



California Regulatory Notice Register

REGISTER 2003, NO. 28-Z

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

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**PROPOSED ACTION ON
REGULATIONS**

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

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, 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

STATE AGENCY:

Department of Industrial Relations

A written comment period has been established commencing on July 11, 2003 and closing on August 25, 2003. Written comments should be directed to the Fair Political Practices Commission, Attention Kevin S. Moen, PhD, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written

comments must be received no later than August 25, 2003. 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 Kevin S. Moen, PhD, 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 Kevin S. Moen, PhD, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. NATIVE AMERICAN HERITAGE COMMISSION

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE NATIVE AMERICAN HERITAGE COMMISSION NOTICE IS HEREBY GIVEN that the Native American Heritage Commission, pursuant to the authority vested in it by section 87306 of the Government Code. The purpose of these amendments is to implement the requirements of section 87300 through 87320, and section 87306 of the Government Code.

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

This amendment provides for non-substantive technical clean up as well as substantive changes, including adding new positions and the revision of disclosure categories. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than August 25, 2003, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than August 10, 2003, by contacting the Contact Person set forth below.

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

The Native American Heritage Commission has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Native American Heritage Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons that the proposed amendments.

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

Robert M. Wood
Native American Heritage Commission
915 Capitol Mall, Room 364
Sacramento, CA 95814
(916) 653-4040
rw_nahc@pacbell.net

TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE OF PROPOSED REGULATORY ACTIONS

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

PROPOSED REGULATORY ACTION

In this filing, the Board proposes to add Article 7.5 entitled "Participation in Risk Pools" in Title 2 of the California Code of Regulations. Sections 584 through 584.10 would be added to Article 7.5. This proposed regulatory action pertains to the participation of contracting agencies, county offices of education, school districts and community college districts in risk pools for retirement purposes.

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on August 25, 2003. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via facsimile at (916) 326-3379; e-mail at joe_parilo@calpers.ca.gov; or mailed to the following address:

Joe Parilo, Regulations Coordinator
California Public Employees' Retirement System
400 P Street, Room 1120
P.O. Box 942702
Sacramento, California 94229-2702
Telephone: (916) 326-3484

PUBLIC HEARING

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

September 16, 2003
1:30 p.m. (or upon conclusion of the Health Benefits Committee meeting)
California Public Employees' Retirement System
400 P Street
Sacramento, California 95814

ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

AUTHORITY AND REFERENCE

The CalPERS Board of Administration (Board) has general authority to take regulatory action under Government Code section 20121. The Board has specific authority to adopt proposed sections 584 through 584.10 under Government Code section 20840. This action would implement, interpret and make specific Government Code section 20840.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Government Code section 20840, subsection (b) authorizes the Board to create, combine or eliminate risk pools for local miscellaneous and local safety members. Proposed sections 584 through 584.10 would establish criteria for participation in risk pools by contracting agencies, county offices of education, school districts and community college districts.

Proposed section 584 provides plan definitions; proposed section 584.1 defines required participation into risk pools for existing contracting agencies; proposed section 584.2 defines required participation into risk pools for new contracting agencies; proposed section 584.3 defines optional participation into risk pools; proposed section 584.4 addresses participation in risk pools by county offices of education, school districts and community college districts; proposed section 584.5 addresses amortization of side funds; proposed section 584.6 addresses assignment of rate plans to risk pools; proposed section 584.7 addresses the process of leaving and transferring between risk pools; proposed section 584.8 addresses the classifi-

cation of benefit provisions; proposed section 584.9 allows for the merger of risk pools; and proposed section 584.10 addresses participation in risk pools by superfunded agencies. Government Code section 20840 authorizes the Board to adopt regulations establishing criteria for participation in risk pools.

EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to public agency participation in risk pools.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose a mandate on local agencies or school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impact costs or savings for any local agency or school district, such that costs would qualify for reimbursement under Government Code section 17500 et seq.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** CalPERS has made an initial determination that the proposed regulatory actions will not have a significant statewide adverse economic impact directly affecting businesses including the ability of business in California to compete with business in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person, or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

I. EFFECT ON HOUSING COSTS: The proposed regulatory action has no significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the above mentioned hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

David Lamoureux
Actuarial and Employer Services Division
California Public Employees' Retirement System
P.O. Box 942709
Sacramento, California 94229-2709
Telephone: (916) 341-2473
Fax: (916) 341-2744
E-mail: david_lamoureux@calpers.ca.gov

Please direct requests concerning processing of this regulatory action to Joe Parilo, Regulations Coordinator, at the address shown above, or Barbara Galli at (916) 558-4098.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Joe Parilo, Regulation Coordinator, at the address shown in Section II.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' web site at www.calpers.ca.gov under Members, About CalPERS, Proposed Regulatory Actions.

AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed text of the regulations after the public

comment period has closed. It may amend section 584 through 584.10 as modified if the changes are sufficiently related to the original text so the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action.

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to amend regulations contained in Title 4, Division 9, Chapter 6, Article 5.

The California Business and Professions Code charges the Department with the responsibility for establishing specifications for spark-ignition engine fuels and compression-ignition engine fuels. It further requires the Department to adopt by reference the latest standards established by a recognized consensus organization or standards writing organization such as ASTM International.

The proposed amendments to Article 5 do several things:

- 1.) Amends the reference to the maximum allowable Reid Vapor Pressure limit, to bring it into compliance with current California Air Resources Board requirements. Additionally, it amends and updates the reference to ASTM D 4814 volatility class specifications for distillation temperatures.
- 2.) Adopts ASTM International specification D 5798 for E85 Ethanol Fuel.
- 3.) Adopts ASTM International specification D 5797 for M85 Methanol Fuel.
- 4.) Adopts ASTM International specification D 6751 for Biodiesel blending stock, adopts interim specifications for Biodiesel blended fuels, and adopts interim specifications for 100% Biodiesel fuel.

A public hearing regarding this proposal is not currently scheduled. However, any interested person or duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be scheduled. Following the public hearing, if one is requested, or following the

written comment period, if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested person, may thereafter adopt the proposal substantially as set forth without further notice.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Food and Agriculture, Division of Measurement Standards, 8500 Fruitridge Road, Sacramento, California 95826. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at DMS@cdfa.ca.gov. Comments must be submitted prior to 5:00 p.m. on August 25, 2003.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Department and the Division of Measurement Standards' Petroleum Products Program are charged with the responsibility to establish specifications for engine fuels sold in California. The Department is required to adopt, by reference, the latest standards of a recognized consensus organization or standards writing organization, such as the American Society for Testing and Materials (ASTM). The Department has adopted ASTM standards for gasoline, diesel fuel, kerosene, and fuel oil.

In the absence of such consensus standards, the Department is still statutorily required to establish specifications for engine fuels. (Bus. & Prof. Code sections 13440 and 13450.) According to the legislative history of 1993 amendments to Business and Professions Code section 13401, "AB 2154 requires the Department of Food and Agriculture to establish specifications for gasoline and other automotive spark-ignition engine fuels, and for compression-ignition engine fuel, kerosene and fuel oil. In adopting these specifications it is the intent of the Department to adopt by reference the latest standards of the American Society for Testing and Materials (ASTM). If there are no ASTM standards for a particular fuel, the Department shall adopt an interim standard established by a recognized consensus organization or standards writing organization. If the ASTM later adopts a standard, it shall be the recognized standard." (Historical and Statutory Notes, West's Annotated California Codes, 2001 Cumulative Pocket Part, Bus. & Prof. Code, sec. 13401.)

A major producer of gasoline in California has protested that the regulation dealing with the 7.8 pounds per square inch Reid Vapor Pressure and ASTM D 4814, volatility class specifications for distillation temperatures is out of date and in need of correction.

The Division of Measurement Standards has also been requested by the Department to adopt a fuel standard for E85 Ethanol Fuel. In their request they indicate that there are nearly 150,000 flexible fueled vehicles operating in California. These vehicles have the option of using ethanol or methanol, agriculture based fuels, as an alternative to petroleum based gasoline. Additionally, the Department is working in a cooperative effort with the National Ethanol Vehicle Coalition to promote several test fueling facilities to promote the use of ethanol fuels.

Finally, the Division of Measurement Standards has been petitioned by the National Biodiesel Board to adopt standards for biodiesel blending stock, biodiesel/petroleum diesel blends and 100% biodiesel fuel. The National Biodiesel Board states that biodiesel is a new and growing fuel in California's marketplace. Also that biodiesel has several positive attributes; it is cleaner burning, it has a higher energy balance, it is a renewable fuel, it has no aromatics and less than 15 parts per million of sulfur, and provides greater lubricity to the blended fuel.

Section 4140

This section is amended to specify the current California maximum Reid Vapor Pressure limit must comply with California Air Resources Board limits and reference the current ASTM D 4814 volatility class specifications for distillation temperatures.

Section 4145

This section is added to adopt the latest version of ASTM D 5798, Standard Specification for Fuel Ethanol (Ed75–Ed85).

Section 4146

This section is added to adopt the latest version of ASTM D5797, Standard Specification for Methanol Fuel (M70–M85).

Section 4147

This section is added to adopt the latest version of ASTM D 6751, Standard Specification for Biodiesel Fuel Blending Stock; to adopt an interim specification for biodiesel/petroleum diesel blends, and to adopt an interim specification for 100% biodiesel fuel.

Section 4148

This section is added to address the labeling and price advertising requirements for 100% biodiesel fuel.

Section 4149

This section is added to address the labeling and price advertising requirements for biodiesel fuel/petroleum diesel fuel blends.

**COST TO LOCAL AGENCIES AND
SCHOOL DISTRICTS**

The Secretary has determined that this proposal does not impose a mandate on local agencies or school districts.

The Secretary also has determined that this action will involve no costs or savings to any state agency except the Department which can be absorbed within the current funding, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

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

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

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

**ASSESSMENT REGARDING EFFECT
ON JOB/BUSINESSES**

The Department has made an assessment that the proposed regulation may: (1) create jobs within California; (2) create new businesses within California; (3) affect the expansion of businesses currently doing business in California; and (4) will not eliminate jobs or businesses within California.

ALTERNATIVES CONSIDERED

The Secretary 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 or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

Pursuant to Business and Professions Code, Division 5, Sections 12027 and 13405.

REFERENCE

The Department proposes to amend the current regulations to implement, interpret, and make specific the provisions of the Business and Professions Code, Section 13401, 13440, 13450, 13480, and 13532.

CONTACT PERSON

Inquiries about the notice may be directed to David Lazier, Branch Chief, Division of Measurement Standards at (916) 229-3044 or Al Hebert, Petroleum Products Chemist III, Division of Measurement Standards at (916) 229-3030.

Inquiries regarding the substance of the proposed regulatory action may be directed to David Lazier, Branch Chief, Division of Measurement Standards, at (916) 299-3044.

EFFECT ON SMALL BUSINESS

The Department has made an assessment that the proposed regulations will affect small business. The impact is expected to be positive in that it will allow businesses to legally sell alternative engine fuels.

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

The Department has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the statement of reasons, and the proposed regulations in strikeout and underline form may be obtained upon request. The rulemaking file, and all information on which the proposal is based is located at the Division of Measurement Standards, 8500 Fruitridge Road, Sacramento, California 95826, and may be obtained upon request. Additionally, all documents relating to this rulemaking file may be obtained from the Department's web site located at www.cdfa.ca.gov/dms/.

Following the written comment period, the Department will adopt the proposal substantially as set forth above without further notice. If the regulations adopted by the Department differs from but is sufficiently related to the action proposed they will be available to the public for at least 15 days prior to the date of adoption. Any interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

A Final Statement of Reasons, when available, may be obtained by contacting David Lazier, Branch Chief, Division of Measurement Standards, at (916) 229-3044.

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE DEPARTMENT OF INDUSTRIAL RELATIONS BY THE DIRECTOR OF INDUSTRIAL RELATIONS: CALIFORNIA CODE OF REGULATIONS, TITLE 8, DIVISION 1, CHAPTER 8, SUBCHAPTER 5, SECTION 17000 AND APPENDIX

The Director of the Department of Industrial Relations (“Director”) proposes to adopt a regulation amending the Department’s Conflict of Interest Code, as required by Government Code sections 87306 and 87306.5. The amendment repeals the existing listing of Disclosure Categories and listing of Designated Positions in the Appendix, and adopts new listings of Disclosure Categories and of Designated Positions. The Code is located in section 17000, in Subchapter 5 of Chapter 8, Division 1 of Title 8 of the California Code of Regulations.

OBTAINING COPIES

Copies of the proposed amendment are available to interested persons on request. Copies may be obtained

By writing to:

Linda Tejada
Division of Workers’ Compensation
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

By telephoning and requesting a copy:
415-703-4671

By an in person visit to the offices of the Department of Industrial relations at:

Office of the Director—10th Floor
455 Golden Gate Avenue
San Francisco, California

The proposed amendment may also be viewed on the Department’s website. The Internet address of the Department’s website is: <http://www.dir.ca.gov/>

SUBMITTING COMMENTS

Any person may submit written comments, including statements, argument, or contentions regarding the proposed amendment. Any timely submitted written comments must be considered by the Director before the proposed amendment is finally adopted. Any written comments should be submitted to:

Linda Tejada
Division of Workers’ Compensation
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

Written comments may also be submitted in person by delivering to the Department of Industrial relations at:

Linda Tejada
Department of Industrial Relations
Division of Workers’ Compensation
455 Golden Gate Avenue—9th Floor
San Francisco, California

In order for any written comments to be considered by the Department before it amends the Conflict of Interest Code, they must be actually received in the offices of the Department by 5:00 PM, August 22, 2003.

FURTHER INFORMATION

Inquiries concerning the proposed amendment to the Conflict of Interest Code may be made to:

Linda Tejada
Division of Workers’ Compensation
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603
Telephone: (415) 703-4671

The Department has prepared a written explanation of the reasons changes in the designations and the disclosures responsibilities, and has available all information upon which the proposed changes are based.

REQUESTING A PUBLIC HEARING

Any interested person may request that the Department hold a public hearing on the proposed amendment to the Conflict of Interest Code, by submitting a written request to the Department by mail at:

Linda Tejada
Division of Workers’ Compensation
Department of Industrial Relations
P.O. Box 420603
San Francisco, CA 94142-0603

or in person at:

Department of Industrial Relations
Division of Workers’ Compensation
455 Golden Gate Avenue—9th Floor
San Francisco, California

A request for a public hearing must be actually received in the offices of the Department by 5:00 PM, August 22, 2003.

FINDINGS

The adoption of the proposed amendment to the Conflict of Interest Code will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The adoption will not result in any non-discretionary cost or savings to local agencies.

The adoption will not result in any cost or savings in federal funding to the state. The adoption will not impose a mandate on local agencies or school districts. The adoption will not have any potential cost impact on private persons or businesses, including small businesses.

The Department has determined that no alternative considered by the Department would be more effective in carrying out the purpose for which the amendment is proposed or would be more effective and less burdensome to affected private persons than the proposed amendment.

SUMMARY OF AFFECTED PROVISIONS OF EXISTING CODE AND PROPOSED CHANGES

No substantive section of the existing code is being changed. The Appendix, which lists disclosure categories and designates employees is being changed. The only change is in the chart of designated employees which reflects that the Office of the Director-Legal has discontinued use of the Supervising Workers' Compensation Consultant class and has incorporated the Special Investigator series into the work unit.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to amend Sections 220.00, 220.02, 220.04, 220.06, 220.08, 220.10, 220.12, 220.16, 220.18, 221.00, 221.02, 221.04, 221.06, 221.08, 221.10, 221.12 and to adopt Sections 220.14 and 220.20, in Chapter 1, Division 1, Article 3.5 of Title 13, California Code of Regulations, to implement various law changes that have occurred since the original regulations were established in 1998 governing the Motor Carrier Permit (MCP) Program. The amendments will also standardize the language and procedures used by the California Highway Patrol and the Department of Motor Vehicles' MCP 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 person 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. on August 25, 2003, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651, in order to implement, interpret or make specific Vehicle Code sections 34601, 34620, 34621, 34623, 34631.5, 34660 and 34670.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Various and extensive legislative changes that affect the Motor Carrier Permit (MCP) Program in Division 14.85, Sections 34600 through 34672 of the Vehicle Code have occurred since the original regulations were approved to implement the program. Because of the legislative changes to the MCP Program statutes, proposed regulatory changes were required.

In addition, procedural changes have occurred for the operation of the program. An automated renewal application was developed, and a new process and form developed for reporting changes in the business entity. Also, clarification of the policy governing the changing of a renewal date was developed. Submission of the Certificate of Insurance by the insurance provider only was added due to a review of security and fraud issues. Discussions with the California Highway Patrol to coordinate the implementation of various portions of the MCP Program produced additional changes.

This regulatory proposal would amend and/or adopt the following sections in Article 3.5, Chapter 1, Division 1, of Title 13 of the California Code of Regulations.

Section 220.00: Adopted proposed definitions for the terms motor carrier and permit term. Deleted a definition as redundant. Clarification of other definitions is also proposed.

Section 220.02: Amended to identify changes that require a new application, and identify a new process and form when the motor carrier has a change of name or address or adds or deletes a "Doing Business As" (DBA) name and trade name. Amended the length of time the department has to inform an applicant that the application is complete or deficient.

Section 220.04: Amended to identify the renewal form, inform the public of the fixed renewal date for a permit term and delete the reactivation process.

Section 220.06: Amended to identify revisions of the forms, require the name on the financial responsibility document to be the same as the name on the

MCP application and require the Certificate of Insurance to only be submitted to the department by the insurance provider.

Section 220.08: Amended to identify the circumstances that require a motor carrier to include a vehicle(s) on the statutorily mandated list.

Section 220.10: Amended to delete the annual report requirement when reinstating a motor carrier permit and clarify the work classifications to be included in the report.

Section 220.12: Amended to correct the reference to Vehicle Code sections for the Employer Pull Notice System in Vehicle Code section 1808.1.

Section 220.14: Adopted new section to specify that a single reinstatement fee is due at the end of individual or concurrent suspension periods.

Section 220.16: Amended and renumbered from 220.14 to allow a logical progression of section topics. Amended to identify the forms and revised revision dates for acceptable evidence of compliance with Workers' Compensation laws.

Section 220.18: Amended and renumbered from 220.16 to allow a logical progression of section topics. Adopted the refund policy regarding the payment of fees for permit terms.

Section 220.20: Adopted new section to clarify the permit term for each seasonal permit.

Section 221.00: Amended to identify form revision and make non-substantive, grammatical changes.

Section 221.02: Amended to clarify section title, identify form revision and make non-substantive, grammatical changes.

Section 221.04: Adopted the federal governmental oversight agencies for savings associations and credit unions. Amended to identify form revision and make non-substantive, grammatical changes. Amended to clarify the assignment procedure.

Section 221.06: Amended to identify form revision and make non-substantive, grammatical changes.

Section 221.08: Amended to clarify the cancellation of the MCP self-insurance status, identify form revision and make non-substantive, grammatical changes.

Section 221.10: Amended to clarify a term used in the section to match the definition in Section 220.00 of these regulations.

Section 221.12: Amended to identify form revision and revised termination procedures. Amended to make non-substantive, grammatical changes.

**DOCUMENTS INCORPORATED
BY REFERENCE**

The following forms are incorporated by reference throughout Chapter 1, Division 1, Article 3.5 of Title 13, California Code of Regulations. These forms are not published in the California Code of Regula-

tions, because it would be impractical and cumbersome to publish these documents in the Code of Regulations:

DMV706MCP (REV. 4/2003)	Application for Motor Carrier Permit
DMV152MCP (REV. 8/2002)	Notice of Change
DMV134MCP-I (Rev. 12/2000)	Renewal Application (Individuals or Sole Proprietorships)
DMV134MCP-P (Rev. 12/2000)	Renewal Application (General Partnerships)
DMV134MCP-L (Rev. 12/2000)	Renewal Application (Limited Partnerships)
DMV134MCP-LC (Rev. 12/2000)	Renewal Application (Limited Liability Company)
DMV134MCP-C (Rev. 12/2000)	Renewal Application (Corporation)
DMV65MCP (REV. 6/2001)	Certificate of Insurance
DMV55MCP (REV. 8/2002)	Motor Carrier Surety Bond
DMV131MCP (NEW 4/98)	Certificate of Self-Insurance
DMV67MCP (REV. 6/2001)	Insurance Policy Endorsement
DMV66MCP (REV. 6/2001)	Notice of Cancellation of Insurance
DMV716MCP (REV. 6/2001)	Request for Voluntary Withdrawal: Motor Carriers of Property Permit
DMV133MCP (REV. 8/2001)	Assignment for a Motor Carrier of Property Certificate of Self Insurance
DMV130MCP (REV. 7/2001)	Application for a Certificate of Self Insurance
DMV132MCP (REV. 3/2001)	Request for Voluntary Termination of Self-Insurance

FISCAL IMPACT STATEMENT

- 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.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

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

- The proposed regulatory action has no effect that would have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The regulatory action proposed by the department clarifies the Motor Carrier Permit Program process and updates documents currently in place. No studies or data were relied upon in support of this proposal.
- The adoption of this regulation will not create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will affect small businesses because the regulations are clarifying and identifying the processes and documents required in statute and regulations. The department anticipates that the impact will be insignificant.

**PUBLIC DISCUSSIONS 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 as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Christie Patrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-5567, or cpatrick@dmv.ca.gov. In the absence of the department representative, inquiries

may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or e-mail dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

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

The department has prepared an initial statement of reasons for the proposed 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 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 once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons and Express Terms) may be accessed at www.dmv.ca.gov, the Department of Motor Vehicle's home page, using the Featured Link entitled *Review and Comment on Proposed Changes to DMV Regulations*.

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 that 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. FISH AND
GAME COMMISSION**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 5510, 8389, 8553 and 8555 of the Fish and Game Code and to implement, interpret or make specific sections 7850, 7850.5, 8043, 8053, 8389 and 8550-8556 of said Code, proposes to

amend Section 164, Title 14, California Code of Regulations, relating to the herring eggs on kelp fishery.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under existing law, herring eggs on kelp (HEOK) may be taken for commercial purposes only under a revocable, nontransferable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify permit limitations; season; fishing area; permittee categories and qualifications; permit conditions; royalty fees; permit application procedures; permit performance deposit requirements; gear, fishing and harvesting restrictions; fishing quotas; landing and processing requirements; and permit suspension conditions and procedures. In addition, current regulations limit the number of permits that can be issued.

The proposed regulatory changes will establish fishing quotas for the 2003–04 herring eggs on kelp fishing season. Individual herring eggs on kelp quotas will depend on the total herring fishery quota for San Francisco Bay established by the Fish and Game Commission under Section 163, Title 14, CCR.

The Department is recommending a closure for the 2003–04 San Francisco Bay herring fishery (Option 1). This results in a proposed fishing quota of **zero** tons. Conditions for reopening of the fishery will be outlined in the Department's 2003 Pre-Adoption Statement.

In addition to the recommendation for a fishery closure for the 2002–03 season, the Department is providing the Commission the option of considering a fishery quota within a 2,000- to 3,000-ton range (Option 2). If the Commission were to adopt a quota within this range, this would result in a 3.5- to 5.3-ton individual herring eggs on kelp quota for a "CH" gill net permittee and a 1 to 1.4 ton individual herring eggs on kelp quota for a non-"CH" gill net permittee. This range is based on alternatives the Department has reviewed but does not recommend as its preferred option. Additional information regarding quotas within this range will be provided to the Commission prior to the 2003 Pre-Adoption Statement.

Prior permittee status is given to permittees who meet all the requirements set forth in subsection (g) of these regulations and who suspend kelp in the immediately preceding season. If the no-fishery option is chosen for the 2003–04 season, the Department proposes that permittees with prior permittee status for the 2003–04 season retain prior permittee status for the 2004–05 season.

Royalty fees (i.e., performance deposits) are due to the Department on August 1st of each year. If the no-fishery option is chosen, the Department proposes

that the performance deposit due with the applications is waived for the 2003–04 season. Permittees must still file an application with the Department. If an alternative quota is chosen by the Commission, the Department proposes that performance deposits be due to the Department's San Francisco Bay Area regional office no later than December 1st, 2003, to allow for the time necessary for the final quota option to be adopted by the Commission.

A minor correction to the form number for the 2003–2004 Herring-Eggs-On-Kelp Permit Application is recommended for purposes of accuracy.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in The Westin Long Beach, 333 E. Ocean Blvd., Long Beach, California on Saturday, August 2, 2003 at 8:30 a.m., or as soon thereafter as the matter may be heard

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in City Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California on Friday, August 29, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 25, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 29, 2003, at the hearing in Santa Rosa, CA. E-mail comments must include the true name and mailing address of the commentor. The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Eric Larson, Herring Fishery Program, Department of Fish and Game, phone (650) 631-7730, 350 Harbor Blvd., Belmont, CA 94002, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days

prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

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

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

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

The proposed action will not have a long-term significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, although the economic impact of a closure extending beyond one season would need evaluation. The Commission has made an initial determination that the adoption of the recommended regulations may have a temporary adverse economic impact directly affecting a number of California's small businesses. However, these economic impacts will not likely directly affect the ability of California small businesses to compete with businesses in other states. This is because most of the herring and herring eggs on kelp landings are transported out of State for "added value" processing and export (primarily to Japan and China).

The regulations proposed would directly affect approximately 10 commercial herring eggs on kelp fishermen and two processing plants in California, all of which are small businesses as defined under Government Code Section 11342.610. These direct impacts arise from interim management measures resulting in the close of the San Francisco herring eggs on kelp fishery for the 2003–2004 season only. Averaging herring eggs on kelp annual harvests and values from years 2001 and 2002, to represent nominal revenue potential for 2003–2004, we would project potential 2003–2004 ex-vessel revenues of

approximately \$688,300. Among the 10 herring eggs on kelp permittees, this represents potential individual ex-vessel revenues of approximately \$68,830 annually on average, although deductions for the cost of doing business generally exceed 50% of value.

The proposed correction to the form number is being made for the sake of clarity and will not have an economic impact.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Statewide, the closure of the 2003–2004 herring fishery would result in a loss of approximately \$1,383,500 of additional economic output foregone. This takes into account the multiplier effect that the herring eggs on kelp ex-vessel revenue creates as it cycles through California's economy. We project that each dollar of ex-vessel herring eggs on kelp revenue generates another \$2.01 as it moves through other business sectors within California. Recognizing that each \$1 million in commercial fishing revenue supports about 11.6 full and part-time jobs, we estimate the potential employment impact to be at most 36 jobs Statewide. This is because most of the "added value" processing of California herring takes place out of state, thus the actual employment impact to California would be much lower.

- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There are no new fees or reporting requirements stipulated under the proposed regulations.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 5510, 8550, 8553 and 8555 of the Fish and Game Code and to implement, interpret or make specific sections 309, 8043, 8550, 8552, 8552.6, 8553, 8554, 8555, 8556, 8557 and 8559 of said Code, proposes to amend Section 163, Title 14, California Code of Regulations, relating to the herring fishery.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under existing law, herring may be taken for commercial purposes only under a revocable permit, subject to such regulations as the Fish and Game Commission shall prescribe. Current regulations specify: permittee qualifications; permit application procedures and requirements; permit limitations; permit areas; vessel identification requirements; fishing quotas; seasons; gear restrictions; quotas; and landing and monitoring requirements.

The proposed regulatory changes will establish fishing quotas by area for the 2003–04 herring fishing season, based on the most recent assessments of the spawning populations of herring in San Francisco and Tomales bays.

The Department of Fish and Game (Department) is recommending a closure for the 2003–04 San Francisco Bay herring fishery (Option 1). This results in a proposed fishing quota of zero tons. Conditions for reopening of the fishery, such as a biological threshold, will be outlined in a subsequent regulatory package.

In addition to the recommendation for a fishery closure for the 2002–03 season, the Department is providing the Commission the option of considering a fishery quota within a 2,000- to 3,000-ton range (Option 2). This range is based on alternatives the Department has reviewed but does not recommend as its preferred option. Additional information regarding

quotas within this range will be provided to the Commission prior to the 2003 Pre-Adoption Statement.

For Tomales Bay, an initial 300-ton fishing quota (6.8 percent of the 2002–03 estimated spawning biomass of 4,382 tons) is proposed, with provisions to increase the quota in-season if escapement goals are achieved by February 15, 2004. This season, the recommendation for in-season increases is as follows:

- If the spawning escapement is more than 3,000 tons, increase the quota to 400 tons.
- If the spawning escapement is more than 4,000 tons, increase the quota to 500 tons.

The proposed amendment specifies that the length of the meshes of any gill net used or possessed in the roe fishery in Tomales Bay, for the 2003–04 season only, shall be no less than 2 inches or greater than 2 ½ inches. The proposed one-year continuation of the regulation, originally approved for the 2000–01, 2001–02 and 2002–03 seasons only, will allow the Department to continue to evaluate the effect of reduced mesh length on the size and age composition of herring caught in 2 inch mesh gill nets.

Changes to the Department herring season dates are recommended to coincide with changes in the annual calendar.

The following is a summary of those proposed changes in Section 163, Title 14, CCR:

- Set the dates of the roe herring fisheries in San Francisco Bay from noon on Monday, December 1, 2003 to noon on Tuesday, December 23, 2003 (“DH” gill net platoon only), and from 5:00 p.m. on Sunday, January 4, 2004 to noon on Friday, February 13, 2004. Although the season closure date has traditionally been set in mid-March, the Department is recommending a February closure as a conservative measure should the Commission approve a fishery within Option 2.
- Set the dates of the roe herring fishery in Tomales Bay from 5:00 p.m. on Sunday, December 28, 2003 until noon on Wednesday, December 31, 2003, and from 5:00 p.m. on Sunday, January 4, 2004 to noon on Friday, March 5, 2004.
- Transfer 10 tons of quota from the underutilized herring fresh fish fishery to the gill net fishery for use in any future gill net mesh size study.
- Make minor editorial revisions.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in The Westin Long Beach, 333 E. Ocean Blvd., Long Beach, California on Saturday, August 2, 2003 at 8:30 a.m., or as soon thereafter as the matter may be heard

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in City Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California on Friday, August 29, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 25, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 29, 2003, at the hearing in Santa Rosa, CA. E-mail comments must include the true name and mailing address of the commenter. The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Eric Larson, Herring Fishery Program, Department of Fish and Game, phone (650) 631-7730, 350 Harbor Blvd., Belmont, CA 94002, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at http://www.dfg.ca.gov/fg_comm/.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulations proposed would affect approximately 450 commercial herring fishermen and two processing plants in California, all of which are small businesses as defined under Government Code Section 11342.610. These direct impacts arise from interim management measures resulting in the close of the San Francisco herring fishery for the 2003–04 season only. Averaging herring harvests and values from years 2001 and 2002, to represent nominal revenue potential for 2003–04, we would project potential 2003–04 ex-vessel revenues of approximately \$3,125,500. Among the 450 herring permit holders, this represents potential individual revenues of approximately \$6,900 on average (before deducting costs of doing business) during the 2003–04 fishing season.

The proposed action for the 2003–04 season will not have a long-term significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, although the economic impact of a closure extending beyond one season would need evaluation. The Commission has made an initial determination that the adoption of the recommended regulations may have a temporary adverse economic impact directly affecting a number of California’s small businesses. However, these economic impacts will not likely directly affect the ability of California small businesses to compete with businesses in other states. This is because most of the herring landings are transported out of State for “added value” processing and export (primarily to Japan and China).

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

Statewide, the closure of the 2003–04 herring fishery would result in a loss of approximately \$3,160,802 of additional economic output foregone. This takes into account the multiplier effect that the herring ex-vessel revenue creates as it cycles through California’s economy. We project that each dollar of ex-vessel herring revenue generates another \$2.01 as it moves through other business sectors within California. Recognizing that each \$1 million in commercial fishing revenue supports about 11.6 full- and part-time jobs, we estimate the potential employment impact to be at most 36 jobs Statewide. This is

because most of the “added value” processing of California herring takes place out of state, thus the actual employment impact to California would be much lower.

- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There are no new fees or reporting requirements stipulated under the proposed regulations.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. STATE MINING AND GEOLOGY BOARD

NOTICE OF PROPOSED RULEMAKING

RELEASE OF FINANCIAL ASSURANCES SURFACE MINING AND RECLAMATION ACT

NOTICE IS HEREBY GIVEN that the State Mining and Geology Board (SMGB) proposes to adopt the regulation described below after considering all comments and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The SMGB proposes to add Section 3805.5 to Article 11, California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1. The proposed regulation clarifies and makes specific the

process by which a financial assurance instrument may be modified, or may be released by the lead agency and the Department of Conservation following the completion of the reclamation of lands disturbed by a surface mining operation.

PUBLIC HEARINGS AND WRITTEN COMMENTS

The SMGB has not scheduled a public hearing on this proposed action; however, the SMGB will hold a hearing to receive comments if it receives a written request for a public hearing from any interested person, or his/her authorized representative, no later than 15 days before the close of the written comment period. The hearing facility will be barrier free in accordance with the Americans with Disabilities Act. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The SMGB requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

Any interested person may submit written comments relevant to the proposed regulatory action to the SMGB. The Written Comment Period closes at 4:00 P.M., August 25, 2003. The SMGB will consider only relevant comments received at the SMGB office by that time.

AUTHORITY AND REFERENCE

The SMGB proposes to adopt the regulation amending Section 3805.5 to Article 11, California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1, pursuant to its authority granted in the Surface Mining and Reclamation Act (SMARA, PRC § 2710 et seq., and specifically PRC § 2755). Reference: Sections 2729, 2731, 2735, 2773.1, 2774, and 2774.1.

INFORMATIVE DIGEST

SMARA was enacted to ensure that any significant adverse impacts of mining to the environment are prevented or mitigated and public health and safety are protected. Under SMARA, surface mining operators are required to submit to their respective lead agencies (cities and counties) for approval, a plan for reclaiming lands disturbed by mining activities, as well as proof of financial assurances to ensure that those disturbed lands are reclaimed in accordance with the approved reclamation plan. Lead agencies are responsible for ensuring their surface mining operators are in compliance with SMARA’s permit, reclamation, and financial assurance requirements. The Department of Conservation (DOC) and the SMGB provide lead agency assistance and oversight.

SMARA became effective on January 1, 1976. The Legislative findings and declarations are contained in

Public Resources Code (PRC) Section 2711, and the Legislative intent is cited in PRC Section 2712.

The Surface Mining and Reclamation Act requires that prior to the commencement of surface mining operations, the operator shall obtain a financial assurance for the operations from the lead agency (PRC § 2770). SMARA, also, requires that the lead agency approve the amount of the financial assurance as sufficient to reclaim the lands disturbed by the mining activities, as well as the adequacy of the financial assurance instrument itself. The amount of the instrument is determined in accordance with the provisions of PRC § 2773.1 and 14CCR Article 11, specifically § 3804.

Financial assurances are to be specific to each surface mining operation and based on the requirements of the approved reclamation plan for that surface mine. The financial assurance instrument shall remain in effect until surface disturbances created by the mining activities have been satisfactorily reclaimed by the operator in accordance with the reclamation plan. (PRC § 2773.1[a][2], [c]).

Annually, the financial assurance for a surface mine must be adjusted (modified), if needed. In order for the lead agency to determine if any change to the financial assurance amount is necessary, the operator is required annually to submit to the lead agency a written calculation of the financial assurance amount as provided for under 14CCR § 3804. The lead agency is required to provide a copy of the financial assurance calculation to the Director of the Department of Conservation, along with all supporting information and documentation upon which the financial assurance calculation is based, as well as indicate to the DOC that the calculated financial assurance amount is adequate to complete reclamation according to the approved reclamation plan. The DOC is provided not less than 45 days to review and comment on the financial assurance calculation (PRC § 2774[d][1], 14CCR § 3805).

Financial assurance instruments must be made payable to the lead agency, and to the Department of Conservation (PRC § 2773.1[a][4]); thus, both the lead agency and the DOC are beneficiaries with equal standing. Also, both the lead agency and the DOC are enforcing agencies regarding the forfeiture of financial assurances under PRC § 2773.1 (b) and (d).

PRC § 2773.1(c) provides that a financial assurance shall be released upon written notification to the DOC from the lead agency that reclamation has been completed in accordance with the approved reclamation plan. The completion of reclamation is the basis for a new financial assurance calculation; that is, no financial assurance amount is required because reclamation has been completed and there are no further outstanding costs for which the operator is liable.

Under PRC § 2774[d][1] and 14CCR § 3805, the DOC is provided not less than 45 days to review the financial assurance calculation. This is necessary since the DOC is both a co-beneficiary of the financial assurance instrument, as well as a responsible enforcer for the reclamation of the site if the lead agency fails to take appropriate actions to ensure reclamation (PRC § 2773.1[b] and [d]).

SMARA provides under § 2774(b) that, not less than once in each calendar year, the lead agency shall conduct an inspection of each surface mine within its jurisdiction to determine if the mine is in compliance with SMARA. The inspection report must be provided to the DOC, it shall contain a statement regarding the surface mining operation's compliance with SMARA, and it shall specify which aspects of the surface mining operation are inconsistent with SMARA.

Therefore, prior to the release of the financial assurance instrument to the operator, the lead agency must provide to the DOC an inspection report stating that the mine site is in compliance with the requirements of SMARA and its reclamation plan, and a financial assurance calculation pursuant to 14CCR § 3805 that shows no further reclamation cost liabilities. The DOC, under both PRC § 2774[d][1] and 14CCR § 3805, is provided not less than 45 days to review the financial assurance calculation and supporting documents (including the inspection report).

The DOC may, as a responsible enforcing agency under SMARA, and during the 45 day review period, conduct its own inspection of the mine site pursuant to PRC § 2774.1(a) to determine if the mine has been reclaimed in accordance with its reclamation plan requirements and conclude that there are no further outstanding reclamation liabilities to be included in the financial assurance.

If the DOC determines, upon an inspection pursuant to PRC § 2774.1(a), that there is an outstanding compliance issue, then it may notify the operator and the lead agency of its finding and indicate the specific deficiency that needs correcting. In this case, the lead agency could not release the financial assurance instrument since the mine site was not fully reclaimed in compliance with SMARA.

If the DOC determined that the site was in compliance with SMARA, and that there were no longer any outstanding liabilities for reclamation on the part of the operator, the DOC may notify the lead agency of its concurrence to release the financial assurance instrument.

POLICY STATEMENT OVERVIEW

The proposed language of the regulation clarifies and makes specific the process by which a financial assurance instrument that has been submitted by a surface mine operator and approved by the lead

agency may be modified, or be released to the operator upon the successful completion of the reclamation of lands disturbed by the surface mining activities. This regulation is necessary in order to protect the California public and environment by clarifying the process by which financial assurances that guarantee funding for the reclamation of mined lands may be modified, or released, so as to ensure that those fund guarantees are not modified or released based on incorrect or incomplete information. Specifically, this regulation addresses PRC Sections 2729, 2731, 2733, 2735, 2773.1, 2774, and 2774.1.

CEQA COMPLIANCE

The SMGB staff have determined that this rule making project is either not a project under Title 14, CCR Section 15378 of the CEQA Guidelines, or is Categorically Exempt under Title 14, CCR Section 15308 of the CEQA Guidelines.

DISCLOSURES REGARDING THE PROPOSED ACTION

The SMGB staff has made the following preliminary determinations:

Mandate on local agencies and school districts: The SMGB staff determined that adoption of this regulation does not impose any new mandates on local agencies or on local school districts.

Costs or savings to any State agency: The SMGB staff determined that no savings or additional expenses to state agencies are identified.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: The SMGB staff determined that the adoption of this regulation does not impose any additional cost obligations on local agencies or on local school districts.

Other non-discretionary costs or savings imposed upon local agencies: The SMGB staff determined that no other non-discretionary costs or savings to local agencies are identified.

Cost or savings in Federal funding to the State: The SMGB staff determined that no costs or savings in Federal funding to the State are identified.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: SMGB staff determined that no statewide adverse impacts to California businesses result from the adoption of this proposed regulatory language.

Potential cost impact on private persons or directly affected businesses: The SMGB staff is not aware of any cost impacts on private persons or directly affected businesses.

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

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

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

Effects on small businesses: SMGB staff has determined that there is no additional impact on private persons or businesses; this proposed regulation serves to clarify and make specific existing requirements contained in statute. This proposed regulation does not mandate actions upon private persons or businesses, but rather clarifies existing statute.

CONSIDERATION OF ALTERNATIVES

The SMGB must determine that no reasonable alternative that it considers 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 or would be as effective and less burdensome to affected private persons than the proposed action. SMGB staff has not identified any adverse impacts resulting from these proposed regulations.

No alternatives have been considered by the SMGB that would be more effective in carrying out the purpose for which these regulatory changes are proposed, nor have any other alternatives been proposed that would be as effective and less burdensome to affected private persons, lead agencies, or small businesses.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

An interested person may request a copy of the proposed regulations and the Initial Statement of Reasons, or direct questions about the proposed regulations and Initial Statement of Reasons and inspect all supplemental information, upon which the regulation is based, contained in the rulemaking file. The rulemaking file is available for inspection at the SMGB Office at 801 K Street, Room 1700, Sacramento, California, between 9:00 A.M. and 4:00 P.M., Monday through Friday except during state holidays. Copies of the proposed regulations and the Initial Statement of Reasons may be requested by writing to the above address, or viewed on the SMGB's Internet Web Site at: <http://www.consrv.ca.gov/smgb>

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the SMGB may adopt, as final, the proposed regulations substantially as described in this Notice and Informative Digest. Copies of these regulations, as finally adopted,

will be sent to all persons on the SMGB's public comment mailing list for this issue and others requesting copies. If, as a result of public comment, substantive changes to these regulations are deemed appropriate, copies of the proposed changes will be sent to all persons who testified at the public hearing or submitted written comments during the comment period or at the public hearing, and to those who have requested copies of information regarding the regulation.

Thereafter, the SMGB will accept written comments for a period of at least 15 days (prior to adoption) after the date upon which changes were made available. If adopted, the regulations will appear in CCR, Title 14, Division 2, Chapter 8, Subchapter 1, Article 11, Section 3805.5. A copy of the Final Statement of Reasons may be obtained by contacting the SMGB office as described under the section Contact Person.

CONFLICT WITH FEDERAL REGULATIONS

This regulation 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 State Mining and Geology Board, SMARA and federal law are coordinated to eliminate duplication.

CONTACT PERSON

Inquiries concerning the substance of the adopted regulation should be directed to:

Ms. Kit Gonzales, Executive Assistant
(or as a backup)

John G. Parrish, Ph. D., Executive Officer
State Mining and Geology Board
801 K Street, MS 24-05
Sacramento, California 95814

TITLE 16. CEMETERY AND FUNERAL BUREAU

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Cemetery and Funeral Bureau (hereinafter "bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 400 R Street, First Floor Hearing Room, Sacramento, CA 95814 at 10:00 a.m., on August 25, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the bureau at its office not later than 5:00 p.m. on August 25, 2003 or must be received by the bureau at the hearing. The bureau, 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 9630 of the Business and Professions Code (B & P) and Section 15376 of the Government Code, and to implement, interpret, or make specific sections 9702.5, 9723, 9723.1, 9723.2, 9764.1, 9764.2, 9764.3, 9787.2 and 9787.3 of the Business and Professions Code and Section 15376 of the Government Code, the Cemetery and Funeral Bureau is considering changes to Division 23 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Legislation enacted in 2002 (Stats. 2002, ch. 825, SB 1952 Figueroa, Stats. 2002, ch. 819, SB 17, Figueroa) requires a licensed cemetery to employ a cemetery manager and a licensed crematory to employ a crematory manager to manage, direct and supervise its operations. This legislation requires a cemetery or crematory to notify the Bureau within 10 days when there has been a change of cemetery manager or crematory manager and allows a cemetery to request approval to share a cemetery manager with another licensed cemetery.

The proposed regulations will specify the fee amounts to be charged for examination, licensure, renewal, reporting a change of cemetery manager or crematory manager, define the requirements for sharing a cemetery manager, and specify the application forms required.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact: The Bureau has made an initial determination that this action will not have a significant statewide adverse economic impact directly

affecting business including the ability of California businesses to compete with businesses in other states.

These regulations will have an impact on businesses for reporting a change of cemetery manager or crematory manager and an impact on individuals for examination, licensure and an annual renewal fee to maintain the license. Costs were estimated at \$50.00 per change of cemetery or crematory manager and \$800.00 for the cemetery manager examination and \$450.00 for the crematory manager examination. Annual renewal fees are proposed at \$80.00. The estimate of the total number of businesses impacted is the total number of cemeteries and crematories currently licensed by the Bureau (193 cemeteries and 180 crematories).

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

Cost Impact on Representative Private Person or Business: The bureau has determined that the cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action would be insignificant.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The bureau has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the

hearing upon request from the Cemetery and Funeral Bureau at 400 R Street, Suite 3080, Sacramento, California 95814.

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

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

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

CONTACT PERSON

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

Name: Linda Kassis
Address: 400 R Street, Suite 3080
Sacramento, CA 95814
Telephone No.: (916) 322-7737
Fax No. (916) 323-1890
E-Mail Address: Linda_Kassis@dca.ca.gov

The backup contact person is:

Name: Dori Darrington
Address: 400 R Street, Suite 3080
Sacramento, CA 95814
Telephone No.: (916) 322-7737
Fax No. (916) 323-1890

Inquiries concerning the substance of the proposed regulations may be directed to Linda Kassis at (916) 322-7737.

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

TITLE 22. COMMISSION ON AGING

NOTICE OF INTENTION TO ADOPT A CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the California Commission on Aging, pursuant to the authority vested in it by Section 87301 of the Government Code proposes to adopt a Conflict-of-Interest Code. The purpose this Notice of Intention is to implement the requirements of Section 87301 of the Government Code.

The Political Reform Act (Section 81000 and following, Government Code) requires each governmental agency, including both Houses of the Legislature, to adopt a Conflict of Interest Code and agency personnel covered by the Code to periodically file a financial disclosure statement known as a Statement of Economic Interests (see Secs. 87300 and 87302, Government Code). Among other things, an agency's

Conflict of Interest Code must enumerate employee positions within the agency that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest and, for each enumerated position, the specific types of investments, business positions, interests in real property, and sources of income and gifts which are disclosable on the Statement of Economic Interests (Sec. 87302, Government Code).

The California Commission on Aging proposes to establish a Conflict of Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

The California Commission on Aging is to be removed from the California Department of Aging's Conflict of Interest Code and adopt its own code. The following designated positions on California Commission on Aging's, Appendix A reflect the same classifications as previously reported on the Conflict of Interest Code for the California Department of Aging. Note: the duties of the job classifications remain unchanged:

California Commission on Aging, Appendix A, Designated Positions

1. Commissioners, Commission on Aging, Assigned Disclosure Category 1
2. Executive Director (Exempt), Assigned Disclosure Category 1
3. Consultants (Pursuant to Government Code Section 82019), Assigned Disclosure Category 1
4. Analysts, all levels. Assigned Disclosure Category 2

Copies of the proposed Conflict of Interest Code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments or contentions relating to the proposed adoption by submitting them in writing no later than Monday, August 25, 2003, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed adoption. If any interested person or the person's representative requests a public hearing, he or she must do so no later than Monday, August 11, 2003, by contacting the Contact Person set forth below. If a public hearing is scheduled, at a minimum, notice of the hearing will be provided to the person or persons who requested the hearing, every person who submitted written comments, and to every person who requested notice of the hearing.

After completion of the written comment period/hearing, the California Commission on Aging may

adopt the proposed Conflict of Interest Code if it remains substantially the same as described in the text originally made available to the public. The California Commission on Aging may make changes to the proposed Conflict of Interest Code prior to the adoption so long as the text of any modification is made available to the public at least 15 days before the California Commission on Aging adopts the Conflict of Interest Code. A request for the modified text should be made to the Contact Person set forth below. The California Commission on Aging will accept written comments on the modified Conflict of Interest Code, addressed to the Contact Person set forth below, for 15 days after the date on which the text is made available.

The California Commission on Aging has prepared a Statement of Reasons for the proposed Conflict of Interest Code and has available the information on which it is based. Copies of the proposed Conflict of Interest Code, the Statement of Reasons, and the information on which it is based may be obtained by contacting the Contact Person set forth below.

The California Commission on Aging has determined that the proposed Conflict of Interest Code:

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

In making and proposing this adoption, the California Commission on Aging has determined that no alternative considered by the Commission would be more effective in carrying out the purpose for which the adoption would be as effective and less burdensome to affected private individuals.

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

California Commission on Aging
Attn: Jan Spano
Human Resources Section
1600 K Street, Fourth Floor
Sacramento, CA 95814
(916) 322-9296
Spano.Jan@Aging

TITLE 22. DEPARTMENT OF AGING

**NOTICE OF INTENTION TO AMEND THE
CONFLICT OF INTEREST CODE**

NOTICE IS HEREBY GIVEN that the California Department of Aging, pursuant to the authority vested in it by Section 87306 of the Government Code proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306, of the Government Code.

The Political Reform Act (Section 81000 and following, Government Code) requires each governmental agency, including both Houses of the Legislature, to adopt a Conflict of Interest Code and agency personnel covered by the Code to periodically file a financial disclosure statement known as a Statement of Economic Interests (see Secs. 87300 and 87302, Government Code). Among other things, an agency's Conflict of Interest Code must enumerate employee positions within the agency that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest and, for each enumerated position, the specific types of investments, business positions, interests in real property, and sources of income and gifts which are disclosable on the Statement of Economic Interests (Sec. 87302 Government Code).

The California Department of Aging proposes to amend its Conflict of Interest Code to delete, modify employee positions, and disclosure categories, to the Code that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

This amendment contains a clear and concise summary of deletions and modifications that are listed below. Note, Modifications are to titles on Appendix A only, the duties of the job classifications remain unchanged:

Deletions

1. Commissioners and Executive Director, California Commission on Aging—Attached is a copy of the FPPC Advice Letter that recommends that the CCOA adopt and file under their own Conflict of Interest Code.
2. Chief, Administrative Services Branch—This title is no longer used. Incumbent is covered under Deputy Directors.
3. Chief, Fiscal Operations Branch and Personnel Officer—These titles are no longer used. Incumbents are included under SSM, all levels.
4. Business Services Officer II (Supervisor), Associate Health Program Advisor classifications, Physi-

cal Therapist, Occupational Therapist, and Social Services Consultant—These classifications are no longer used.

Modifications

1. Consultant* (Pursuant to Government Code Section 82019)—This position was modified to read, “*All Consultants (Pursuant to Government Code Section 82019).”
2. Deputy Director, Program Development and Administration Division and Deputy Director, Long-Term Care and Aging Services Division—These positions were modified to read, “All Deputy Directors.”
3. Chief Counsel and Staff Counsel III (Specialist)—These positions were modified to read, “Staff Counsels, all levels.”
4. Assistant Directors (Exempt)—This position was modified to read, “All Exempts.”
5. Business Services Officer I and Business Services Assistant—These positions were modified to read, “Business Services Assistant/Officer, all levels.”
6. All Aging Program Analyst classifications—This position was modified to read, “Aging Program Analyst, all levels.”
7. All Auditor classifications—These positions were modified to read, “Auditors, all levels.”
8. All Public Health Nutrition Consultants and Nursing Consultant classifications—These positions were modified to read, “Public Health Nutrition Consultants and Nursing Consultants, all levels.”
9. All Staff Services Managers and equivalent level classes—These positions were modified to read, “Staff Services Managers, all levels.”
10. Associate Governmental Program Analyst and equivalent level classes—These positions were modified to read, “All Associate level classifications (to include but not limited to: Associate Governmental Program Analyst, Information Officer, Training Officer).”
11. All Health Program Specialists—These positions were modified to read, “Health Program Specialist, all levels.”
12. Staff Information Systems Analyst and Staff Programmer Analyst—These positions were modified to read, “Information Technology (managers, staff, associate, and assistant, all levels).

Copies of the proposed amendments are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments or contentions relating to the

proposed amendments by submitting them in writing no later than Monday, August 25, 2003, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than Monday, August 11, 2003, by contacting the Contact Person set forth below. If a public hearing is scheduled, at a minimum, notice of the hearing will be provided to the person or persons who requested the hearing, every person who submitted written comments, and to every person who requested notice of the hearing.

After completion of the written comment period/hearing, the California Department of Aging may adopt the proposed amendments if they remain substantially the same as described in the text originally made available to the public. The California Department of Aging may make changes to the proposed amendments prior to their adoption so long as the text of any modified amendment is made available to the public at least 15 days before the California Department of Aging adopts the amendments. A request for the modified text should be made to the Contact Person set forth below. The California Department of Aging will accept written comments on the modified amendments, addressed to the Contact Person set forth below, for 15 days after the date on which the text is made available.

The California Department of Aging has prepared a Statement of Reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the Statement of Reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The California Department of Aging has determined that the proposed amendments:

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

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

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

California Department of Aging
Attn: Jan Spano
Human Resources Section
1600 K Street, Fourth Floor
Sacramento, CA 95814
(916) 322-9296
Spano.Jan@Aging

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

45-DAY PUBLIC NOTICE AND COMMENT PERIOD

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE

Department Reference Number: R-03-08

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

DTSC proposes to amend its Conflict-of-Interest Code in order to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. These amendments, to reflect the current organizational structure of DTSC, are available and may be requested from Ms. Joan Ferber, of DTSC's Environmental Analysis and Regulations Section, as specified below.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

A written comment period has been established commencing on July 12, 2003, and closing on August 26, 2003. DTSC will hold a public hearing on the proposed regulations at 10:00 a.m. on **August 26, 2003** in the **Coastal Hearing Room**, 2nd Floor, 1001 "I" Street, Sacramento, at which time any person may present statements or arguments orally or in

writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments on the rulemaking submitted no later than 5:00 p.m. on **August 26, 2003** will be considered.

Representatives of DTSC will preside at the hearing. Persons who wish to speak are requested to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 9:30 a.m. to 10:00 a.m. Registered persons will be heard in the order of their registration. Any other person wishing to speak at the hearing will be afforded an opportunity after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA Headquarters Building located at 1001 I Street, Sacramento, all visitors are required to sign in prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center. This Center is located just inside and to the left of the building's public entrance. Depending on their destination and the building security level, visitors may be asked to show valid picture identification. Valid picture identification can take the form of a current driver's license, military identification card, or state or federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.

AVAILABILITY OF DOCUMENTS

The Department of Toxic Substances Control has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the notice, proposed amendments, and the written explanation of the reasons are posted to DTSC's Internet site at <http://www.dtsc.ca.gov> or may be obtained from Ms. Joan Ferber, as specified below. Those documents, as well as the information on which the amendments are based, are also available from Ms. Ferber at the address listed below.

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

DETERMINATIONS

The Department of Toxic Substances Control has determined that the proposed amendments:

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

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

Inquiries and Communications

Inquiries regarding technical aspects of the proposed regulations or CEQA documents may be directed to James McRitchie, Chief, Office of Environmental Analysis, Regulations and Audits at (916) 327-8642 or, if unavailable, Ms. Nicole Sotak, Chief, Environmental Analysis and Regulations Section at (916) 327-4508. However, such oral inquiries are not part of the rulemaking record.

Statements, arguments or contentions regarding the rulemaking and/or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing in order for them to be considered by DTSC before it adopts, amends or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please leave a message on the DTSC mailing list phone line at (916) 324-9933 or e-mail: regs@dtsc.ca.gov.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

Ms. Joan Ferber, Regulations Coordinator
Environmental Analysis and Regulations Section
Department of Toxic Substances Control

Mailing Address: P.O. Box 806
Sacramento, CA 95812-0806

E-mail Address: regs@dtsc.ca.gov

Fax Number: (916) 323-3215

Ms. Ferber's phone number is (916) 322-6409. If Ms Ferber is unavailable, please call Ms. Nicole Sotak at (916) 327-4508 or Mr. James McRitchie at (916) 327-8642.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD or Department) proposes to amend the regulations described below and in the Informative Digest after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Department proposes to amend sections 637 and 644 of the Employee Housing Program regulations located in the California Code of Regulations, title 25, division 1, chapter 1, subchapter 3. This regulatory action proposes to modify the Employee Housing Program regulations by increasing the issuance fee, the permit fees for each employee housed (per bed) and lot provided and fees for exemptions, amendments, and inspections.

PUBLIC HEARING

Public hearings have been scheduled at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. Each hearing will continue until all testimony is completed, and will be held as follows:

SOUTHERN CALIFORNIA
Thursday, August 21, 2003
HCD (Ontario Field Office)
3602 Inland Empire Blvd. #C-220
Ontario, CA 91764
10:00 a.m. to 12:00 p.m

NORTHERN CALIFORNIA
Monday, August 25, 2003
HCD (Headquarters)
1800 3rd Street, Room 183/185
Sacramento, CA 95814
10:00 a.m. to 4:00 p.m.

Prehearing registration will be conducted on the day of the hearing, 30 minutes prior to its commencement (9:30 a.m.–10:00 a.m.). Those registered will be heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have been heard. The time allowed for each person to present oral testimony may be limited if a substantial number of people wish to speak.

Individuals presenting oral testimony are requested, but not required, to submit a written copy of their statements. The hearing(s) will be adjourned immediately following the completion of the oral testimony.

The public hearing facilities are accessible to persons with mobility impairments. If any special assistance is required (e.g., interpreter), please notify

the contact person named in this notice at least 15 days prior to the public hearing.

The forum of the public hearing is only for interested parties to present their comments. The Department will not respond to any comments presented. All comments received in a timely manner will be considered and responses provided in the Final Statement of Reasons at the end of the regulatory process.

WRITTEN COMMENTS

The Department will consider written comments concerning this proposed regulatory action that are submitted on or before the close of the public comment period which will be at 5:00 p.m. August 25, 2003.

Written comments may be submitted to by mail, e-mail, or fax, as follows:

By mail to:

**Department of Housing and
Community Development
1800 Third Street, Room 260
P.O. Box 1407
Sacramento, California 95812-1407
Attention: Division of Codes and Standards**

Comments may be submitted via email to ehfeeregs@hcd.ca.gov or may be submitted by facsimile to (916) 327-4712. All comments submitted via email or facsimile must be submitted on or before the close of the public comment period on August 25, 2003, at 5:00 p.m.

**PERMANENT ADOPTION OF REGULATIONS/
POST-HEARING MODIFICATIONS TO THE
TEXT OF THE REGULATIONS**

Following the public comment period, the Department may thereafter adopt the proposals substantially as described in this rulemaking package or may modify such proposals, if these modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact. The Department will accept written comments on the modified regulations during the 15-day period.

NOTE: To be notified of any modification, you must submit comments as specified above, or request that you be notified of any modification.

AUTHORITY AND REFERENCE

The Department proposes to adopt these regulations under the authority granted by sections 17003.5, 17036, 17040 and 17050 of the Health and Safety Code. The purpose of these proposed regulations is to

implement, interpret, and make specific, sections 17036, 17040, and 17050 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

1. Summary of Existing Laws

The Department is authorized under the Employee Housing Act, which is located in division 13, part 1 of the Health and Safety Code (HSC) beginning at section 17000, to operate the Employee Housing Program (EHP). The Employee Housing Act mandates that the Department promulgate statewide preemptive regulations for the EHP relating to the maintenance, use, and occupancy of “employee housing.” Employee housing, subject to the EHP, is housing that accommodates five or more employees, or in certain circumstances, five or more farmworkers in rural areas as both are defined in HSC section 17008. The Department is the enforcement agency under the EHP unless a local government elects to assume enforcement responsibility pursuant to HSC section 17050(b).

HSC sections 17020 and 17040 specifically grant the Department general authority to adopt regulations for the EHP. HSC section 17036 grants the Department the authority to adopt regulations establishing a schedule of fees to pay for the administration and enforcement of the EHP and is the subject of this regulation package.

2. Summary of Existing Regulations

The regulations adopted by the Department for the EHP are contained in the California Code of Regulations, title 25, division 1, chapter 1, subchapter 3. The purpose of the regulations is to benefit the employees and other farmworkers and their families by providing a decent living environment through the enforcement of rules and regulations that provide for the health, safety, and general welfare of residents who reside in employee housing subject to the EHP. The affected sections of this regulation package are section 637, which establishes a schedule for the issuance fee, the permit fees for each employee housed (per bed) and lots provided, and fees for exemptions, amendments and inspections, and section 644, which establishes a schedule of hourly fees for the inspection and reinspection of employee housing facilities subject to the EHP.

3. Summary of Effects of Proposed Regulatory Action

The purpose of the proposed fee increases is to make the Department’s EHP fully fee supported by fiscal year 2004–2005, by increasing annual fees by approximately 1 million dollars. This fee increase proposal will also authorize the increase of fees collected by local jurisdictions that have assumed enforcement, because many use the same fee sched-

ules in section 637 and 634 (i.e., approximately half of the statewide EHP). It has been estimated that these local jurisdictions will collect an additional 1 million dollars per year in fees.

The statewide EHP is enforced by either the Department or local governments that have assumed enforcement responsibilities, and is administered by the fees collected pursuant to the fee schedule contained in the California Code of Regulations, title 25, division 1, chapter 1, subchapter 3 (EHP regulations). Because these fees have been insufficient to fully fund the operation of the statewide EHP, the Department’s program has been subsidized with General Fund appropriations from the state budget, and some local government programs have raised their fees above the schedule of fees specified in the EHP regulations.

The EHP collects fees derived from two methods, either (1) by a specific amount attributable to a specific activity (e.g., the issuance of a permit-to-operate), or (2) hourly fees attributable to a variety of activities measured by the staff time provided (e.g., technical services). The fees proposed to be increased are associated with permitting activities such as fees for a permit-to-operate, the number of beds (occupied) and lots on the facility, inspection and reinspections, and exemptions from the EHP.

For the budget year 2001–02 the Department’s estimated portion of the EHP required a total of \$1,152,078 funds to operate. This total operating budget was funded with \$193,078 (17% of annual total) of collected fees with the balance subsidized with \$959,000 (83% of annual total) of General Fund appropriations. It is anticipated that the General Fund appropriation will be reduced in the 2003–04 budget to \$220,000 and eliminated entirely from the 2004–05 budget.

To make the Department’s EHP fully fee supported by fiscal year 2004–2005, the following fees in Table 1 are proposed to be increased. The fee rate increases are needed to cover the actual cost of the inspection program.

Table 1
Proposed Fee Rate Increase

<u>Fee Items</u>	<u>Existing</u> ¹	<u>Fees to Fully Fund</u>
Beds	\$12/bed	\$90/bed
Lots	\$12/lot	\$90/lot
Issuance	\$35/permit	\$170/permit
Amendment	\$20/amend	\$40/amend
Inspection ²	\$60 1 st hr	\$120 for 1 st Hr \$75/additional hrs
	\$30 up to ½ hr	\$38 up to ½ hr

Note: 1. Existing fees as specified in sections 637 and 644 of the California Code of Regulations, title 25, division 1, chapter 1, subchapter 3.

2. Includes all inspections and reinspections except first inspection related to permit to operate issuance.

Table 2 shows the annual fees estimated to be collected by the Department from facilities under its portion of the EHP.

**Table 2
Department's Estimated Annual Fee Increase**

<u>Fee Items</u>	<u># Of Units¹</u>	<u>Proposed Fees To Fully Fund</u>	<u>Estimated Annual Fee Collection</u>
Beds	11,138	\$90/bed	1,002,420
Lots	270	\$90/lot	18,000
Issuance	573	\$170/permit	97,410
Amendment	20	\$40/amend.	800
Inspections ²	210	See Table 1	27,300
Total = \$1,145,930			

Notes: 1. Estimates based on EHP 2001–2002 Fiscal year number of units.

2. Estimate includes 1st hour and addition hours or ½ hours for inspections and reinspections.

The proposed fee increases will also increase the fees collected by local jurisdictions that have assumed enforcement responsibility of the EHP. The Department's data used in the 2001 Statistical Summary for the EHP, showed that the affected local governments regulated 590 employee housing facilities with 12,509 beds and 562 lots subject to the statewide EHP. Using these estimated numbers of units, the proposed fee increases will provide local governments with an additional \$1,075,588 per year in fees. This estimate may be high because some local jurisdictions have already increased their EHP fees above the existing fee schedule located in sections 637 and 644 of the EHP regulations.

The statewide effect of the proposed fee increases on employee housing facilities subject to the statewide EHP, will be an increase in fees of approximately \$2,005,520 [\$929,932 from the Department and \$1,075,599 from the local government EHP's]. If each facility were assumed to have the same number of beds and lots, the average fee increase per facility would be \$1,724 per year (i.e., \$2,005,520 divided by 1,163 facilities). This estimate is based on the statewide EHP (i.e., from both the Department's and local government's EHP), which consists of 1,163 employee housing facilities with a total of 23,647 beds and 762 lots used for mobilehome or recreation vehicles by the employees.

It is uncertain as to the number of employees affected by the proposed fee increases, because the Department's database for the EHP does not report the number of employees subject to the program; it only reports the use of beds and lots. The Department believes that 75–80% of employees subject to the EHP are migrant agricultural workers who are expected to move from one facility to another throughout the growing season. The number of employees subject to

the EHP, could range from 23,647 employees (assuming one bed used per employee use) to 7,882 employees, based on each employee using 3 different facilities per year (23,647 beds / 3 uses per employee).

4. Comparable Federal Statute or Regulations

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) repealed and replaced the Farm Labor Contractor Registration Act of 1963, as amended. (29 C.F.R. § 500.0) The MSPA, as amended (29 U.S.C. § 1801 et seq.), safeguards most migrant and seasonal agricultural workers in their interactions with farm labor contractors, agricultural employers, agricultural associations, and providers of migrant housing. The MSPA and its regulations are intended to supplement state law compliance with the MSPA and do not excuse individuals from compliance with appropriate state law or regulations. (29 C.F.R. § 500.2) Under 29 Code of Federal Regulations part 500.130(a) "Each person who owns or controls a facility or real property which is used as housing for any migrant agricultural worker must ensure that the facility complies with all substantive Federal and State safety and health standards applicable to such housing."

Under 29 Code of Federal Regulations part 500.135 (a), any of these facilities or real properties used for migrant housing may not be occupied until it has been inspected and certified to meet these safety and health standards by a state or local health authority or other appropriate agency, including a federal agency. Under subdivision (b) of this part, once a facility or property is occupied, it must be supervised and continually maintained so as to ensure that it remains in compliance with the applicable safety and health standards.

Under 29 Code of Federal Regulations part 500.132, the applicable federal housing standards are the standards promulgated by the Employment and Training Administration (at 20 C.F.R. § 654.404 et seq.) and the standards promulgated by the Occupational Safety and Health Administration (at 29 C.F.R. § 1910.142 et seq.). "Substantive safety and health standards include, but are not limited to those that provide fire prevention, and adequate and sanitary supply of water, plumbing maintenance, structurally sound construction of buildings, effective maintenance of those buildings, provision of adequate heat as weather conditions require, and reasonable protections for inhabitants from insects and rodents." (29 C.F.R. § 500.113)

5. Policy Statement Overview

The Division of Codes and Standards (Division), within the Department, administers the Employee Housing Program (EHP) through the Employee Housing Act, located in the Health and Safety Code

(HSC) beginning at section 17000. The regulations adopted under the Employee Housing Act for the EHP are located in title 25, division 1, chapter 1, subchapter 3, of the California Code of Regulations (the EHP regulations). Sections 637 and 644 of the EHP regulations are the sections being proposed for fee increases in this regulation package.

The EHP, which is effective statewide, preempts all local regulations and provides for the maintenance, use, and occupancy of "employee housing." The EHP does not regulate all "employee housing" but only that housing which accommodates 5 or more employees or in certain circumstances five or more farmworkers, and both are defined in HSC section 17008. In general, the EHP does not regulate employee housing that is government owned or operated migrant worker facilities. The program also does not regulate housing maintained in connection with horse racing facilities or "Employee Community Housing" of at least 200 single-family dwellings of four or more rooms owned and maintained pursuant to the State Housing Law by the employer. Properly maintained permanent housing, including manufactured homes and mobilehomes on a dairy farm may also be exempt from the annual permit requirements of the EHP. The EHP also does not regulate housing provided by a public or private school, or any city, county, state, or federal agency.

The Department is the enforcement agency under the EHP, unless a local jurisdiction elects to assume enforcement responsibility pursuant to HSC section 17050(b). Enforcement typically consists of inspecting and issuing permits for the operation of employee housing subject to the EHP and includes identifying facilities, citing violations, and enforcing compliance. The purpose of the EHP is to benefit the employees and their families by providing a decent living environment, through the enforcement of rules and regulations that provide for the health, safety, and general welfare of the residents.

The EHP regulations include specific requirements such as the maintenance of grounds, buildings, sleeping space, and the facilities' sanitation and heating systems. The program also provides technical services and assistance, including on-site inspections. Whether or not the local government assumes jurisdiction, all local governments are required under the EHP to enforce construction requirements for permanent buildings and other structures at the facilities and for the installation of manufactured housing at employee housing facilities subject to the EHP.

The Division believes that approximately 75–80% of persons occupying employee housing facilities regulated under the EHP are migrant agricultural workers, moving from farm-to-farm as the work connected with agricultural changes through the

growing season. Because of the seasonal harvest activity and the state's broad geographical areas and scattered locations of growing areas, workers relocate frequently to where the work is located. Accordingly, much of the employee housing is often operational only on a seasonal basis standing vacant for months. Depending on rotation of crops or sometimes the practice of letting a season pass without planting crops, some employee housing might become "inactive" without being dismantled.

The Division believes there is a growing problem for the migrant agricultural workers in finding available housing or affordable housing as they move from farm-to-farm through the growing season, which can only be solved through strict enforcement of the EHP. The Division believes that this problem has resulted in workers often living in "illegal encampments" under unsafe and unhealthy living conditions. It also appears that dilapidated housing and sheds are used for employee housing. The Division also believes that farm labor contractors arrange housing in motels and other forms of housing or have employees "camp," almost none of which are permitted or inspected for health and safety conditions.

Problem Addressed by this Rulemaking

The problem addressed by the proposed fee increases is to make the EHP fully fee supported by fiscal year 2004–2005 due to an anticipated loss of General Fund appropriations that currently subsidize the Department's annual required budget needed to operate its portion of the EHP.

For the budget year 2001–02 the Department's estimated portion of the EHP required a total of \$1,152,078 funds to operate. This total operating budget was funded with \$193,078 (17% of annual total) of collected fees with the balance subsidized with \$959,000 (83% of annual total) in General Fund appropriations. It is anticipated that the General Fund appropriation will be reduced in the 2003–04 budget to \$220,000 and eliminated entirely from the 2004–05 budget.

To make the Department's EHP fully fee supported by fiscal year 2004–2005 the fees in Table 1 above are proposed to be increased. The fee rate increases are based on generating additional fees to compensate for the loss of the 2001–02 General Fund appropriations.

The proposed fee increases will also increase the fees collected by local jurisdictions that have assumed enforcement responsibility of the EHP. The Department's data used in the 2001 Statistical Summary for the EHP showed that the affected local governments regulated 590 employee housing facilities with 12,509 beds and 562 lots subject to the statewide EHP. Using these estimated numbers of units, the proposed fee increases will provide local governments with an additional \$1,075,588 per year in fees. This estimate

may be high because some local jurisdictions have increased their EHP fees above the existing fee schedule located in sections 637 and 644 of the EHP regulations.

The statewide effect of the proposed fee increases on employee housing facilities subject to the statewide EHP, will be an increase in fees of approximately \$2,005,520 [\$929,932 from the Department and \$1,075,599 from the local government EHP's]. If each facility were assumed to have the same number of beds and lots, the average fee increase per facility would be \$1,724 per year (i.e., \$2,005,520 divided by 1,163 facilities). This estimate is based on the statewide EHP (i.e., from both the Department's and local government's EHP), which consists of 1,163 employee housing facilities with a total of 23,647 beds and 762 lots used for mobilehome or recreation vehicles by the employees.

It is uncertain as to the number of employees affected by the proposed fee increases because the Department's database for the EHP does not report the number of employees subject to the program; it only reports the use of beds and lots. The Department believes that 75–80% of employees subject to the EHP are migrant agricultural workers that are expected to move from one facility to another throughout the growing season. The number of employees subject to the EHP could range from 23,647 employees (assuming one bed used per employee use) to 7,882 employees based on each employee using 3 different facilities per year (23,647 beds / 3 uses per employee).

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

1. Mandate on Local Agencies or School Districts: None
2. Cost or Savings to State Agencies: It is anticipated that the Department will save \$959,000 based on fiscal year 2001–02 General Fund appropriations, however, this will be offset by the additional collection of fees to compensate for the loss of the General Fund Appropriation.
3. Cost or Savings in Federal Funding to the State: None
4. Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None
5. Nondiscretionary Cost or Savings to Local Agencies: It is anticipated that local agencies will save approximately \$1,075,588 (based on fiscal year 2001–02 data) due to the collection of increased fees.

**INITIAL DETERMINATION OF SIGNIFICANT,
STATEWIDE ADVERSE ECONOMIC IMPACT
DIRECTLY AFFECTING BUSINESSES,
INCLUDING ABILITY TO COMPETE**

The Department has made an initial determination that the proposal to increase annual permit fees, the per bed and lot fees, the inspection and reinspection fees, and the exemption fees will have a significant adverse economic impact on businesses because of an estimated increase in annual fees of 2 million dollars. Based on the Department's data to be used in the 2001 Statistical Summary for the EHP, there will be 1,163 facilities that are regulated under the EHP and that will be affected by the proposed fee increase. As estimated in an example in section F3, above, there could be approximately 7,882 to 23,647 employees affected by the fee increases. It is uncertain as to the number of employees affected because the Department's data base only lists the number of beds provided, and not the number of employees requiring housing in a given year throughout the year.

1. The types of businesses that could be affected by these regulations would be employee housing facilities as defined in HSC section 17008 that provide for 5 or more employees, and those businesses that provide services for these facilities. There are certain employee housing facilities exempt from the EHP and/or from obtaining a permit. Some of those employee housing facilities that are exempt consist of nonprofit-owned and/or government-owned farmworker housing, and certain other farmworker housing with public financing of construction.
2. The proposed regulations do not require any new project reporting, recording keeping, or any other compliance requirements.
3. The Department has made an initial determination that the proposed fee increases may have a significant, statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The Department has only considered the proposed alternative of not increasing fees to lessen any adverse impact on businesses and invites you to submit proposals. Submission may include the following:
 - a. The establishment of differing compliance or reporting requirements or timetables, which take into account the resources available to businesses.
 - b. Consolidation or simplification of compliance and reporting requirements for businesses.
 - c. The use of performance standards rather than prescriptive standards.

- d. Exemption or partial exemption from the regulatory requirements for businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department has made an initial determination that the proposed fee increases will have a significant cost impact on representative private persons or businesses that operate or provide support services for employee housing facilities subject to the EHP, and that must absorb the fee increases. As discussed above in section F, the proposed fee increases will require persons or businesses that operate employee housing subject to the EHP, to sustain total statewide annual fee increases of approximately 2 million dollars from the current fees paid to the Department's and local jurisdiction's EHP.

The Department has made an initial determination that the proposed fee increases may have a significant effect on employees that are under the jurisdiction of the statewide EHP. As discussed in an example in section F3 above, there could be approximately 7,882 to 23,647 employees affected by the fee increases if the fee increases are passed on as rent increases to the employees. If the total fee increases are passed on as rent increases, the employees would absorb rent increases (*(23,647 beds x 90/bed fee increase) divided by 7,882 employees*) of approximately \$270 per year. However, if there are 15,000 employees, the rent increase would be \$142 per year. As discussed above, the Department's record does not record the number of employees subject to the statewide EHP. Another adverse effect on employees would occur if the facilities eliminated their employee housing, thus, causing the employees to find higher cost alternative housing such as motels or hotels.

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

The Department has made an initial determination as to what extent this proposed fee increase will affect the following:

The creation or elimination of jobs within the State of California.

These regulations may affect the creation of, or cause the elimination of, jobs within the State of California associated with labor contractors, support functions for the employee housing or with the design, construction, maintenance and operations of employee housing facilities. Because the fee increases will require approximately 1,163 existing employee housing facilities subject to the EHP to sustain an additional 2 million dollars per year in fees, some facilities may choose to discontinue providing employee housing resulting in elimination of jobs associated with these operations. The fee increases

may also discourage the expansion or creation of new jobs related to labor contractors, support functions for the employee housing or with the design, construction, and operations of new employee housing facilities.

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

The proposed fee increases, resulting in an additional 2 million dollars being collected from employee housing facilities, may adversely affect the creation of new businesses or the elimination of existing businesses within the State of California. There is a potential that those businesses that currently support labor contractors, support functions for the employee housing, or that design and build employee housing, such as the recently built Napa Yurt Village in Napa County, will lose business to facilities that choose to discontinue providing employee housing and/or choose not to build new employee housing. Those businesses that provide services to existing or new employee housing may also face similar adverse effects.

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

Those businesses associated with labor contractors, support functions for the employee housing or with the design, construction, or operations of employee housing may lose their ability to expand their businesses if existing employee housing facilities choose to discontinue providing employee housing and/or choose not to build new employee housing.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Department has made an initial determination that this proposal may have a significant affect on housing costs if the proposed fee increases are passed on as rent increases to the employees. It is uncertain as to the number of employees affected because the Department's record only indicates the number of beds and lots used and not the number of employees subject to the EHP. As discussed in an example in section F3, above, there could be approximately 7,882 to 23,647 employees affected by the fee increases if the proposed fee increases are passed on as rent increases to the employees. If the total fee increases are passed on as rent increases, the employees would absorb rent increases (*(24,611 beds x \$90/bed fee increase) divided by 8,882 employees*) of approximately \$270 per year. However, if there are 15,000 employees, the rent increase would be \$142 per year. Another adverse effect on housing cost would occur if the facilities eliminated their employee housing, thus, causing the employees to find higher cost alternative housing such as motels or hotels.

EFFECT ON SMALL BUSINESS

The Department has determined that many of the 1,163 employee housing facilities subject to the EHP may be considered small businesses and will be adversely affected by the proposed fee increases because they will sustain an additional 2 million dollars in fees per year.

If each facility had the same number of beds and lots, the average fee increase per facility would be \$1,724 per year (i.e., \$2,005,520 divided by 1,163 facilities). As discussed above, those businesses associated with the labor contractors or support functions for the employee housing or with the design, construction or operation of employee housing may also be adversely affected if these small businesses eliminate existing employee housing or choose not to provide new employee housing.

CONSIDERATION OF REASONABLE ALTERNATIVES

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

The only other alternative the Department has evaluated was to not increase fees to offset the potential funding lost due to the elimination of General Fund appropriation. This Department has determined that this option is not reasonable and would result in insufficient funding to administer and enforce the statutorily-mandated Employee Housing Act.

Insufficient funding would result in the inability of the Department to fulfill its statutory obligation of assuring that critical health and safety provisions are in place for employees and their families. Unhealthy and unsafe living conditions for employees would impact California's farm industry with sick or unhealthy workers. There would be an increase in, and continued use of, existing "illegal encampments" that would impact the workers and their families, the general public, and agricultural products due to unregulated health and safety living conditions. There would also be adverse impacts for employees' children as a result of sick children—either attending or missing school due to living in unhealthy and unsafe living conditions.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON(S)

The Department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposed regulations are based. Copies of the exact language of the proposed regulations, the Initial Statement of

Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the Department at the following address or voice mail number.

The Department of Housing and Community Development
Division of Codes and Standards
1800 3rd Street, Room 260
Sacramento, CA 95814
Voice Mail: (916) 327-1800
Fax (916) 327-4712

The regulatory text, Initial Statement of Reasons and Final Statement of Reasons (when available) will also be posted on the Department's website at: www.hcd.ca.gov

Questions regarding the regulatory process, or clarification regarding the substance of this regulatory proposal may be directed to:

Ms. Michelle Garcia, Staff Services Manager
Department of Housing and Community Development
Telephone: (916) 327-2798
Fax: (916) 327-4712

GENERAL PUBLIC INTEREST

DEPARTMENT OF CONSERVATION

June 25, 2003

Mr. Joseph W. Massey
Coalition of Independent Recyclers
1271 S. Taft Avenue
Anaheim, CA 92806-5533

Dear Mr. Massey:

Thank you for your letter dated June 2, 2003 regarding your request (petition) to amend regulations relating to the Beverage Container Recycling Program. The Department of Conservation, Division of Recycling (Department) appreciates the interest and concern you have expressed in this petition. However, your petition has been denied. The reasons for denial are explained below:

You have requested that the Department relieve the seller of operational liability by issuing ". . . a 90-day 'Bridge' certificate to the buyer . . . within three days after being notified . . . of the sale of a specific recycling location." The proposed changes you have requested are contrary to good business practices, statutory provision, and Department regulation.

Three days is not sufficient time for the Department to receive, evaluate and respond to a request for a certificate to operate a recycling center. Current statutory provisions (§ 14538(a)(1) and (2)) establish

certain conditions as a prerequisite for certification by recyclers. Prior to certification both of the following conditions must be met:

- (1) The operator must demonstrate the ability to operate in accordance with the provisions of the program, and
- (2) The prior operational history of the site must exhibit a pattern of compliance with the provisions of the program.

Three days is not sufficient time to allow the applicant or the Department to comply with the conditions established in statute. In addition, the Department would not have sufficient time to conduct a thorough review of the buyer and the compliance history of the site. This would pose a substantial risk to the beverage container recycling fund, which could be defrauded of significant amounts within the 90-day operating period proposed.

In addition, although a recycling center has a right to sell a business at a particular location, certificates are not transferable. Therefore, a certified entity does not have a right or authority to sell a certification in the State's recycling program. Only after the individual applicant has met all of the obligations under the Act and regulations is the applicant certified to operate under the program.

The time currently allocated for the review of applications is specified in regulation to ensure compliance with statutory provisions regarding the ability of the operator to demonstrate operational abilities, and for a review of site compliance history. Thorough review of both the applicant and the site history enhances the ability of the Department to protect the program from fraudulent activities. In addition, these reviews are prescribed for all applicants—whether the application is for a new or existing recycling or processor location, or is submitted pending the sale of an existing certified site. The center seller is required by regulation to be responsible for operations at the site until decertification is requested by that certified operator. For the above reasons, this petition for regulatory amendment is denied.

Sincerely,

Jim Ferguson
Assistant Director
for Recycling

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On June 16, 2003, the State Oversight and Enforcement Branch, Statewide Compliance Division

of the Department of Toxic Substances Control (DTSC) issued a three-year conditionally exempt small quantity generator (CESQG) transportation and manifesting variance to the City of Ventura's household hazardous waste collection program. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes the City of Ventura's household hazardous waste collection facilities to accept, and qualified small businesses to transport, up to 100 kilograms (220 pounds/27 gallons) of hazardous waste at one time per month without meeting registered transporter or hazardous waste manifest requirements. Standards exempted are contained in Health and Safety Code, sections 25163, subsection (a) and 25160 respectively. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**CALIFORNIA REGULATORY REGISTER
NOTICE ACTION DESCRIPTION FOR AN
EMERGENCY RESPONSE INCIDENT
OPERATIONS VARIANCE ISSUED BY THE
STATEWIDE COMPLIANCE DIVISION,
TRANSPORTATION SECTION,
FOR THE COUNTY OF ORANGE/PFRD
KATELLA YARD**

On June 23, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to the County of Orange/PFRD Katella Yard, a registered transporter of hazardous waste, to conduct emergency response incident operations authorized under the California Code of Regulations, title 22, section 66263.43. The variance permits the grantee to transport hazardous waste from an incident site to a designated central collection facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to the Code of Federal Regulations, title 49, part 172, subpart C. The hazardous waste must then be manifested to an authorized facility.

CEQA EXEMPTION

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on June 30, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On June 16, 2003, the State Oversight and Enforcement Branch, Statewide Compliance Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance to Santa Cruz County. Authority for this action is contained in Health and Safety Code, section 25143. The variance was issued to conduct residential household waste collections. This variance authorizes Santa Cruz County to collect household hazardous wastes (HHW) from the elderly, handicapped, and others unable to participate in the regular HHW collection program. Wastes are delivered to an authorized HHW collection facility authorized under permit-by-rule (PBR). No business or agricultural wastes are to be collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and California Code of Regulations, title 22, division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**CALIFORNIA REGULATORY REGISTER
NOTICE ACTION DESCRIPTION FOR A
SMALL LOAD OPERATIONS VARIANCE
ISSUED BY THE STATEWIDE COMPLIANCE
DIVISION, TRANSPORTATION SECTION,
FOR V.I.P. X-RAY SOLUTION, INCORPORATED**

On June 23, 2003, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to V.I.P. X-Ray Solution Service, Inc., a registered transporter of hazardous waste, to conduct small load operations authorized under the California Code of Regulations, title 22, section 66263.46. The variance permits the grantee to transport up to 100 kilograms per load, and no greater than 1000 kilograms per calendar month of RCRA-exempt hazardous waste directly to an authorized facility using a shipping paper instead of a hazardous waste manifest.

CEQA EXEMPTION

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants

must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on June 30, 2004. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**HOUSEHOLD HAZARDOUS WASTE UNIT
STATE REGULATORY PROGRAMS DIVISION
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On June 16, 2003, the State Oversight and Enforcement Branch, Statewide Compliance Division of the Department of Toxic Substances Control (DTSC) issued an agricultural oil collection variance to Ventura County. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes the listed site to accept up to 55 gallons of used oil from local growers.

William L. Morris, Chevrolet
1024 E. Ventura Street
Fillmore, CA
Silvas Oil Company, Inc.
1757 E. Wooley Road
Oxnard, CA

Standards exempted are contained in Health and Safety Code, section 25201. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

FISH AND GAME COMMISSION

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

(Continuation of California Notice Register,
No 26-Z, and Meeting of June 20, 2003)

(NOTE: See Updated Informative Digest changes shown in **bold face** type.)

NOTICE IS HEREBY GIVEN that the Fish and Game Commission, pursuant to the authority vested by Section 355 of the Fish and Game Code and to implement, interpret or make specific sections 355, 356 and 3005 of said Code, proposes to amend sections 502 and 507(c), Title 14, California Code of Regulations, relating to the Waterfowl regulations.

**UPDATED INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

This Updated Informative Digest has been amended to add alternatives to the proposed regulations. No other changes to the text or regulations were made.

Modifications to the original text are identified herein with bold face type.

Section 502, Waterfowl, Migratory; American Coot; and Common Moorhen (Common Gallinule)

1. Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and daily bag and possession limits. In addition to the five proposals contained herein, the Service, through the analysis of waterfowl population survey and other data, may also initiate changes in federal regulations which will require changes in existing and proposed State regulations. Changes in federal regulations for season opening and closing dates, elimination or creation of special management areas, season length, and daily bag limits for migratory birds may occur. These two proposed changes to state regulations require changes in the federal regulations. These proposals must be approved by the Pacific Flyway Council at their meeting on July 25, 2003. The Service will consider these and other recommendations at their meeting on July 31, 2003. Remove the Sacramento Valley (East) Special Management Area and allow the take of Canada geese in that area throughout the Balance of State Zone goose season.

The existing regulations in 502(b)(5)(A)4. and 502(d)(5)(D)4. describe the Sacramento Valley (East) Special Management Area and prohibit the take of Canada geese in this Special Management Area during the Balance of State Zone goose hunting season. The proposed change would eliminate the Special Management Area and the prohibition on the take of Canada geese during the Balance of State Zone goose hunting season in this Special Management Area.

Section 507(c), relating to Prohibition on Electronic or Mechanically-operated Devices.

Current regulation prohibits the use of electronic or mechanically operated spinning blade devices or spinning wing decoys when attempting to take waterfowl from the start of waterfowl season through November 30. **This regulation was adopted in 2001 as a means of further evaluating the possible effect of electronic or mechanically operated spinning blade devices or spinning wing decoys. Alternatives to the existing regulation include: 1) no change (continue the November 30 prohibition); 2) eliminate all regulation of electronic or mechanically operated spinning blade devices or spinning wing decoys; 3) eliminate the use of electronic or mechanically operated spinning blade devices or spinning wing decoys; and 4) prohibit the use of all self-powered devices for waterfowl hunting.**

Existing analyses suggest that spinning blade devices or spinning wing decoys increase duck harvest, and this technological advance may have increased duck harvests to higher levels than would

have occurred under normal conditions. **The imposition of the mid-season (November 30) prohibition on the use of electronic or mechanically operated spinning blade devices or spinning wing decoys reduced direct recovery rates of mallards banded in California, and the 2003 estimated breeding population of mallards in California increased 27 percent.** Overall duck harvests have been declining in California. In California, mallards comprise about 25% of the total duck harvest and the vast majority, especially early in the hunting season, of these mallards originate in California. However, this correlative analysis does not prove that the decline in the breeding population estimate was solely due to the increased use of electronic or mechanically operated spinning blade devices or spinning wing decoys because other factors (breeding success and over-winter survival) may have changed coincidentally.

Editorial changes may also be proposed to improve the clarity and consistency of the regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Westin Long Beach, 333 East Ocean Blvd., Long Beach, California, Saturday, August 2, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in City Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California on Friday, August 29, 2003, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before August 22, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than August 29, 2003, at the hearing in Santa Rosa, California. E-mail comments must include the true name and mailing address of the commenter.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding address or phone number. John Carlson, Department of Fish and Game, phone (916) 445-3406, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above.

Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION

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

- (1) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation(s) are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.
- (2) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (3) Cost Impacts on a Representative Private Person or Business: 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.

- (4) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (5) Nondiscretionary Costs/Savings to Local Agencies: None.
- (6) Programs mandated on Local Agencies or School Districts: None.
- (7) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (8) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

PROPOSITION 65

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

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

NOTICE TO INTERESTED PARTIES

CHEMICAL LISTED EFFECTIVE **July 15, 2003
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is adding *catechol* to the list of chemicals known to the State to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The listing of *catechol* is effective **July 15, 2003**.

The listing of *catechol* (CAS No. 120-80-9) is based on a formal identification by an authoritative body (i.e., the International Agency for Research on Cancer ["IARC"]) that this chemical causes cancer. Regulations governing the listing of chemicals under the "authoritative bodies" mechanism are published in

Title 22, California Code of Regulations, Section 12306. The reader is directed to the Notice of Intent to List *catechol* published in the May 16, 2003, issue of the *California Regulatory Notice Register* (Register 03, No. 20-Z) for the documentation supporting OEHHA's determination that the criteria for administrative listing have been satisfied for this chemical.

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

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹
Catechol	120-80-9	Cancer	AB

¹ Listing mechanism:

AB—"authoritative body" mechanism (22 CCR Section 12306)

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

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

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
JULY 11, 2003**

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

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

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
Alyl chloride	407051	January 1, 1990
Delisted October 29, 1999	117793	October 1, 1989
2-Aminoanthraquinone	60093	January 1, 1990
p-Aminoazobenzene	97563	July 1, 1987
ortho-Aminoazotoluene	—	—
4-Aminobiphenyl (4-aminodiphenyl)	92671	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989
2-Aminofluorene	153786	January 29, 1999
1-Amino-2-methylanthraquinone	82280	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987
4-Amino-2-nitrophenol	119346	January 29, 1999
Amitrole	61825	July 1, 1987
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62533	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998
ortho-Anisidine	90040	July 1, 1987
ortho-Anisidine hydrochloride	134292	July 1, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990
Aramite	140578	July 1, 1987
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332214	February 27, 1987
Auramine	492808	July 1, 1987
Azacitidine	320672	January 1, 1992
Azaserine	115026	July 1, 1987
Azathioprine	446866	February 27, 1987
Azobenzene	103333	January 1, 1990
Benz[a]anthracene	56553	July 1, 1987
Benzene	71432	February 27, 1987
Benzidine [and its salts]	92875	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205992	July 1, 1987
Benzo[j]fluoranthene	205823	July 1, 1987
Benzo[k]fluoranthene	207089	July 1, 1987
Benzo[ghi]perylene	271896	October 1, 1990
Benzo[a]pyrene	50328	July 1, 1987
Benzotrichloride	98077	July 1, 1987
Benzyl chloride	100447	January 1, 1990
Benzyl violet 4B	1694093	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Betel quid with tobacco	—	January 1, 1990	1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909096	October 1, 1988
2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996	Chloroform	67663	October 1, 1987
Bis(2-chloroethyl)ether	111444	April 1, 1988	Chloromethyl methyl ether (technical grade)	107302	February 27, 1987
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlor-napazine)	494031	February 27, 1987	3-Chloro-2-methylpropene	563473	July 1, 1989
Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987	1-Chloro-4-nitrobenzene	100005	October 29, 1999
Bis(chloromethyl)ether	542881	February 27, 1987	4-Chloro-ortho-phenylenediamine	95830	January 1, 1988
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999	p-Chloro-o-toluidine	95692	January 1, 1990
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990	p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
Bracken fern	—	January 1, 1990	5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Bromate	15541454	May 31, 2002	Chloroprene	126998	June 2, 2000
Bromodichloromethane	75274	January 1, 1990	Chlorothalonil	1897456	January 1, 1989
Bromoethane	74964	December 22, 2000	Chlorotrianisene	569573	September 1, 1996
Bromoform	75252	April 1, 1991	Chlorozotocin	54749905	January 1, 1992
1,3-Butadiene	106990	April 1, 1988	Chromium (hexavalent compounds)	—	February 27, 1987
1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987	Chrysene	218019	January 1, 1990
Butylated hydroxyanisole	25013165	January 1, 1990	C.I. Acid Red 114	6459945	July 1, 1992
beta-Butyrolactone	3068880	July 1, 1987	C.I. Basic Red 9 monohydrochloride	569619	July 1, 1989
Cacodylic acid	75605	May 1, 1996	C.I. Direct Blue 15	2429745	August 26, 1997
Cadmium and cadmium compounds	—	October 1, 1987	C.I. Direct Blue 218	28407376	August 26, 1997
Caffeic acid	331395	October 1, 1994	C.I. Solvent Yellow 14	842079	May 15, 1998
Captafol	2425061	October 1, 1988	Ciclosporin (Cyclosporin A; Cyclosporine)	59865133	January 1, 1992
Captan	133062	January 1, 1990	Cidofovir	79217600	January 29, 1999
Carbazole	86748	May 1, 1996	Cinnamyl anthranilate	87296	July 1, 1989
Carbon black (airborne, unbound particles of respirable size)	1333864	February 21, 2003	Cisplatin	15663271	October 1, 1988
Carbon tetrachloride	56235	October 1, 1987	Citrus Red No. 2	6358538	October 1, 1989
Carbon-black extracts	—	January 1, 1990	Clofibrate	637070	September 1, 1996
N-Carboxymethyl-N-nitrosourea	60391926	January 25, 2002	Cobalt metal powder	7440484	July 1, 1992
Catechol	120809	July 15, 2003	Cobalt [III] oxide	1307966	July 1, 1992
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990	Cobalt sulfate heptahydrate	10026241	June 2, 2000
Certain combined chemotherapy for lymphomas	—	February 27, 1987	Coke oven emissions	—	February 27, 1987
Chlorambucil	305033	February 27, 1987	Conjugated estrogens	—	February 27, 1987
Chloramphenicol	56757	October 1, 1989	Creosotes	—	October 1, 1988
Chlordane	57749	July 1, 1988	para-Cresidine	120718	January 1, 1988
Chlordecone (Kepone)	143500	January 1, 1988	Cupferron	135206	January 1, 1988
Chlordimeform	6164983	January 1, 1989	Cycasin	14901087	January 1, 1988
Chlorendic acid	115286	July 1, 1989	Cyclophosphamide (anhydrous)	50180	February 27, 1987
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989	Cyclophosphamide (hydrated)	6055192	February 27, 1987
p-Chloroaniline	106478	October 1, 1994	Cytembena	21739913	May 15, 1998
p-Chloroaniline hydrochloride	20265967	May 15, 1998	D&C Orange No. 17	3468631	July 1, 1990
Chlorodibromomethane	—	—	D&C Red No. 8	2092560	October 1, 1990
Delisted October 29, 1999	424481	January 1, 1990	D&C Red No. 9	5160021	July 1, 1990
Chloroethane (Ethyl chloride)	75003	July 1, 1990	D&C Red No. 19	81889	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	—	—	Dacarbazine	4342034	January 1, 1988
(Lomustine)	13010474	January 1, 1988	Daminozide	1596845	January 1, 1990
			Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117102	January 1, 1992
			Daunomycin	20830813	January 1, 1988
			DDD (Dichlorodiphenyldichloroethane)	72548	January 1, 1989

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
DDE (Dichlorodiphenyldichloro-ethylene)	72559	January 1, 1989	3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988
DDT (Dichlorodiphenyltrichloro-ethane)	50293	October 1, 1987	3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992
DDVP (Dichlorvos)	62737	January 1, 1989	Dimethylcarbamoyl chloride	79447	January 1, 1988
N,N'-Diacetylbenzidine	613354	October 1, 1989	1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989
2,4-Diaminoanisole	615054	October 1, 1990	1,2-Dimethylhydrazine	540738	January 1, 1988
2,4-Diaminoanisole sulfate	39156417	January 1, 1988	Dimethylvinylchloride	513371	July 1, 1989
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988	3,7-Dinitrofluoranthene	105735715	August 26, 1997
2,4-Diaminotoluene	95807	January 1, 1988	3,9-Dinitrofluoranthene	22506532	August 26, 1997
Diaminotoluene (mixed)	—	January 1, 1990	1,6-Dinitropyrene	42397648	October 1, 1990
Dibenz[a,h]acridine	226368	January 1, 1988	1,8-Dinitropyrene	42397659	October 1, 1990
Dibenz[a,j]acridine	224420	January 1, 1988	Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
Dibenz[a,h]anthracene	53703	January 1, 1988	2,4-Dinitrotoluene	121142	July 1, 1988
7H-Dibenzo[c,g]carbazole	194592	January 1, 1988	2,6-Dinitrotoluene	606202	July 1, 1995
Dibenzo[a,e]pyrene	192654	January 1, 1988	Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996
Dibenzo[a,h]pyrene	189640	January 1, 1988	1,4-Dioxane	123911	January 1, 1988
Dibenzo[a,i]pyrene	189559	January 1, 1988	Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988
Dibenzo[a,l]pyrene	191300	January 1, 1988	Diphenylhydantoin (Phenytoin), sodium salt	630933	January 1, 1988
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987	Direct Black 38 (technical grade)	1937377	January 1, 1988
2,3-Dibromo-1-propanol	96139	October 1, 1994	Direct Blue 6 (technical grade)	2602462	January 1, 1988
Dichloroacetic acid	79436	May 1, 1996	Direct Brown 95 (technical grade)	16071866	October 1, 1988
p-Dichlorobenzene	106467	January 1, 1989	Disperse Blue 1	2475458	October 1, 1990
3,3'-Dichlorobenzidine	91941	October 1, 1987	Diuron	330541	May 31, 2002
3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998	Epichlorohydrin	106898	October 1, 1987
1,4-Dichloro-2-butene	764410	January 1, 1990	Erionite	12510428	October 1, 1988
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988	Estradiol 17B	50282	January 1, 1988
1,1-Dichloroethane	75343	January 1, 1990	Estragole	140670	October 29, 1999
Dichloromethane (Methylene chloride)	75092	April 1, 1988	Estrone	53167	January 1, 1988
1,2-Dichloropropane	78875	January 1, 1990	Estropipate	7280377	August 26, 1997
1,3-Dichloropropene	542756	January 1, 1989	Ethinylestradiol	57636	January 1, 1988
Dieldrin	60571	July 1, 1988	Ethoprop	13194484	February 27, 2001
Dienestrol	84173	January 1, 1990	Ethyl acrylate	140885	July 1, 1989
Diepoxybutane	1464535	January 1, 1988	Ethyl methanesulfonate	62500	January 1, 1988
Diesel engine exhaust	—	October 1, 1990	Ethyl-4,4'-dichloro- benzilate	510156	January 1, 1990
Di(2-ethylhexyl)phthalate	117817	January 1, 1988	Ethylene dibromide	106934	July 1, 1987
1,2-Diethylhydrazine	1615801	January 1, 1988	Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987
Diethyl sulfate	64675	January 1, 1988	Ethylene oxide	75218	July 1, 1987
Diethylstilbestrol (DES)	56531	February 27, 1987	Ethylene thiourea	96457	January 1, 1988
Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989	Ethyleneimine	151564	January 1, 1988
Dihydrosafrole	94586	January 1, 1988	Fenoxycarb	72490018	June 2, 2000
Diisopropyl sulfate	2973106	April 1, 1993	Folpet	133073	January 1, 1989
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988	Formaldehyde (gas)	50000	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990	2-(2-Formylhydrazino)-4- (5-nitro-2-furyl)thiazole	3570750	January 1, 1988
Dimethyl sulfate	77781	January 1, 1988	Furan	110009	October 1, 1993
4-Dimethylaminoazo- benzene	60117	January 1, 1988	Furazolidone	67458	January 1, 1990
trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988	Furmecyclox	60568050	January 1, 1990
7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990	Fusarin C	79748815	July 1, 1995
			Ganciclovir sodium	82410320	August 26, 1997
			Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990

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Gemfibrozil	25812300	December 22, 2000	MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990	MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500040	October 1, 1994
Glu-P-1 (2-Amino-6-methyl-dipyrido[1,2-a:3',2'-d]imidazole)	67730114	January 1, 1990	Melphalan	148823	February 27, 1987
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730103	January 1, 1990	Merphalan	531760	April 1, 1988
Glycidaldehyde	765344	January 1, 1988	Mestranol	72333	April 1, 1988
Glycidol	556525	July 1, 1990	Metham sodium	137428	November 6, 1998
Griseofulvin	126078	January 1, 1990	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Gyromitrin (Acetaldehyde methylformylhydrazine)	16568028	January 1, 1988	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
HC Blue 1	2784943	July 1, 1989	2-Methylaziridine (Propyleneimine)	75558	January 1, 1988
Heptachlor	76448	July 1, 1988	Methylazoxymethanol	590965	April 1, 1988
Heptachlor epoxide	1024573	July 1, 1988	Methylazoxymethanol acetate	592621	April 1, 1988
Hexachlorobenzene	118741	October 1, 1987	Methyl carbamate	598550	May 15, 1998
Hexachlorocyclohexane (technical grade)	—	October 1, 1987	3-Methylcholanthrene	56495	January 1, 1990
Hexachlorodibenzo-dioxin	34465468	April 1, 1988	5-Methylchrysene	3697243	April 1, 1988
Hexachloroethane	67721	July 1, 1990	4,4'-Methylene bis(2-chloroaniline)	101144	July 1, 1987
Hexamethylphosphoramide	680319	January 1, 1988	4,4'-Methylene bis(N,N-dimethylbenzenamine)	101611	October 1, 1989
Hydrazine	302012	January 1, 1988	4,4'-Methylene bis(2-methylaniline)	838880	April 1, 1988
Hydrazine sulfate	10034932	January 1, 1988	4,4'-Methylenedianiline	101779	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988	4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988
Indeno [1,2,3-cd]pyrene	193395	January 1, 1988	Methyleugenol	93152	November 16, 2001
Indium phosphide	22398807	February 27, 2001	Methylhydrazine and its salts	—	July 1, 1992
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990	Methyl iodide	74884	April 1, 1988
Iprodione	36734197	May 1, 1996	Methylmercury compounds	—	May 1, 1996
Iron dextran complex	9004664	January 1, 1988	Methyl methanesulfonate	66273	April 1, 1988
Isobutyl nitrite	542563	May 1, 1996	2-Methyl-1-nitroanthraquinone (of uncertain purity)	129157	April 1, 1988
Isoprene	78795	May 1, 1996	N-Methyl-N'-nitro-N-nitrosoguanidine	70257	April 1, 1988
Isosafrole	120581	October 1, 1989	N-Methylolacrylamide	924425	July 1, 1990
Isoxaflutole	141112290	December 22, 2000	Methylthiouracil	56042	October 1, 1989
Lactofen	77501634	January 1, 1989	Metiram	9006422	January 1, 1990
Lasiocarpine	303344	April 1, 1988	Metronidazole	443481	January 1, 1988
Lead acetate	301042	January 1, 1988	Michler's ketone	90948	January 1, 1988
Lead and lead compounds	—	October 1, 1992	Mirex	2385855	January 1, 1988
Lead phosphate	7446277	April 1, 1988	Mitomycin C	50077	April 1, 1988
Lead subacetate	1335326	October 1, 1989	Monocrotaline	315220	April 1, 1988
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989	5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxalolidinone	139913	April 1, 1988
Lynestrenol	52766	February 27, 2001	Mustard Gas	505602	February 27, 1987
Mancozeb	8018017	January 1, 1990	MX (3-chloro-4-dichloromethyl-5-hydroxy-2(5H)-furanone)	77439760	December 22, 2000
Maneb	12427382	January 1, 1990	Nafenopin	3771195	April 1, 1988
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990	Nalidixic acid	389082	May 15, 1998
Medroxyprogesterone acetate	71589	January 1, 1990	Naphthalene	91203	April 19, 2002
			1-Naphthylamine	134327	October 1, 1989
			2-Naphthylamine	91598	February 27, 1987
			Nickel (Metallic)	7440020	October 1, 1989
			Nickel acetate	373024	October 1, 1989
			Nickel carbonate	3333393	October 1, 1989
				3333673	

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Nickel carbonyl	13463393	October 1, 1987	Norethisterone (Norethin- drone)	68224	October 1, 1989
Nickel hydroxide	12054487; 12125563	October 1, 1989	Norethynodrel	68235	February 27, 2001
Nickelocene	1271289	October 1, 1989	Ochratoxin A	303479	July 1, 1990
Nickel oxide	1313991	October 1, 1989	Oil Orange SS	2646175	April 1, 1988
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Oral contraceptives, combined	—	October 1, 1989
Nickel subsulfide	12035722	October 1, 1987	Oral contraceptives, sequential	—	October 1, 1989
Niridazole	61574	April 1, 1988	Oxadiazon	19666309	July 1, 1991
Nitrotriacetic acid	139139	January 1, 1988	Oxazepam	604751	October 1, 1994
Nitrotriacetic acid, tri- sodium salt mono- hydrate	18662538	April 1, 1989	Oxymetholone	434071	January 1, 1988
5-Nitroacenaphthene	602879	April 1, 1988	Oxythioquinox	2439012	August 20, 1999
5-Nitro-o-anisidine	99592	October 1, 1989	Palygorskite fibers (>5µm in length)	12174117	December 28, 1999
o-Nitroanisole	91236	October 1, 1992	Panfuran S	794934	January 1, 1988
Nitrobenzene	98953	August 26, 1997	Pentachlorophenol	87865	January 1, 1990
4-Nitrobiphenyl	92933	April 1, 1988	Phenacetin	62442	October 1, 1989
6-Nitrochrysene	7496028	October 1, 1990	Phenazopyridine	94780	January 1, 1988
Nitrofen (technical grade)	1836755	January 1, 1988	Phenazopyridine hydrochloride	136403	January 1, 1988
2-Nitrofluorene	607578	October 1, 1990	Phenesterin	3546109	July 1, 1989
Nitrofurazone	59870	January 1, 1990	Phenobarbital	50066	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]- 2-imidazolidinone	555840	April 1, 1988	Phenolphthalein	77098	May 15, 1998
N-[4-(5-Nitro-2-furyl)-2- thiazolyl]acetamide	531828	April 1, 1988	Phenoxybenzamine	59961	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	Phenoxybenzamine hydrochloride	63923	April 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988	o-Phenylenediamine and its salts	95545	May 15, 1998
Nitrogen mustard N-oxide	126852	April 1, 1988	Phenyl glycidyl ether	122601	October 1, 1990
Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988	Phenylhydrazine and its salts	—	July 1, 1992
Nitromethane	75525	May 1, 1997	o-Phenylphenate, sodium	132274	January 1, 1990
2-Nitropropane	79469	January 1, 1988	o-Phenylphenol	90437	August 4, 2000
1-Nitropyrene	5522430	October 1, 1990	PhiP(2-Amino-1-methyl-6- phenylimidazol[4,5-b] pyridine)	105650235	October 1, 1994
4-Nitropyrene	57835924	October 1, 1990	Polybrominated biphenyls	—	January 1, 1988
N-Nitrosodi-n-butylamine	924163	October 1, 1987	Polychlorinated biphenyls	—	October 1, 1989
N-Nitrosodiethanolamine	1116547	January 1, 1988	Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
N-Nitrosodiethylamine	55185	October 1, 1987	Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
N-Nitrosodimethylamine	62759	October 1, 1987	Polychlorinated dibenzofurans	—	October 1, 1992
p-Nitrosodiphenylamine	156105	January 1, 1988	Polygeenan	53973981	January 1, 1988
N-Nitrosodiphenylamine	86306	April 1, 1988	Ponceau MX	3761533	April 1, 1988
N-Nitrosodi-n-propylamine	621647	January 1, 1988	Ponceau 3R	3564098	April 1, 1988
N-Nitroso-N-ethylurea	759739	October 1, 1987	Potassium bromate	7758012	January 1, 1990
3-(N-Nitrosomethylamino) propionitrile	60153493	April 1, 1990	Primidone	125337	August 20, 1999
4-(N-Nitrosomethylam- ino)-1-(3-pyridyl)1- butanone	64091914	April 1, 1990	Procarbazine	671169	January 1, 1988
N-Nitrosomethylethyl- amine	10595956	October 1, 1989	Procarbazine hydrochloride	366701	January 1, 1988
N-Nitroso-N-methylurea	684935	October 1, 1987	Procymidone	32809168	October 1, 1994
N-Nitroso-N-methylurethane	615532	April 1, 1988	Progesterone	57830	January 1, 1988
N-Nitrosomethylvinyl- amine	4549400	January 1, 1988	Pronamide	23950585	May 1, 1996
N-Nitrosomorpholine	59892	January 1, 1988	Propachlor	1918167	February 27, 2001
N-Nitrosornicotine	16543558	January 1, 1988	1,3-Propane sultone	1120714	January 1, 1988
N-Nitrosopiperidine	100754	January 1, 1988	Propargite	2312358	October 1, 1994
N-Nitrosopyrrolidine	930552	October 1, 1987	beta-Propiolactone	57578	January 1, 1988
N-Nitrososarcosine	13256229	January 1, 1988	Propylene oxide	75569	October 1, 1988
o-Nitrotoluene	88722	May 15, 1998	Propylthiouracil	51525	January 1, 1988
			Pyridine	110861	May 17, 2002
			Quinoline and its strong acid salts	—	October 24, 1997
			Radionuclides	—	July 1, 1989
			Reserpine	50555	October 1, 1989
			Residual (heavy) fuel oils	—	October 1, 1990

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Saccharin		
Delisted April 6, 2001	81072	October 1, 1989
Saccharin, sodium		
Delisted January 17, 2003	128449	January 1, 1988
Safrole	94597	January 1, 1988
Salicylazosulfapyridine	599791	May 15, 1998
Selenium sulfide	7446346	October 1, 1989
Shale-oils	68308349	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52017	May 1, 1997
Stanozolol	10418038	May 1, 1997
Sterigmatocystin	10048132	April 1, 1988
Streptozotocin (streptozocin)	18883664	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96093	October 1, 1988
Sulfallate	95067	January 1, 1988
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540291	September 1, 1996
Terrazole	2593159	October 1, 1994
Testosterone and its esters	58220	April 1, 1988
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988
1,1,2,2-Tetrachloroethane	79345	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127184	April 1, 1988
p-a,a,a-Tetrachloro-toluene	5216251	January 1, 1990
Tetrafluoroethylene	116143	May 1, 1997
Tetranitromethane	509148	July 1, 1990
Thioacetamide	62555	January 1, 1988
4,4'-Thiodianiline	139651	April 1, 1988
Thiodicarb	59669260	August 20, 1999
Thiourea	62566	January 1, 1988
Thorium dioxide	1314201	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471625	October 1, 1989
ortho-Toluidine	95534	January 1, 1988
ortho-Toluidine hydrochloride	636215	January 1, 1988
para-Toluidine		
Delisted October 29, 1999	106490	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Treosulfan	299752	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Trichloroethylene	79016	April 1, 1988
2,4,6-Trichlorophenol	88062	January 1, 1988
1,2,3-Trichloropropane	96184	October 1, 1992
Trimethyl phosphate	512561	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Triphenyltin hydroxide	76879	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triazuqone)	68768	October 1, 1989

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Tris(2-chloroethyl) phosphate	115968	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126727	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Trypan blue (commercial grade)	72571	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66751	April 1, 1988
Urethane (Ethyl carbamate)	51796	January 1, 1988
Vinclozolin	50471448	August 20, 1999
Vinyl bromide	593602	October 1, 1988
Vinyl chloride	75014	February 27, 1987
4-Vinylcyclohexene	100403	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Vinyl fluoride	75025	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991
Zileuton	111406872	December 22, 2000
Zineb		
Delisted October 29, 1999	12122677	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117373	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990
Atenolol	developmental	29122687	August 26, 1997

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Auranofin	developmental	34031328	January 29, 1999	2,4-<i>DP</i> (dichloroprop)	developmental	120365	April 27, 1999
Azathioprine	developmental	446866	September 1, 1996	Delisted January 25, 2002			
Barbiturates	developmental	—	October 1, 1992	Demeclocycline	developmental	64733	January 1, 1992
Beclomethasone dipropionate	developmental	5534098	May 15, 1998	hydrochloride (internal use)			
Benomyl	developmental, male	17804352	July 1, 1991	Diazepam	developmental	439145	January 1, 1992
Benzene	developmental, male	71432	December 26, 1997	1,2-Dibromo-3-chloropropane (DBCP)	developmental	96128	February 27, 1987
Benzodiazepines	developmental	—	October 1, 1992	Dichlorophene	developmental	97234	April 27, 1999
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990	Dichlorophenamide	developmental	120978	February 27, 2001
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990	Diclofop methyl	developmental	51338273	March 5, 1999
Bromacil lithium salt	developmental, male	53404196	May 18, 1999 January 17, 2003	Dicumarol	developmental	66762	October 1, 1992
Bromoxynil	developmental	1689845	October 1, 1990	Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Bromoxynil octanoate	developmental	1689992	May 18, 1999	Diflunisal	developmental, female	22494424	January 29, 1999
Butabarbital sodium	developmental	143817	October 1, 1992	Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989	Diltiazem hydrochloride	developmental	33286225	February 27, 2001
Cadmium	developmental, male	—	May 1, 1997	<i>m</i> -Dinitrobenzene	male	99650	July 1, 1990
Carbamazepine	developmental	298464	January 29, 1999	<i>o</i> -Dinitrobenzene	male	528290	July 1, 1990
Carbon disulfide	developmental, female, male	75150	July 1, 1989	<i>p</i> -Dinitrobenzene	male	100254	July 1, 1990
Carbon monoxide	developmental	630080	July 1, 1989	2,4-Dinitrotoluene	male	121142	August 20, 1999
Carboplatin	developmental	41575944	July 1, 1990	2,6-Dinitrotoluene	male	606202	August 20, 1999
Chenodiol	developmental	474259	April 1, 1990	Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998	Dinocap	developmental	39300453	April 1, 1990
Chlorambucil	developmental	305033	January 1, 1989	Dinoseb	developmental, male	88857	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987	Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987
Chlordecone (Kepone)	developmental	143500	January 1, 1989	Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999
Chlordiazepoxide	developmental	58253	January 1, 1992	Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992	Doxycycline (internal use)	developmental	564250	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990	Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999	Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991
Cidofovir	developmental, female, male	113852372	January 29, 1999	Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991
Cladribine	developmental	4291638	September 1, 1996	Endrin	developmental	72208	May 15, 1998
Clarithromycin	developmental	81103119	May 1, 1997	Epichlorohydrin	male	106898	September 1, 1996
Clobetasol propionate	developmental, female	25122467	May 15, 1998	Ergotamine tartrate	developmental	379793	April 1, 1990
Clomiphene citrate	developmental	50419	April 1, 1990	Estropipate	developmental	7280377	August 26, 1997
Clorazepate dipotassium	developmental	57109907	October 1, 1992	Ethionamide	developmental	536334	August 26, 1997
Cocaine	developmental, female	50362	July 1, 1989	Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Codeine phosphate	developmental	52288	May 15, 1998	Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999
Colchicine	developmental, male	64868	October 1, 1992	Ethylene dibromide	developmental, male	106934	May 15, 1998
Conjugated estrogens	developmental	—	April 1, 1990	Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989
Cyanazine	developmental	21725462	April 1, 1990	Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989
Cycloate	developmental	1134232	March 19, 1999	Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993
Cyclohexanol	male	108930	November 6, 1998	Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993
Delisted January 25, 2002				Ethylene oxide	female	75218	February 27, 1987
Cycloheximide	developmental	66819	January 1, 1989	Ethylene thiourea	developmental	96457	January 1, 1993
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989	Etodolac	developmental, female	41340254	August 20, 1999
Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989	Etoposide	developmental	33419420	July 1, 1990
Cyhexatin	developmental	13121705	January 1, 1989	Etretinate	developmental	54350480	July 1, 1987
Cytarabine	developmental	147944	January 1, 1989	Fenoxaprop ethyl	developmental	66441234	March 26, 1999
Dacarbazine	developmental	4342034	January 29, 1999	Filgrastim	developmental	121181531	February 27, 2001
Danazol	developmental	17230885	April 1, 1990	Fluazifop butyl	developmental	69806504	November 6, 1998
Daunorubicin hydrochloride	developmental	23541506	July 1, 1990	Flunisolide	developmental, female	3385033	May 15, 1998
2,4-D butyric acid	developmental, male	94826	June 18, 1999	Fluorouracil	developmental	51218	January 1, 1989
o,p' -DDT	developmental, female, male	789026	May 15, 1998	Fluoxymesterone	developmental	76437	April 1, 1990
p,p' -DDT	developmental, female, male	50293	May 15, 1998	Flurazepam hydrochloride	developmental	1172185	October 1, 1992
				Flurbiprofen	developmental, female	5104494	August 20, 1999
				Flutamide	developmental	13311847	July 1, 1990
				Fluticasone propionate	developmental	80474142	May 15, 1998
				Fluvalinate	developmental	69409945	November 6, 1998

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 28-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Nitrofurantoin	male	67209	April 1, 1991
Gemfibrozil	female, male	25812300	August 20, 1999	Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Halazepam	developmental	23092173	July 1, 1990	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Halobetasol propionate	developmental	66852548	August 20, 1999	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Haloperidol	developmental, female	52868	January 29, 1999	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Halothane	developmental	151677	September 1, 1996	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
Heptachlor	developmental	76448	August 20, 1999	Norgestrel	developmental	6533002	April 1, 1990
Hexachlorobenzene	developmental	118741	January 1, 1989	Oxadiazon	developmental	19666309	May 15, 1998
Hexamethylphosphoramide	male	680319	October 1, 1994	Oxazepam	developmental	604751	October 1, 1992
Histrelin acetate	developmental	—	May 15, 1998	Oxydemeton methyl	female, male	301122	November 6, 1998
Hydramethylnon	developmental, male	67485294	March 5, 1999	Oxymetholone	developmental	434071	May 1, 1997
Hydroxyurea	developmental	127071	May 1, 1997	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Ifosfamide	developmental	3778732	July 1, 1990	Paclitaxel	developmental, female, male	33069624	August 26, 1997
Iodine-131	developmental	10043660	January 1, 1989	Paramethadione	developmental	115673	July 1, 1990
Isotretinoin	developmental	4759482	July 1, 1987	Penicillamine	developmental	52675	January 1, 1991
Lead	developmental, female, male	—	February 27, 1987	Pentobarbital sodium	developmental	57330	July 1, 1990
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Pentostatin	developmental	53910251	September 1, 1996
Levodopa	developmental	59927	January 29, 1999	Phenacemide	developmental	63989	July 1, 1990
Levonorgestrel implants	female	797637	May 15, 1998	Phenprocoumon	developmental	435972	October 1, 1992
Linuron	developmental	330552	March 19, 1999	Pimozide	developmental, female	2062784	August 20, 1999
Lithium carbonate	developmental	554132	January 1, 1991	Pipobroman	developmental	54911	July 1, 1990
Lithium citrate	developmental	919164	January 1, 1991	Plicamycin	developmental	18378897	April 1, 1990
Lorazepam	developmental	846491	July 1, 1990	Polybrominated biphenyls	developmental	—	October 1, 1994
Lovastatin	developmental	75330755	October 1, 1992	Polychlorinated biphenyls	developmental	—	January 1, 1991
Mebendazole	developmental	31431397	August 20, 1999	Potassium dimethylthiocarbamate	developmental	128030	March 30, 1999
Medroxyprogesterone acetate	developmental	71589	April 1, 1990	Pravastatin sodium	developmental	81131706	March 3, 2000
Megestrol acetate	developmental	595335	January 1, 1991	Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Melphalan	developmental	148823	July 1, 1990	Procabazine hydrochloride	developmental	366701	July 1, 1990
Menotropins	developmental	9002680	April 1, 1990	Propargite	developmental	2312358	June 15, 1999
Meprobamate	developmental	57534	January 1, 1992	Propylthiouracil	developmental	51525	July 1, 1990
Mercaptopurine	developmental	6112761	July 1, 1990	Pyrimethamine	developmental	58140	January 29, 1999
Mercury and mercury compounds	developmental	—	July 1, 1990	Quazepam	developmental	36735225	August 26, 1997
Methacycline hydrochloride	developmental	3963959	January 1, 1991	Quizalofop-ethyl	male	76578148	December 24, 1999
Metham sodium	developmental	137428	May 15, 1998	Resmethrin	developmental	10453868	November 6, 1998
Methazole	developmental	20354261	December 1, 1999	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
Methimazole	developmental	60560	July 1, 1990	Ribavirin	developmental	36791045	April 1, 1990
Methotrexate	developmental	59052	January 1, 1989	Rifampin	developmental, female	13292461	February 27, 2001
Methotrexate sodium	developmental	15475566	April 1, 1990	Secobarbital sodium	developmental	309433	October 1, 1992
Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993	Sermorelin acetate	developmental	—	August 20, 1999
Methyl chloride	developmental	74873	March 10, 2000	Sodium dimethylthiocarbamate	developmental	128041	March 30, 1999
Methyl mercury	developmental	—	July 1, 1987	Sodium fluoroacetate	male	62748	November 6, 1998
N-Methylpyrrolidone	developmental	872504	June 15, 2001	Streptomycin sulfate	developmental	3810740	January 1, 1991
Methyltestosterone	developmental	58184	April 1, 1990	Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Metiram	developmental	9006422	March 30, 1999				
Midazolam hydrochloride	developmental	59467968	July 1, 1990				
Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992				
Misoprostol	developmental	59122462	April 1, 1990				
Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990				
Myclobutanil	developmental, male	88671890	April 16, 1999				
Nabam	developmental	142596	March 30, 1999				
Nafarelin acetate	developmental	86220420	April 1, 1990				
Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992				
Netilmicin sulfate	developmental	56391572	July 1, 1990				
Nickel carbonyl	developmental	13463393	September 1, 1996				
Nicotine	developmental	54115	April 1, 1990				
Nifedipine	developmental, female, male	21829254	January 29, 1999				
Nimodipine	developmental	66085594	April 24, 2001				
Nitrapyrin	developmental	1929824	March 30, 1999				

Chemical	Type of Reproductive Toxicity	CAS No.	Date Listed
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-paradoxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	97048130	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: July 11, 2003

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

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

NOTICE TO INTERESTED PARTIES

CORRECTION TO THE LIST OF CHEMICALS AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER OR REPRODUCTIVE TOXICITY

The Office of Environmental Health Hazard Assessment (OEHHA) is making a correction to the list of chemicals as known to the State of California to cause cancer or reproductive toxicity which was published on **June 6, 2003** in the California Regulatory Notice

Register (Register 03, No. 23-Z). Although not specifically named, *nickel carbonate*, was included in the October 1, 1989 group listing of “nickel and certain nickel compounds” listed as chemicals known to the State to cause cancer. *Nickel carbonate* was recently included in a June 6, 2003 public notice specifying Chemical Abstract Service (CAS) numbers for the nickel compounds covered under the listing of “nickel and certain nickel compounds.” Its CAS number was listed as 3333-39-3. It was recently brought to OEHHA’s attention that the CAS number for *nickel carbonate* was listed incorrectly. The correct CAS number for nickel carbonate should be 3333-67-3.

Following is the correct listing for the chemical:

Cancer

Chemical	Previously Listed CAS No.	Correct CAS No.	Date of Listing
Nickel carbonate	3333-39-3	3333-67-3	October 1, 1989

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

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

**BOARD OF EQUALIZATION
Long Term Leases of Motor Vehicles**

In this regulatory action, the State Board of Equalization adopts a regulation under the Bradley-Burns Uniform Local Sales and Use Tax Law. Specifically, the regulation pertains to long-term leases of motor vehicles, implementing Revenue and Taxation Code section 7205.1.

Title 18
California Code of Regulations
ADOPT: 1803.5
Filed 06/26/03
Effective 07/26/03
Agency Contact: Diane G. Olson (916) 322-9569

CALIFORNIA GAMBLING CONTROL COMMISSION

Work Permits—Cardrooms

The California Gambling Control Commission (Commission) is making various renumbering changes to authority and reference citations as well as internal text cross-references based on renumbering of the Business and Professions Code which took place in Stats. 2002, Ch. 738. The Commission is also changing the title Executive Secretary to Executive Director throughout the captioned sections.

Title 4

California Code of Regulations

AMEND: 12100, 12101, 12104, 12105, 12120, 12122, 12124, 12126, 12128, 12130, 12132, 12140, 12142

Filed 06/26/03

Effective 07/26/03

Agency Contact: Herb Bolz (916) 263-0700

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Commission on Peace Officer Standards & Training

This regulatory action amends the requirements for conducting a personal interview for employment.

Title 11

California Code of Regulations

AMEND: 1002

Filed 06/26/03

Effective 07/26/03

Agency Contact: Leah Cherry (916) 227-3891

DEPARTMENT OF FOOD AND AGRICULTURE

Mexican Fruit Fly Interior Quarantine

This action will remove the Mexican fruit fly quarantine from approximately 49 square miles surrounding the infestation in the Monterey Park area of Los Angeles

Title 3

California Code of Regulations

AMEND: 3417(b)

Filed 06/26/03

Effective 06/26/03

Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF MOTOR VEHICLES

This action revises the form used for Foreign Organization license plates, specifically officers and designated employees of the Taipei Economic and Cultural Office (TECO). The general title of the form is labeled "Miscellaneous Certifications," Form 256A, Rev. 3/2003.

Title 13

California Code of Regulations

AMEND: 181.00

Filed 06/26/03

Effective 06/26/03

Agency Contact: John Urakawa (916) 657-9927

DEPARTMENT OF SOCIAL SERVICES

Retroactive Child Care Payment Limits (AB 444)

This emergency regulatory action implements provisions of AB 444 (Chapter 1022, Statutes 2002) limiting retroactive child care payments in the California Work Opportunity and Responsibility to Kids (CalWORKs) Stage One Child Care Program to 30 days. This action is exempt from OAL review pursuant to Section 67.5 of Chapter 1022, Statutes 2002.

Title MPP

California Code of Regulations

ADOPT: 47-120, 47-430 AMEND: 40-107, 40-131, 40-181, 42-711, 47-301

Filed 06/26/03

Effective 07/01/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Foster Family Homes Corrections

This is a nonsubstantive action concerning Foster Family Homes regulations. This action corrects a word omission in the definition of "exit alarms" to include not only doors but "windows" that provide direct access to pools in order to protect children under 10 years of age or special needs children residing in such foster family homes. Including "windows" in the definition is consistent with Health and Safety Code section 115921 which the agency uses in defining these kinds of "exit alarms." This action also makes a couple of minor grammatical corrections.

Title 22, MPP

California Code of Regulations

AMEND: 89372(b), 89387(d)(1)(C), 89572.2(a)(1)

Filed 07/01/03

Effective 07/31/03

Agency Contact:

Anthony J. Velasquez (916) 657-2586

DEPARTMENT OF SOCIAL SERVICES

Foster Care Triennial Audits and Cost Reimbursement

This emergency regulatory action is intended to implement changes to section 11466.21 of the Welfare and Institutions Code made by Assembly Bill No. 444 (Chapter 1022, Stats. 2002) which reduced the frequency of mandatory submission of financial audit reports for those group homes and foster family agencies who receive less than \$300,000 in combined federal funds from every year to at least once every three years.

Title MPP

California Code of Regulations

AMEND: 11-405.2, 11-406(f)

Filed 06/30/03
 Effective 07/01/03
 Agency Contact:
 Anthony J. Velasquez (916) 657-2586

OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Hearings & Decisions Regarding Variances From
 OSH Stds.

DEPARTMENT OF WATER RESOURCES
 Procedures for Making a Just and Reasonable
 Determination

This Certification of Compliance adopts the procedure for a determination of a revenue requirement and whether the revenue requirement is just and reasonable. (Previous OAL files #02-0528-02E and 02-1127-03EE)

Title 23
 California Code of Regulations
 ADOPT: 510, 511, 512, 513, 514, 515, 516, 517
 Filed 07/01/03
 Effective 07/01/03
 Agency Contact: Gloria Bell (916) 574-1291

This rulemaking action revises and clarifies procedures for hearings and decisions pertaining to variances from occupational safety and health standards and appeals of temporary variance decisions. The changes concern where variance hearings will be held, videoconference hearings, subpoena duces tacum, affidavits, confidential evidence, interpreters, official notice of evidence, continuances, attendance and representation, exclusion of witnesses, oral arguments and briefs, witness fees, reinstatement of proceedings, issuance of decisions, re-hearings, and modifications to a permanent variance.

Title 8
 California Code of Regulations
 AMEND: 421, 422, 422.1, 423, 424.1, 424.2, 424.3, 424.4, 425.1, 425.2, 426, 427.1, 427.2, 427.3, 427.4, 428
 Filed 06/26/03
 Effective 07/26/03
 Agency Contact: Marley Hart (916) 274-5721

FISH AND GAME COMMISSION
 Steelhead Trout Catch Report Card Requirements

This rulemaking action conforms the Steelhead Trout Catch Report Card Requirements to recent statutory changes and specifies that the annual, calendar year card must be returned to the Department of Fish and Game by January 31 of the following year.

Title 14
 California Code of Regulations
 AMEND: 1.74
 Filed 06/26/03
 Effective 07/26/03
 Agency Contact: John M. Duffy (916) 653-4899

OFFICE OF ADMINISTRATIVE HEARINGS
 Formal APA Hearing Procedures: Ordering the Record

This regulatory action revises the procedures for ordering the record in a hearing conducted by the Office of Administrative Hearings.

Title 1
 California Code of Regulations
 AMEND: 1038
 Filed 07/01/03
 Effective 07/01/03
 Agency Contact:
 Heather Cline Hoganson (916) 322-2536

FISH AND GAME COMMISSION
 Permits for Game Fish

Existing regulation provides that the application for a permit to conduct a fishing contest received first shall be given priority. This resubmitted regulatory action would change that first-come first-served system when the permit is for black bass fishing. This regulatory action specifies the procedures for issuance of black bass fishing contest permits. This regulatory action also provides that applications for permits will not be accepted prior to July 1 of the preceding year.

Title 14
 California Code of Regulations
 AMEND: 230
 Filed 06/30/03
 Effective 06/30/03
 Agency Contact: John M. Duffy (916) 653-4899

OFFICE OF ENVIRONMENTAL HEALTH
 HAZARD ASSESSMENT
 Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

This regulatory action adds chemicals to the list of reproductive toxicants pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

Title 22
 California Code of Regulations
 AMEND: 12805
 Filed 07/01/03
 Effective 07/31/03
 Agency Contact: Susan Luong (916) 327-3015

OFFICE OF SPILL PREVENTION AND RESPONSE

Financial Responsibility/Fund Admin.

This is the certification of compliance for an action increasing the fee imposed upon the transport of oil by tank vessel or pipeline from 4 cents per barrel to 5 cents per barrel, and implementing the new USD fee on non-tank vessels in place of prior application processing fee.

Title 14
California Code of Regulations
AMEND: 791.7, 870.15, 870.17, 870.19, 870.21,
Filed 06/26/03
Effective 06/26/03
Agency Contact:
Joy D. Lavin-Jones (916) 327-0910

OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Amend Second Edition of the Hospital Accounting & Reporting Manual

This rulemaking action clarifies accounting and reporting requirements relating to Medi-Cal disproportionate share and other supplemental payment programs, adds a summary of live birth data to report, adds new data items related to hospital and report preparer information, simplifies the reporting of standard units of measure for several cost centers, adds an indicator of neonatal intensive care unit standards for hospitals approved by the California Children's Services program, and updates quarterly reporting requirements.

Title 22
California Code of Regulations
AMEND: 97018, 97041
Filed 06/26/03
Effective 07/26/03
Agency Contact:
Kenrick J. Kwong (916) 323-7681

STRUCTURAL PEST CONTROL BOARD

Termite Bait Stations

This filing is a resubmittal of a regulatory action which adds a report disclosure regarding local treatment for termites, requires inspection of the structure prior to the installation of termite bait stations, defines terms, and specifies that the use of in-ground termite bait stations would be considered a control service agreement.

Title 16
California Code of Regulations
ADOPT: 1993.2, 1993.3 AMEND: 1991
Filed 06/26/03
Effective 07/26/03
Agency Contact:
Delores Coleman (916) 263-2540

CCR CHANGES FILED WITH THE SECRETARY OF STATE

**WITHIN FEBRUARY 26, 2003
TO JULY 02, 2003**

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

Title 1

07/01/03 AMEND: 1038
05/08/03 REPEAL: 121, 122, 123, 124, 125, 125.5, 126, 127, 128, App. A (Form 1013)

Title 2

06/19/03 AMEND: 1859.2, 1859.20, 1859.21, 1859.74.2, 1859.74.3, 1859.74.4, 1859.75, 1859.75.1, 1859.78.3, 1859.79, 1859.81.1, 1859.83, 1859.107, 1859.145
06/16/03 ADOPT: 18530.2
06/13/03 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.168, 1859.169, 1859.170, 1859.171 AMEND: 1859.2, 1859.51, 1859.103, 1859.106, 1859.145.1
06/12/03 AMEND: 1859.77.2
06/12/03 ADOPT: 18329.5
06/12/03 AMEND: 1555
06/10/03 ADOPT: 18702.5 AMEND: 18702, 18702.1
06/04/03 ADOPT: 649.23, 649.24, 649.25
05/08/03 AMEND: 2970
05/07/03 AMEND: 547.80, 17030, 17111, 17112, 17151 REPEAL: 547.81, 17434
05/07/03 ADOPT: 471.1 AMEND: 470, 470.1, 471, 472, 17502, 17520
05/01/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153
04/28/03 AMEND: 1897
04/21/03 ADOPT: 1185.02, 1186 AMEND: 1181.1, 1183, 1183.01, 1185, 1185.01, 1185.02, 1185.1, Article 6 title. REPEAL: 1185.2, 1186, 1186.1, 1186.2, 1186.3, 1188.5
04/10/03 AMEND: 18313
04/09/03 ADOPT: 18550.1 AMEND: 18225.7
04/04/03 AMEND: 599.885

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 28-Z

04/03/03 ADOPT: 23000, 23100,23100,23200,
23300
04/03/03 AMEND: 599.515
04/01/03 AMEND: 52.4
03/27/03 ADOPT: 18754
03/24/03 AMEND: 321
02/28/03 AMEND: 599.931
02/27/03 ADOPT: 1859.2, AMEND: 1859.2,
1859.20, 1859.21, 1859.74.2, 1859.74.3,
1859.74.4, 1859.75,1859.75.1, 1859.78.3,
1859.79, 1859.81.1, 1859.83, 1859.107,
and 1859.145

Title 3

06/26/03 AMEND: 3417(b)
06/12/03 AMEND: 3423(b)
06/03/03 AMEND: 3417
06/02/03 REPEAL: 796
05/28/03 ADOPT: 1392.12
05/22/03 AMEND: 6860
05/19/03 ADOPT: 6450, 6450.1, 6450.2, 6450.3,
6784 AMEND: 6000 REPEAL: 6450,
6450.1, 6450.2, 6450.3, 6784
05/05/03 ADOPT: 1310, 1310.1, 1310.2, 1310.3
04/24/03 AMEND: 6000, 6710
04/21/03 AMEND: 3423(b)
04/21/03 AMEND: 3417(b)
04/15/03 AMEND: 3423(b)
04/08/03 ADOPT: 760, 760.1, 760.2, 760.3, 760.4,
760.5, 760.6, 760.7, 760.9 REPEAL: 760,
765
04/07/03 AMEND: 3417(b)
04/03/03 AMEND: 300(c)
04/01/03 AMEND: 3417(b)
03/26/03 ADOPT: 797
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