



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

MULTI-COUNTY: California State Association of Co-Excess Insurance Authority (CSAC-EIA)

**ADOPTION**

MULTI-COUNTY: Metro Goldline Foothill Extension Construction Authority

A written comment period has been established commencing on July 1, 2016, and closing on August 15, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Brannan, 428 J Street, Suite 620, Sacramento, California 95814.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest

code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than August 15, 2016. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

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

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

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

**TITLE 3. DEPARTMENT OF  
PESTICIDE REGULATION**

**Rebuttable Presumption Pertaining to California  
Pesticide Sales  
DPR Regulation No. 16-003**

The Department of Pesticide Regulation (DPR) proposes to adopt section 6385 of Title 3, California Code of Regulations. The proposed action specifies the documentation that a person selling or distributing a pesticide into or within California must provide in order to rebut the presumption that the pesticide products were sold or distributed for use in the state, and therefore exempt from mill assessment.

**SUBMITTAL OF COMMENTS**

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on August 15, 2016. Comments regarding this proposed action may also be transmitted via e-mail to <dpr16003@cdpr.ca.gov> or by facsimile at 916-324-1491.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.<sup>1</sup>

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<sup>1</sup> If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

**EFFECT ON SMALL BUSINESS**

DPR has determined that the proposed regulatory action does affect small businesses.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced-risk pest management. DPR's strict oversight includes: product evaluation and registration; statewide licensing of commercial and private pesticide applicators, pest control businesses, dealers, and advisers; environmental monitoring; and residue testing of fresh produce. This statutory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7.

A pesticide product must be registered (licensed for sale and use) in California before it can be used, possessed, or offered for sale in the state. Pursuant to FAC section 12841, the person who first sells a pesticide product registered by the Director for use in the state must pay mill assessment on the first sale of the pesticide in the state. FAC section 12843 requires mill assessment payments be made quarterly.

Not all pesticide products sold or distributed into California are intended for use in California. For example, a pesticide registrant may make a sale to another company, perhaps a nationwide hardware chain store, which maintains a central warehouse in California where all its pesticide product shipments are received. From that central warehouse, the company then reships the product to its retail stores both in California and other states. In this situation, the pesticide products reshipped out of California are exempt from the mill assessment.

FAC section 12841(b) states that there is a rebuttable presumption that pesticide products sold or distributed into or within California by any person are sold or distributed for use in the state. In other words, it is presumed that pesticide products sold or distributed into or within California are for use in the state and, unless the seller can provide documentation that this is incorrect, the seller must pay mill assessment each quarter for all sales. However, it is unclear what kinds of documentation must be made available to DPR in order to rebut the presumption that the pesticide sold or distributed into or within California was for use in the state.

DPR proposes adopting section 6385 identifying the documents that need to be provided to rebut the presumption of FAC section 12841. The adoption of section 6385 will clearly identify to persons selling or distributing pesticides into the state the information that the Department will use as evidence to determine the pesticide is not intended for use in the state, and therefore would not be subject to mill assessment. Proposed

documentation includes accounting records of all sales transactions of pesticide products not intended for use in the state of California; and a bill of lading or invoice showing that the pesticide product left the state and is in the seller's possession during the quarter for which mill assessment is due.

The proposed regulation clearly identifies the information that DPR will use as evidence to determine whether a pesticide is not intended for use in the state, and therefore would not be subject to mill assessment. DPR anticipates the benefit of the proposed regulation will provide clarity to sellers, increase compliance, and facilitate enforcement.

During the process of developing these regulations, DPR conducted a search of any similar regulations on this topic and concluded that the proposed regulation is not inconsistent or incompatible with existing state regulations. DPR is the only agency that has the authority to regulate the sale and use of pesticides.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code sec. 17500 et seq. There are no other nondiscretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulation action.

#### COSTS OR SAVINGS TO STATE AGENCIES

DPR determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

#### EFFECT ON FEDERAL FUNDING TO THE STATE

DPR determined that no costs or savings in federal funding to the state will result from the proposed action.

#### EFFECT ON HOUSING COSTS

DPR made an initial determination that the proposed action will have no effect on housing costs.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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

DPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulation provides the option for registrants and brokers to rebut the presumption that the pesticide products sold or distributed were for use in the state in order to be exempt from paying mill assessment. Costs associated with providing documentation would occur only if the registrant or broker benefits from paying mill assessment.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Job/Businesses: DPR determined it is not likely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California because the intent of the proposed regulation is to clearly identify to persons selling or distributing pesticides into the state the information that the Department will use as evidence to determine whether a pesticide is not intended for use in the state, and therefore would not be subject to mill assessment.

The proposed regulation will benefit the seller by clearly identifying the information that DPR will require to prove the pesticide is not intended for use in the state, and therefore would not be subject to mill assessment.

#### CONSIDERATION OF ALTERNATIVES

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

effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

#### AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456 and 12781.

#### REFERENCE

This regulatory action is to implement, interpret, or make specific FAC section 12841.

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

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

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

#### AGENCY CONTACT

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

Linda Irokawa-Otani, Regulations Coordinator  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, California 95812-4015  
916-445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back-up person at the same address as noted below:

Susan McCarthy, Environmental Program  
Manager II  
Product Compliance Branch  
916-445-6095

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the documents can be made available in another language, or an alternate form as a disability-related accommodation.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

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

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

#### **Construction and General Industry Safety Orders New Sections 1532.3, 5204, and existing Section 5155**

#### **Respirable Crystalline Silica (HORCHER)**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

## PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **August 18, 2016**, in the **Council Chambers** of the **Walnut Creek City Hall, 1666 N. Main Street, Walnut Creek**. At this public 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 may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **July 1, 2016**, and closes at 5:00 p.m. on **August 18, 2016**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

## AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

## INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated regulations addressing respirable crystalline silica on March 25, 2016, as 29 Code of Federal Regulations, Part 1910, Section 1910.1053, and Part 1926, Section 1926.1153. The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 81, No. 58, pages 16285-16890, March 25, 2016.

The Board proposes to adopt regulations which are the same as the federal regulations except for editorial and format differences.

The recently published federal final rule is written as two standards, one for construction, and one for general industry and maritime. The regulation lowers the permissible exposure limit (PEL) for crystalline silica to 50 micrograms per cubic meter of air, averaged over an eight-hour shift. It also requires employers to use engineering controls and work practices to limit worker exposure, provide respiratory protection when controls do not limit exposures to the PEL, limit access to high exposure areas, train workers, and provide medical exams to highly exposed workers.

Each standard contains two appendices, A and B. Mandatory Appendix A provides methods of sample analysis to employers in accordance with the new standard. Non-mandatory Appendix B provides medical surveillance guidelines to employers.

The construction standard includes a table, which specifies respiratory protection for certain tasks without the need for the employer to monitor exposures.

Both standards stagger compliance dates to allow employers sufficient time to meet the new requirements.

California's Construction Safety Orders, Section 1530.1 "Control of Employee Exposures from Dust-Generating Operations Conducted on Concrete or Masonry Materials," addresses dust exposure resulting from the use of powered tools or equipment on concrete or masonry materials. The state and federal standard differ in scope and application, PEL, and several other major elements. Additionally, the state standard lacks requirements for medical surveillance and a written exposure control plan.

California's General Industry Safety Orders do not specifically address employee exposure to respirable crystalline silica. Section 5155 "Airborne Contaminants" and Section 3203 "Injury and Illness Prevention Program" require employers to protect employees from crystalline silica exposure in general terms, but are more performance based than the prescriptive federal regulation.

The federal final rule for construction will be adopted into new Section 1532.3. The final rule for general industry and maritime will be adopted into new Section 5204 and existing Section 5155.

The proposed regulations are substantially the same as those promulgated by Federal OSHA; therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting standards substantially the same as a federal standard. However, the Board is

still providing a comment period and will convene a public hearing. The primary purposes of the written and oral comments at the public hearing are to:

1. Identify any clear and compelling reasons for California to deviate from the federal standard; and,
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and,
3. Solicit comments on the proposed effective dates.

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal coun-

terparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

**DOCUMENTS RELIED UPON**

1. 81 Federal Register 16285–16890 (March 25, 2016).

This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

**COST ESTIMATES OF PROPOSED ACTION**

According to Table VII–16: Annualized Compliance Costs for Employers in General Industry, Maritime, and Construction Affected by OSHA’s Silica Standard (2012 Dollars), found in the March 25, 2016, Federal Register<sup>1</sup>, the cost impacts are expected to be as follows:

Industry	Total Cost – All Employers (2012 Dollars)	California Cost – 13.2% GDP (2012 Dollars)
General Industry	\$358,657,378	\$47,342,774
Maritime	\$12,153,151	\$1,604,216
Construction	\$658,971,248	\$86,984,205
Total	\$1,029,781,777	\$135,931,195

California maritime costs are summed with the general industry costs for a total of about \$49 million. The cost impact for construction activities is about \$87 million. (California’s share of the nation’s 2012 GDP is 13.2%, according to [www.bea.gov](http://www.bea.gov).)

**DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

**SMALL BUSINESS DETERMINATION**

The Board has determined that the proposed amendment may affect small businesses. The table below reflects information from pages 16,467–16,468 of the March 25, 2016, Federal Register. Using 2012 costs and GDP data for California, small businesses in California’s General Industry sector may experience a cost impact of approximately \$25 million. Small businesses in Construction may experience a cost impact of about \$55 million.

<sup>1</sup> <https://www.gpo.gov/fdsys/pkg/FR-2016-03-25/pdf/2016-04800.pdf>, Page 16,528.

Industry	Small Firms USA (SBA-Defined)	CA Small Firms (13.2% GDP)	Very Small Entities (<20 Employees)	CA Very Small Firms (13.2% GDP)
General Industry & Maritime	\$186,093,853	\$24,564,389	\$67,691,610	\$8,935,293
Construction	\$414,874,862	\$54,763,482	\$263,014,788	\$34,717,952
Total	\$600,968,715	\$79,327,871	\$330,706,398	\$43,653,245

**CONTACT PERSONS**

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

**AVAILABILITY OF TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE**

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

**AVAILABILITY OF THE MEMORANDUM TO THE STANDARDS BOARD MEMBERS**

Upon its completion, copies of the Memorandum may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulation in an underline/strikeout format and the Notice of Proposed Action can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

**TITLE 13. DEPARTMENT OF MOTOR VEHICLES**

**I. NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (department) proposes to adopt sections 222.00 and 222.02 in Article 3.5, Chapter 1, Division 1, Title 13 of the California Code of Regulations, relating to the Motor Carriers of Property Permit program.

- **Public Hearing:** A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.
- **Deadline for Written Comments:** Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., August 15, 2016, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.
- **Authority and Reference:** The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651 and 34604, in order to implement, interpret, or make specific Vehicle Code section 34623.

II. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law authorizes the Department of Motor Vehicles (department) and the Department of California Highway Patrol (CHP) to regulate certain types of commercial trucking activity pursuant to the Motor Carriers of Property Permit Act (MCPA), which is set forth in Division 14.85 of the Vehicle Code (sections 34600 et seq.) Application of the MCPA is carried out in conjunction with CHP’s enforcement of safety-related laws set forth in Division 14.8 of the Vehicle Code (sections 34500 et seq.).

Under the MCPA, affected trucking companies must register with and obtain a Motor Carrier of Property Permit (permit) from the department prior to operating a commercial motor vehicle on any public highway. CHP is responsible for regulating the operational safety of permit holders and enforces safety requirements through inspection. Following inspection, CHP may issue a notice and recommendation of permit suspension to the department if CHP determines a permit holder is in violation of applicable safety laws.

Following receipt of a recommendation from CHP to suspend a permit, the department will issue the necessary order of suspension in accordance with Vehicle Code sections 34623 and 34670. Depending on the nature of the violation, a suspension can range from five days to one year in length. Pursuant to Vehicle Code section 34623(d), a suspended permit holder has up to 90 days after the suspension to file a written request for a hearing. The department must provide a hearing within 21 days of receiving the request, after which it will determine whether to terminate the suspension, continue it in effect, or revoke the permit.

In accordance with Vehicle Code section 34605, the department contracts with the Office of Administrative Hearings (OAH) to conduct the motor carrier permit suspension hearings. Although it is authorized to do so, the department has not previously adopted any regulations regarding the hearing process. Instead, the department has handled the initial intake of hearing requests on an ad hoc basis and, by default, has deferred to hearing procedures set forth in the Administrative Procedure Act (APA; Government Code sections 11500 et seq.) and the regulations of OAH. The APA allows an administrative law judge (ALJ) 30 days to render a proposed decision, and the department has 100 days thereafter to act on the proposed decision.

**Problem the Department Intends to Address Through These Proposals:**

Historically, few suspension orders have been issued in any given year. As a result, the department’s ad hoc approach to intake and deferral to the provisions of the

APA and the regulations of OAH have been considered adequate. However, in the last few years, CHP has increased motor carrier enforcement activity for public safety purposes. This has resulted in an increase in the number of suspension order requests from CHP, as well as hearing requests from permit holders. The increase has identified two general problems: one, confusion by permit holders concerning the applicable hearing procedures and method of obtaining a stay of the order; and two, the length of time it can take for OAH to issue a decision. The department anticipates the increased number of suspensions may continue, and so rules of general application regarding how to request a hearing, what rules apply during the hearing, and when a decision will issue are necessary. The department is empowered to adopt procedural rules, but until such adoption, the APA rules apply. Some of the APA rules are inconsistent with the MCPA. For example, the APA allows a judge to take 30 days from the time of the hearing to issue a proposed decision. Since the typical period of suspension is only 30 days, a shorter decision time must be implemented by department regulation in order for a suspension to be overturned before it runs its course. Also, permit holders must compare the APA provisions with the MCPA’s provisions to determine which rules apply, and this task can be difficult. As a result, permit holders rely on department staff to explain procedural rules in the pre-hearing period. This results in inconsistent or incomplete information being given to permit holders.

**Effect of the Proposed Rulemaking:**

The MCPA authorizes but does not require the department to utilize OAH to conduct suspension order hearings. The effect of these proposals will be to require that the formal hearing procedures in Chapter 5 of the APA govern the hearing, with exceptions regarding the time for setting the hearing, the time for the issuance of proposed and final decisions, the time and method for requesting a hearing, and the inability of either the department or an ALJ to stay the suspension.

**Anticipated Benefits and Broad Objectives of the Proposals:**

These changes create several anticipated benefits. First, permit suspension hearing proceedings will be capable of reaching a conclusion before the suspension period has run in many cases. Also, efficient rules of procedure will increase the opportunity to return drivers to work who are employed by a motor carrier erroneously suspended. A fully implemented permit program, including the suspension hearing procedure here, achieves more accurate and effective regulation of the trucking industry, which will increase safety for the public who shares the California roadways with the permit holder. Last, the department anticipates non-monetary benefits such as the promotion of fairness and

transparency in government by clearly explaining the procedures and expectations, of both the department and the petitioner, related to the motor carrier permit suspension hearings.

Specific changes are as follows:

New Section 222.00 identifies the required information about a case (participant name, permit number, attorney name, phone number) necessary to set a hearing at OAH. This will assure prompt setting of hearings by enabling the department to comply with OAH's requirement to provide this information in order to schedule a hearing.

New Section 222.02 adopts the APA hearing procedures utilized by OAH to conduct evidentiary hearings with the following exceptions: The hearing will be set in 21 days from date of receipt of the hearing request; absent a court order, neither the department nor OAH has the authority to stay the effect of a suspension; the ALJ will issue the decision within 10 days of the matter being submitted; the department will act on the proposed decision of the ALJ within 10 days of receipt of the proposed decision; and a suspended permit holder may request a hearing for up to 90 days after the beginning of the suspension period.

These items are specifically adopted because the MCPA contains these variances from APA procedures or are necessary to afford a reasonable opportunity for a suspended permit holder to experience one of the remedies available in the MCPA, to wit, a termination of the suspension. First, the APA procedures allow 30 days after hearing for the ALJ to issue a proposed decision, and an additional 100 days for the department to take action in rendering a final decision. These time frames prevent the suspended permit holder from receiving the termination of the suspension remedy available under the MCPA before the suspension has run its full course. In this proposal, the ALJ will have 10 days to decide the case, and the department will have 10 additional days to act on the ALJ's decision. Second, the APA allows 15 days to request a hearing, but the MCPA makes a hearing request meaningful for 90 days from the start of the suspension. Requesting a hearing will prevent the termination of a permit. Therefore, these proposals allow 90 days to request a hearing. Last, neither the APA nor the MCPA provide any authority for the department or OAH to stay the suspension. However, the suspension can be stayed by order of a superior court. These proposals clarify that only a superior court order will stay the suspension pending a hearing.

**Additional Determinations:**

- **Consistency and Compatibility with State Regulations:** The department conducted a review of other regulations and has determined there are no other regulations that establish administrative hearing guidelines for motor carriers.
- **Comparable Federal Statutes or Regulations:** There are no comparable federal statutes or regulations.
- **Documents Incorporated by Reference:** None.
- **Federal Law or Regulation Mandate:** These regulations are not mandated by federal law or regulations.
- **Local Agency/School District Mandate:** The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

III. IMPACT ASSESSMENTS

**Economic and Fiscal Impact Determinations:**

The department has made the following initial determinations concerning the proposed regulatory action:

- **Cost or Savings to Any State Agency:** None.
- **Other Non-Discretionary Cost or Savings to Local Agencies:** None.
- **Costs or Savings in Federal Funding to the State:** None.
- **Effects on Housing Costs:** None.
- **Impacts Directly Affecting Businesses:** The proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This conclusion is based on the following facts: The proposal adopts the administrative hearing process contained in the Administrative Procedure Act and used throughout California, but with some altered time frames for parts of the process. The lengthened time frame for initially requesting a hearing may prevent some trucking company permits from being cancelled. The shortened time frames for conducting a hearing will likely reduce the length of the proceedings. This may enable some affected permit holders to resume operations more quickly than under the

current formal hearing rules generally applied to all OAH hearings.

- **Cost Impact on Representative Private Persons or Businesses:** The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- **Small Business Impact:** This regulation may have an economic or fiscal impact on small business.

**Results of the Economic Impact Statement:**

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

- **Creation or elimination of jobs or creation of new businesses or elimination of existing businesses within the State of California:** As these proposed regulations establish the administrative hearing requirements, the department has determined that this proposed action will neither create nor eliminate jobs within the State of California, nor will the proposal create new businesses or eliminate existing businesses within California.
- **The Expansion of Businesses Currently Doing Business Within the State of California:** These regulations are unlikely to expand businesses within the State of California.
- **Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:** This proposed action specifies information required when requesting a hearing and establishes the conduct of those hearings, including the time frame for concluding those proceedings. As a result, this action is unlikely to produce benefits to worker safety or the State’s environment. However, the welfare of California residents will benefit when the motor carrier permit holder adjudication procedures are clarified and expedited. A process that concludes rapidly increases efficiency in the regulation of the trucking industry, and may enable truck drivers to resume work more quickly than without the expedited process.

IV. ADDITIONAL INFORMATION

- **Public Discussion of Proposed Regulations:** A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so

complex or large in number that they cannot easily be reviewed during the comment period.

- **Alternatives Considered:** 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 effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.
- **Contact Person:** Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Tracy Brazil, Regulations Analyst  
 Department of Motor Vehicles  
 Legal Affairs Division  
 P.O. Box 932382, MS C-244  
 Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-6469  
 Facsimile: (916) 657-6243  
 E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Kari M. Johnson, Attorney IV  
 Department of Motor Vehicles  
 Telephone: (916) 657-6469

- **Availability of Statement of Reasons and Text of Proposed Regulations:** The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial

Statement of Reasons, the revised handbook and Express Terms) may be accessed at [www.dmv.ca.gov/about/lad/regactions.htm](http://www.dmv.ca.gov/about/lad/regactions.htm).

- **Availability of Modified Text:** Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

**TITLE 14. STATE MINING AND GEOLOGY BOARD**

**Surface Mining Operation Annual Reporting Fees Calculation**

**DEPARTMENT OF CONSERVATION  
STATE MINING AND GEOLOGY BOARD**

**TITLE 14. NATURAL RESOURCES  
Division 2. Department of Conservation  
Chapter 8. Mining and Geology  
Subchapter 1. State Mining and Geology Board  
Article 8. Fees Schedule**

Office of Administrative Law Notice File Number:  
Z-2016-0621-07

**NOTICE IS HEREBY GIVEN** that the State Mining and Geology Board (SMGB), pursuant to the authority in Section 2207(d) of the Public Resources Code (PRC), proposes to amend existing regulations in Title 14 of the California Code of Regulations (CCR) after considering all comments, objections or recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The SMGB proposes to amend Section 3698 in Title 14 of the CCR. This section pertains to the calculation of annual fees currently imposed on surface mining operations as required by PRC Section 2207.

**WRITTEN COMMENT PERIOD AND  
PUBLIC HEARING**

Any person, or his or her authorized representative, may submit written statements, arguments, or comments related to the proposed regulatory action to the SMGB.

Comments may be submitted by email to [smgb@conservation.ca.gov](mailto:smgb@conservation.ca.gov), by facsimile (FAX) to (916) 445-0738, or by mail to:

State Mining and Geology Board  
801 K Street, MS 20-15  
Sacramento, CA 95814  
ATTN: Fees Calculation Regulation

**The written comment period closes at 5:00 p.m. on August 19, 2016.** The SMGB will consider only comments received at the SMGB office by that time.

Any interested person, or their authorized representative, may present statements or arguments orally or in writing relevant to the proposed action at a public hearing to be held at the following time and place:

Location: John Muir Conference Room  
801 K Street, Suite 2016  
Sacramento, California 95814  
Date: **August 17, 2016**  
Time: **1:00 p.m. to 5:00 p.m.**

**AUTHORITY AND REFERENCE**

The SMGB proposes to implement, interpret, and make specific Sections 2207(d)(1), 2207(d)(2)(A), 2207(d)(2)(B) and 2207(d)(3) of the Public Resources Code that gives authority to the SMGB to impose annual reporting fees upon each active or idle mining operation. Pursuant to the authority vested by Section 2207(d) of the Public Resources Code, the SMGB is considering changes to Subchapter 1 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations as follows: amendment of Section 3698.

**INFORMATIVE DIGEST/ POLICY STATEMENT  
OVERVIEW**

PRC Section 2207(d)(2)(A) requires an annual reporting fee schedule to be established on an equitable basis reflecting the size and type of mining operations in the state.

PRC Section 2207(d)(3) outlines the amount of revenue to be generated by the fee schedule approved by the SMGB. The fee schedule must provide for the collection of the amount specified in the Governor's Budget for the Department of Conservation's (Department) costs in implementing PRC Section 2207 and the Sur-

face Mining and Reclamation Act (SMARA). Until Fiscal Year (FY) 2017–18, the total revenue generated by the reporting fees is restricted to \$3,500,000 with allowance for this amount to be adjusted for the cost of living beginning with the 2005–2006 FY, and annually thereafter. Cost of Living Adjustments (COLA) are addressed in statute and allow for increases to help maintain adequate funding for the SMARA programs within the Department. The COLA, or rate of inflation, is measured by the California Consumer Price Index (CPI). It is a measure of inflation experienced by consumers, and an important indicator of the condition of the economy and can be used to adjust other economic data for changes in price level and to convert them into inflation-free dollars. Various government income programs, such as Social Security, use the CPI to adjust payments or income eligibility levels.

Further, if the Director of the Department determines that the revenue collected in the preceding FY was greater or less than the cost to implement SMARA and PRC Section 2207, the SMGB shall adjust the fees to compensate for the over collection or under collection of revenues.

In an effort to address several issues under SMARA, on April 18, 2016, the Governor signed two SMARA reform bills (AB 1142 and SB 209) into law. In anticipation of the effect that AB 1142 and SB 209 would have on the mining operation annual report fee schedules to be in effect on July 1, 2017, and due to issues identified in calculating projected fees for the coming years, the Department and SMGB staff determined the established fee calculation formulas needed to be changed. Calculating the reporting fees by means of existing formulas currently required under CCR Section 3698 results in a continued increasing fee trend for mining operators, without accounting for a decrease in the reporting fees where appropriate to help maintain a more equitable fee schedule for relatively smaller operations. Streamlining the method of calculating the reporting fees will provide an equitable fee schedule for all mining operations.

A further consequence of SB 209 is the adjustment of the previous maximum annual reporting fee of \$4,000. SB 209 stipulates the maximum annual fee would increase by three steps over three years starting with FY 2017–18. This affects CCR Section 3698 directly because sections of the regulation specifically refer to the maximum annual reporting fee as set to \$4,000. The SMGB is proposing to change the language pertaining to any reference of the \$4,000 maximum reporting fee and simply replace it with a reference to the maximum fee in PRC Section 2207.

Existing Law

Annual reporting fees are calculated based on CCR Section 3698, which was developed by the SMGB in 1991. In addition to establishing the minimum and maximum annual reporting fees for certain categories of mining operations, CCR Section 3698 utilizes a ‘Factor’ to determine the year-to-year fee adjustments. Once calculated, the Factor is applied to one of two formulas (Formula 1 or Formula 2 — discussed further below) in order to determine the new fee schedule. Depending on the outcome of the calculation, the fee schedule is theoretically adjusted upwards or downwards.

CCR 3698 currently directs the Department to use the following formula to calculate the Factor:

$$(((AT_{RY}) - (AT_{PY})) / (AT_{PY})) = \text{Factor}$$

Where: Adjusted Total (AT) equals the Amount Requested by the Director, less a projected amount from fees set in CCR Sections 3698(a)(b)(d)(e) and CCR Section 3699, and less a projected amount from mine operations subject to the maximum fee amount in PRC Section 2207.

Where: ATRY is the Adjusted Total for the current “Reporting Year”

Where: ATPY is the Adjusted Total for the “Prior Year”

The Factor is then used in one of two formulas developed and approved by the SMGB:

Formula 1 is to be used if the Factor is positive:

$$\text{Current Year Reporting Fee} = \text{Prior Year Reporting Fee times } (1 + \text{Factor})$$

Formula 2 is to be used if the Factor is negative:

$$\text{Current Year Reporting Fee} = \text{Prior Year Reporting Fee times } (1 - \text{Factor})$$

Proposed Action

The intended purpose of the proposed rulemaking is to bring the regulation into conformance with the recently amended language of PRC section 2207, eliminate potential for confusion when calculating annual fees paid by mine operators, and provide an avenue for the most equitable fees based on the maximum reporting fee increase resulting from the passage of SB 209.

The proposed rulemaking would delete existing specific references within CCR section 3698 regarding the maximum reporting fee of \$4,000, and replace them with a general reference to the maximum fee outlined in PRC section 2207, which will increase during the next three fiscal years as a result of the passage of SB 209.

The proposed rulemaking would delete “Formula 2” from CCR section 3698, as well as all references to “Formula 2” within CCR section 3698.

The proposed rulemaking would also delete references to annual adjustments beginning in the 2005–2006 fiscal year in line with the recently revised PRC section 2207.

#### CONSISTENCY WITH FEDERAL STATUTE AND REGULATION

This regulation change does not duplicate or conflict with existing Federal statutes or regulations. Also, by Memorandum of Understanding with the Federal Bureau of Land Management, the U. S. Forest Service, the Department of Conservation, and the SMGB, SMARA and federal law are coordinated to eliminate duplication.

#### CONSISTENCY WITH EXISTING STATE REGULATIONS

The proposed amendment does not significantly change the structure of the existing fees calculation regulation which was developed through consultation with other state agencies with authority over aspects of surface mining operations. The proposed regulatory change is intended to dovetail with other state agencies jurisdictional requirements. The proposed regulatory change is not inconsistent or incompatible with existing state regulations.

#### CEQA COMPLIANCE

This proposed regulatory amendment follows statutory changes approved by the Legislature and signed into law by the Governor (SB 209) on April 18, 2016. The proposed amended regulatory language will not result in direct or indirect physical changes to the environment. As such, the SMGB has determined that this rule-making action is not a project as defined in Title 14, CCR, Section 15378, and that this activity is not subject to the requirements of the California Environmental Quality Act (CEQA).

#### PLAIN ENGLISH REQUIREMENT

The SMGB staff prepared the proposed regulation changes pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed regulations are written to be easily understood by the parties that will use them.

#### LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the State.

#### COST OR SAVINGS TO STATE AGENCIES

The proposed amended regulation imposes no savings or additional expenses to state agencies.

#### EFFECT ON HOUSING COSTS

The adoption of this amended regulation will have no significant effect on housing costs.

#### IMPACT ON BUSINESS

Department and SMGB staff has made an initial determination that the adoption of these 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. The proposed amended regulations follow statutory changes approved by the Legislature and that were signed into law by the Governor (SB 209).

#### COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SMGB originally drafted CCR section 3698 in 1991 as an emergency regulation following implementation of PRC section 2207 which requires the imposition of annual fees and the adoption of a fee schedule for surface mining operations. The SMGB subsequently amended the regulation six times from 1992 through 2004. The SMGB drafted the proposed amendment based on the requirements of SB 209, which incrementally increases the maximum annual fee for mining operations from \$4,000 to \$10,000 over the next three years. A representative private person or business will not be adversely impacted with the adoption of these regulatory changes. Conversely, a representative private person or business may experience decreased an-

nual costs due to the proposed simplification of the fees calculation formula.

### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulations satisfy the SMGB's statutory mandate to impose annual fees upon surface mining operators, and to establish a fee schedule on an equitable basis reflecting the size and type of the operation. Further, imposition of equitable annual mine fees ensures that the Department and SMGB are able to carry out the provisions of SMARA which include protection and utilization of key mineral resources and reclamation of mined lands. The proposed amended regulation meets the statutory goals of SB 209 by allowing for increased maximum annual fees for larger operations, while streamlining and simplifying fees calculation and potentially lowering annual fees for smaller operations. SMGB staff has determined that the proposed amended regulation will not result in the creation or elimination of California jobs, nor will it result in the creation or elimination of California businesses. Additionally, SMGB staff has determined that expansion of existing California businesses will not result from adoption of the proposed amended regulation. Further, Department and SMGB staff have determined that the proposed regulatory amendment will result in nonmonetary benefits such as protection of public health and safety, environmental safety, and transparency in business and government. Specifically, the benefits are as follows:

- The public will be ensured of sufficient and reliable private funding for State oversight of local implementation of surface mining law.
- Increased mine fees will stabilize existing Department and SMGB statewide programs that protect and conserve mineral resources while assuring effective reclamation of mined lands.
- Mine operators will be provided with clear and equitable methods for calculation of ongoing annual fees.

### FINDING OF NECESSITY OF REPORTS

SMGB staff has found that the proposed amendment is necessary to implement fair and effective regulation of the annual fee calculation of surface mines. Annual fees are calculated individually by operators and submitted with reports of production to the Department. Such annual reports and fees are necessary for the health, safety, and welfare of the people of the State, and therefore annual reporting and fee payment requirements should apply to mining businesses.

### SMALL BUSINESS DETERMINATION

The proposed amended regulations follow statutory changes approved by the Legislature and that were signed into law by the Governor (SB 209). Further, adoption of the proposed amended regulation may allow for a lowering of annual fees for relatively smaller mining operations within the state during certain years, and this has not been possible in the past. Therefore, SMGB staff has determined that the proposed regulations will not adversely affect small businesses.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the SMGB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SMGB would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The SMGB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at any hearing scheduled to take statements or arguments that are relevant to the proposed action.

### CONTACT PERSONS

Inquiries concerning the substance of the proposed amended regulation should be directed to:

Will Arcand, Senior Engineering Geologist  
State Mining and Geology Board  
801 K Street, Suite 2015  
Sacramento, California 95814  
Phone: (916) 322-1082  
Fax: (916) 445-0738  
[Will.Arcand@conservation.ca.gov](mailto:Will.Arcand@conservation.ca.gov)

OR

Amy Scott, Executive Assistant  
State Mining and Geology Board  
801 K Street, Suite 2015  
Sacramento, CA 95814  
Phone: (916) 322-1082  
Fax: (916) 445-0738  
[Amy.Scott@conservation.ca.gov](mailto:Amy.Scott@conservation.ca.gov)

Please direct requests for copies of the proposed text (the "express terms") of these regulations, the initial statement of reasons, the modified text of these regula-

tions, if any, or other information upon which this rulemaking is based to Amy Scott at the above address.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, AND RULEMAKING FILE

The SMGB will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the initial statement of reasons, and a standard form 399.

Copies of these documents may be obtained by contacting Will Arcand at the address and phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period and any hearing that may be conducted by the SMGB to accept comments and evidence regarding the adoption of the proposed amended regulation, the SMGB will consider all timely and relevant comments received, thereafter the SMGB may adopt the proposed regulation substantially as described in this notice. If the SMGB makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the SMGB adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Will Arcand at the address indicated above.

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Will Arcand or Amy Scott at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikethrough can be accessed through our

website at:  
<http://www.conservation.ca.gov/smgb>

**TITLE 16. BOARD OF OCCUPATIONAL THERAPY**

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board or CBOT) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 pm on August 15, 2016.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the CBOT. The request must be received in the Board office not later than 5:00 p.m. on July 31, 2016.

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

Authority and Reference: Pursuant to the authority vested by section 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific section 138 of said Code, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt 16 CCR Section 4176.

Existing law, Business and Professions Code section 138, requires every board in the Department of Consumer Affairs to adopt regulations to require its licensees to provide notice to their customers that the practitioner is licensed by this state.

Existing law, Business and Professions Code Section 680 requires a health care practitioner to disclose, while working, his or her name and license on a name tag in at least 18 point font or as an alternative post a copy of his or her license in a prominent area of his or her office or practice.

Existing law, Business and Professions Code Section 680.5 requires a healthcare practitioner to communicate to a patient his or her name, license, and highest level of academic degree by one or both of the following methods: (1) in writing at the patient’s initial office visit, and/or (2) in a prominent display in an area visible to patients in his or her office.

This proposed action implements Business and Professions Code Sections 138, 680, and 680.5 by requiring occupational therapists (OTs) and occupational therapy assistants (OTAs) to notify consumers that they are licensed and regulated by the California Board of Occupational Therapy. More specifically it would require OTs and OTAs to wear a name tag in 18–point font while working, or as an alternative, prominently display a copy of their license in the practice area of the office where the therapist works. It would require OTs and OTAs to provide their name, license type, license number, and highest level of earned academic degree related to the provision of occupational therapy services to consumers at the time of initial evaluation, or as an alternative, display the same in at least 24–point font in an area visible to patients and clients. In addition, the proposed regulation would require licensees to display the information specified on any website directly controlled or administered by the licensee or his or her office personnel.

Pursuant to section 680.5 of the Business and Professions Code, the requirements of the proposed regulation would not apply to licensees working in a facility licensed under Section 1250 of the Health and Safety Code, as specified.

Benefit of Proposed Regulations

Name tags or identification badges help patients, their family and other visitors know the name and type of license held by the practitioner providing occupational therapy services and is important for the safety of patients, visitors and staff. The same holds true when the patient and family members are advised of the regulatory entity that has oversight over the licensee with its contact information. If the patient, family member, or other visitor has a concern or complaint, he or she will be able to identify the practitioner by name and license type and contact by the Board with any concerns.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Underlying Data

Technical, theoretical or empirical studies or reports relied upon (if any): None.

Business Impact

This regulation will not have a significant adverse economic impact on business. This initial determination is based on the following facts or evidence/documents/testimony:

We believe that the economic impact will be minor.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either 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 regulation.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

- 1) Not adopt regulation. This alternative was rejected because Business and Professions Code Sections 138, 680, and 680.5 mandate that the Board adopt regulations to require its licensees to provide notification to their patients that the practitioner is licensed by the state and other specified information.
- 2) Adopt the regulation. The Board determined that this alternative was the most feasible because it will comply with the provisions of Business and Professions Code Sections 138, 680, and 680.5.

**FISCAL IMPACT ESTIMATES**

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

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

**RESULTS OF ECONOMIC IMPACT ANALYSIS**

Impact on Jobs/New Business:

The Board has determined that this regulatory proposal will not have an adverse impact on the creation of jobs or new businesses or the elimination of jobs or ex-

isting businesses or the expansion of businesses in the State of California.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

Name tags or identification badges help patients, their family and other visitors know the name and type of license held by the practitioner providing occupational therapy services and are important for the safety of patients, visitors and staff.

Cost Impact on Affected Private Persons:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Any cost impact resulting from the proposed action results from the statutory requirements in sections 138, 680, and 680.5 of the Business and Professions Code.

Effect on Housing Costs: None.

Effect on Small Business:

The Board has determined that the proposed regulations would affect small businesses because some licensees may work in a small business or private practice setting. This proposed regulation would require licensees to determine which method of notification is the most appropriate for their practice setting.

The methods include: posting a sign where their patients may see it or including a written statement signed and dated by the patients and placed in their medical record. The Board believes that the impact would be minimal, since it is anticipated that most offices will post one sign in an area where all patients may see it.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments orally or in writing relevant to the above determinations within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from the contact person listed below.

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

All the information upon which the proposed regulation is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

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

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Jeff Hanson  
California Board of Occupational Therapy  
2005 Evergreen Street, Suite 2250  
Sacramento, CA 95815  
(916) 263-2294 (Tel)  
(916) 263-2701 (Fax)

The backup contact person is:

Ranjila Sandhu  
[Same contact information as above]

**Website Access: All materials regarding this proposal can be found on-line at [www.bot.ca.gov](http://www.bot.ca.gov) > Laws and Regulations > Proposed Regulations.**

**TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under contact person in this Notice must be received by the Board at its office not later than **5:00 p.m.** on August 15, 2016.

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs  
Hearing Room  
2005 Evergreen Street  
Sacramento, CA 95815  
on  
Thursday, August 25, 2016  
9:15 a.m**

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

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 2615 of the Business and Professions Code, and to implement, interpret or make specific Sections 118, 125.9, 2647, 2648.7, 2649, 2660 and 2688 of said Code, the Board is considering adding Section 1399.56 to Article 10 of Division 13.2 of Title 16 of the California Code of Regulations.

#### INFORMATIVE DIGEST

Business and Professions Code (BPC ) Section 2615 authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry out the provisions of the Physical Therapy Practice Act (Act).

As a result of legislation passed in 2013 (S.B. 198, Statutes 2013, Chapter 389) BPC Section 2648.7 was added to the Act when it was chaptered into law, exempting a licensee from payment of the renewal fee and from meeting the continuing competency requirements set forth in BPC Section 2649 provided he or she has applied to the Board for Retired License Status. However, BPC Section 2648.7 does not provide criteria for qualifying for the Retired License Status and does not specify that the licensee would remain under the Board's jurisdiction.

The proposed language: establishes requirements for qualification and procedures for the licensee to apply for Retired License Status; establishes a retired license shall not be subject to renewal requirements; clarifies the holder of a retired license shall not engage in any activity that would require an active license and shall

comply with the Act; and establishes procedures for re-activating a license to active status and limits the terms for reactivating a license in retired status.

The proposed regulation will make changes to a form that is incorporated by reference and is currently used by the Board. The existing form "Request for Retired License Status" (Form RS-082014) would be revised to incorporate the qualifying provisions and requirement that the applicant must comply with the Physical Therapy Practice Act as added in this regulation. This form would also be recast as Form RS-112015 to reflect the date of the revised form. By revising the form to incorporate the new qualifications and compliance requirement in this proposed regulation, applicants would be sufficiently notified of these requirements prior to applying for retire license status.

The proposed regulation will require a new form to be created and titled "Request to Restore License to Active Status" (AS-112015). This new form would only be used by a licensee who wants to restore his or her license from retired status to active. By creating a new form specific to restoring a retired license to active status, the Board would be able to quickly identify the type of license status being requested, as well as identify the particular requirements necessary for the licensee to qualify for license restoration.

#### Anticipated Benefits of Proposed Regulations

The Board considered specific benefits anticipated by the proposed adoption of the section described, including, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things. The Board considered the assurance that a retired physical therapy practitioner remains under the jurisdiction of the Board is a benefit to the consumer and meets the Board's consumer protection mandate.

#### Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board conducted a search of any similar regulations on this topic and has concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

#### INCORPORATION BY REFERENCE

Documents incorporated by reference:

1. Request for Retired License Status (RS-112015)
2. Request to Restore License to Active Status (AS-112015)

FISCAL IMPACT ESTIMATES:

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

The Board does not anticipate any impact on federal funding. This proposal does not impact any government owned business.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS:

The Board has determined the proposed regulation has no anticipated effect on small business because the requirements put forth are specifically for licensees and do not impose any requirements on licensees' place of employment.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The proposed regulation will ensure California consumers that the Board will continue protecting their health, safety and welfare by assuring that a retired physical therapy practitioner remains under the jurisdiction of the Board, is prohibited from engaging in the

practice of, or assisting in the provision of physical therapy while in retired license status and meets the Board's consumer protection mandate.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physical Therapy Board of California at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815 or on the website at [http://www.ptbc.ca.gov/laws/prop\\_regs/index.shtml](http://www.ptbc.ca.gov/laws/prop_regs/index.shtml).

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Brooke Arneson  
2005 Evergreen Street, Suite 1350  
Sacramento, California 95815  
Telephone: (916) 561-8260  
Fax: (916) 263-2560  
Email  
Address: Brooke.Arneseon@dca.ca.gov

The backup contact person is:

Liz Constancio  
2005 Evergreen Street, Suite 1350  
Sacramento, California 95815  
Telephone: (916) 561-8274  
Fax: (916) 263-2560  
Email  
Address: Liz.Constancio@dca.ca.gov

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

**TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

**California Coronary Artery Bypass Graft Outcomes Reporting Program**

**TITLE 22, DIVISION 7, CHAPTER 10, ARTICLE 7: CABG DATA REPORTING REQUIREMENTS**

The Office of Statewide Health Planning and Development (OSHPD) proposes to amend Section 97174 of Title 22 of the California Code of Regulations (CCR).

OSHPD proposes to revise one data element reported in the California CABG Outcomes Reporting Program (CCORP) to more precisely differentiate between the types of Coronary Artery Bypass Graft (CABG) surgery being performed.

**I. PUBLIC HEARING**

OSHPD has not scheduled a public hearing. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing, pursuant to Section 11346.8(a) of the Government Code. The written request for a hearing must be received by OSHPD's contact person, designated below, no later than 15 days prior to the close of the written comment period.

**II. WRITTEN COMMENT PERIOD AND CONTACT PERSON**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. All comments must be received by OSHPD no later than 5:00 p.m., PDT on August 15, 2016.

Inquiries and comments concerning the proposed regulations should be addressed to the primary contact person named below. Comments delivered by e-mail are preferred. Comments may also be faxed, hand delivered, or mailed to:

Lisa A. Christensen (Cook)  
Contract Manager, Clinical Data Programs  
Healthcare Outcomes Center  
Office of Statewide Health Planning and Development  
400 R Street, Room 250  
Sacramento, CA 95811-6213  
Tel: (916) 326-3867  
Fax: (916) 322-9718  
E-mail: [lisa.cook@oshpd.ca.gov](mailto:lisa.cook@oshpd.ca.gov)

Inquiries and comments may also be addressed to the backup contact person:

Holly Hoegh, Ph.D.  
Manager, Clinical Data Programs  
Healthcare Outcomes Center  
Office of Statewide Health Planning and Development  
400 R Street, Room 250  
Sacramento, CA 95811-6213  
Tel: (916) 326-3868  
Fax: (916) 322-9718  
E-mail: [holly.hoegh@oshpd.ca.gov](mailto:holly.hoegh@oshpd.ca.gov)

Each comment may include the author's name, U.S. Postal Service address, and e-mail address, if applicable, so that the addressee may be included in future communications if the text of the currently proposed regulations changes.

**III. AUTHORITY AND REFERENCE**

Authority: California Health and Safety Code, Section 128810.

Reference: California Health and Safety Code, Section 128745.

**IV. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

**1. Summary of Existing Laws and Regulations**

Health and Safety Code Section 128745 requires that on an annual basis OSHPD prepare and publish risk-

adjusted outcome reports for CABG surgeries performed in California hospitals. To produce these reports, OSHPD is mandated to collect certain data from these hospitals.

Section 97172 of Title 22, CCR mandates that every six (6) months, hospitals performing CABG surgeries file a report with OSHPD that contains certain patient level information. Known as CCORP, this program collects data from each hospital for each CABG patient.

Currently, CABG surgeries are performed in 127 hospitals. The reported data includes demographic and clinical data elements from the patient medical record. OSHPD analyzes the data, along with data collected from other sources, and prepares the risk-adjusted outcome reports that compare outcomes by hospital and, in every other year, by hospital and cardiac surgeon.

Health and Safety Code Sections 128745 and 128748 provide for the appointment of a nine (9) member Clinical Advisory Panel (CAP) to advise OSHPD on aspects of the CABG program. OSHPD must seek the recommendations of CAP before making changes to the data elements collected for CCORP.

CAP may recommend that OSHPD add, delete, or revise data elements. At a meeting on February 3, 2015, CAP approved an additional outcome measure for public reporting of risk-adjusted mortality rates for CABG plus valve procedures. At a meeting on September 18, 2015, CAP recommended OSHPD revise one data element and modify the definition in the CCORP database.

CCORP data elements are defined in Section 97174 of Title 22, CCR. The revision will be implemented for any patients discharged on or after January 1, 2016.

2. Policy Statement Overview/Specific Benefits of Proposed Regulation

The data element “ISOLATED CABG” currently only differentiates between CABG surgeries done without another major procedure and those done with another major procedure. For CABG surgery cases that meet certain exclusion criteria, hospitals must manually abstract patient level medical records after data submission. Hospitals must then send that information to CCORP for clinical review to ensure the accuracy and integrity of the data. This manual process is inefficient, and may adversely impact data quality and timelines for producing public reports.

OSHPD is proposing to amend the regulation by changing “ISOLATED CABG” to “TYPE of CABG” and modifying the definition. Amending this regulation will lessen the burden to reporting hospitals by eliminating retrospective manual abstraction of CABG plus valve cases and lessen the burden to CCORP by elimi-

nating clinical review of these cases, resulting in administrative efficiencies and minor cost savings to hospitals and CCORP.

This would also result in higher quality data and improve risk-adjusted outcomes for all types of CABG surgery.

3. Evaluation of Inconsistency/Incompatibility with Existing State Regulations

As required by Government Code Section 11346.5, subsection (a)(3)(D), OSHPD evaluated the language contained in the proposed amendment. OSHPD has determined that these proposed regulations are not inconsistent with or incompatible with existing state regulations. These regulations make a minor modification to an existing program.

V. DISCLOSURES REGARDING THE PROPOSED ACTION

OSHPD has made the following initial determinations:

1. Mandate on local agencies and school districts: None.
2. Cost or savings to any state agency: The estimated cost to OSHPD for programming the online reporting system for the revised data element is absorbable. Administrative efficiencies and long term savings are expected because OSHPD will no longer have to manually review supporting clinical documentation from hospitals.
3. Costs to any local agency or school district that are required to be reimbursed by the state in accordance with Government Code Sections 17500 through 17630: None.
4. Other non-discretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Cost impact on representative persons or businesses: None. OSHPD estimates that the proposed regulatory change will result in an average savings to each hospital of \$157 annually.
7. Significant effect on housing costs: None.
8. Significant statewide adverse economic impact directly affecting business: OSHPD has made an initial determination that the action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

9. Effect on Small Business: OSHPD has determined that the proposed amendment does not affect small business. The health care facilities affected by the action either have more than 150 beds or more than \$1,500,000 in annual gross receipts. In accordance with Government Code Section 11342.610, these health care facilities are not defined as small businesses.

#### VI. STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

Modifying one data element and its definition is anticipated to be beneficial to the reporting hospitals by reducing retrospective manual abstraction, data processing, and clinical review, thereby reducing manual workload and administrative costs. It would also result in improved data quality, risk analysis, and outcomes reporting.

Therefore, OSHPD has concluded that this regulatory action would not affect the following:

- (1) The creation of jobs within the state.
- (2) The elimination of jobs within the State of California.
- (3) The creation of new businesses within California.
- (4) The elimination of existing businesses within California.
- (5) The expansion of businesses currently doing business in the state.
- (6) The benefit to the public is that more accurate and useful data would be available. Such data are used for understanding California's healthcare environment, which may benefit the health and welfare of California residents.

#### VII. REASONABLE ALTERNATIVES STATEMENT

In accordance with Government Code Section 11346.5, subsection (a)(13), OSHPD must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

#### VIII. AVAILABILITY OF EXPRESS TERMS, INITIAL STATEMENT OF REASONS, AND INFORMATION UPON WHICH PROPOSED RULEMAKING IS BASED

OSHPD will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address given for the contact persons. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the text of the proposed regulation, the initial statement of reasons, and an economic impact assessment contained in the initial statement of reasons.

In developing these regulations, OSHPD conducted a survey of affected hospitals. These hospitals were asked to estimate the fiscal impact to their hospitals. Copies of the survey and survey results will be made available upon request.

#### IX. AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL

After considering all timely and relevant comments received, OSHPD may adopt the proposed regulations substantially as described in this notice. If OSHPD makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days prior to the date OSHPD adopts the regulations as revised.

Please send requests for copies of the modified text to the listed contact person. The modified text will also be available on OSHPD's website at: <http://www.oshpd.ca.gov/LawsRegs/NewRegulations.html>.

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

#### X. AVAILABILITY OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

The Final Statement of Reasons including a summary of all comments and responses will be available, after its completion, through OSHPD's website at: <http://www.oshpd.ca.gov/LawsRegs/NewRegulations.html>.

The Final Statement of Reasons will also be available for review from the designated contact person.

X. AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of materials published or distributed through OSHPD's website can be accessed at <http://www.oshpd.ca.gov>. Materials related to this ruling can be accessed at: <http://www.oshpd.ca.gov/LawsRegs/NewRegulations.html>.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF HEALTH CARE SERVICES**

**Notice of 30-Day Public Comment  
June 10, 2016– July 10, 2016  
Nursing Facility/Acute Hospital Transition and  
Diversion Waiver Renewal**

**NOTICE IS HEREBY GIVEN** that the Department of Health Care Services (DHCS) intends to submit a 1915(c) Home and Community-Based Services Nursing Facility/Acute Hospital Transition and Diversion (NF/AH) Waiver renewal. This notice provides information of public interest with respect to DHCS seeking approval from the federal Centers for Medicare and Medicaid Services (CMS) to allow DHCS to renew the NF/AH Waiver. This proposal will be effective upon approval from CMS.

DHCS plans to submit the NF/AH Waiver renewal to CMS no sooner than August 31, 2016. The NF/AH Waiver may be modified, including a new CMS requirements relating to the HCBS Transition Plan, to reflect many of the changes that have been discussed during public meetings, the technical workgroups as well as public comment received during the public comment period.

WRITTEN PUBLIC COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments to the Department relevant to the changes described in this notice.

The draft NF/AH Waiver renewal discussed above will be posted on June 10, 2016, on the DHCS NF/AH Waiver Renewal webpage at: [http://www.dhcs.ca.gov/services/Itc/Pages/Nursing-Familv-Acute-Hospital-\(NF--AH\)-Waiver-Renewal.aspx](http://www.dhcs.ca.gov/services/Itc/Pages/Nursing-Familv-Acute-Hospital-(NF--AH)-Waiver-Renewal.aspx).

The full NF/AH Waiver application is also available upon request. **Written public comments will be accepted from June 10, 2016 through 5:00 pm on July 10, 2016.**

Mail

Delivery: ATTN: Gopinath Vijayalakshmi  
Department of Health Care  
Services  
Long-Term Care Division  
1501 Capitol Avenue, MS 4502  
P.O. Box 997437  
Sacramento, CA 95899-7437

Email:

[nfahwaiverrenewal@dhcs.ca.gov](mailto:nfahwaiverrenewal@dhcs.ca.gov)

The written comment period closes at 5:00 p.m. on July 10, 2016; any written comments regardless of the method of transmittal must be received electronically by 5:00 p.m. or postmarked on this date, for consideration.

DHCS will hold five stakeholder meetings throughout the state to discuss the comments received on the waiver renewal during 30-day public comment period, and to inform the public of changes made to the waiver as a result of public input. A summary of comments received and DHCS response(s) will be made available on the DHCS NF/AH Waiver Renewal webpage listed above by July 30, 2016 (hard copies will be mailed to waiver beneficiaries/providers upon request). Dates and locations of July meetings are listed below.

Date	Time	County	Address
7/7/2016	10 AM- 1 PM	Sacramento, EEC	1500 Capitol Ave, Sac, CA 95814
7/14/2016	10 AM- 1 PM	Fresno, Mariposa Mall	2550 Mariposa Mall, Room 1036 Fresno, CA 93721
7/18/2016	10 AM- 1 PM	Los Angeles, Ronald Reagan	300 S. Spring St, Ste 1726 Los Angeles, CA 90013,
7/19/2016	10 AM- 1 PM	San Diego, Eshleman	1350 Front St, Ste 6034, SD, CA 92101
7/29/2016	10 AM- 1 PM	Redding, Oxford Suites	1967 Hilltop Drive, Redding, CA 96002

**For individuals with disabilities, the Department will provide assistive devices such as reading or writing assistance, and conversion of materials into Braille, large print, audio, or computer disk. To request such services or copies in an alternate format or language, write or email by June 29, 2016:**

ATTN: Jonathan Alspektor  
 Department of Health Care Services  
 Long-Term Care Division  
 1501 Capitol Avenue, MS 4502  
 P.O. Box 997437  
 Sacramento, CA 95899-7437

Email: [nfahwaiverrenewal@dhcs.ca.gov](mailto:nfahwaiverrenewal@dhcs.ca.gov)

**DEPARTMENT OF HEALTH CARE SERVICES**

**THE DEPARTMENT OF HEALTH CARE SERVICES PROPOSES TO SUBMIT STATE PLAN AMENDMENTS (SPA) TO RESTORE ACUPUNCTURE SERVICES AS A COVERED BENEFIT UNDER THE MEDI-CAL PROGRAM**

The Department of Health Care Services (DHCS) will submit State Plan Amendment (SPA) 16-025 to the Centers for Medicare & Medicaid Services (CMS) to seek the necessary approval to restore acupuncture services as a covered benefit under the Medi-Cal program, pursuant to Senate Bill (SB) 833 (2016, Committee on Budget and Fiscal Review).

Additionally, this notice provides information of public interest with respect to Section 440.386 of Title 42 of the Code of Federal Regulations, which requires Medicaid states to publish a public notice to solicit public input regarding the amendment to the Medi-Cal Alternative Benefit Plan (ABP). DHCS assures full access

to Early and Periodic Screening, Diagnostic, and Treatment services for people under 21 years of age, as described by 42 CFR 440.345. DHCS will submit SPA 16-027 to the CMS to seek the necessary approval to restore acupuncture services as a covered benefit under the Medi-Cal program in the ABP, pursuant to Senate Bill (SB) 833.

**Restoring Acupuncture Services and Amending the ABP**

Existing law provides for a schedule of benefits under the Medi-Cal program, which includes specified outpatient services, including acupuncture to the extent federal matching funds are provided. Welfare and Institutions Code Section 14131.10 also excludes certain optional benefits, including acupuncture services, from coverage under the Medi-Cal program except for beneficiaries who qualify for Early and Periodic Screening, Diagnostic, and Treatment services; pregnant women for pregnancy-related services and services for the treatment of other conditions that might complicate the pregnancy; and beneficiaries receiving long-term care in a nursing facility that is both a skilled nursing facility or intermediate care facility.

Effective July 1, 2016, as authorized by SB 833, Medi-Cal intends to restore acupuncture services as an optional benefit for all eligible beneficiaries through the submission of SPA 16-025 and restore acupuncture as an optional benefit to the ABP through SPA 16-027. Acupuncture services will only be restored to the extent that federal financial participation is available and necessary federal approvals are obtained. The SPAs will not change the reimbursement methodology for acupuncture.

DHCS complied with the provisions of section 5006(e) of the American Recovery and Reinvestment Act of 2009 by publishing the Tribal Notice for SPA 16-027 on June 30, 2016 and will hold a tribal webinar on August 30, 2016.

**Public Review and Comment**

The California statute discussed above is available for public review at [www.leginfo.com](http://www.leginfo.com). Interested parties may submit written comments, request copies of the statute, and/or request copies the written comments to: Cynthia Owens, Acting Division Chief, Benefits Division; Department of Health Care Services; MS 4601; P.O. Box 997417; Sacramento, CA 95899-7417. All written comments must be received by July 31, 2016.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)  
NOTICE TO INTERESTED PARTIES  
July 1, 2016**

**CHEMICAL LISTED EFFECTIVE JULY 1, 2016  
AS KNOWN TO THE STATE OF CALIFORNIA  
TO CAUSE CANCER:  
SEDAXANE**

<b>Chemical</b>	<b>CAS No.</b>	<b>Endpoint</b>	<b>Listing Mechanism*</b>
<i>Sedaxane</i>	874967-67-6	Cancer	AB (US EPA)

\*Listing mechanism: AB – “authoritative bodies” mechanism (Title 27, Cal. Code of Regs. section 25306).

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

**CHEMICALS KNOWN TO THE STATE  
TO CAUSE CANCER OR  
REPRODUCTIVE TOXICITY  
May 20, 2016**

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

Effective **July 1, 2016**, the Office of Environmental Health Hazard Assessment (OEHHA) is adding *sedaxane* (CAS No. 874967-67-6) to the list of chemicals known to the state to cause cancer for purposes of Proposition 65<sup>1</sup>.

The listing of *sedaxane* is based on formal identification by the US Environmental Protection Agency (US EPA), an authoritative body<sup>2</sup>, that the chemical causes cancer. The criteria used by OEHHA for the listing of chemicals under the “authoritative bodies” mechanism can be found in Title 27, Cal. Code of Regs., section 25306.

The documentation supporting OEHHA’s determination that the criteria for administrative listing have been satisfied for sedaxane is included in the “Notice of Intent to List CMNP (Pyrazachlor) and Sedaxane” posted on OEHHA’s website and published in the June 26, 2015 issue of the California Regulatory Notice Register (Register 2015, No. 26-Z). The publication of the notice initiated a public comment period that closed on July 27, 2015. OEHHA received public comments on sedaxane. The comments and OEHHA’s responses are posted with the Notice of Intent to List.

A complete, updated chemical list is published in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at <http://oehha.ca.gov/proposition-65/proposition-65-list>.

In summary, sedaxane is listed under Proposition 65 as known to the state to cause cancer, as follows:

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.

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

<sup>2</sup> See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
Allyl chloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990
Aloe vera, non-decolorized whole leaf extract		December 4, 2015
2-Aminoanthraquinone	117-79-3	October 1, 1989
<i>p</i> -Aminoazobenzene	60-09-3	January 1, 1990
<i>ortho</i> -Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
<i>ortho</i> -Anisidine	90-04-0	July 1, 1987
<i>ortho</i> -Anisidine hydrochloride	134-29-2	July 1, 1987
Anthraquinone	84-65-1	September 28, 2007
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992

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Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzophenone	119-61-9	June 22, 2012
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromochloroacetic acid	5589-96-8	April 6, 2010
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chloral	75-87-6	September 13, 2013
Chloral hydrate	302-17-0	September 13, 2013
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol <u>Delisted January 4, 2013</u>	56-75-7	October 1, 1989
Chloramphenicol sodium succinate	982-57-0	September 27, 2013
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989

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Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
<i>p</i> -Chloroaniline	106-47-8	October 1, 1994
<i>p</i> -Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
<i>p</i> -Chloro- <i>o</i> -toluidine	95-69-2	January 1, 1990
<i>p</i> -Chloro- <i>o</i> -toluidine, strong acid salts of	—	May 15, 1998
5-Chloro- <i>o</i> -toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Disperse Yellow 3	2832-40-8	February 8, 2013
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Clomiphene citrate	50-41-9	May 24, 2013
CMNP (pyrazachlor)	6814-58-0	August 21, 2015
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coconut oil diethanolamine condensate (cocamide diethanolamine)	—	June 22, 2012
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
<i>para</i> -Cresidine	120-71-8	January 1, 1988
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclopenta[ <i>cd</i> ]pyrene	27208-37-3	April 29, 2011

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Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed) <u>Delisted November 20, 2015</u>	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenzanthracenes	—	December 26, 2014
Dibenz[a,c]anthracene	215-58-7	December 26, 2014
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
Dibenz[a,j]anthracene	224-41-9	December 26, 2014
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
<i>p</i> -Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988
Dienestrol <u>Delisted January 4, 2013</u>	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisononyl phthalate (DINP)	—	December 20, 2013
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3' -Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3' -Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3' -Dimethoxybenzidine-based dyes metabolized to 3,3' -dimethoxybenzidine	—	June 11, 2004
3,3' -Dimethylbenzidine-based dyes metabolized to 3,3' -dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3' -Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3' -Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbonyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
2,6-Dimethyl-N-nitrosomorpholine (DMNM)	1456-28-6	February 8, 2013
N,N-Dimethyl-p-toluidine	99-97-8	May 2, 2014
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,3-Dinitropyrene	75321-20-9	November 2, 2012
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Emissions from combustion of coal	—	August 7, 2013
Emissions from high-temperature unrefined rapeseed oil	—	January 3, 2014
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011

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Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine (Aziridine)	151-56-4	January 1, 1988
Etoposide	33419-42-0	November 4, 2011
Etoposide in combination with cisplatin and bleomycin	—	November 4, 2011
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB <sub>1</sub>	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glass wool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Goldenseal root powder	—	December 4, 2015
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988

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Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isopyrazam	881686-58-1	July 24, 2012
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	<del>October 1, 1989</del>
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malathion	121-75-5	May 20, 2016
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
Megestrol acetate	595-33-5	March 28, 2014
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyridin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998

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3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011
Methyl iodide	74-88-4	April 1, 1988
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
$\alpha$ -Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Mitoxantrone hydrochloride	70476-82-3	January 23, 2015
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furilazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
beta-Myrcene	123-35-3	March 27, 2015
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7;	October 1, 1989
	12125-56-3	
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro- <i>o</i> -anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi- <i>n</i> -butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
<i>p</i> -Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi- <i>n</i> -propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethyl- <i>n</i> -butylamine	7068-83-9	December 26, 2014
N-Nitrosomethyl- <i>n</i> -decylamine	75881-22-0	December 26, 2014
N-Nitrosomethyl- <i>n</i> -dodecylamine	55090-44-3	December 26, 2014
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitrosomethyl- <i>n</i> -heptylamine	16338-99-1	December 26, 2014
N-Nitrosomethyl- <i>n</i> -hexylamine	28538-70-7	December 26, 2014
N-Nitrosomethyl- <i>n</i> -nonylamine	75881-19-5	December 26, 2014
N-Nitrosomethyl- <i>n</i> -octylamine	34423-54-6	December 26, 2014
N-Nitrosomethyl- <i>n</i> -pentylamine	13256-07-0	December 26, 2014
N-Nitrosomethyl- <i>n</i> -propylamine	924-46-9	December 26, 2014
N-Nitrosomethyl- <i>n</i> -tetradecylamine	75881-20-8	December 26, 2014
N-Nitrosomethyl- <i>n</i> -undecylamine	68107-26-6	December 26, 2014
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
N-Nitrososarcosine	13256-22-9	January 1, 1988
<i>o</i> -Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Parathion	56-38-2	May 20, 2016
Pentachlorophenol	87-86-5	January 1, 1990
Pentosan polysulfate sodium	—	April 18, 2014
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
<i>o</i> -Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
<i>o</i> -Phenylphenate, sodium	132-27-4	January 1, 1990
<i>o</i> -Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Pioglitazone	111025-46-8	April 18, 2014
Pirimicarb	23103-98-2	July 2, 2008
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pulegone	89-82-7	April 18, 2014
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
<u>Sedaxane</u>	874967-67-6	July 1, 2016
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene	100-42-5	April 22, 2016
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Teriparatide	52232-67-4	August 14, 2015
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
3,3',4,4'-Tetrachloroazobenzene	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo- <i>para</i> -dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,1,2-Tetrachloroethane	630-20-6	September 13, 2013
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
<i>p</i> -a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrachlorvinphos	22248-79-9	May 20, 2016
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4' -Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> ( <i>Fusarium verticillioides</i> )	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
Triamterene	396-01-0	April 18, 2014
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroacetic acid	76-03-9	September 13, 2013
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Abiraterone acetate	developmental, female, male	154229-18-2	April 8, 2016
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
<u>Delisted December 13, 2013</u>			
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bisphenol A (BPA)	female	80-05-7	May 11, 2015
Bisphenol A (BPA)	developmental	80-05-7	April 11, 2013
<u>Delisted April 19, 2013</u>			
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether <u>Delisted April 4, 2014</u>	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, female, male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron <u>Delisted June 6, 2014</u>	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol <u>Delisted January 25, 2002</u>	male	108-93-0	November 6, 1998
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1999
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
2,4-DP (dichloroprop) <u>Delisted January 25, 2002</u>	developmental	120-36-5	April 27, 1999
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	developmental, male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether <u>Delisted April 4, 2014</u>	male	2238-07-5	August 7, 2009
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental, male	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl-tert-butyl ether <u>Delisted December 13, 2013</u>	male	637-92-3	December 18, 2009

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol (ingested)	developmental	107-21-1	June 19, 2015
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
<del>2-Ethylhexanoic acid</del>	developmental	149-57-5	August 7, 2009
<u>Delisted December 13, 2013</u>			
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1990
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
HFlutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
aloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	developmental, male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
2,5-Hexanedione	male	110-13-4	December 4, 2015
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrogen cyanide (HCN) and cyanide salts (CN salts)	male	—	July 5, 2013
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyln-n-butyl ketone	developmental	591-78-6	December 4, 2015
Methyl chloride	male		August 7, 2009
	developmental	74-87-3	March 10, 2000
	male		August 7, 2009
Methyl isobutyl ketone (MIBK)	developmental	108-10-1	March 28, 2014
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012
<u>Delisted April 4, 2014</u>			
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
$\alpha$ -Methyl styrene	female	98-83-9	July 29, 2011
<u>Delisted April 4, 2014</u>			
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental, female	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone)/ Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide) <u>Delisted December 13, 2013</u>	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether <u>Delisted April 4, 2014</u>	male	122-60-1	August 7, 2009
Phenylphosphine	developmental, male	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30, 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 27-Z**

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Topiramate	developmental	97240-79-4	November 27, 2015
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trichloroethylene	developmental, male	79-01-6	January 31, 2014
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene <u>Delisted December 13, 2013</u>	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 1999
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: July 1, 2016

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)  
NOTICE TO INTERESTED PARTIES  
July 1, 2016**

**ISSUANCE OF A SAFE USE  
DETERMINATION FOR  
EXPOSURE TO RESIDENTS TO  
DIISONONYL PHTHALATE IN VINYL  
FLOORING PRODUCTS**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup>. OEHHA received a request from the Resilient Floor Covering Institute (RFCI) on behalf of its member companies that OEHHA issue a Safe Use Determination (SUD) for the use of diisononyl phthalate (DINP) in vinyl flooring products, pursuant to OEHHA's authority under Section 25204(a) of Title 27 of the California Code of Regulations<sup>2</sup>. The products that are the subject of this request are non-textile vinyl flooring products used in residential, commercial and institutional buildings. These products are available ei-

ther as sheets or tiles, and can be installed by both flooring professionals and do-it-yourself consumers. DINP was listed under Proposition 65 as a chemical known to the state to cause cancer effective December 20, 2013.

In accordance with the process set forth in Section 25204(f), OEHHA held a written public comment period on this request from January 2 to February 25, 2015. OEHHA also held a public hearing on February 25, 2015, in Sacramento, California. No public comments were received.

As provided in Sections 25204(a) and (k), OEHHA is issuing the following SUD to RFCI for DINP in certain vinyl flooring products:

- OEHHA is issuing a safe use determination for *DINP exposures to residents* of homes and other facilities from vinyl flooring products *containing 18.9% DINP by weight, or less*.

The essential elements and results of OEHHA's assessment are described in the supporting document available at: <http://oehha.ca.gov/proposition-65/proposition-65-safe-use-determinations-suds>.

Based on the screening level exposure analysis described in the supporting documentation, an upper-end estimate of DINP exposure from vinyl flooring products was made for residents and compared to the No Significant Risk Level (NSRL) for DINP of 146 micrograms/day.

The estimated exposure to DINP from vinyl flooring products corresponds to a calculated excess cancer risk of one in 100,000 for exposures to residents with these vinyl flooring products containing 18.9% DINP by weight installed in their homes. Thus OEHHA determined that exposure of residents to DINP from these vinyl flooring products is at or below the NSRL when the DINP content in the product is 18.9% by weight, or

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

<sup>2</sup> All further references are to sections of Title 27 of the California Code of Regulations, unless otherwise stated.

less. A warning for products meeting this DINP concentration limit would not be required for residents in buildings where these products are present.

Supporting documentation for this Safe Use Determination is available on OEHHA's web site.

Questions regarding this notice should be directed to:

Michelle Ramirez  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS-12B  
Sacramento, California 95812-4010

[P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov)  
Telephone: (916) 445-6900

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES  
JULY 1, 2016**

**CORRECTION TO ANALYSIS SUPPORTING A  
SAFE USE DETERMINATION FOR  
DIISONONYL PHTHALATE  
IN CERTAIN SINGLE-PLY POLYVINYL  
CHLORIDE ROOFING MEMBRANE  
PRODUCTS ISSUED ON DECEMBER 4, 2015**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup>.

On December 4, 2015, OEHHA Issued a Safe Use Determination (SUD) to the Chemical Fabrics & Film Association, Inc. (CFFA) for diisononyl phthalate (DINP) in certain single-ply (SP) polyvinyl chloride (PVC) roofing membrane products, pursuant to OEHHA's authority under Section 25204(a) of Title 27 of the California Code of Regulations.<sup>2</sup> The products that are the subject of the SUD are SP PVC roofing membrane products with a nominal thickness of between 1.016 to 2.438 millimeters (40 to 96 mils), containing no more than 15 percent DINP and heated to surface temperatures up to and including 210°C during installation. The roofing membrane products that are the

subject of this request are installed by roofing professionals. DINP was listed under Proposition 65 as a chemical known to the state to cause cancer, effective December 20, 2013.

This notice announces that some of the information used in OEHHA's analysis supporting the issuance of this SUD has been corrected. Specifically, the content of DINP in the secondary backing layer of carpet tiles used to generate data on hand and fingertip loading of DINP has been corrected from 21.1 percent to 9 percent. This information is used in OEHHA's analysis for this SUD to estimate DINP exposures via the dermal absorption and incidental ingestion pathways. Use of the corrected information results in an increase in the upper-end estimate of DINP exposures to professional roof installers during the installation of the specified SP PVC roofing membrane products from 83 to 109 micrograms (µg) per day. This corrected estimate of exposure is approximately 75 percent of the No Significant Risk Level for DINP of 146 µg/day, and corresponds to an excess cancer risk of less than one in 100,000.

The essential elements and results of OEHHA's corrected assessment are described in the supporting document available at: <http://oehha.ca.gov/proposition-65/proposition-65-safe-use-determinations-suds>. This 2016 supporting document supersedes the previous document of November 2015.

Questions regarding this notice should be directed to:

Michelle Ramirez  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010, MS-12B  
Sacramento, California 95812-4010

[P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov)  
Telephone: (916) 445-6900

**DECISION NOT TO PROCEED**

**DEPARTMENT OF  
HUMAN RESOURCES**

Pursuant to Government Code Section 11347, CalHR hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on 10/23/2015. This proposed rulemaking concerned county merit system regulations. The rulemaking did not proceed under the APA but instead as an exempt action under Government Code Section 19811.

Any interested person with questions concerning this rulemaking should contact Nancy Craig at (916) 324-0512 or by e-mail at: [Nancy.craig@calhr.ca.gov](mailto:Nancy.craig@calhr.ca.gov).

The Department will also publish this Notice of Decision Not to Proceed on its website.

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

<sup>2</sup> All further references are to sections of Title 27 of the California Code of Regulations, unless otherwise stated.

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

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

File# 2016-0512-01  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS  
Waiver of Fundamentals Examination

The Board of Professional Engineers, Land Surveyors, and Geologists (Board) in this action is amending title 16, section 438 of the California Code of Regulations. This rulemaking removes language that identifies an eight-hour written examination for the Fundamentals of Engineering examination (FE) and the Fundamentals of Surveying examination (FS) because individuals are no longer tested within an eight-hour time frame. FE and FS examinees are tested on the content of the exam and not the timeframe. Additionally, this rulemaking removes the ability of individuals who hold an Engineer-in-Training certificate (EIT) to waive the Land Surveyor-in-Training certificate (SIT). This change is necessary due to the passage of Senate Bill 1576 (Statutes of 2012, Chapter 661) which limits the exemption to persons who are registered as California civil engineers instead of simply an engineer-in-training.

Title 16  
AMEND: 438  
Filed 06/22/2016  
Effective 10/01/2016  
Agency Contact: Kara Williams (916) 263-5438

File# 2016-0513-01  
BOARD OF EDUCATION  
Gifted and Talented Pupil Program

This change without regulatory effect repeals Subchapters 3, 4, 5, and 6 of Chapter 4 of Division 1 of Title 5 of the California Code of Regulations, concerning gifted and talented pupils, as a result of the repeal of the underlying governing statutes (Education Code sections 52200 through 52212) by Senate Bill 971 (Chapter 923, Statutes of 2014).

Title 5  
REPEAL: 3820, 3822, 3823, 3824, 3831, 3840,  
3860, 3870  
Filed 06/15/2016  
Agency Contact: Hillary Wirick (916) 319-0644

File# 2016-0608-01  
BOARD OF EQUALIZATION  
Other Nontaxable Uses of Diesel fuel in a Motor Vehicle

This resubmittal action, related to OAL Matter No. 2016-0112-03, amends regulations regarding nontaxable uses of diesel fuel in a motor vehicle. The action, inter alia, (1) clarifies language; (2) distinguishes between fuel used to operate a motor vehicle on the highway from fuel used to operate auxiliary equipment; (3) provides safe-harbor percentages that can be applied to diesel fuel used by certain vehicles with auxiliary equipment when claiming a refund for the portion of the fuel used to power auxiliary equipment.

Title 18  
AMEND: 1432  
Filed 06/21/2016  
Effective 06/21/2016  
Agency Contact: Richard Bennion (916) 445-2130

File# 2016-0524-01  
CALIFORNIA ARCHITECTS BOARD  
Intern Development Program (IDP) Guidelines

This rulemaking action by the California Architects Board amends section 109 of title 16 of the California Code of Regulations to update the Intern Development Program (IDP) Guidelines of the National Council of Architectural Registration Boards (NCARB) incorporated by reference in the regulation from the July 2014 version to the current July 2015 version.

Title 16  
AMEND: 109  
Filed 06/16/2016  
Effective 10/01/2016  
Agency Contact: Timothy Rodda (916) 575-7217

File# 2016-0510-02  
COMMISSION ON PEACE OFFICER STANDARDS  
AND TRAINING  
Field Training Program & Certificates (Forms)

This rulemaking by the Commission on Peace Officer Standards and Training (POST) amends sections in Title 11 of the California Code of Regulations regarding field training program and certificates. Post is incorporating three forms by reference: Post-Approved Field Training Program (FTP) Or Police Training Program (PTP) Application, POST 2-229; Request For Reissuance of Post Certificate, POST 2-250; and Certificate

Application — Reserve Peace Officer, POST 2–256. The regulation text is amended to update the updated names of the forms and the new revision dates, as applicable.

Title 11  
AMEND: 1004, 1011  
Filed 06/22/2016  
Effective 10/01/2016  
Agency Contact: Patti Kaida (916) 227–4847

File# 2016–0610–03  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Medical and Dental Services — End of Life Option Act Exemption

In this emergency of operational necessity, the Department of Corrections and Rehabilitation (the “Department”) is adopting section 3359.8 in title 15 of the California Code of Regulations. Section 3359.8 prevents inmates in the Department’s custody from accessing aid-in-dying drugs under the End of Life Option Act, which was enacted with the adoption of Assembly Bill No. 15 (2015–2016 2nd Ex. Sess.). Section 3359.8 also prohibits Department employees, contractors, and other persons and entities providing care to inmates in the Department’s custody from participating in activities under the End of Life Option Act.

Title 15  
ADOPT: 3359.8  
Filed 06/21/2016  
Effective 06/21/2016  
Agency Contact: Sherri Garcia (916) 445–2266

File# 2016–0614–03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking action by the Department of Food and Agriculture amends section 3435(b) of title 3 of the California Code of Regulations to expand the existing quarantine area for the Asian Citrus Psyllid (“ACP”), *Diaphorina citri*, in Kern County. This quarantine area expansion is in response to the identification of two adult ACPs from a trap in the Lost Hills area of Kern County on May 18, 2016. The effect of this emergency action provides authority for the State to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, San Bernardino, San Diego, Santa Barbara, Riverside, Tulare, and Ventura, and portions of Fresno, Kern, Madera, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Alameda, Stanislaus and

Kings counties that were already under quarantine for ACP, totaling approximately 54,538 square miles.

Title 3  
AMEND: 3435(b)  
Filed 06/16/2016  
Effective 06/16/2016  
Agency Contact: Sara Khalid (916) 403–6625

File# 2016–0616–03  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture will expand the quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) by approximately 147 square miles in the Fresno and Clovis areas of Fresno County. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the many existing regulated areas in the state.

Title 3  
AMEND: 3435(b)  
Filed 06/22/2016  
Effective 06/22/2016  
Agency Contact: Sara Khalid (916) 403–6625

File# 2016–0616–04  
DEPARTMENT OF FOOD AND AGRICULTURE  
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture will establish a quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) of approximately 106 square miles in the Merced area of Merced County. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this established area, along with the many already existing regulated areas in the state.

Title 3  
AMEND: 3435(b)  
Filed 06/22/2016  
Effective 06/22/2016  
Agency Contact: Sara Khalid (916) 403–6625

File# 2016–0617–02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Peach Fruit Fly Eradication Area

This emergency regulatory action amends section 3591.12(a) by adding the entire county of San Joaquin to the list of counties proclaimed to be eradication areas with respect to the peach fruit fly (*Bactrocera zonata*). The effect of the amendment provides authority for the state to perform eradication activities against the peach fruit fly within San Joaquin county.

Title 3  
 AMEND: 3591.12  
 Filed 06/20/2016  
 Effective 06/20/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0506-01  
 DEPARTMENT OF HEALTH CARE SERVICES  
 Comprehensive Perinatal Services — Licensed  
 Midwives

This action by the Department of Health Care Services makes changes without regulatory effect to section 51179.7, title 22 of the California Code of Regulations. These changes include updating the authority citations and adding licensed midwives to the list of Comprehensive Perinatal Practitioners consistent with Welfare and Institutions Code, section 14134.5, as amended statutes 2015, chapter 313 (SB 407).

Title 22  
 AMEND: 51179.7  
 Filed 06/20/2016  
 Agency Contact: David Kim (916) 552-9183

File# 2016-0608-03  
 DEPARTMENT OF VETERANS AFFAIRS  
 End of Life Option Act

This emergency rulemaking action by the Department of Veterans Affairs adopts section 509 in title 12 of the California Code of Regulations to provide that employees, independent contractors, and other persons or entities shall not participate in any activities under the End of Life Option Act while on the premises of a Veterans Home or while acting within the course and scope of employment, or contract with, the Veterans Home. Additionally, veteran members who intend to take an aid-in-dying drug in order to end his or her life shall discharge from the Veterans Home prior to receiving and taking the drug.

Title 12  
 ADOPT: 509  
 Filed 06/17/2016  
 Effective 06/17/2016  
 Agency Contact: Todd D. Irby (916) 654-7022

File# 2016-0504-01  
 FISH AND GAME COMMISSION  
 Fisheries at Risk due to Drought Conditions

In this timely Certificate of Compliance (2015-0626-01E, 2015-1218-05EE, 2016-0316-03EE), the Fish and Game Commission (Commission) is making permanent the adoption of section 8.01 in title 14 of the California Code of Regulations that protects fisheries under critical conditions

stemming from the drought by establishing a set of triggers to guide fishing closure and reopening actions. Closures will occur when specific triggering events occur including water temperatures exceeding 70° for over eight hours a day for three consecutive days. Other triggers include oxygen levels, water levels, breeding population and several others.

Title 14  
 ADOPT: 8.01  
 Filed 06/15/2016  
 Effective 06/15/2016  
 Agency Contact: Jon Snellstrom (916) 653-4899

File# 2016-0505-02  
 FISH AND GAME COMMISSION  
 Commercial Sea Urchin Fishing

The Fish and Game Commission is amending title 14 section 120.7 of the California Code of Regulations. This amendment specifies that no new permits for sea urchin diving will be issued when the number of renewed permits is equal to or greater than 300.

Title 14  
 AMEND: 120.7  
 Filed 06/16/2016  
 Effective 10/01/2016  
 Agency Contact: Sheri Tiemann (916) 654-9872

File# 2016-0609-01  
 OFFICE OF EMERGENCY SERVICES  
 Regional Railroad Accident Preparedness and Accident Response Fund

This emergency rulemaking action by the Governor's Office of Emergency Services proposes to adopt regulations to implement the Regional Railroad Accident Preparedness and Immediate Response legislation in Government Code sections 8574.30 through 8574.48, as enacted by Statutes 2015, Chapter 25, Section 6 (SB 84).

Title 19  
 ADOPT: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710  
 Filed 06/20/2016  
 Effective 06/20/2016  
 Agency Contact: Jennifer L. Plescia (916) 845-8815

File# 2016-0510-01  
 OFFICE OF ENVIRONMENTAL HEALTH  
 HAZARD ASSESSMENT  
 Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

This action amends and republishes the list of chemicals known to the State of California to cause cancer or reproductive toxicity.

Title 27  
 AMEND: 27001  
 Filed 06/22/2016  
 Effective 06/22/2016  
 Agency Contact: Michelle Ramirez (916) 327-3015

File# 2016-0608-02  
 STATE ATHLETIC COMMISSION  
 Weighing Time, Dehydration and Rehydration, and  
 Time for Examinations

This emergency rulemaking action by the State Athletic Commission adopts and amends sections in title 4 to provide safer weigh-in procedures, allow Commission-appointed ringside physicians to test athletes for signs of dehydration, and prohibit the use of intravenous therapies to regain hydration after a weigh-in.

Title 4  
 ADOPT: 299  
 AMEND: 297, 300  
 Filed 06/15/2016  
 Effective 06/15/2016  
 Agency Contact: Sophia Cornejo (916) 263-2196

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN January 20, 2016 TO  
 June 22, 2016**

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

**Title 2**

05/25/16 AMEND: 604  
 05/23/16 AMEND: 23000  
 05/19/16 ADOPT: 18750 REPEAL: 18750,  
 18750.1, 18750.2, 18752  
 04/21/16 AMEND: 599.744  
 04/12/16 AMEND: 18239  
 04/12/16 AMEND: 18616  
 03/22/16 AMEND: 18215.3, 18247.5, 18404,  
 18405, 18422, 18425, 18427.1, 18450.4,  
 18531.5, 18531.62 REPEAL: 18402.5  
 03/22/16 AMEND: 18406, 18530.4, 18530.45,  
 18992  
 02/22/16 ADOPT: 61000, 61001, 61002, 61003,  
 61004, 61005, 61006, 61007, 61008,

61009, 61010, 61011, 61012, 61013,  
 61014, 61015, 61016, 61017, 61018,  
 61019, 61020, 61021, 61022, 61023,  
 61024  
 02/22/16 ADOPT: 59800  
 02/11/16 AMEND: 57200  
 02/10/16 AMEND: 57200  
 02/04/16 ADOPT: 555.5  
 02/04/16 AMEND: 18351  
 02/04/16 AMEND: 18616

**Title 3**

06/22/16 AMEND: 3435(b)  
 06/22/16 AMEND: 3435(b)  
 06/20/16 AMEND: 3591.12  
 06/16/16 AMEND: 3435(b)  
 06/13/16 AMEND: 3435(b)  
 06/13/16 AMEND: 3435(b)  
 06/08/16 AMEND: 850  
 06/06/16 ADOPT: 1358.7  
 06/02/16 AMEND: 3439(b)  
 06/02/16 AMEND: 3435(b)  
 06/01/16 AMEND: 3435(b)  
 05/25/16 AMEND: 3435(b)  
 05/23/16 AMEND: 3435(b)  
 05/18/16 AMEND: 3435  
 05/17/16 AMEND: 3906  
 05/12/16 AMEND: 3435(b)  
 05/12/16 AMEND: 3435(b)  
 05/11/16 AMEND: 3435(b)  
 05/11/16 AMEND: 3435(b)  
 05/10/16 AMEND: 3435(b)  
 05/09/16 ADOPT: 3591.27  
 04/25/16 AMEND: 3435(b)  
 04/07/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4,  
 451, 452  
 04/05/16 AMEND: 3589  
 03/29/16 AMEND: 3435(b)  
 03/21/16 AMEND: 3435  
 03/10/16 AMEND: 3435(b)  
 03/09/16 AMEND: 3435(b)  
 03/08/16 AMEND: 3435(b)  
 02/17/16 AMEND: 6000, 6445, 6447, 6447.2,  
 6447.3, 6448.1, 6449.1, 6450.1, 6452,  
 6452.2, 6784  
 02/17/16 AMEND: 3439(b)  
 02/09/16 AMEND: 3435(b)  
 02/02/16 ADOPT: 3442  
 01/27/16 ADOPT: 3591.26  
 01/21/16 AMEND: 3435(b)  
 01/20/16 AMEND: 3435(b)

**Title 4**

06/15/16 ADOPT: 299 AMEND: 297, 300  
 06/14/16 AMEND: 5000, 5033, 5052, 5144, 5205,  
 5220, 5221, 5230

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 27-Z**

04/27/16	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12	02/24/16	AMEND: 80014, 80014.1, 80066 REPEAL: 80014.2
04/25/16	ADOPT: 1866.1 AMEND: 1844	02/18/16	ADOPT: 40106
04/21/16	ADOPT: 610	<b>Title 8</b>	
04/13/16	ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15	05/18/16	AMEND: 362, 364, 364.1
04/12/16	AMEND: 1489	04/12/16	AMEND: 3207, 3212
03/28/16	AMEND: 10176(d), 10181	03/23/16	AMEND: 9789.12.2, 9789.12.6, 9789.12.8, 9789.12.13, 9789.13.1, 9789.15.4, 9789.16.1, 9789.16.2, 9789.17.1, 9789.19
03/23/16	ADOPT: 12465 AMEND: 12460, 12461, 12462, 12463, 12464, 12466	03/14/16	AMEND: 9789.21, 9789.25
03/10/16	ADOPT: 5258, 5271, 5273 AMEND: 5033, 5052, 5100, 5102 (renumbered to 5101), 5103 (renumbered to 5102), 5104 (renumbered to 5103), 5105 (renumbered to 5104), 5106 (renumbered to 5105), 5107 (renumbered to 5106), 5132, 5170, 5190, 5191, 5192, 5200, 5205, 5210, 5230, 5232, 5250, 5255, 5260, 5267 REPEAL: 5101	03/14/16	AMEND: 333, 336
03/08/16	AMEND: 1658	03/07/16	AMEND: 4307
03/03/16	AMEND: 10176, 10179, 10180, 10181	03/07/16	AMEND: 4412
02/04/16	AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230	03/04/16	AMEND: 9785.4.1
02/01/16	ADOPT: 7210, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7225.1, 7226, 7227, 7228, 7229	02/25/16	AMEND: 3328
01/26/16	ADOPT: 1866.1 AMEND: 1844	<b>Title 9</b>	
01/25/16	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11	06/06/16	AMEND: 811, 812, 823, 836.2, 862, 865, 865.4, 865.5
<b>Title 5</b>		05/31/16	ADOPT: 7006.5 AMEND: 7019.1, 7020, 7024, 7029.9, 7054, 7055, 7060, 7062, 7062.3, 7122, 7143, 7157, 7164, 7164.4, 7194, 7198 REPEAL: 7004.3, 7019.2, 7022, 7029.3
06/15/16	REPEAL: 3820, 3822, 3823, 3824, 3831, 3840, 3860, 3870	05/12/16	AMEND: 7140, 7142, 7142.5, 7143.5, 7164.6, 7196, 7211, 7290, 7353.6
05/31/16	REPEAL: 9517.1, 9531, 9532, 9535	04/21/16	REPEAL: 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799
05/31/16	ADOPT: 11533, 11534 AMEND: 11530, 11531	<b>Title 10</b>	
05/31/16	ADOPT: 11524, 11525 AMEND: 11520, 11521, 11522	06/14/16	ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552
05/18/16	ADOPT: 851.5, 853.6, 853.8, 860 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 861, 862, 862.5, 863, 864	06/07/16	ADOPT: 8100, 8110, 8120, 8130, 8140, 8150
04/25/16	AMEND: 41906.5, 41906.6	06/06/16	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
03/28/16	ADOPT: 1700		
03/22/16	ADOPT: 9526		
03/21/16	AMEND: 80057.5, 80089.2		
03/03/16	AMEND: 19810		
02/26/16	AMEND: 27007		
02/24/16	AMEND: 80499		

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05/31/16 AMEND: 2500, 2501, 2503, 2504, 2505, 2507.1, 2507.2, 2508 REPEAL: 2502  
 05/26/16 ADOPT: 6858  
 05/23/16 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718  
 05/11/16 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516  
 05/10/16 AMEND: 2318.6, 2353.1, 2354  
 05/10/16 AMEND: 2353.1  
 03/22/16 AMEND: 2544, 2544.1, 2544.2, 2544.3, 2544.4, 2544.5, 2544.6  
 03/08/16 ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.2, 2240.3, 2240.4, 2240.5  
 02/04/16 AMEND: 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218  
 02/02/16 ADOPT: 2269 AMEND: 2218, 2250, 2251, 2252, 2253, 2254, 2256, 2257, 2258, 2259, 2260, 2266, 2267, 2268 REPEAL: 2218.1, 2255, 2261, 2262, 2263, 2264, 2265, 2269.1, 2269.4, 2269.7, 2269.10, 2269.11, 2269.13, 2269.14

**Title 11**

06/22/16 AMEND: 1004, 1011  
 06/09/16 AMEND: 1005, 1007, 1008, 1009, 1010, 1011, 1054, 1058, 1070, 1081, 1082, 1084, 1960  
 06/01/16 AMEND: 51.22  
 04/28/16 ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132  
 04/25/16 ADOPT: 50.24  
 04/06/16 ADOPT: 28.5  
 04/06/16 ADOPT: 28.6  
 03/23/16 ADOPT: 4250, 4251, 4251.5, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4559  
 03/10/16 AMEND: 20  
 02/24/16 AMEND: 1005, 1007, 1008, 1052  
 02/24/16 AMEND: 1951, 1953, 1954, 1955  
 02/17/16 AMEND: 1005, 1081  
 01/27/16 AMEND: 1953(e)(5)

**Title 12**

06/17/16 ADOPT: 509  
 05/23/16 ADOPT: 462

**Title 13**

05/09/16 AMEND: 156.00, 156.01  
 04/06/16 ADOPT: 150.10

02/29/16 AMEND: 553.70  
 02/25/16 AMEND: 551.8, 551.12, 591, 592  
 02/08/16 ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869 AMEND: 2440, 2442  
 01/26/16 AMEND: 1239  
 01/25/16 AMEND: 1162.1, 1242

**Title 14**

06/16/16 AMEND: 120.7  
 06/15/16 ADOPT: 8.01  
 06/09/16 AMEND: 7.50  
 05/25/16 AMEND: 1670  
 05/11/16 AMEND: 17852  
 05/02/16 AMEND: 29.85  
 04/28/16 ADOPT: 131  
 04/27/16 AMEND: 27.80  
 04/26/16 AMEND: 29.45  
 04/26/16 AMEND: 28.20  
 04/20/16 ADOPT: 1760.1, 1779.1  
 04/06/16 AMEND: 1038  
 03/29/16 AMEND: 27.80  
 03/28/16 ADOPT: 8.01  
 03/07/16 ADOPT: 749.8  
 03/01/16 AMEND: 7.50  
 02/29/16 ADOPT: 1.57, 5.41 AMEND: 1.05, 1.53, 1.86, 2.00, 5.60, 5.80, 5.81, 7.00, 7.50, 27.00, 230  
 02/23/16 AMEND: 632  
 02/18/16 ADOPT: 748.5  
 02/10/16 ADOPT: 672, 672.1, 672.2  
 02/10/16 AMEND: 17381.2  
 02/09/16 AMEND: 3550.11  
 02/05/16 AMEND: 1724.9  
 01/25/16 AMEND: 870.15, 870.17, 870.19, 870.21  
 01/21/16 ADOPT: 1760.1, 1779.1

**Title 15**

06/21/16 ADOPT: 3359.8  
 06/02/16 AMEND: 3000, 3084.7, 3312, 3313, 3314, 3315, 3316, 3317, 3317.1, 3317.2, 3320, 3322, 3326, 3340, 3341.3, 3376, 3378.6  
 05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317  
 05/11/16 AMEND: 3000, 3213  
 05/10/16 AMEND: 3173.2  
 04/28/16 AMEND: 3000  
 03/30/16 AMEND: 8004.2  
 03/30/16 REPEAL: 3999.16  
 03/29/16 AMEND: 3315, 3375.2  
 03/29/16 AMEND: 3000, 3078.1, 3078.2, 3078.3, 3078.4

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03/10/16 ADOPT: 3000, 3268.2 REPEAL: 59064, 59065, 59066, 59067, 59068, 3999.17 59069, 59070, 59071, 59072  
 02/18/16 ADOPT: 3040.2 AMEND: 3000, 3040.1, 3041, 3041.3, 3043.6, 3379 REPEAL: 02/03/16 AMEND: 95000 REPEAL: 95001, 3999.15 95002, 95003, 95004, 95005, 95006, 95007  
 02/18/16 AMEND: 3375.1, 3377 01/25/16 REPEAL: 60090, 60091, 60092, 60093, 60094

**Title 16**

06/22/16 AMEND: 438  
 06/16/16 AMEND: 109  
 06/07/16 ADOPT: 1100  
 06/07/16 ADOPT: 1101, 1121, 1122, 1124, 1126, 1127, 1133  
 06/07/16 ADOPT: 1104, 1104.1, 1104.2  
 05/26/16 ADOPT: 1815.5  
 05/13/16 AMEND: 910  
 05/10/16 AMEND: 2403  
 05/04/16 AMEND: 4170  
 05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326, 2326.1, 2326.5  
 04/28/16 AMEND: 1417  
 04/20/16 ADOPT: 1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4, 1106  
 04/20/16 AMEND: 1715, 1784  
 04/11/16 AMEND: 1399.523  
 04/08/16 ADOPT: 1746.1  
 04/04/16 AMEND: 974  
 03/22/16 AMEND: 1970.4  
 03/21/16 AMEND: 1380.5  
 03/07/16 AMEND: 1001  
 03/03/16 ADOPT: 1463.5, 1485.5  
 02/29/16 ADOPT: 1960  
 02/24/16 AMEND: 1446, 1447, 1447.1  
 02/23/16 AMEND: 109, 111  
 02/18/16 ADOPT: 1108  
 02/08/16 AMEND: 1417  
 01/27/16 ADOPT: 1746.3  
 01/25/16 ADOPT: 1746.2  
 01/25/16 AMEND: 420.1, 3021.1

**Title 17**

05/25/16 AMEND: 1050  
 05/24/16 AMEND: 2500, 2502, 2505  
 04/25/16 AMEND: 100800  
 04/04/16 ADOPT: 6500.03, 6500.05, 6500.9, 6500.21, 6500.33, 6500.43, 6500.50, 6500.51, 6500.55, 6500.58, 6500.71, 6500.78, 6501.5 AMEND: 6500.35, 6500.39, 6500.45, 6501, 6505, 6506, 6506.6, 6506.8, 6506.10 REPEAL: 6500.65, 6500.67  
 03/08/16 AMEND: 60201  
 02/05/16 ADOPT: 59050, 59051, 59052, 59053, 59054, 59055, 59056, 59057, 59058, 59059, 59060, 59061, 59062, 59063,

01/21/16 AMEND: 100003

**Title 18**

06/21/16 AMEND: 1432  
 04/22/16 AMEND: 1668  
 04/20/16 AMEND: 5600, 5601, 5603  
 03/28/16 AMEND: 2401, 2413, 2422  
 03/17/16 AMEND: 3500  
 02/03/16 AMEND: 5218, 5235, 5237, 5267

**Title 19**

06/20/16 ADOPT: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710  
 05/11/16 ADOPT: 2621, 2622, 2630, 2631, 2632, 2640, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2670, 2671 AMEND: 2650 renumbered to 2621, 2660 renumbered to 2622, 2701 renumbered to 2630, 2703 renumbered to 2631, 2705 renumbered to 2632, 2720 amended and renumbered to 2640, 2722 renumbered to 2642, 2723 amended and renumbered to 2643, 2724 renumbered to 2644, 2725 amended and renumbered to 2645, 2726 renumbered to 2646, 2727 renumbered to 2647, 2728 renumbered to 2648, 2729 amended and renumbered to 2650, 2729.1 amended and renumbered to 2651, 2729.2 amended and renumbered to 2652, 2729.3 amended and renumbered to 2653, 2729.4 amended and renumbered to 2654, 2729.5 amended and renumbered to 2655, 2729.6 amended and renumbered to 2656, 2729.7 amended and renumbered to 2657, 2731 renumbered to 2658, 2732 amended and renumbered to 2659, 2733 amended and renumbered to 2670, 2734 renumbered to 2671

**Title 20**

04/12/16 AMEND: 1240, 3201, 3202, 3203, 3204, 3206, 3207  
 04/06/16 AMEND: 2401, 2402  
 03/08/16 AMEND: 2.1  
 02/10/16 AMEND: 1601, 1604, 1605.3

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**Title 21**

05/09/16 ADOPT: 133, 134, 135, 136, 137, 138, 141, 151, 161, 162, 163, 164, 165, 171  
AMEND: 111, 112, 113, 114, 121, 131, 133 (renumbered to 132) REPEAL: 132, 134, 135, 136, 141, 151, 152, 153

**Title 22**

06/20/16 AMEND: 51179.7  
06/09/16 ADOPT: 69600.1, 69600.2, 69600.3, 69600.4, 69600.5, 69600.6, 69600.7  
06/08/16 AMEND: 7000  
04/27/16 AMEND: 53626(a)  
04/21/16 AMEND: 50188  
04/19/16 AMEND: 123000  
04/01/16 AMEND: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7  
03/29/16 AMEND: 51516.1  
03/17/16 AMEND: 97232  
02/25/16 ADOPT: 100450.100  
02/23/16 AMEND: 69502.2  
02/11/16 ADOPT: 51000, 51000.7, 51000.9.5, 51000.15.5, 51000.20, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.30, 51000.31, 51000.35, 51000.40, 51000.45, 51000.60, 51000.70, 51000.75, 51051, 51341.1  
02/08/16 AMEND: 100143, 100146, 100149, 100152, 100153, 100154 (renumbered to 100159), 100155 (renumbered to 100161), 100156 (renumbered to 100160), 100157 (renumbered to 100162), 100159 (renumbered to 100154), 100160 (renumbered to 100155), 100161 (renumbered to 100156), 100162 (renumbered to 100157), 100163 (renumbered to 100164), 100164 (renumbered to 100163), 100165, 100167, 100172  
02/01/16 AMEND: 64806

**Title 22, MPP**

02/10/16 AMEND: 102352, 102416.5, 102417, 102421

**Title 23**

06/02/16 ADOPT: 3919.16  
05/31/16 ADOPT: 863, 864, 864.5, 865, 866  
05/17/16 ADOPT: 3991.1 REPEAL: 3989  
05/04/16 AMEND: 3935, 3936, 3939.13  
04/14/16 ADOPT: 3939.48  
04/11/16 ADOPT: 3939.49  
03/30/16 ADOPT: 876

03/21/16 ADOPT: 908, 911, 912, 916, 917, 922, 924, 931, 931.5, 932, 933, 934, 935, 936, 937, 938

03/07/16 AMEND: 3930

02/11/16 ADOPT: 863, 864, 865, 866

01/28/16 ADOPT: 3009

**Title 25**

02/25/16 ADOPT: 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8414 AMEND: 8400, 8401, 8410, 8412 (renumbered to 8411), 8416 (renumbered to 8412), 8417 (renumbered to 8413), 8419 (renumbered to 8415), 8420 (renumbered to 8416), 8421 (renumbered to 8417) REPEAL: 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8411, 8413, 8414, 8415, 8418

02/18/16 AMEND: 10001

**Title 27**

06/22/16 AMEND: 27001

06/13/16 AMEND: 27001

06/13/16 AMEND: 25805

05/09/16 AMEND: 10052

04/18/16 AMEND: 25603.3

04/13/16 AMEND: 27001

02/08/16 AMEND: 25705

**Title 28**

03/28/16 AMEND: 1010

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06/13/16 ADOPT: 30-754 AMEND: 30-701

05/02/16 ADOPT: 45-102, 45-600, 45-601, 45-602, 45-604, 45-605, 45-606, 45-607 AMEND: 31-002, 31-003, 31-075, 31-201, 31-205, 31-206, 31-225, 31-425, 31-503, 90-101

03/30/16 REPEAL: 12-201, 12-202, 12-202.1, 12-202.1.11, 12-202.1.11.111, 12-202.2, 12-202.2.21, 12-202.2.21.211, 12-202.2.21.212, 12-202.2.22, 12-202.2.23, 12-202.2.24, 12-202.3, 12-202.3.31, 12-202.3.31.311, 12-202.3.31.312, 12-202.3.31.313, 12-202.3.32, 12-202.3.33, 12-202.3.33.331, 12-202.4, 12-202.4.41, 12-202.5, 12-202.5.51, 12-202.5.52, 12-202.5.53, 12-202.5.54, 12-202.6, 12-202.6.61, 12-202.6.61.611, 12-202.6.61.612, 12-202.6.61.613, 12-202.6.62, 12-202.7, 12-202.8, 12-202.8.81, 12-202.8.82, 12-202.8.83, 12-202.8.84, 12-202.8.84.841, 12-202.8.84.842, 12-202.8.85, 12-202.8.85.851, 12-203, 12-203.1, 12-203.1.11,

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