencies.

COSTS AND SAVINGS TO STATE AGENCIES

The matters proposed herein will not result in any cost or savings to state agencies.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS

All persons are invited to submit written comments to the Insurance Commissioner prior to the public hearing on the proposed regulations. Written comments transmitted via facsimile machine will not be accepted. Comments should be sent to the agency contact person:

Department of Insurance
Attn: Wesley E. Kennedy
300 Capitol Mall, 17th Floor
Sacramento, CA 95814

All interested persons may present oral/or written testimony at the scheduled public hearing.

ACCESS TO COPIES OF PROPOSED REGULATION AND INITIAL STATEMENT OF REASONS

The CDI has prepared an initial statement of reasons that sets forth the reasons for the proposed adoption of the regulations. On request, the initial statement of reasons, including the text of the regulations and any supplemental information contained in the rulemaking file will be made available for inspection and copying. On written request the final statement of reasons will be made available for inspection and copying once it has been prepared and will be available on the CDI's website.

The rule-making file will be made available for inspection, by appointment, at 300 Capitol Mall, 17th Floor, Sacramento, California, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday, holidays excepted. Written request for the initial statement of reasons, review of the rule making file or questions regarding these proceedings should be directed to the contact person listed above.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the CDI's website. To access them, go to <http://www.insurance.ca.gov/docs/index.html>. Near the right side of the page under "Quick Links" go to the bottom of the list and click on "Legal Information." On the next page, click on "Proposed Regulations" In this section, scroll down until you see the subheading "Search." Enter RH03032090 (the CDI's regulation file number for these regulations) in the "Search for" field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "1874.8"), or search by key words ("assessment" for example). Then, click on the "Submit" button to display links to the various filing documents."

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "organized automobile fraud assessment" link, and click it. Links to the documents associated with these regulations will then be displayed.

AUTOMATIC MAILING

A copy of this notice, including the Informative Digest, containing the substance of the proposed regulations will automatically be sent all persons on the Insurance Commissioner's mailing list.

ADOPTION OF REGULATION

Following the close of the comment period and any hearing, the Insurance Commission may adopt the regulation substantially as described in this notice and informative digest. Copies of the regulations, as adopted, will be sent to all persons on the Commissioner's interested parties mailing list and to all person who provided comment during the comment period or at any public hearing, and those persons who have requested copies of information regarding the regulations.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

Adoption of these regulations as proposed would not mandate the use of specific technologies or equipment.

AVAILABILITY OF MODIFIED TEXT OF REGULATION

As a result of public comment (oral or written) the Commissioner may determine that changes to the proposed regulations are appropriate. If those changes are sufficiently related to the original text the public was originally noticed of in the proposed regulatory action, copies of the revised proposed regulations will be sent to all persons who testified at the public hearing or submitted comments during the comment period or at the public hearing, and those persons who have requested copies of information regarding the regulation. The full text of the changed regulations will be available for at least 15 days prior to the date on which the agency adopts, amends or repeals the resulting regulations. At least 45 days notice will be given if the changes are not sufficiently related to the original text that the public was not adequately placed on notice that the changed action could result from the originally proposed action. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above. If adopted these regulations will appear in Title 10, Chapter 5, Subchapter 9, Article 5, Sections 2698.70 and 2698.71, California Code of Regulations

TITLE 15. DEPARTMENT OF CORRECTIONS

CALIFORNIA CODE OF REGULATIONS CRIME PREVENTION AND CORRECTIONS DIVISION 3

NOTICE IS HEREBY GIVEN that the Director of the Department of Corrections (CDC), pursuant to rulemaking authority granted by Penal Code (PC) Section 5058.3 in order to implement, interpret and make specific PC Section 5054, proposes to repeal changes filed with the Office of Administrative Law (OAL) File No. 03-1211-01-EON, specific to California Code of Regulations (CRC), Title 15, Division 3, Sections 3044, 3092, 3138 and 3190. This action supersedes OAL File No. 03-1211-01-EON and amends and adopts Sections 3006, 3044, 3092, 3100, 3101, 3107, 3138, 3161, 3190, 3191, 3192, 3193, 3194, and 3195 in the CCR, Title 15, Division 3 relating to statewide vendor/inmate personal property packages.

PUBLIC HEARING

Date and Time: August 12, 2004
9:00 am to 5:00 pm
Place: Resource Agency Auditorium
1416 Ninth Street
Sacramento, CA 95814
Purpose: To receive comments about
this action.

PUBLIC COMMENT PERIOD:

The public comment period will close August 12, 2004 at 5:00 pm. Any person may submit public comments in writing (by mail, by fax, or e-mail) regarding the proposed changes. All comments received regarding OAL File No. 03-1211-01-EON, Statewide Vendor Packages will be merged with the public comments received during this 45-day comment period. To be considered by the Department, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916)322-3842; or by e-mail at RPMB@corr.ca.gov before the close of the comment period.

CONTACT PERSON

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

Back-up contact person:

A. Cunningham
Regulation Management Unit
Telephone (916) 322-9702

Questions regarding the substance of the proposed regulatory action should be directed to:

F. Lopez, Facility Captain
Institution Services Unit
Telephone (916) 323-6816

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate, which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: Savings FY 03/04 \$1,744,000
- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business, because they are not affected by the internal management of state prisons.

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

The Department has determined that the proposed regulation will have no effect on the creation of new or the elimination of existing jobs or businesses within

California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, Initial Statement of Reasons, and the Notice of Proposed Action will also be made available on the Department's website
<http://www.cdc.state.ca.us>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the final statement of reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5054 vests with the Director the supervision, management and control of the prisons,

and the responsibility for the care, custody, treatment, training, discipline, and employment of inmates.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

- Repeals emergency regulations filed with OAL regarding the statewide vendor package program.
- Clarifies and merges language regarding the statewide vendor package program with language regarding the standardization of inmate personal property.
- Directs facilities to make available to inmates the procedures for the receipt of packages from their correspondents via departmentally-approved statewide vendors.
- Amends language regarding the facility's right to refuse to deliver a package if the inmate is not qualified. Provides the vendor direction when a package is in excess of the 30-pound limit or is received in a damaged condition.
- Permits inmates to possess in their quarters/living area, state-issued property and authorized personal property based upon privileges in Section 3044 and subject to disciplinary provisions in Sections 3314 and 3315. Language is deleted that allowed individual institutions to establish a list of personal property items and the maximum amount of such items an inmate may possess. This action will limit the amount and restrict the type of personal property an inmate is allowed to possess, as well as aid in the safety and security of the prisons and the public.
- Allows inmates to acquire authorized personal property packages based upon their privilege group, pursuant to Section 3044. Personal property packages include various items, which can be purchased by inmate correspondents and sent to the inmate via approved vendors, or items purchased by inmates from vendor catalogs and shipped to the inmate via approved vendors. These packages, also referred to as "quarterly packages," shall be shipped to the inmate's institution/facility by a departmentally-approved vendor.
- Allows inmates to acquire special purchases of authorized personal property items from departmentally-approved vendors. These special purchases shall only include health care appliances, correspondence courses, religious items, handicraft

material, legal material, entertainment appliances, musical instruments, books and subscriptions to periodicals. These special purchases are subject to designated staff approval, the Penal Code, the Title 15, and qualifying privilege groups.

- Requires "clear case" technology as part of inmate personal property standardization and requires the purchase of clear-case appliances from approved vendors when ordering new or replacement appliances, as they become available. Clear-case appliances are being required in the interest of safety and security of the institution/facility, and in order to curtail the introduction or concealment of contraband.

GENERAL PUBLIC INTEREST

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

**PROPOSED ADOPTION OF SECTION 565.5
ENTITLED "FEES FOR ACTUARIAL
VALUATIONS"**

NOTICE OF RESCHEDULED PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) has rescheduled the public hearing regarding the above referenced regulatory action pertaining to actuarial valuations prepared by CalPERS for public agencies considering participation in CalPERS or public agencies considering amendment of their existing CalPERS contracts from the originally noticed date and time of June 15, 2004 at 9:00 a.m.

Comments on the proposed action will be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the CalPERS Benefits and Program Administration Committee:

August 17, 2004
9:00 a.m.

California Public Employees' Retirement System
400 P Street
Sacramento, California 95814

Please direct inquiries concerning the hearing to:

Marilyn Clark, Regulations Coordinator
California Public Employees' Retirement System
400 P Street, Room 1120
P.O. Box 942702
Sacramento, California 94229-2702

Telephone: (916) 326-3007

Fax: (916) 326-3379

E-mail: marilyn_clark@calpers.ca.gov

PROPOSITION 65

DEPARTMENT OF FISH AND GAME

Public Interest Notice

PROPOSED RESEARCH ON A FULLY-PROTECTED SPECIES:

Conducting Surveys for the California Black Rail

The Department of Fish and Game (Department) is evaluating a proposal received from Steven R. Beissinger, University of California, Berkeley, California, for authorization to take, for research purposes and consistent with conservation and recovery of the species, the California black rail (*Laterallus jamaicensis coturniculus*) (rail). The rail is a Fully Protected species of bird. The proposed activity consists of searching for vocalizing individuals of the rail, employing playback of tape-recorded, species-specific vocalizations, to determine distribution and status of local populations. The researcher would collect data by interpreting calls received from marsh birds responding to the tape and by observing individual birds. There would be no attempt to capture individuals of the rail or to approach nests of the rail.

Steven Beissinger has the required State scientific collecting permit (SCP) to take native wildlife. SCP conditions require that each holder of this permit obtain additional, special authorization from the Department to take a Fully Protected species. The Department would provide the special authorization to Steven Beissinger to take the rail, through specific written conditions in a Memorandum of Understanding.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of a Fully Protected species of bird after a notice of 30 days has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research by Steven Beissinger is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after July 12, 2004, for a term not to exceed five years. Contact the Habitat Conservation Planning Branch, Department of Fish and Game, 1416 Ninth Street, 12th Floor, Sacramento, California 95814, attention: John Gustafson.

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

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

NOTICE TO INTERESTED PARTIES

CHEMICALS LISTED EFFECTIVE JUNE 11, 2004 AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *3,3'-dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine, 3,3'-dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine, ethylbenzene, propylene glycol mono-t-butyl ether, and thiouracil* to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code section 25249.5 et seq., Proposition 65). The listing of these chemicals is effective **June 11, 2004**.

3,3'-dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine, 3,3'-dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine, ethylbenzene (CAS No. 100-41-4), propylene glycol mono-t-butyl ether (CAS No. 57018-52-7), and thiouracil (CAS No. 141-90-2) are listed as chemicals known to the State of California to cause cancer. The listing of these chemicals is based on a formal identification by authoritative bodies (i.e., the National Toxicology Program "NTP" and the International Agency for Research on Cancer "IARC") that these chemicals cause cancer. Regulations governing the listing of chemicals under the "authoritative bodies" mechanism are published in Title 22, Cal. Code of Regs. section 12306.

The reader is directed to the Notice of Intent to List *3,3'-dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine, 3,3'-dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine, ethylbenzene, propylene glycol mono-t-butyl ether, and thiouracil* published in the April 9, 2004, issue of the *California Regulatory Notice Register* (Register No. 2004, No. 15-Z) for the documentation supporting

OEHHA's determination that the criteria for administrative listing have been satisfied for these chemicals. The documentation was developed to explain the basis for listing these chemicals via the authoritative bodies provision of Proposition 65. OEHHA analyses of dose-response data to establish the no significant risk levels (NSRLs) for these chemicals under Proposition 65 have not been conducted. The priority status of the development of such analyses will be announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at

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

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*. The following table outlines the addition of these chemicals to the Proposition 65 chemical list as known to the State to cause cancer:

Cancer

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	Cancer	AB
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—1	Cancer	AB
Ethylbenzene	100-41-4	Cancer	AB
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	Cancer	AB
Thiourea	141-90-2	Cancer	AB

¹ Listing mechanism:

AB—"authoritative bodies" mechanism (Title 22, Cal. Code of Regs. section 12306)

PROPOSITION 65

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

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

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY**

June 11, 2004

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when

several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

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

Chemical	CAS Number	Date
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
Allyl chloride	—	July 1, 1988
Delisted October 29, 1999	107051	January 1, 1990
2-Aminoanthraquinone	117793	October 1, 1989
p-Aminoazobenzene	60093	January 1, 1990
ortho-Aminoazotoluene	97563	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92671	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989
2-Aminofluorene	153786	January 29, 1999
1-Amino-2-methylanthraquinone	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332214	February 27, 1987
Auramine	492808	July 1, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Azacitidine	320672	January 1, 1992	Chlordane	57749	July 1, 1988
Azaserine	115026	July 1, 1987	Chlordecone (Kepone)	143500	January 1, 1988
Azathioprine	446866	February 27, 1987	Chlordimeform	6164983	January 1, 1989
Azobenzene	103333	January 1, 1990	Chlorendic acid	115286	July 1, 1989
Benz[a]anthracene	56553	July 1, 1987	Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989
Benzene	71432	February 27, 1987	p-Chloroaniline	106478	October 1, 1994
Benzidine [and its salts]	92875	February 27, 1987	p-Chloroaniline hydrochloride	20265967	May 15, 1998
Benzidine-based dyes	—	October 1, 1992	Chlorodibromomethane	124481	January 1, 1990
Benzo[b]fluoranthene	205992	July 1, 1987	Delisted October 29, 1999	75003	July 1, 1990
Benzo[j]fluoranthene	205823	July 1, 1987	Chloroethane (Ethyl chloride)	13010474	January 1, 1988
Benzo[k]fluoranthene	207089	July 1, 1987	1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosoarea (CCNU)	13909096	October 1, 1988
Benzofuran	271896	October 1, 1990	(Lomustine)	67663	October 1, 1987
Benzo[a]pyrene	50328	July 1, 1987	1-(2-Chloroethyl)-3-(4- methylcyclohexyl)-1- nitrosoarea (Methyl- CCNU)	107302	February 27, 1987
Benzotrithloride	98077	July 1, 1987	3-Chloro-2-methylpropene	563473	July 1, 1989
Benzyl chloride	100447	January 1, 1990	1-Chloro-4-nitrobenzene	100005	October 29, 1999
Benzyl violet 4B	1694093	July 1, 1987	4-Chloro-ortho-phenylenedia- mine	95830	January 1, 1988
Beryllium and beryllium compounds	—	October 1, 1987	p-Chloro-o-toluidine	95692	January 1, 1990
Betel quid with tobacco	—	January 1, 1990	p-Chloro- <i>o</i> -toluidine, strong acid salts of	—	May 15, 1998
2,2-Bis(bromomethyl)-1,3- propanediol	3296900	May 1, 1996	5-Chloro- <i>o</i> -toluidine and its strong acid salts	—	October 24, 1997
Bis(2-chloroethyl)ether	111444	April 1, 1988	Chloroprene	126998	June 2, 2000
N,N-Bis(2-chloroethyl)-2- naphthylamine (Chlor- napazine)	494031	February 27, 1987	Chlorothalonil	1897456	January 1, 1989
Bischloroethyl nitrosoarea (BCNU)(Carmustine)	154938	July 1, 1987	Chlorotrianisene	569573	September 1, 1996
Bis(chloromethyl)ether	542881	February 27, 1987	Chlorozotocin	54749905	January 1, 1992
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999	Chromium (hexavalent compounds)	—	February 27, 1987
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990	Chrysene	218019	January 1, 1990
Bracken fern	—	January 1, 1990	C.I. Acid Red 114	6459945	July 1, 1992
Bromate	15541454	May 31, 2002	C.I. Basic Red 9 monohydrochloride	569619	July 1, 1989
Bromodichloromethane	75274	January 1, 1990	C.I. Direct Blue 15	2429745	August 26, 1997
Bromoethane	74964	December 22, 2000	C.I. Direct Blue 218	28407376	August 26, 1997
Bromoform	75252	April 1, 1991	C.I. Solvent Yellow 14	842079	May 15, 1998
1,3-Butadiene	106990	April 1, 1988	Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992
1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	Cidofovir	113852372	January 29, 1999
Butylated hydroxyanisole	25013165	January 1, 1990	Cinnamyl anthranilate	87296	July 1, 1989
beta-Butyrolactone	3068880	July 1, 1987	Cisplatin	15663271	October 1, 1988
Cacodylic acid	75605	May 1, 1996	Citrus Red No. 2	6358538	October 1, 1989
Cadmium and cadmium compounds	—	October 1, 1987	Clofibrate	637070	September 1, 1996
Caffeic acid	331395	October 1, 1994	Cobalt metal powder	7440484	July 1, 1992
Captafol	2425061	October 1, 1988	Cobalt [II] oxide	1307966	July 1, 1992
Captan	133062	January 1, 1990	Cobalt sulfate heptahydrate	10026241	June 2, 2000
Carbazole	86748	May 1, 1996	Coke oven emissions	—	February 27, 1987
Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003	Conjugated estrogens	—	February 27, 1987
Carbon tetrachloride	56235	October 1, 1987	Creosotes	—	October 1, 1988
Carbon-black extracts	—	January 1, 1990	para-Cresidine	120718	January 1, 1988
N-Carboxymethyl-N- nitrosoarea	60391926	January 25, 2002	Cupferron	135206	January 1, 1988
Catechol	120809	July 15, 2003	Cycasin	14901087	January 1, 1988
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	Cyclophosphamide (anhydrous)	50180	February 27, 1987
Certain combined chemotherapy for lymphomas	—	February 27, 1987			
Chlorambucil	305033	February 27, 1987			
Chloramphenicol	56757	October 1, 1989			

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Cyclophosphamide (hydrated)	6055192	February 27, 1987	Diisopropyl sulfate	2973106	April 1, 1993
Cytembena	21739913	May 15, 1998	3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988
D&C Orange No. 17	3468631	July 1, 1990	3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990
D&C Red No. 8	2092560	October 1, 1990	3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
D&C Red No. 9	5160021	July 1, 1990	3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
D&C Red No. 19	81889	July 1, 1990	Dimethyl sulfate	77781	January 1, 1988
Dacarbazine	4342034	January 1, 1988	4-Dimethylaminoazobenzene	60117	January 1, 1988
Daminozide	1596845	January 1, 1990	trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738540	January 1, 1988
Dantron (Chryszin; 1,8-Dihydroxyanthraquinone)	117102	January 1, 1992	7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990
Daunomycin	20830813	January 1, 1988	3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72548	January 1, 1989	3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992
DDE (Dichlorodiphenyldichloroethylene)	72559	January 1, 1989	Dimethylcarbamoyl chloride	79447	January 1, 1988
DDT (Dichlorodiphenyltrichloroethane)	50293	October 1, 1987	1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989
DDVP (Dichlorvos)	62737	January 1, 1989	1,2-Dimethylhydrazine	540738	January 1, 1988
N,N'-Diacetylbenzidine	613354	October 1, 1989	Dimethylvinylchloride	513371	July 1, 1989
2,4-Diaminoanisole	615054	October 1, 1990	3,7-Dinitrofluoranthene	105735715	August 26, 1997
2,4-Diaminoanisole sulfate	39156417	January 1, 1988	3,9-Dinitrofluoranthene	22506532	August 26, 1997
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988	1,6-Dinitropyrene	42397648	October 1, 1990
2,4-Diaminotoluene	95807	January 1, 1988	1,8-Dinitropyrene	42397659	October 1, 1990
Diaminotoluene (mixed)	—	January 1, 1990	Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
Dibenz[a,h]acridine	226368	January 1, 1988	2,4-Dinitrotoluene	121142	July 1, 1988
Dibenz[a,j]acridine	224420	January 1, 1988	2,6-Dinitrotoluene	606202	July 1, 1995
Dibenz[a,h]anthracene	53703	January 1, 1988	Di-n-propyl isocinchomeronate (MGK Repellent 326)	136458	May 1, 1996
7H-Dibenzo[c,g]carbazole	194592	January 1, 1988	1,4-Dioxane	123911	January 1, 1988
Dibenzo[a,e]pyrene	192654	January 1, 1988	Diphenylhydantoin (Phenytoin)	57410	January 1, 1988
Dibenzo[a,h]pyrene	189640	January 1, 1988	Diphenylhydantoin (Phenytoin), sodium salt	630933	January 1, 1988
Dibenzo[a,i]pyrene	189559	January 1, 1988	Direct Black 38 (technical grade)	1937377	January 1, 1988
Dibenzo[a,l]pyrene	191300	January 1, 1988	Direct Blue 6 (technical grade)	2602462	January 1, 1988
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987	Direct Brown 95 (technical grade)	16071866	October 1, 1988
2,3-Dibromo-1-propanol	96139	October 1, 1994	Disperse Blue 1	2475458	October 1, 1990
Dichloroacetic acid	79436	May 1, 1996	Diuron	330541	May 31, 2002
p-Dichlorobenzene	106467	January 1, 1989	Epichlorohydrin	106898	October 1, 1987
3,3'-Dichlorobenzidine	91941	October 1, 1987	Erionite	12510428	October 1, 1988
3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998	Estradiol 17B	50282	January 1, 1988
1,4-Dichloro-2-butene	764410	January 1, 1990	Estragole	140670	October 29, 1999
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988	Estrone	53167	January 1, 1988
1,1-Dichloroethane	75343	January 1, 1990	Estropipate	7280377	August 26, 1997
Dichloromethane (Methylene chloride)	75092	April 1, 1988	Ethinylestradiol	57636	January 1, 1988
1,2-Dichloropropane	78875	January 1, 1990	Ethoprop	13194484	February 27, 2001
1,3-Dichloropropene	542756	January 1, 1989	Ethyl acrylate	140885	July 1, 1989
Dieldrin	60571	July 1, 1988	Ethylbenzene	100414	June 11, 2004
Dienestrol	84173	January 1, 1990			
Diepoxybutane	1464535	January 1, 1988			
Diesel engine exhaust	—	October 1, 1990			
Di(2-ethylhexyl)phthalate	117817	January 1, 1988			
1,2-Diethylhydrazine	1615801	January 1, 1988			
Diethyl sulfate	64675	January 1, 1988			
Diethylstilbestrol (DES)	56531	February 27, 1987			
Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989			
Dihydrosafrole	94586	January 1, 1988			

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Ethyl methanesulfonate	62500	January 1, 1988	Isoprene	78795	May 1, 1996
Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990	Isosaffrole	120581	October 1, 1989
Ethylene dibromide	106934	July 1, 1987	Isoxaflutole	141112290	December 22, 2000
Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987	Lactofen	77501634	January 1, 1989
Ethylene oxide	75218	July 1, 1987	Lasiocarpine	303344	April 1, 1988
Ethylene thiourea	96457	January 1, 1988	Lead acetate	301042	January 1, 1988
Ethyleneimine	151564	January 1, 1988	Lead and lead compounds	—	October 1, 1992
Fenoxycarb	72490018	June 2, 2000	Lead phosphate	7446277	April 1, 1988
Folpet	133073	January 1, 1989	Lead subacetate	1335326	October 1, 1989
Formaldehyde (gas)	50000	January 1, 1988	Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
2-(2-Formylhydrazino)-4- (5-nitro-2-furyl)thiazole	3570750	January 1, 1988	Lynestrenol	52766	February 27, 2001
Fumonisin B ₁	116355830	November 14, 2003	Mancozeb	8018017	January 1, 1990
Furan	110009	October 1, 1993	Maneb	12427382	January 1, 1990
Furazolidone	67458	January 1, 1990	Me-A-alpha-C (2-Amino-3- methyl-9H-pyrido[2,3-b] indole)	68006837	January 1, 1990
Furmecyclox	60568050	January 1, 1990	Medroxyprogesterone acetate	71589	January 1, 1990
Fusarin C	79748815	July 1, 1995	MeIQ(2-Amino-3,4- dimethylimidazo[4,5-f] quinoline)	77094112	October 1, 1994
Ganciclovir sodium	82410320	August 26, 1997	MeIQx(2-Amino-3,8- dimethylimidazo[4,5-f] quinoxaline)	77500040	October 1, 1994
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990	Melphalan	148823	February 27, 1987
Gemfibrozil	25812300	December 22, 2000	Merphalan	531760	April 1, 1988
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990	Mestranol	72333	April 1, 1988
Glu-P-1 (2-Amino-6- methylpyrido[1,2- a:3',2'-d]imidazole)	67730114	January 1, 1990	Metham sodium	137428	November 6, 1998
Glu-P-2 (2-Aminodipyri- do[1,2-a:3',2'-d]imida- zole)	67730103	January 1, 1990	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Glycidaldehyde	765344	January 1, 1988	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
Glycidol	556525	July 1, 1990	2-Methylaziridine (Propyleneimine)	75558	January 1, 1988
Griseofulvin	126078	January 1, 1990	Methylazoxymethanol	590965	April 1, 1988
Gyromitrin (Acetaldehyde methylformylhydra- zone)	16568028	January 1, 1988	Methylazoxymethanol acetate	592621	April 1, 1988
HC Blue 1	2784943	July 1, 1989	Methyl carbamate	598550	May 15, 1998
Heptachlor	76448	July 1, 1988	3-Methylcholanthrene	56495	January 1, 1990
Heptachlor epoxide	1024573	July 1, 1988	5-Methylchrysene	3697243	April 1, 1988
Hexachlorobenzene	118741	October 1, 1987	4,4'-Methylene bis (2-chloroaniline)	101144	July 1, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	4,4'-Methylene bis(N,N-dimethyl) benzenamine	101611	October 1, 1989
Hexachlorodibenzo- dioxin	34465468	April 1, 1988	4,4'-Methylene bis (2-methylaniline)	838880	April 1, 1988
Hexachloroethane	67721	July 1, 1990	4,4'-Methylenedianiline	101779	January 1, 1988
Hexamethylphosphora- mide	680319	January 1, 1988	4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988
Hydrazine	302012	January 1, 1988	Methyleugenol	93152	November 16, 2001
Hydrazine sulfate	10034932	January 1, 1988	Methylhydrazine and its salts	—	July 1, 1992
Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988	Methyl iodide	74884	April 1, 1988
Indeno [1,2,3-cd]pyrene	193395	January 1, 1988	Methylmercury compounds	—	May 1, 1996
Indium phosphide	22398807	February 27, 2001	Methyl methanesulfonate	66273	April 1, 1988
IQ (2-Amino-3- methylimidazo[4,5-f] quinoline)	76180966	April 1, 1990	2-Methyl-1-nitroanthraquin- one (of uncertain purity)	129157	April 1, 1988
Iprodione	36734197	May 1, 1996	N-Methyl-N'-nitro-N- nitrosoguanidine	70257	April 1, 1988
Iron dextran complex	9004664	January 1, 1988	N-Methylolacrylamide	924425	July 1, 1990
Isobutyl nitrite	542563	May 1, 1996	Methylthiouracil	56042	October 1, 1989

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Metiram	9006422	January 1, 1990	N-Nitrosodimethylamine	62759	October 1, 1987
Metronidazole	443481	January 1, 1988	p-Nitrosodiphenylamine	156105	January 1, 1988
Michler's ketone	90948	January 1, 1988	N-Nitrosodiphenylamine	86306	April 1, 1988
Mirex	2385855	January 1, 1988	N-Nitrosodi-n-propylamine	621647	January 1, 1988
Mitomycin C	50077	April 1, 1988	N-Nitroso-N-ethylurea	759739	October 1, 1987
Monocrotaline	315220	April 1, 1988	3-(N-Nitrosomethylamino)propionitrile	60153493	April 1, 1990
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxalolidinone	139913	April 1, 1988	4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091914	April 1, 1990
Mustard Gas	505602	February 27, 1987	N-Nitrosomethylethylamine	10595956	October 1, 1989
MX (3-chloro-4-dichloromethyl-5-hydroxy-2(5H)-furanone)	77439760	December 22, 2000	N-Nitroso-N-methylurea	684935	October 1, 1987
Nafenopin	3771195	April 1, 1988	N-Nitroso-N-methylurethane	615532	April 1, 1988
Nalidixic acid	389082	May 15, 1998	N-Nitrosomethylvinylamine	4549400	January 1, 1988
Naphthalene	91203	April 19, 2002	N-Nitrosomorpholine	59892	January 1, 1988
1-Naphthylamine	134327	October 1, 1989	N-Nitrosornicotine	16543558	January 1, 1988
2-Naphthylamine	91598	February 27, 1987	N-Nitrosopiperidine	100754	January 1, 1988
Nickel (Metallic)	7440020	October 1, 1989	N-Nitrosopyrrolidine	930552	October 1, 1987
Nickel acetate	373024	October 1, 1989	N-Nitrososarcosine	13256229	January 1, 1988
Nickel carbonate	3333673	October 1, 1989	o-Nitrotoluene	88722	May 15, 1998
Nickel carbonyl	13463393	October 1, 1987	Norethisterone (Norethindrone)	68224	October 1, 1989
Nickel compounds	—	May 7, 2004	Norethynodrel	68235	February 27, 2001
Nickel hydroxide	12054487; 12125563	October 1, 1989	Ochratoxin A	303479	July 1, 1990
Nickelocene	1271289	October 1, 1989	Oil Orange SS	2646175	April 1, 1988
Nickel oxide	1313991	October 1, 1989	Oral contraceptives, combined	—	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Oral contraceptives, sequential	—	October 1, 1989
Nickel subsulfide	12035722	October 1, 1987	Oxadiazon	19666309	July 1, 1991
Niridazole	61574	April 1, 1988	Oxazepam	604751	October 1, 1994
Nitrioltriacetic acid	139139	January 1, 1988	Oxymetholone	434071	January 1, 1988
Nitrioltriacetic acid, tri-sodium salt monohydrate	18662538	April 1, 1989	Oxythioquinox	2439012	August 20, 1999
5-Nitroacenaphthene	602879	April 1, 1988	Palygorskite fibers (>5µm in length)	12174117	December 28, 1999
5-Nitro-o-anisidine	99592	October 1, 1989	Panfuran S	794934	January 1, 1988
o-Nitroanisole	91236	October 1, 1992	Pentachlorophenol	87865	January 1, 1990
Nitrobenzene	98953	August 26, 1997	Phenacetin	62442	October 1, 1989
4-Nitrobiphenyl	92933	April 1, 1988	Phenazopyridine	94780	January 1, 1988
6-Nitrochrysene	7496028	October 1, 1990	Phenazopyridine hydrochloride	136403	January 1, 1988
Nitrofen (technical grade)	1836755	January 1, 1988	Phenesterin	3546109	July 1, 1989
2-Nitrofluorene	607578	October 1, 1990	Phenobarbital	50066	January 1, 1990
Nitrofurazone	59870	January 1, 1990	Phenolphthalein	77098	May 15, 1998
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555840	April 1, 1988	Phenoxybenzamine	59961	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531828	April 1, 1988	Phenoxybenzamine hydrochloride	63923	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	o-Phenylenediamine and its salts	95545	May 15, 1998
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	Phenyl glycidyl ether	122601	October 1, 1990
Nitrogen mustard N-oxide	126852	April 1, 1988	Phenylhydrazine and its salts	—	July 1, 1992
Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988	o-Phenylphenate, sodium	132274	January 1, 1990
Nitromethane	75525	May 1, 1997	o-Phenylphenol	90437	August 4, 2000
2-Nitropropane	79469	January 1, 1988	PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650235	October 1, 1994
1-Nitropyrene	5522430	October 1, 1990	Polybrominated biphenyls	—	January 1, 1988
4-Nitropyrene	57835924	October 1, 1990	Polychlorinated biphenyls	—	October 1, 1989
N-Nitrosodi-n-butylamine	924163	October 1, 1987	Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
N-Nitrosodiethanolamine	1116547	January 1, 1988	Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
N-Nitrosodiethylamine	55185	October 1, 1987	Polychlorinated dibenzofurans	—	October 1, 1992

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Polygeenan	53973981	January 1, 1988
Ponceau MX	3761533	April 1, 1988
Ponceau 3R	3564098	April 1, 1988
Potassium bromate	7758012	January 1, 1990
Primidone	125337	August 20, 1999
Procarbazine	671169	January 1, 1988
Procarbazine hydrochloride	366701	January 1, 1988
Procymidone	32809168	October 1, 1994
Progesterone	57830	January 1, 1988
Pronamide	23950585	May 1, 1996
Propachlor	1918167	February 27, 2001
1,3-Propane sultone	1120714	January 1, 1988
Propargite	2312358	October 1, 1994
beta-Propiolactone	57578	January 1, 1988
<u>Propylene glycol mono-t-butyl ether</u>	<u>57018527</u>	<u>June 11, 2004</u>
Propylene oxide	75569	October 1, 1988
Propylthiouracil	51525	January 1, 1988
Pyridine	110861	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50555	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Saccharin		
<u>Delisted April 6, 2001</u>	<u>81072</u>	<u>October 1, 1989</u>
Saccharin, sodium		
<u>Delisted January 17, 2003</u>	<u>428449</u>	<u>January 1, 1988</u>
Safrole	94597	January 1, 1988
Salicylazosulfapyridine	599791	May 15, 1998
Selenium sulfide	7446346	October 1, 1989
Shale-oils	68308349	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirolactone	52017	May 1, 1997
Stanozolol	10418038	May 1, 1997
Sterigmatocystin	10048132	April 1, 1988
Streptozotocin (streptozocin)	18883664	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96093	October 1, 1988
Sulfallate	95067	January 1, 1988
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540291	September 1, 1996
Terrazole	2593159	October 1, 1994
Testosterone and its esters	58220	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988
1,1,2,2-Tetrachloroethylene	79345	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988
p-a,a,a-Tetrachloro-toluene	5216251	January 1, 1990
Tetrafluoroethylene	116143	May 1, 1997
Tetranitromethane	509148	July 1, 1990
Thioacetamide	62555	January 1, 1988
4,4'-Thiodianiline	139651	April 1, 1988
Thiodicarb	59669260	August 20, 1999
Thiouracil	141902	June 11, 2004

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

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989

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Alprazolam	developmental	28981977	July 1, 1990	Clarithromycin	developmental	81103119	May 1, 1997
Altretamine	developmental, male	645056	August 20, 1999	Clobetasol propionate	developmental, female	25122467	May 15, 1998
Amantadine hydrochloride	developmental	665667	February 27, 2001	Clomiphene citrate	developmental	50419	April 1, 1990
Amikacin sulfate	developmental	39831555	July 1, 1990	Clorazepate dipotassium	developmental	57109907	October 1, 1992
Aminoglutethimide	developmental	125848	July 1, 1990	Cocaine	developmental, female	50362	July 1, 1989
Aminoglycosides	developmental	—	October 1, 1992	Codeine phosphate	developmental	52288	May 15, 1998
Aminopterin	developmental, female	54626	July 1, 1987	Colchicine	developmental, male	64868	October 1, 1992
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997	Conjugated estrogens	developmental	—	April 1, 1990
Amitraz	developmental	33089611	March 30, 1999	Cyanazine	developmental	21725462	April 1, 1990
Amoxapine	developmental	14028445	May 15, 1998	Cycloate	developmental	1134232	March 19, 1999
Anabolic steroids	female, male	—	April 1, 1990	Cyclohexanol	developmental, male	—	108930
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992	Delisted January 25, 2002			
Anisindione	developmental	117373	October 1, 1992	Cycloheximide	developmental	66819	January 1, 1989
Arsenic (inorganic oxides)	developmental	—	May 1, 1997	Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990	Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989
Atenolol	developmental	29122687	August 26, 1997	Cyhexatin	developmental	13121705	January 1, 1989
Auranofin	developmental	34031328	January 29, 1999	Cytarabine	developmental	147944	January 1, 1989
Azathioprine	developmental	446866	September 1, 1996	Dacarbazine	developmental	4342034	January 29, 1999
Barbiturates	developmental	—	October 1, 1992	Danazol	developmental	17230885	April 1, 1990
Beclomethasone dipropionate	developmental	5534098	May 15, 1998	Daunorubicin hydrochloride	developmental	23541506	July 1, 1990
Benomyl	developmental, male	17804352	July 1, 1991	2,4-D butyric acid	developmental, male	94826	June 18, 1999
Benzene	developmental, male	71432	December 26, 1997	o,p' -DDT	developmental, female, male	789026	May 15, 1998
Benzodiazepines	developmental	—	October 1, 1992	p,p' -DDT	developmental, female, male	50293	May 15, 1998
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990	2,4-DP (dichloroprop)	developmental	—	120365
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990	Delisted January 25, 2002			
Bromacil lithium salt	developmental, male	53404196	May 18, 1999 January 17, 2003	Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992
Bromoxynil	developmental	1689845	October 1, 1990	Diazepam	developmental	439145	January 1, 1992
Bromoxynil octanoate	developmental	1689992	May 18, 1999	Diazoxide	developmental	364987	February 27, 2001
Butabarbital sodium	developmental	143817	October 1, 1992	1,2-Dibromo-3-chloropropane (DBCP)	developmental, male	96128	February 27, 1987
1,3-Butadiene	developmental, female, male	106990	April 16, 2004	Dichlorophene	developmental	97234	April 27, 1999
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989	Dichlorophenamide	developmental	120978	February 27, 2001
Cadmium	developmental, male	—	May 1, 1997	Diclofop methyl	developmental	51338273	March 5, 1999
Carbamazepine	developmental	298464	January 29, 1999	Dicumarol	developmental	66762	October 1, 1992
Carbon disulfide	developmental, female, male	75150	July 1, 1989	Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117817	October 24, 2003
Carbon monoxide	developmental	630080	July 1, 1989	Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Carboplatin	developmental	41575944	July 1, 1990	Diffunisal	developmental, female	22494424	January 29, 1999
Chenodiol	developmental	474259	April 1, 1990	Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998	Diltiazem hydrochloride	developmental	33286225	February 27, 2001
Chlorambucil	developmental	305033	January 1, 1989	m-Dinitrobenzene	developmental, male	99650	July 1, 1990
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987	o-Dinitrobenzene	developmental, male	528290	July 1, 1990
Chlordecone (Kepone)	developmental	143500	January 1, 1989	p-Dinitrobenzene	developmental, male	100254	July 1, 1990
Chlordiazepoxide	developmental	58253	January 1, 1992	2,4-Dinitrotoluene	developmental, male	121142	August 20, 1999
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992	2,6-Dinitrotoluene	developmental, male	606202	August 20, 1999
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990	Dinitrotoluene (technical grade)	developmental, female, male	—	August 20, 1999
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999	Dinocap	developmental	39300453	April 1, 1990
Cidofovir	developmental, female, male	113852372	January 29, 1999	Dinoseb	developmental, male	88857	January 1, 1989
Cladribine	developmental	4291638	September 1, 1996	Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987
				Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999
				Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999
				Doxycycline (internal use)	developmental	564250	July 1, 1990
				Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992
				Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991
				Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991
				Endrin	developmental, male	72208	May 15, 1998
				Epichlorohydrin	developmental	106898	September 1, 1996
				Ergotamine tartrate	developmental	379793	April 1, 1990
				Estropipate	developmental	7280377	August 26, 1997

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Ethionamide	developmental	536334	August 26, 1997	Mercury and mercury compounds	developmental	—	July 1, 1990
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987	Methacycline hydrochloride	developmental	3963959	January 1, 1991
Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999	Metham sodium	developmental	137428	May 15, 1998
Ethylene dibromide	developmental, male	106934	May 15, 1998	Methazole	developmental	20354261	December 1, 1999
Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989	Methimazole	developmental	60560	July 1, 1990
Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989	Methotrexate	developmental	59052	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993	Methotrexate sodium	developmental	15475566	April 1, 1990
Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993	Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993
Ethylene oxide	female	75218	February 27, 1987	Methyl chloride	developmental	74873	March 10, 2000
Ethylene thiourea	developmental	96457	January 1, 1993	Methyl mercury	developmental	—	July 1, 1987
Etodolac	developmental, female	41340254	August 20, 1999	N-Methylpyrrolidone	developmental	872504	June 15, 2001
Etoposide	developmental	33419420	July 1, 1990	Methyltestosterone	developmental	58184	April 1, 1990
Etretinate	developmental	54350480	July 1, 1987	Metiram	developmental	9006422	March 30, 1999
Fenoxaprop ethyl	developmental	66441234	March 26, 1999	Midazolam hydrochloride	developmental	59467968	July 1, 1990
Filgrastim	developmental	121181531	February 27, 2001	Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992
Fluazifop butyl	developmental	69806504	November 6, 1998	Misoprostol	developmental	59122462	April 1, 1990
Flunisolide	developmental, female	3385033	May 15, 1998	Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990
Fluorouracil	developmental	51218	January 1, 1989	Myclobutanil	developmental, male	88671890	April 16, 1999
Fluoxymesterone	developmental	76437	April 1, 1990	Nabam	developmental	142596	March 30, 1999
Flurazepam hydrochloride	developmental	1172185	October 1, 1992	Nafarelin acetate	developmental	86220420	April 1, 1990
Flurbiprofen	developmental, female	5104494	August 20, 1999	Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992
Flutamide	developmental	13311847	July 1, 1990	Netilmicin sulfate	developmental	56391572	July 1, 1990
Fluticasone propionate	developmental	80474142	May 15, 1998	Nickel carbonyl	developmental	13463393	September 1, 1996
Fluvinate	developmental	69409945	November 6, 1998	Nicotine	developmental	54115	April 1, 1990
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Nifedipine	developmental, female, male	21829254	January 29, 1999
Gemfibrozil	female, male	25812300	August 20, 1999	Nimodipine	developmental	66085594	April 24, 2001
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Nitrapyrin	developmental	1929824	March 30, 1999
Halazepam	developmental	23092173	July 1, 1990	Nitrofurantoin	developmental, male	67209	April 1, 1991
Halobetasol propionate	developmental	66852548	August 20, 1999	Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Haloperidol	developmental, female	52868	January 29, 1999	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Halothane	developmental	151677	September 1, 1996	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Heptachlor	developmental	76448	August 20, 1999	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Hexachlorobenzene	developmental	118741	January 1, 1989	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Hexamethylphosphoramide	male	680319	October 1, 1994	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
Histrelin acetate	developmental	—	May 15, 1998	Norgestrel	developmental	6533002	April 1, 1990
Hydramethylnon	developmental, male	67485294	March 5, 1999	Oxadiazon	developmental	19666309	May 15, 1998
Hydroxyurea	developmental	127071	May 1, 1997	Oxazepam	developmental	604751	October 1, 1992
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Oxydemeton methyl	female, male	301122	November 6, 1998
Ifosfamide	developmental	3778732	July 1, 1990	Oxymetholone	developmental	434071	May 1, 1997
Iodine-131	developmental	10043660	January 1, 1989	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Isotretinoin	developmental	4759482	July 1, 1987	Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Lead	developmental, female, male	—	February 27, 1987	Paclitaxel	developmental, female, male	33069624	August 26, 1997
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Paramethadione	developmental	115673	July 1, 1990
Levodopa	developmental	59927	January 29, 1999	Penicillamine	developmental	52675	January 1, 1991
Levonorgestrel implants	female	797637	May 15, 1998	Pentobarbital sodium	developmental	57330	July 1, 1990
Linuron	developmental	330552	March 19, 1999	Pentostatin	developmental	53910251	September 1, 1996
Lithium carbonate	developmental	554132	January 1, 1991	Phenacemide	developmental	63989	July 1, 1990
Lithium citrate	developmental	919164	January 1, 1991	Phenprocoumon	developmental	435972	October 1, 1992
Lorazepam	developmental	846491	July 1, 1990	Pimozide	developmental, female	2062784	August 20, 1999
Lovastatin	developmental	75330755	October 1, 1992	Pipobroman	developmental	54911	July 1, 1990
Mebendazole	developmental	31431397	August 20, 1999	Plicamycin	developmental	18378897	April 1, 1990
Medroxyprogesterone acetate	developmental	71589	April 1, 1990	Polybrominated biphenyls	developmental	—	October 1, 1994
Megestrol acetate	developmental	595335	January 1, 1991	Polychlorinated biphenyls	developmental	—	January 1, 1991
Melphalan	developmental	148823	July 1, 1990	Potassium dimethyldithiocarbamate	developmental	128030	March 30, 1999
Menotropins	developmental	9002680	April 1, 1990				
Meprobamate	developmental	57534	January 1, 1992				
Mercaptopurine	developmental	6112761	July 1, 1990				

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Pravastatin sodium	developmental	81131706	March 3, 2000
Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Procarbazine hydrochloride	developmental	366701	July 1, 1990
Propargite	developmental	2312358	June 15, 1999
Propylthiouracil	developmental	51525	July 1, 1990
Pyrimethamine	developmental	58140	January 29, 1999
Quazepam	developmental	36735225	August 26, 1997
Quizalofop-ethyl	male	76578148	December 24, 1999
Resmethrin	developmental	10453868	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791045	April 1, 1990
		36791045	February 27, 2001
Rifampin	developmental, female	13292461	February 27, 2001
Secobarbital sodium	developmental	309433	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128041	March 30 1999
Sodium fluoroacetate	male	62748	November 6, 1998
Streptomycin sulfate	developmental	3810740	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-paradoxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	97048130	April 1, 1990

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: June 11, 2004

DISAPPROVAL DECISIONS

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are available at www.oal.ca.gov. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225—FAX (916) 323-6826. Please request by OAL file number.

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW (Gov. Code section 11349.3) OAL File No. 04-0408-02 S

DECISION OF DISAPPROVAL OF REGULATORY ACTION

In re:

AGENCY: BOARD OF CHIROPRACTIC EXAMINERS

REGULATORY ACTION: Title 16, California Code of Regulations

Adopt sections 312.1, 312.2 Amend sections 312, 312.3, 312.4

SUMMARY OF REGULATORY ACTION

On April 8, 2004, the Board of Chiropractic Examiners (Board) submitted to the Office of Administrative Law (OAL) proposed regulations which would make revisions to the prohibited activities of unlicensed individuals, prescribe adequate supervision, and set forth minimum requirements for preceptors and students participating in preceptor programs operated by Board approved chiropractic colleges. On May 20, 2004, OAL disapproved these proposed regulations for failure to comply with the consistency, clarity, and necessity standards of Government Code section 11349.1 and because the Final Statement of

Reasons did not include an adequate response for every comment made during the public comment period.

Date: May 27, 2004

CRAIG S. TARPENNING
Senior Staff Counsel

DEBRA M. CORNEZ
Senior Counsel

Original: Kim Smith, Executive Director
cc: Lavella Matthews

<p>SUMMARY OF REGULATORY ACTIONS</p>

**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.

CALIFORNIA ENERGY COMMISSION
Conflict of Interest Code

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

Title 20
California Code of Regulations
AMEND: 2401
Filed 06/02/04
Effective 07/02/04
Agency Contact:
Arlene L. Ichien (916) 654-3959

**CALIFORNIA GAMBLING CONTROL
COMMISSION**
Emergency Preparedness and Evacuation Plan

This rulemaking action readopts an emergency regulation that requires the owner of a card room gambling establishment to develop and implement an emergency preparedness and evacuation plan to protect employees and patrons in the event of a natural disaster, critical event, or other emergency. Failure to develop a suitable plan may result in denial of an application for renewal, suspension, or revocation of a license, and a civil penalty. The emergency regulation

allows the smallest card rooms to submit simpler plans, appropriate for the size of these establishments and the number of patrons and employees.

Title 4
California Code of Regulations
ADOPT: 12370, 12371
Filed 06/01/04
Effective 06/01/04
Agency Contact: Herb Bolz (916) 263-0700

COMMISSION ON TEACHER CREDENTIALING
Special Education Coursework, Extension of Service, Teaching Experience

The regulatory action repeals 4 sections that deal with the following topics: special education training for teachers and administrators; the continuance and extension of services; teaching experience in lieu of professional preparation; and administrative services experience.

Title 5
California Code of Regulations
REPEAL: 80032.2, 80058.2, 80466, 80523.3
Filed 06/01/04
Effective 07/01/04
Agency Contact: Dale Janssen (916) 323-5065

DEPARTMENT OF CORRECTIONS
Statewide Vendor/Inmate Personal Property

This emergency regulatory action updates the statewide vendor package program used for purchasing and distributing inmate personal property packages and establishes additional requirements regarding the amount and type of personal property an inmate may possess. This action is an operational necessity emergency under Penal Code section 5058.3. The prior emergency action repealed and superseded by this filing is OAL file number 03-1211-01EON.

Title 15
California Code of Regulations
ADOPT: 3194, 3195 AMEND: 3006, 3044, 3092, 3100, 3101, 3107, 3138, 3161, 3190, 3191, 3192, 3193 REPEAL: 3044, 3092, 3138, 3190
Filed 05/27/04
Effective 05/27/04
Agency Contact:
Ann Cunningham (916) 322-9702

**DEPARTMENT OF DEVELOPMENTAL
SERVICES**
Records Maintenance and Termination of Vendorization

This is a request to readopt prior emergency regulations (OAL file nos. 03-0929-02E; 04-0127-01EE) dealing with the vendorization process and specifying the information a service provider vendor must submit, and maintain as part of the vendor's records, to support all billing/invoicing for each

regional center consumer. These regulations also permit a regional center to terminate a vendorization if the regional center determines that continued utilization of the vendor threatens the health and safety of the consumer.

Title 17
California Code of Regulations
AMEND: 50604, 50608, 54326, 54370, 56003, 56082, 57540, 58510, 58671
Filed 06/01/04
Effective 06/01/04
Agency Contact: Lisa Primeaux (916) 654-2199

DEPARTMENT OF FOOD AND AGRICULTURE
Chrysanthemum White Rust Interior Quarantine

The regulatory action removes the entire counties of Santa Clara and Santa Cruz from the Chrysanthemum White Rust Interior Quarantine Area. (Department of Food and Agriculture File PH0413.)

Title 3
California Code of Regulations
AMEND: 3428(b)
Filed 05/27/04
Effective 06/26/04
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

This emergency regulatory action removes approximately 137 square miles in the area surrounding the Ontario area of San Bernardino County and a small portion of the Los Angeles County (Pomona) from the area under quarantine for Oriental fruit fly.

Title 3
California Code of Regulations
AMEND: 3423(b)
Filed 05/27/04
Effective 05/27/04
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF FOOD AND AGRICULTURE
Persons Transporting Dead Animals to Approved Location

This change without regulatory effect amends section 1180, subdivision (a), of Title 3 of the California Code of Regulations (CCR), concerning definition of "dead animal," to be consistent with Food and Agricultural Code sections 19020 and 19348, and section 1180.13 of Title 3 of the CCR.

Title 3
California Code of Regulations
AMEND: 1180(a)
Filed 05/27/04
Effective 05/27/04
Agency Contact: Nancy Grillo (916) 651-7280

DEPARTMENT OF INSURANCE
Credit Property and Credit Unemployment Insurance

This change without regulatory effect repeals the Department's credit property and credit unemployment insurance regulations pursuant to a court approved settlement of litigation between the Commissioner and the Consumer Credit Insurance Association.

Title 10
California Code of Regulations
REPEAL: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.6, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.16, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24
Filed 05/27/04
Effective 05/27/04
Agency Contact:
Donald P. Hilla (415) 538-4108

DEPARTMENT OF MANAGED HEALTH CARE
Assessment for University of California Analysis of Proposed Mandate

This action sets forth the procedure the Department will use for determining the annual fee to be assessed each full service health plan for the purpose of funding research by the University of California on the comparative costs and benefits of proposed changes in required health benefits coverage.

Title 28
California Code of Regulations
ADOPT: 1011
Filed 06/02/04
Effective 06/02/04
Agency Contact:
Elaine Paniewski (916) 324-9024

DEPARTMENT OF SOCIAL SERVICES
Educational Awards/Scholarships and Eligible Teens' Exemption

In this regulatory action, the Department of Social Services amends California Work Opportunity and Responsibility to Kids (CalWORKS) regulations to reflect changes contained in Senate Bill 1264, Chapter 439, Statutes of 2002 relating to educational awards and scholarships and relating to an eligible teens' exemption.

Title MPP
California Code of Regulations
ADOPT: 42-712, 42-719, 44-111
Filed 06/02/04
Effective 06/02/04
Agency Contact:
Maureen Miyamura (916) 653-1925

FISH AND GAME COMMISSION
Bay-Delta Sport Fishing Enhancement Stamp

Senate Bill 692 (ch. 796, stats. 2003) effective January 1, 2004 amends section 7360 of the Fish and Game Code to require a Bay-Delta Sport Fishing Enhancement Stamp for sport fishing the tidal water of the San Francisco Bay Delta and the Sacramento and San Joaquin rivers, including major tributaries, below the most downstream dam. This filing is a certificate of compliance for an emergency regulatory action which clarified the geographic boundaries.

Title 14
 California Code of Regulations
 AMEND: 1.18
 Filed 06/01/04
 Effective 07/01/04
 Agency Contact: Tracy L. Reed (916) 653-4899

SECRETARY OF STATE
Standards for Proof of Residency When Proof is Required by HAVA

In this regulatory action, the Secretary of State readopts emergency regulations setting forth standards for proof of voter residency or identify when proof is required under the Help America Vote Act of 2002 (HAVA).

Title 2
 California Code of Regulations
 ADOPT: 20107
 Filed 06/01/04
 Effective 06/01/04
 Agency Contact: Lisa B. Niegel (916) 653-3345

STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998—Charter Schools (SB 15)

This emergency action amends standards for eligibility, advance funding, and maximum amounts available included in the charter school facilities program regulations to conform with the provisions of Chapter 587, Statutes of 2003, and delays the opening of the filing period to allow applicants sufficient time to act.

Title 2
 California Code of Regulations
 ADOPT: 1859.163.1, 1859.163.2, 1859.164.2, 1859.167.1 AMEND: 1859.2, 1859.145, 1859.145.1, 1859.160, 1859.161, 1859.162, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.167, 1859.168, 1859.171
 Filed 06/01/04
 Effective 06/01/04
 Agency Contact: Robert Young (916) 445-0083

**CCR CHANGES FILED WITH THE
 SECRETARY OF STATE
 WITHIN JANUARY 28, 2004
 TO JUNE 2, 2004**

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

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

Title 2
 06/01/04 ADOPT: 1859.163.1, 1859.163.2, 1859.164.2, 1859.167.1 AMEND: 1859.2, 1859.145, 1859.145.1, 1859.160, 1859.161, 1859.162, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.167, 1859.168, 1859.171

06/01/04 ADOPT: 20107
 05/25/04 ADOPT: 59152
 05/21/04 ADOPT: 1859.123.1 AMEND: 1859.2, 1859.73.1, 1859.81, 1859.83, 1859.90, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.129, 1859.130

05/17/04 AMEND: 18616
 05/17/04 AMEND: 48000
 05/17/04 ADOPT: 250
 05/17/04 AMEND: 50
 05/17/04 AMEND: 50
 05/13/04 ADOPT: 18531.61 AMEND: 18531.6
 05/11/04 ADOPT: 22100 (renumbered to 22100 and 22100.1), 22110 (renumbered to 22100.2), 22120 (renumbered to 22100.3), 22130 (renumbered to 22100.4)

04/26/04 ADOPT: 585
 04/22/04 AMEND: 1142
 04/15/04 AMEND: 599.508
 04/13/04 ADOPT: 599.511 AMEND: 599.500
 03/23/04 ADOPT: 649.23, 649.24, 649.25, 649.26, 649.27, 649.28
 03/23/04 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145

03/23/04 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1

03/22/04 AMEND: 1859.77.2

03/22/04 ADOPT: 599.517

03/11/04 AMEND: 18703.1, 18703.2, 18703.3, 18703.4, 18703.5

03/11/04 AMEND: Div. 8, Ch. 53, Section 54200

03/09/04 ADOPT: 22500, 22501, 22502, 22503, 22504, 22505, 22506, 22507, 22508, 22509, 22510, 22511, 22512, 22513, 22514, 22515, 22516, 22517, 22518, 22519

03/02/04 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2

03/01/04 AMEND: 1555

02/26/04

02/23/04 AMEND: 1181.1

02/23/04 AMEND: 59150

02/20/04 AMEND: Div. 8, Ch. 4, Sec. 25001

02/20/04 ADOPT: 58600

02/09/04 ADOPT: 599.893, 599.898, 599.906, 599.907, 599.909 AMEND: 599.894, 599.895, 599.896, 599.898 (renumbered to 599.897), 599.903, 599.904, 599.905, 599.906 (renumbered to 599.908), 599.910

02/05/04 AMEND: 20107

Title 3

05/27/04 AMEND: 1180(a)

05/27/04 AMEND: 3423(b)

05/27/04 AMEND: 3428(b)

05/17/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 9784

05/13/04 AMEND: 3700(b)

05/03/04 AMEND: 3700(c)

04/27/04 ADOPT: 6487.1, 6487.2, 6487.3, 6487.4, 6487.5, 6609 AMEND: 6000, 6416, 6800, 6486.6 REPEAL: 6486.1, 6486.2, 6486.3, 6486.4, 6486.5, 6486.8, 6557, 6570, 6802

04/26/04 AMEND: 3601(g)

04/26/04 AMEND: 6130

04/23/04 ADOPT: 797.5 AMEND: 820.8 REPEAL: 820.7

04/20/04 AMEND: 2676, 2681, 2735, 2783

04/20/04 AMEND: 3700(c)

04/01/04 AMEND: 3700(d)

03/23/04 AMEND: 3423(b)

03/23/04 AMEND: 6462

02/17/04 AMEND: 3430(b)

02/05/04 AMEND: 3417(b)

Title 4

06/01/04 ADOPT: 12370, 12371

04/26/04 ADOPT: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337

04/22/04 ADOPT: 4145, 4146, 4147, 4148 AMEND: 4140

04/13/04 ADOPT: 144

03/29/04 ADOPT: 10163, 10164 AMEND: 10152, 10153, 10154, 10155, 10156, 10157, 10158, 10159, 10160, 10161, 10162

03/23/04 AMEND: 4001

03/05/04 ADOPT: 12204, 12205, 12210, 12211, 12212, 12213, 12214, 12224, 12225, 12227, 12228, 12229, 12230, 12231, 12232 AMEND: 12200, 12201, 12202, 12203, 12206, 12207, 12208, 12209, 12220, 12221, 12222, 12223, 12226

02/27/04 ADOPT: 12270, 12271, 12272

02/20/04 ADOPT: 12300, 12301, 12301.1, 12302, 12303, 12304, 12305, 12306, 12307, 12308, 12309, 12310 AMEND: 12300, 12301, 12302, 12303, 12304, 12305, 12309 REPEAL: 12303, 12307

02/05/04 AMEND: 12202, 12212, 12213, 12220, 12221, 1222, 12223, 12224, 1225, 12226, 12227, 12228, 12229, 12230, 12231, 12232

02/05/04 ADOPT: 12370, 12371

Title 5

06/01/04 REPEAL: 80032.2, 80058.2, 80466, 80523.3

05/25/04 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153

05/24/04 AMEND: 11973, 11974, 11975, 11977, 11978, 11979

05/19/04 ADOPT: 1204.5, 1211.5, 1218.6 AMEND: 1200, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1215, 1217 REPEAL: 1212, 1218.5, 1219.5

05/10/04 ADOPT: 19800, 19801, 19803, 19804, 19805

04/22/04 ADOPT: 876

03/15/04 ADOPT: 19810, 19811, 19812, 12913, 19814, 19815, 19816, 19817, 19818, 19819, 19820, 19821, 19822, 19823, 19824, 19825, 19826, 19827, 19828, 19829, 19830, 19831

03/11/04 ADOPT: 19802

03/08/04 AMEND: 30060

02/27/04 ADOPT: 6100, 6101, 6102, 6103, 6014, 6110, 6111, 6112, 6115

02/10/04 AMEND: 11960

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02/03/04 ADOPT: 853.5 AMEND: 850, 852, 853, 589
 02/02/04 ADOPT: 42353.1 AMEND: 42354
 02/02/04 REPEAL: 41801
 02/02/04 AMEND: 41301

2698.41, 2698.42 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45

04/29/04 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12

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05/24/04 AMEND: 1600, 1601
 05/20/04 AMEND: 5001(b), 5008(b)
 04/29/04 AMEND: 3427
 04/23/04 AMEND: 14300.10, 14300.12, 14300.29, Appendix A, Appendix B, Appendix D, Appendix E
 04/22/04 ADOPT: 10202.1, 10203.1, 10203.2 AMEND: 10200, 10201, 10203, 10204
 04/20/04 AMEND: 8403
 04/19/04 AMEND: 20299, 20390
 04/13/04 AMEND: 5044, 5046, 5049. and Table S-1, Table S-1a, Table S-11, Table S-12, Table S-13, and Table S-14.
 04/01/04 AMEND: 3427
 03/22/04 AMEND: 1529(g)
 03/18/04 ADOPT: 5148
 02/03/04 AMEND: 1712
 02/02/04 ADOPT: 32017, 32018, 51096, 71010, 71026, 71027, 71030, 71035, 71040, 71050, 71055, 71060, 71070, 71080, 71090, 71095, 71100, 71110, 71115, 71120, 71130, 71140, 71200, 71210, 71225, 71230, 71235, 71300, 71310, 71320, 71330, 71340, 71680, 71685, 71700, 71

04/26/04 AMEND: 250.30
 04/20/04 ADOPT: 2020, 2021 AMEND: 250.51
 04/19/04 AMEND: 2498.6
 04/13/04 AMEND: 260.102.14
 03/25/04 ADOPT: 2695.40, 2695.41, 2695.42, 2695.43, 2695.44, 2695.45
 03/15/04 ADOPT: 2361
 03/08/04 ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8
 03/01/04 ADOPT: 2698.102, 2698.600, 2698.602, 2698.604 AMEND: 2698.100, 2698.200, 2698.201, 2698.202, 2698.203, 2698.204, 2698.205, 2698.206, 2698.207, 2698.208, 2698.300, 2698.301, 2698.302, 2698.303, 2698.401, 2698.403, 2698.405, 2698.407, 2698.500, 2698.501,

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

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

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06/01/04 AMEND: 1.18
 05/13/04 AMEND: 27.80
 05/11/04 ADOPT: 3808.5
 05/10/04 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5
 05/10/04 AMEND: 851.6
 05/10/04 ADOPT: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.23, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18
 05/03/04 ADOPT: 8100, 8100.01, 8100.02, 8100.03, 8100.04, 8100.05, 8100.06,

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05/04/04 REPEAL: 7336, 7337, 7338, 7339, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7347.1, 7347.2, 7348, 7349
 04/29/04 AMEND: 1921, 1922
 03/04/04 ADOPT: 7000.2, 7001.2, 7001.5, 7002.5, 7006, 7006.3, 7009.1, 7013.2, 7013.6, 7014, 7014.1, 7017.2, 7017.5, 7017.7, 7018.4, 7019.5, 7021.5, 7024.7, 7028.1, 7028.6, 7028.8, 7029.1, 7029.6, 7029.7, 7029.9, 7035, 7037, 7038, 7098, 7128, 7129, 7130, 7130.5, 7

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 05/17/04 AMEND: 260.102.14
 05/04/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40,

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8100.07, 8100.08, 8100.09, 8100.10,
8100.11, 8100.12, 8100.13
04/30/04 AMEND: 27.60, 27.67, 27.82, 28.28,
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04/29/04 AMEND: 27.60, 28.55
03/30/04 AMEND: 27.60, 27.65, 27.82, 28.27
03/29/04 AMEND: 150, 150.02, 150.03, 150.05
03/29/04 AMEND: 2000, 2200, 2305, 2310, 2320,
2401, 2500, 2501, 2518
03/08/04 AMEND: 3698, 3699
03/02/04 AMEND: 18464, 18465
02/24/04 AMEND: 1.17, 1.59, 2.10, 5.00, 5.50,
5.75, 7.00, 7.50, 8.00, 27.60, 29.15, 43,
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02/09/04 AMEND: 630
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05/27/04 ADOPT: 3194, 3195 AMEND: 3006,
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3044, 3092, 3138, 3190
05/18/04 AMEND: 3426
05/13/04 AMEND: 2000, 2400, 2403
05/03/04 AMEND: 3043.5, 3043.6, 3044
05/03/04 AMEND: 3040, 3041, 3041.1, 3041.2,
3043.5
04/15/04 ADOPT: 2251.5 AMEND: 2041, 2057,
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05/17/04 AMEND: 1912
05/13/04 ADOPT: 1258.4, 1277, 1277.5
05/04/04 AMEND: 1079.3
04/29/04 AMEND: 2030.2
04/22/04 ADOPT: 1399.330, 1399.349, 1399.352.5
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1399.351, 1399.352, 1399.353, 1399.356,
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04/15/04 ADOPT: 1399.700, 1399.701, 1399.702,
1399.703, 1399.704, 1399.705, 1399.706,
1399.707 AMEND: 1399.650, 1399.700,
1399.705
04/12/04 AMEND: 2756
03/09/04 ADOPT: 4150, 4151, 4152, 4153, 4154,
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03/03/04 ADOPT: 1829 AMEND: 1816.2, 1816.3,
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06/01/04 AMEND: 50604, 50608, 54326, 54370,
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04/29/04 AMEND: 54342, 57332
04/12/04 AMEND: 54001, 54010

02/05/04 ADOPT: 90800.75, 90800.9, 90804
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02/03/04 AMEND: 50604, 50608, 54326, 54370,
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05/25/04 AMEND: 1614
05/18/04 ADOPT: 1828
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05/24/04 AMEND: 51047
05/04/04 ADOPT: 110226, 110242, 110251,
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04/26/04 AMEND: 90417
04/22/04 AMEND: 51516.1
04/12/04 AMEND: 12705
04/12/04 AMEND: 12000
04/02/04 ADOPT: 119003, 119015, 119019,
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03/26/04 AMEND: 66250.1, 66250.2, 66260.1,
66260.2, 66260.3, 66260.4, 66260.5,
66260.1, 66260.2, 66260.3, 66260.4,
66260.5
03/23/04 AMEND: 5200
03/22/04 AMEND: 66260.10
03/08/04 AMEND: 97232
02/26/04 AMEND: 66260.10, 66268.7, 66268.8,
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02/24/04 ADOPT: 51008.1 AMEND: 51104,
51520, 51521
02/03/04 ADOPT: 51200.01 AMEND: 51000.4,
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04/26/04 ADOPT: 86000, 86001, 86005, 86009,
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86065.5, 86066, 86068.1, 86068.2,
86068.3, 86068.4, 86070, 86072, 86073,
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03/11/04 ADOPT: 102416.1 AMEND: 80001,
80019, 80019.1, 80019.2, 80054, 80061,
80065, 80066, 87101, 87219, 87219.1,

87454, 87565, 87566, 87801, 87819,
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04/08/04 ADOPT: 2631.1, 2638, 2715 AMEND:
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02/27/04 ADOPT: 3939.7
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03/30/04 AMEND: 19200, 19205
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04/01/04 ADOPT: 10050, 10051, 10052, 10053,
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06/02/04 ADOPT: 1011
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