



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

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TITLE 11. DEPARTMENT OF JUSTICE

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*Time-
Dated
Material*

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State	1177
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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture proposes to amend subsection 3591.6(a) of the regulations in Title 3 of the California Code of Regulations pertaining to Gypsy moth Eradication Area.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Stephen.Brown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on September 23, 2013. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Stephen.Brown@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

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, at its own motion, or at the instance of any inter-

ested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

Existing law, FAC section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, FAC section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

This regulation will benefit the public's general welfare by providing authority for the State to perform detection, control and eradication activities against gypsy moth in Butte County.

The implementation of this regulation will prevent gypsy moth from:

- Destroying millions of acres of California's hardwood and conifer forests, altering forest composition and damaging shade trees.

- Having a severe negative impact on the recreational use of forests, parks and back yards.
- Damaging our watersheds and animal habitats and further threatening endangered species.
- Having a significant negative impact on tourism.
- Having economic impacts in urban areas due to clean-up costs, tree replacement costs and loss of property values and preserving aesthetic values.
- Having public health issues related to the hairs on the caterpillars causing rashes and allergic reactions.
- Having negative cultural impacts on indigenous tribes which use oaks, tanoaks and understory plants by helping preserve the cultural uses of host material.
- Having a negative impact on public safety and worker safety by preventing additional dead hazardous trees, increased fire severity for firefighters (local, State and federal) and arborists from being exposed to hazardous trees.

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency which can implement these eradication areas for plant pests. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This proposed action will add Butte County to the Gypsy Moth Eradication Area regulation. The effect of the amendment of this regulation is to provide authority for the State to perform eradication activities against gypsy moth in Butte County.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

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

Cost impacts on a representative private person or 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.

Small Business Determination

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department has determined the amendment of this regulation would benefit:

- Worker safety by preventing additional fire hazards in hardwood and conifer forests and preventing additional hazardous trees from having to be removed.
- The health of California residents by preventing the hairs on the caterpillars from causing rashes and allergic reactions.
- The welfare of California residents by protecting urban property values and reducing maintenance costs, protecting tourism and recreational use of forests and parks, preserving watersheds, animal habitats, endangered species and cultural traditions.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3591.6(a) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Lindsay Rains at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, 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 initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department 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 officer (contact) named herein.

TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (DOJ) proposes to amend sections 4001 and 4002 of Title 11, Division 5, Chapter

1, of the California Code of Regulations (CCR) concerning Bureau of Firearms (BOF) fees.

PUBLIC HEARING

DOJ will hold a public hearing to receive public comments on the proposed regulatory action at 10:00 a.m. on September 24, 2013, at the Department of Water Resources Auditorium located at 1416 9th Street, in Sacramento, California. The auditorium is wheelchair accessible. At the hearing, any person may present oral or written comments regarding the proposed regulatory action. DOJ requests, but does not require, that persons making oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on September 24, 2013. Only comments received by DOJ prior to the close of the comment period will be considered. Submit written comments to:

Jeff Amador
 Department of Justice
 Bureau of Firearms
 P.O. Box 160487
 Sacramento, CA 95816-0487
 Email: jeff.amador@doj.ca.gov

AUTHORITY AND REFERENCE

Authority: Penal Code sections 28225, 28230, and 28240
 Reference: Penal Code sections 27540, 27560, 27565, 27875, 27920, 27966, 28000, 28220, 28225, 28230, 28235, 28240, 28490, and 31115

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Laws and Regulations

Penal Code (PC) sections 27560, 27565, 27875, 27920, 28225, 28230, and 28240 authorize DOJ to charge a fee sufficient to reimburse its costs for processing Dealer's Record of Sale (DROS) transactions and various firearms reports regarding the acquisition and ownership of firearms. The fees also fund DOJ firearms-related regulatory and enforcement activities including the Armed Prohibited Persons System

(APPS). Sections 4001 and 4002 of Title 11, Division 5, Chapter 1, of the California Code of Regulations (CCR) specify the fees and establish the forms for the various firearms reports.

Effective January 1, 2014, Assembly Bills (AB) 809 (Feuer) (ch. 745, Stats. 2011) and AB 1559 (Portantino) (ch. 69, Stats. 2012) added section 27966 PC and amended sections 27560, 27565, 27875, 27920, 28230 and 28240 PC. New section 27966 PC requires DOJ to provide a new report form for licensed collectors of curio or relic firearms to report their in-state acquisition of curio or relic (C&R) long guns. As amended, sections 28230 and 28240 PC require a single \$19 fee to be charged when multiple firearms (handguns or long guns) are acquired or reported. Finally, pursuant to amended sections 27560, 27565, 27875, and 27920 PC, three firearms reports that currently apply only to handguns, will become applicable to all firearms.

Effect of the Proposed Rulemaking

The proposed rulemaking will amend the current regulations as necessary to implement these new and amended laws that become effective January 1, 2014.

Proposed section 4001 will eliminate the additional DROS fee (\$15 per gun) for multiple firearms acquired at the same time. As amended, the regulation will require a single \$19 DROS fee to be charged when multiple firearms (handguns or long guns) are reported at the same time.

Proposed section 4002 will eliminate the additional fee (\$19 per gun) for multiple firearms reported at the same time by the owner. Additionally, three handgun reports will be revised to make them applicable to all firearms. New subsection (e) of section 4002 will establish a new report and fee for federally licensed C&R collectors who will need to report their acquisition of C&R long guns in California from non-dealers pursuant to section 27966 PC.

OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The broad objectives of the proposed regulations are to make the existing regulations consistent with changes in the law regarding DROS fees and various firearms reports. Firearms dealers and individuals who purchase or report ownership/acquisition of multiple firearms will pay a single transaction fee eliminating additional fees for multiple firearms purchased or reported at the same time.

Various firearms report forms have been revised to include long guns (rifles and shotguns) and a new report form was established for federally licensed C&R collectors who acquire C&R long guns in California from

non-dealers. These revised or new report forms will enable affected gun owners to comply with new laws that require them to report the acquisition and/or ownership of firearms beginning on January 1, 2014.

The proposed regulatory action does not provide any readily identifiable benefits to the health and welfare of California residents, worker safety, or the environment.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

The DOJ has evaluated the proposed regulations and determined they are consistent and compatible with existing regulations. This determination is based on the fact that there are no other state regulations that address the subject matter of the proposed regulations.

FORMS INCORPORATED BY REFERENCE

Collector’s In-State Acquisition of Curio or Relic Long Gun Report, BOF 961 (01/2014)

Curio or Relic Firearm Report, BOF 4100A (Rev. 01/2014)

Firearm Ownership Record, BOF 4542A (Rev. 01/2014)

New Resident Firearm Ownership Report, BOF 4010A (Rev. 01/2014)

Report of Operation of Law or Intra-familial Firearm Transaction, BOF 4544A (Rev. 01/2014)

DISCLOSURES REGARDING THE PROPOSED ACTION

DOJ has made the following initial determinations:

Significant, Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States: None.

Small Business Determination: DOJ has determined the proposed regulations will not affect small business. The fees reduced by the proposed regulations are paid by firearm purchasers (collected by firearm dealers and subsequently submitted to DOJ) and individuals who submit various firearm reports directly to DOJ.

Cost Impacts That a Representative Private Person or Business Would Incur in Reasonable Compliance With the Proposed Action: Individuals who purchase or report the acquisition of multiple firearms will benefit from the elimination of additional fees when multiple firearms are purchased or reported at the same time.

Significant Effect on Housing Costs: None.

Mandate on Local Agencies or School Districts: None.

Cost to Any Local Agency or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630: None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Cost or Savings to Any State Agency: None.

Bureau of Firearms
Attn: Rulemaking
P.O. Box 160487
Department of Justice
Sacramento, CA 95816-0487

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The proposed regulations will eliminate additional fees (\$15 or \$19) when multiple firearms are purchased or reported at the same time. However, fewer than one percent of all firearm transactions reported to DOJ involve multiple firearms. Therefore, because the proposed regulations provide a relatively small fee reduction for less than one percent of the firearm transactions, DOJ has determined that there will be no economic impact.

The proposed regulations will not affect:

1. The creation or elimination of jobs within California.
2. The creation of new businesses or the elimination of existing businesses within California.
3. The expansion of businesses currently doing business within California.
4. The health and welfare of California residents, worker safety, or the environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), DOJ must determine that no reasonable alternative was considered, or has been identified and brought to the attention of DOJ that is more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Please direct inquiries concerning the proposed administrative action to Jeff Amador at (916) 227-4217, or Kathy Chipman at (916) 227-4013, or by mail. The mailing address for Jeff Amador and Kathy Chipman is:

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The DOJ will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulations, the initial statement of reasons and the report forms (incorporated by reference) are available on the DOJ website at <http://oag.ca.gov/firearms>. Copies may also be obtained by contacting Jeff Amador.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, DOJ may adopt the proposed regulations substantially as described in this notice. If DOJ makes modifications, which are sufficiently related to the originally proposed text, the modified text (with the changes clearly indicated) will be available to the public for at least 15 days and written comments will be accepted before DOJ adopts the regulations. The modified text will be posted and available on the DOJ website at <http://oag.ca.gov/firearms>. A hard copy of any modified text may be obtained by contacting Jeff Amador.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons will be available on the DOJ website at <http://oag.ca.gov/firearms>. A hard copy of the Final Statement of Reasons may be obtained by contacting Jeff Amador.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in strikeout and italics format, and the Final Statement of Reasons will be available on the DOJ website at <http://oag.ca.gov/firearms>.

TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (DOJ) proposes to add sections 4200, 4210, 4220, 4230, and 4240 to Title 11,

Division 5, Chapter 1, of the California Code of Regulations (CCR) concerning the DROS (Dealer's Record of Sale) Entry System (DES) after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

DOJ will hold a public hearing to receive public comments on the proposed regulatory action at 1:00 p.m. on September 24, 2013, at the Department of Water Resources Auditorium located at 1416 9th Street, in Sacramento, California. The auditorium is wheelchair accessible. At the hearing, any person may present oral or written comments regarding the proposed regulatory action. DOJ requests, but does not require, that persons making oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on September 24, 2013. Only comments received by that time will be considered. Submit comments to:

Jeff Amador
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Email: jeff.amador@doj.ca.gov

AUTHORITY AND REFERENCE

- Authority: Penal Code sections 28105, 28155, 28205, and 28225; *Mineral Associations Coalition v. State Mining and Geology Bd.* (2006)138 Cal.App.4th 574, 589
- Reference: Penal Code sections 26815, 27540, 28105, 28155, 28160, 28205, 28220, and 28225; *Mineral Associations Coalition v. State Mining and Geology Bd.* (2006) 138 Cal.App.4th 574, 589

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Laws and Regulations

Penal Code sections 28105, 28155, and 28225 authorize DOJ to establish the process by which licensed fire-

arms dealers electronically submit DROS information to DOJ.

Effect of the Proposed Rulemaking

Currently, DOJ has contracted with Verizon Business Services to facilitate the electronic transfer of DROS information to DOJ and to collect DROS fees from licensed firearms dealers. The current contract with Verizon ends on December 31, 2013 and will not be renewed. Following adoption of the proposed regulations, commencing January 1, 2014, DOJ will implement the DES for the submission/collection of DROS information submitted to DOJ by firearms dealers.

The proposed regulations (1) identify the title and scope of the chapter, (2) specify the Terms of Use and the information that must be provided by DES users, (3) establish the responsibility of the firearms dealership to acquire and maintain the device(s) and software needed to access the internet and interface with DES, (4) specify the process of delivering a firearm following submission of a DROS, and (5) describe the billing and payment process and establish that a firearms dealership's access to DES will be suspended for non-payment.

Comparable Federal Regulations

The proposed action does not differ substantially from an existing comparable federal regulation or statute.

Anticipated Benefits of the Proposed Regulations

By assuming the responsibilities previously contracted out to Verizon Business Services, DOJ will save approximately \$5.2 million dollars over 30 months. The savings will be re-directed to DOJ law enforcement activities in support of the Armed Prohibited Persons System (APPS) as statutorily authorized.

The proposed regulations establish a more efficient system for firearms dealerships to submit DROS information to DOJ. DES will allow firearms dealers to determine which employees are authorized to use the DES and decide which DES functions those employees are able to access. DES also provides enhanced procedural safeguards for firearms dealers to prevent improper delivery of firearms. Reducing the possibility of firearms being released to persons who are prohibited from owning or possessing will benefit the health and welfare of all California residents.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

DOJ has evaluated the proposed regulations and determined they are consistent and compatible with existing regulations. This determination is based on the fact that there are no existing regulations that address the subject matter of the proposed regulations.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

DOJ has made the following initial determinations:
Significant, Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States: None.

Business Report: None.

Small Business Determination: DOJ has determined the proposed regulations will not affect small business because the proposed regulations do not change the DROS fee.

Cost Impacts on a Representative Person or Business: DOJ is not aware of any cost impacts that a representative private person or business would necessarily incur

in reasonable compliance with the proposed regulations.

Significant Effect on Housing Costs: None.

Mandate on Local Agencies or School Districts: None.

Cost to Any Local Agency or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630: None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Cost or Savings to Any State Agency: Estimated DOJ savings of approximately \$5.2 million from January 1, 2014 through June 30, 2016 as follows:

	<u>FY 2013/2014*</u>	<u>FY 2014/2015</u>	<u>FY 2015/2016</u>	<u>TOTAL</u>
DROS Volume Projections	706,520	1,225,061	1,225,061	3,156,642
Current Transmission Cost (Verizon) per DROS Transaction	\$3.53	\$3.53	\$3.53	
DOJ Transmission Cost per DROS Transaction — In House**	\$2.18***	\$1.78	\$1.78	
DOJ Savings per DROS Transaction — In House**	\$1.35	\$1.75	\$1.75	
DOJ Savings	\$953,802	\$2,143,857	\$2,143,857	\$5,241,516

*Fiscal Year 2013/2014 consists of the 6-month period from 01/01/2014 through 06/30/2014.

**Effective 01/01/14, DOJ will assume the duties currently contracted through Verizon Business Services.

***The DOJ transmission cost per transaction is higher in FY 2013/2014 due to the need for staff to be hired and trained prior to the actual 01/01/14 implementation date.

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

The Proposed Regulations will not Affect:

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

Benefits of the Proposed Regulations

By assuming the responsibilities previously contracted out to Verizon Business Services, DOJ will save

approximately \$5.2 million dollars over 30 months. The savings will be re-directed to DOJ law enforcement activities in support of the Armed Prohibited Persons System (APPS) as statutorily authorized.

The proposed regulations establish a more efficient system for firearms dealerships to submit DROS information to DOJ. DES will allow firearms dealers to determine which employees are authorized to use the DES and decide which DES functions those employees are able to access. DES also provides enhanced procedural safeguards for firearms dealers to prevent improper delivery of firearms. Reducing the possibility of firearms being released to persons who are prohibited from

owning or possessing will benefit the health and welfare of all California residents.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), DOJ must determine that no reasonable alternative that was considered, or that has been identified and brought to the attention of DOJ would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Jeff Amador
Department of Justice
Bureau of Firearms
P.O. Box 160487
Sacramento, CA 95816-0487
Email: jeff.amador@doj.ca.gov
Telephone: (916) 227-4217

The back up contact person for these inquiries is:

Kathy Chipman
Department of Justice
Bureau of Firearms
P.O. Box 160487
Sacramento, CA 95816-0487
Email: kathy.chipman@doj.ca.gov
Telephone: (916) 227-4013

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Kathy Chipman at the above address.

AVAILABILITY OF RULEMAKING FILE INCLUDING THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DOJ will have the entire rulemaking file available for inspection and copying throughout the rulemaking pro-

cess. The text of the proposed regulations, the initial statement of reasons and the information upon which the proposed rulemaking is based are available on the DOJ website at <http://oag.ca.gov/firearms>. Copies may also be obtained by contacting Jeff Amador.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, DOJ may adopt the proposed regulations substantially as described in this notice. If DOJ makes modifications which are sufficiently related to the originally proposed text, DOJ will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before DOJ adopts the regulations. Copies of any modified text will be available on the DOJ website at <http://oag.ca.gov/firearms>. A written copy of any modified text may be obtained by contacting Jeff Amador.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the Final Statement of Reasons will be available on the DOJ website at <http://oag.ca.gov/firearms>. You may also obtain a written copy of the Final Statement of Reasons by contacting Jeff Amador.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in *strikeout and italics* format, as well as the Final Statement of Reasons once completed, are available on the DOJ website at <http://oag.ca.gov/firearms>.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ALTERNATIVE FUEL CONVERSION CERTIFICATION PROCEDURES FOR ON-ROAD MOTOR VEHICLES AND ENGINES

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider amendments to the Alternative Fuel Conversion Certification Procedures for On-Road Motor Vehicles and Engines.

DATE: September 26, 2013
 TIME: 9:00 a.m.
 PLACE: California Environmental Protection Agency
 Air Resources Board
 Byron Sher Auditorium
 1001 I Street
 Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., September 26, 2013, and may continue at 8:30 a.m., on September 27, 2013. This item may not be considered until September 27, 2013. Please consult the agenda for the hearing, which will be available at least 10 days before September 26, 2013, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION
 AND POLICY STATEMENT OVERVIEW
 PURSUANT TO GOVERNMENT
 CODE 11346.5(a)(3)

Sections Affected: Proposed amendments to California Code of Regulations (CCR), title 13, sections 2030 and 2031, including the incorporated by reference test procedure “California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for Motor Vehicles Certified for 1994 and subsequent Model Years and for all Model Year Motor Vehicle Retrofit Systems Certified for Emission Reduction Credit” last amended November 21, 1995 and proposed new test procedure “California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for On-Road Motor Vehicles and Engines,” which would be incorporated by reference in CCR, title 13, sections 2030 and 2031.

Documents Incorporated by Reference:

The following documents are incorporated by reference in the proposed new test procedure “California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for On-Road Motor Vehicles and Engines”:

Code of Federal Regulations (40 CFR), Part 86.1313–2007, dated July 01, 2011.

The American Society for Testing and Materials (ASTM) test method ASTM Test Method Number D1945–03(2010), referenced in 40 CFR, Part 86.1313–2007, dated July 01, 2011.

California Code of Regulations, Title 13 CCR § 2292.6, as amended December 08, 1999.

The following ASTM test methods incorporated by reference in Title 13, CCR, § 2292.6.

- ASTM Test Method Number D 2163–87, Standard Test Method for Analysis of Liquefied Petroleum (LP) Gases and Propene Concentrates by Gas Chromatography
- ASTM Test Method Number D 1267–89, Standard Test Method for Vapor Pressure of Liquefied Petroleum (LP) Gases (LP–Gas Method)
- ASTM Test Method Number D 2598–88, Standard Practice for Calculation of Certain Physical Properties of Liquefied Petroleum (LP) Gases from Compositional Analysis
- ASTM Test Method Number D1837–86, Standard Test Method for Volatility of Liquefied Petroleum (LP) Gases
- ASTM Test Method Number D 2158–89, Standard Test Method for Residues in Liquefied Petroleum (LP) Gases
- ASTM Test Method Number D1838–89, Standard Test Method for Copper Strip Corrosion by Liquefied Petroleum (LP) Gases
- ASTM Test Method Number D 2784–89, Standard Test Method for Sulfur in Liquefied Petroleum Gases (Oxy–Hydrogen Burner or Lamp)
- ASTM Test Method Number D 2713–86, Standard Test Method for Dryness of Propane (Valve Freeze Method)

U.S. Environmental Protection Agency (U.S. EPA) Advisory Circular 17F, dated November 16, 1982, updated January 21, 1988.

U.S. EPA National Vehicle and Fuel Emissions Laboratory guidance letter CD–12–07 (Revised) for Assigned Deterioration Factors, dated March 30, 2012.

ARB test procedure “California 2001 through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 through 2016 Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light–Duty Trucks, and Medium–Duty Vehicles,” as amended December 6, 2012.

ARB test procedure “California Non–Methane Organic Gas Test Procedures,” as amended December 6, 2012.

ARB test procedure “California Exhaust Emission Standards and Test Procedures for 2005 through 2008 Model Zero–Emission Vehicles, and 2001 through 2008 Model Hybrid Electric Vehicles, in the Passenger Car, Light–Duty Truck and Medium–Duty Vehicle Classes,” as amended December 02, 2009, and incorporated by reference in title 13, CCR, § 1962.

ARB test procedure “California Exhaust Emission Standards and Test Procedures for 2009 through 2017 Model Zero–Emission Vehicles and Hybrid Electric

Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes,” as amended December 6, 2012, and incorporated by reference in title 13, CCR, § 1962.1.

ARB test procedure “California Exhaust Emission Standards and Test Procedures for 2018 and Subsequent Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes,” adopted March 22, 2012, as last amended December 6, 2012, and incorporated by reference in title 13, CCR, § 1962.2.

ARB test procedure “California 2001 through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 through 2016 Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as amended December 6, 2012, and incorporated by reference in title 13, CCR, § 1961(d).

ARB test procedure “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as amended December 6, 2012.

ARB test procedure “California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles” adopted August 5, 1999, as last amended March 22, 2012, and incorporated by reference in title 13, CCR, § 1976(c).

ARB test procedure “California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles,” adopted August 5, 1999, as amended March 22, 2012, and incorporated by reference in title 13, CCR, § 1978(b).

ARB test procedure “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles,” as amended April 18, 2013.

ARB certification procedure “California Interim Certification Procedures for 2004 and Subsequent Model Hybrid-Electric Vehicles, in the Urban Bus and Heavy-Duty Vehicle Classes,” adopted October 24, 2002.

The ARB test procedures for determining compliance with standards in title 13, CCR, § 1956.8(c)(1)(A) or (c)(1)(B) are set forth in the “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines,” as amended April 18, 2013.

Background and Effect of the Proposed Rulemaking:

The increased market availability of low priced natural gas has resulted in more interest in converting light-, medium-, and heavy-duty vehicles and engines to operate on compressed natural gas and liquefied petroleum gas. The California Natural Gas Vehicle Coalition and other alternative fuel advocates have requested that ARB update its current regulation governing alternative fuel conversion certification procedures for on-road motor vehicle retrofits, for both new and used vehicles and engines. Specific requests include: simplifying the application and approval process, providing additional time to sell conversions as “new” vehicles or engines, adding flexibility to the alternative fuel certification requirements, and streamlining the testing and demonstration requirements to allow small volume conversion manufacturers to demonstrate compliance in less time and at a lower cost.

Staff believes that providing the additional flexibility requested by industry is warranted, and is therefore proposing to amend the current alternative fuel conversion certification procedures. The proposed amendments would retain testing and demonstration requirements for the most important components of emission control systems and would waive many of the test requirements for small volume conversion manufacturers provided they can demonstrate that their alternate fuel conversion systems do not significantly alter vehicles or engines previously certified in California. The proposed amendments would also provide alternative fuel conversion manufacturers options to demonstrate compliance with requirements, and would expressly specify that approved alternative fuel conversions are effective indefinitely, provided the approved conversion system is not significantly modified from its approved configuration. Finally, the proposed amendments would allow a manufacturer to request and be issued an Executive Order prior to completing the on-board diagnostic (OBD) system demonstrations if the manufacturer is seeking to certify its conversion system to a more stringent vehicle or engine emissions standard. Staff believes that these proposed changes will meet industry requests while preserving emissions benefits.

Objectives and Benefits:

The current requirements for obtaining ARB certification of alternative fuel conversion systems for on-road motor vehicles and motor vehicle engines were last substantively amended in 1995, and consequently do not incorporate the more stringent low emission ve-

hicle standards (LEV II and LEV III) adopted by the Board since 1995.

In addition, the United States Environmental Protection Agency (U.S. EPA) recently finalized regulations for certifying alternative fuel conversion systems in on-road motor vehicles that provide converters streamlined testing and administrative requirements, including providing small volume conversion manufacturers additional flexibility from certain testing requirements.

Staff believes that the proposed amendments to existing regulations will similarly establish streamlined requirements for manufacturers of alternative fuel conversion systems, and that such amendments are needed because current demonstration requirements for certification of alternative fuel conversions are relatively time consuming and costly, which could create barriers for small volume conversion manufacturers to bring their product to market. The aim of the modifications is to reduce costs and time required to bring the conversion systems to market while preserving emissions benefits. The proposed changes will also create a single process for certifying an alternative fuel retrofit system, which would reduce the upfront demonstration requirements and allow systems to be sold sooner than under the current process.

Staff developed the proposed amendments through an extensive public process in less than a year. This included three public workshops and multiple workgroup meetings and teleconference calls with stakeholders. At all workshops and meetings, staff solicited comments from stakeholders and affected industry to develop staff's current proposals.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

COMPARABLE FEDERAL REGULATIONS

The U.S. EPA recently adopted changes to their procedures used to approve vehicles and engines that have been converted to operate on alternative fuels such as natural gas or propane (Clean Alternative Fuel Vehicle and Engine Conversions, 2011).

California has more severe air quality problems than most other states and currently does not meet federal air quality standards. California also has lower emissions standards for light-duty vehicles and will need to ensure that conversions to alternative fuel still achieve the

expected emissions reductions. The newly adopted federal regulations provide a mechanism by which an Alternative Fuel Converter can attain an EPA exemption from the tampering prohibition in the Clean Air Act 2010 (CAA § 203). ARB's proposed changes will provide an additional level of assurance that alternative fuel conversion vehicles will not increase emissions, commensurate with the greater assurance needed of our programs.

Primarily, the federal program does not require small volume manufacturers to: (1) demonstrate durability and (2) demonstrate that once the conversion is conducted the OBD system meets the emission thresholds or malfunction criteria specified in the OBD regulations. For example, the federal program allows the use of a modified new catalyst for OBD demonstration testing whereas ARB requires a laboratory aged catalyst, which is representative of how catalysts deteriorate and malfunction in use.

Additionally, the federal program has less stringent requirements for conversions of older vehicles. For emission compliance, an alternative conversion manufacturer needs to provide emissions test data for vehicles within their useful life and a technical description, supported by test data on request, for vehicles outside their useful life that shows that the base vehicle emissions will be maintained. For in-use vehicles, the federal program only requires the manufacturer to attest that the OBD system is fully functional and provide a report on the OBD scanning tool without demonstrating the system performs as stated.

Full citation of the federal regulation is "Clean Alternative Fuel Vehicle and Engine Conversions." 40 CFR parts 85 and 86 (2011).

Moreover, existing state law requires that ARB certify alternative fuel retrofit systems before they can be sold or installed in motor vehicles and motor vehicle engines.

STATE IMPLEMENTATION PLAN REVISION

If adopted by ARB, ARB plans to submit the proposed regulatory action to U.S. EPA for approval as a revision to the California State Implementation Plan (SIP) required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory ac-

tion, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Proposed Amendments to Alternative Fuel Conversion Certification Procedures.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on August 7, 2013.

Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Agency Contact Persons

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Craig Duehring at (916) 323-2361 or Ms. Sara Dastoum at (916) 323-1696.

The agency representative for nonsubstantive inquiries concerning the proposed administrative action is Ms. Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2013/altfuel2013/altfuel2013.htm>

ARB maintains a website pertaining to the Proposed Amendments to the Alternative Fuel Conversion Certification of New and In-Use Vehicles and Engines, where people can obtain information on activities and workshops, as well as copies of notices, presentations, and other written materials and electronic files: <http://www.arb.ca.gov/msprog/onroad/altfuelcom/altfuelconv.htm>

**DISCLOSURES REGARDING THE
PROPOSED REGULATION**

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Fiscal Impact / Local Mandate

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

Cost Impacts on Representative Private Persons or Businesses

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statement of the Results of the Economic Impact Assessment Prepared Pursuant to Government Code Section 11346.3(b)

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

Benefits of the Proposed Regulation:

The objective of the proposed amendments is to reduce the costs and time required to bring conversion systems to market while preserving emission benefits which may ultimately benefit California's air quality. A summary of these benefits is provided; please refer to "Objectives and Benefits," under the Informative Digest/Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion.

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Effect on Small Business

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

Housing Costs

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

Business Reports

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Alternatives

Before taking final action on the proposed regulatory action, 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 (which includes during preliminary workshop activities), would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Environmental Analysis

In accordance with ARB's certified regulatory program, CCR, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. The environmental analysis of the proposed regulatory action can be found in Chapter V of the ISOR.

**WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS**

Interested members of the public may present comments orally or in writing at the meeting and may provide comments by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on August 12, 2013. To be considered by the Board, written comments not physically submitted at the meeting, must be submitted on or after August 12, 2013 and received no later than 12:00

noon on September 25, 2013, and must be addressed to the following:

Postal mail: Clerk of the Board,
Air Resources Board
1001 I Street,
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

You can sign up online in advance to speak at the Board meeting when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 39515, 39600, 39601, and 43006. This action is proposed to implement, interpret, and make specific sections 2030 and 2031 of the CCR.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulato-

ry text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; o
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

TITLE 16. DENTAL BOARD

NOTICE IS HEREBY GIVEN that the Dental Board of California (Board) 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:

**Department of Consumer Affairs
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, California 95815
Monday, September 23, 2013
10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, September 23, 2013 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614 and 1724 of the Business and Professions Code, to implement, interpret or make specific Section 1724 of the Business and Professions Code, the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board regulates approximately 101,500 licensees; consisting of 45,400 dentists (DDS), 54,500 registered dental assistants (RDA), and 1,600 registered dental assistants in extended functions (RDAEF). In addition, the Board has the responsibility for setting the duties and functions of approximately 50,000 unlicensed dental assistants. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violations of the Dental Practice Act (Act); monitoring licensees whose licenses have been placed on probation; and managing the Diversion Program for licensees whose practice may be impaired due to abuse of dangerous drugs or alcohol.

Existing law, Business and Professions Code Section 1724, authorizes the Board to charge various fees for

dentists licensed by the Board as is necessary for the purpose of carrying out the responsibilities required by the Act. Code Section 1724 also establishes the maximum fee amount the Board may assess its dentist licensees by regulation. The Board's existing initial licensure and biennial renewal fees have been in effect since 1998.

The main purpose of this proposal is to amend Section 1021 of Article 6 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations. This proposal seeks an increase in the fees assessed dentists for initial licensure and biennial licensure renewal.

The Board is proposing the following changes:

- ▶ Amend Section 1021(g) to raise the initial license fee for dentists from \$365 to the statutorily authorized maximum of \$450.
- ▶ Amend Section 1021(h) to raise the biennial license renewal fee for dentists from \$365 to the statutorily authorized maximum of \$450.

As a result of raising the initial licensure fee and the biennial renewal fee, the following fees assessed by the Board will be impacted; this is because these fees are determined by the fee amounts assessed by the Board for initial licensure and biennial renewal as specified in statute:

- ▶ Inactive Licenses;
- ▶ Licenses on Retirement Status;
- ▶ Licenses on Disability Status;
- ▶ Oral and Maxillofacial Surgery (OMS) Permit Renewal Fees; and,
- ▶ Fictitious Name Permit Application Fees

According to its Fund Condition for the Governor's Budget 13-14, the Board is projecting a fund balance deficit of \$2.74 million in Budget Year (BY) 2014-15 as well as an ongoing fund balance deficit thereafter. The Board has worked in consultation with the Department of Consumer Affairs' Budget Office and has determined it is necessary for the Board to increase the initial licensure and biennial renewal fees assessed to its dentist licensees. Pursuant to Code Section 1724, the Board has determined it is necessary to increase these fees to \$450, the maximum amount allowed by statute, to reduce the fund balance deficit beginning BY 2014-15. Averting or delaying an immediate fee increase will cause the Board to become insolvent in BY 2014-15. The Board is proposing to correct a structural imbalance between its revenue and expenditures.

The Board's initial licensure and biennial renewal fees have been in effect since 1998. These fees are utilized by the Board to carry out its responsibilities, including: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violations of the Act; monitoring licensees

whose licenses have been placed on probation; and managing the Diversion Program for licensees whose practice may be impaired due to abuse of dangerous drugs or alcohol. As previously stated, the Board's highest priority is the protection of the public. To provide better public protection, the Board has made enhancements to its enforcement program over the last fifteen years; these enhancements have included increased analytical and investigative staffing to process and investigate consumer complaints in an effective and efficient manner. The proposed fee increases will support the Board's enforcement program so that it may continue to process and investigate consumer complaints efficiently and effectively.

If the Board does not increase the initial licensure and biennial renewal fees for dentists, the Board's operations will suffer and it would become necessary for the Board to reduce expenditures, including the reduction of staffing and reduction of operating resources and equipment. The Board's licensing program would suffer from reductions in staffing and would result in delayed response times to licensing inquiries and application approvals. Such delays would create a barrier to licensure for those applicants graduating dental school and seeking licensure and employment in a timely manner. Students must gain licensure and employment as soon as possible after graduation to begin paying down debt accumulated during school. Additionally, the Board's enforcement program would suffer from reductions in staffing and resources. Such reductions would lead to delays in processing consumer complaints, conducting investigations, and referring egregious cases to the Attorney General's Office for prosecution. Those types of delays ultimately would prevent the Board from being able to protect the public efficiently and effectively.

The Board recognizes that this proposal will not eliminate the projected deficit in its entirety; however, the Board will need to seek authorization via legislative amendment to increase the maximum fees it may assess in order to sustain a positive fund balance. The Board is seeking a legislative solution to resolve this issue and will promulgate an additional regulatory proposal to increase fees in the future once authorized by law.

ANTICIPATED BENEFITS

The proposed fee increase will correct the structural imbalance between the Board's revenue and expenditures and will allow it to maintain its current operating structure to provide consumer protection. The proposed fee increases will support the Board's licensing program so that it may continue to license qualified applicants to provide dental health care services to consumers. Additionally, the proposed fee increase will support

the Board's enforcement program so that it may continue to process and investigate consumer complaints efficiently and effectively in the interest of patient protection within the timelines established by the Department of Consumer Affairs.

CONSISTENCY & COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this regulatory proposal and it is not inconsistent or incompatible with existing state regulations. The Board is the only state entity that regulates the practice of dentistry through a licensure process in the interest of public protection; therefore, the Board is the only entity that assesses a fee for initial licensure and biennial renewal.

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 17500–17630 Require Reimbursement: None.

Business Impact:

The Board has made the initial determination that the proposed regulation would not have a significant, state-wide adverse economic impact directly affecting business, including the inability of California businesses to compete with businesses in other States.

The Board has determined that the following types of businesses may be affected by the proposed fee increase:

- ▶ Businesses owned by dentist licensees of the Board that pay for the licensure and renewal fees of its dentist owners or dentist employees.

Although businesses owned by dentist licensees of the Board and businesses that employ dentist licensees of the Board may be impacted, the Board estimates that the fiscal impact would be minor and absorbable. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore the number or percentage of businesses that may be impacted cannot be predicted. Accordingly, the initial or

ongoing costs for a business owned by a licensee that pays for the licensure and renewal fees of its dentist owners or dentist employees cannot be projected. The proposed fee increase would impact individual dentist licensees. The Board estimates the average salary of a DDS in California is approximately \$150,000 per year.

The Board has not considered proposed alternatives that would lessen any adverse economic impact on businesses and invites you to submit such proposals. Submissions may include the following considerations:

- (A) The establishment of differing compliance or reporting requirements or timetables that 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.

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence which supports this determination.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are:

- ▶ Applicants for Initial Licensure/Licensees Seeking Biennial Renewal:

This proposed fee increase would impact individual DDSs seeking initial licensure from the Board or seeking biennial renewal of their DDS license. The Board estimates that the fiscal impact on these individual dentists would be minor and absorbable. Currently, the Board's initial licensure fee and biennial renewal fee is \$365. The Board is proposing to increase these fees by \$85 to \$450; therefore, candidates for initial DDS licensure would be required to pay an application fee of \$450 and DDS licensees would be required to pay the biennial renewal fee of \$450. The proposed renewal fee increase would equate to an annual increase of \$42.50 in additional licensing fees being paid by a DDS licensee, which reflects an annual increase in the cost of licensure of less than 0.03% of a licensee's annual income. The Board receives approximately 1,000 applications for initial licensure annually; and, approximately 36,000 active licensees renew biennially.

► Inactive Licensees:

A California licensed DDS who does not actively engage in the practice of dentistry may maintain an inactive license in order to maintain licensure in a non-practicing status. Inactive licenses are required to be renewed during the same time period at which an active license is renewed and the renewal fee for a license in an inactive status is required to be the same as the renewal fee for a license in active status; however, those licensees renewing in inactive status are not required to complete the continuing education requirements for renewal.

The Board estimates that the fiscal impact on individuals seeking inactive status would be minor and absorbable. The current biennial renewal fee for inactive status is \$365. The Board's proposed biennial renewal fee increase would effectuate an increase of \$85 for a total of \$450 for the inactive biennial renewal fee. The proposed renewal fee increase would equate to an annual increase of \$42.50 in additional licensing fees being paid by a DDS inactive licensee, which reflects an annual increase in the cost of licensure of less than 0.03% of the licensee's annual income. The Board has approximately 3,750 inactive DDS licensees who continue to pay the biennial renewal fee.

► Licensees on Retirement Status:

The Board may reduce the renewal fee for a licensee who has practiced dentistry for twenty (20) years or more in California, has reached the age of retirement under the federal Social Security Act, and customarily provides his or her services free of charge to any person, organization, or agency. If a licensee meets these requirements, the Board assesses a fee of one-half of the regular renewal fee.

The Board estimates that the fiscal impact on individuals seeking retirement status would be minor and absorbable. The current biennial renewal fee for retirement status is \$182.50 (\$365 biennial renewal fee x 50% = \$182.50). The Board's proposed biennial renewal fee increase would effectuate an increase of \$42.50 for a total of \$225 for the retirement status biennial renewal fee. The proposed renewal fee increase would equate to an annual increase of \$21.25 in additional licensing fees being paid by a DDS retired status licensee, which reflects an annual increase in the cost of licensure of less than 0.01% of the licensee's annual income. The Board has approximately 1,750 DDS licensees on retirement status.

► Licensees on Disability Status:

A DDS licensee who demonstrates that he or she is unable to practice dentistry due to a disability, may request a waiver of 50 percent of the biennial renewal fee.

The Board estimates that the fiscal impact on individuals seeking disability status would be minor and absorbable. The current biennial renewal fee for disability status is \$182.50 (\$365 biennial renewal fee x 50% = \$182.50). The Board's proposed biennial renewal fee increase would effectuate an increase of \$42.50 for a total of \$225 for the disability status biennial renewal fee. The proposed renewal fee increase would equate to an annual increase of \$21.25 in additional licensing fees being paid by a DDS disability status licensee, which reflects an annual increase in the cost of licensure of less than 0.01% of the licensee's annual income. The Board has approximately 110 DDS licensees on a disability status.

► OMS Permit-Holders:

Code Section 1638.3 specifies that the fee to renew an OMS permit shall be the same as the biennial renewal for a dentist license.

The Board estimates that the fiscal impact on individuals seeking renewal of an OMS permit would be minor and absorbable. The current biennial renewal fee for OMS permit-holders is \$365. The Board's proposed biennial renewal fee increase would effectuate an increase of \$85 for a total of \$450 for the OMS permit renewal fee. The proposed renewal fee increase would equate to an annual increase of \$42.50 in additional licensing fees being paid by an OMS permit-holder, which reflects an annual increase of less than 0.03% of the OMS permit-holder's annual income. The Board has 83 active OMS permit-holders.

► Applicants for Fictitious Name Permits:

The initial permit fee for a fictitious name permit is an amount equal to the renewal fee for the applicant's license to practice dentistry. Except that, if the permit will expire less than one year after its issuance, then the initial permit fee is an amount equal to 50 percent of the renewal fee.

The Board estimates that the fiscal impact on individuals applying for an initial fictitious name permit would be minor and absorbable. The current application fee for an initial fictitious name permit is \$365. The Board's proposed biennial renewal fee increase would effectuate an increase of \$85 for a total of \$450 for the application fee for an initial fictitious name permit. The Board

receives approximately 300 applications for fictitious name permits annually that would be required to pay the full biennial renewal fee amount as the application fee.

For those applicants whose permit would expire less than one year after its issuance, the Board estimates that the fiscal impact on individuals applying for an initial fictitious name permit would be minor and absorbable. This current application fee for an initial fictitious name permit fee is \$182.50 (\$365 biennial renewal fee x 50% = \$182.50). The Board's proposed biennial renewal fee increase would effectuate an increase of \$42.50 for a total of \$225 for the application fee for an initial fictitious name applicant whose permit would expire less than one year after issuance. The Board receives approximately 200 applications for fictitious name permits annually. Those applicants would be required to pay 50 percent of the renewal fee amount as the application fee.

California Code of Regulations, Title 16, Section 1021(o) specifies that the Board's renewal fee for the fictitious name permit is \$150. This rulemaking proposal would not impact the current renewal fee for fictitious name permits. Currently, the Board has approximately 5,250 active fictitious name permit-holders that renew on a biennial basis.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses.

Although small businesses owned by dentist licensees of the Board and small businesses that employ dentist licensees of the Board may be impacted, the Board estimates that the fiscal impact would be minor and absorbable. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore the number or percentage of small businesses that may be impacted cannot be predicted. Accordingly, the initial or ongoing costs for a small business owned by a licensee that pays for the licensure and renewal fees of its dentist owners or dentist employees cannot be projected. The proposed fee increase would impact individual dentist licensees.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board 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. This determination was made because the proposed changes, which increase fees by an amount equal to less than 0.03% of a licensee's annual income is not sufficient to create or eliminate jobs or businesses.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state's environment:

The proposed fee increase will correct the structural imbalance between the Board's revenue and expenditures and will allow it to maintain its current operating structure to provide consumer protection. The proposed fee increases will support the Board's licensing program so that it may continue to license qualified applicants to provide dental health care services to consumers. Additionally, the proposed fee increase will support the Board's enforcement program so that it may continue to process and investigate consumer complaints efficiently and effectively in the interest of patient protection within the timelines established by the Department of Consumer Affairs.

This regulatory proposal does not affect worker safety because this proposal is not relative to worker safety.

This regulatory proposal does not affect the state's environment because this proposal is not relevant to the state's environment.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 or by accessing the Board's website at <http://www.dbc.ca.gov/lawsregs/index.shtml>.

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

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

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

CONTACT PERSON

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

Name: Sarah Wallace, Legislative & Regulatory Analyst
Dental Board of California
Address: 2005 Evergreen Street,
Suite 1550
Sacramento, CA 95815
Telephone No.: (916) 263-2187
Fax No.: (916) 263-2140
E-mail Address: Sarah.Wallace@dca.ca.gov

The backup contact person is:

Name: Jennifer Thornburg,
Assistant Executive Officer
Dental Board of California
Address: 2005 Evergreen Street,
Suite 1550
Sacramento, CA 95815
Telephone No.: (916) 263-2300
Fax No.: (916) 263-2140
E-mail Address: Jennifer.Thornburg@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Board's Web site at: <http://www.dbc.ca.gov/lawsregs/index.shtml>

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ANTIPERSPIRANTS AND DEODORANTS REGULATION; CONSUMER PRODUCTS REGULATION; AEROSOL COATING PRODUCTS REGULATION; THE TABLES OF MAXIMUM INCREMENTAL REACTIVITY VALUES; TEST METHOD 310; AND PROPOSED REPEAL OF THE HAIRSPRAY CREDIT PROGRAM

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider amendments to the Regulation for Reducing Volatile Organic Compound Emissions from Antiperspirants and Deodorants; the Regulation for Reducing Emissions from Consumer Products; the Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions; the Tables of Maximum Incremental Reactivity (MIR) Values; and Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products; and to consider repeal of the Hairspray Credit Program.

DATE: September 26, 2013
TIME: 9:00 a.m.
PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., September 26, 2013, and may continue at 8:30 a.m., on September 27, 2013. This item may not be considered until September 27, 2013. Please consult the agenda for the hearing, which will be available at least 10 days before September 26, 2013, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW PURSUANT TO GOVERNMENT CODE 11346.5(a)(3)

Sections Affected: Proposed amendments to title 17, California Code of Regulations (CCR) sections 94501, 94506, 94508, 94509, 94512, 94513, 94515, 94520, 94521, 94522, 94523, 94524, 94525, 94526, 94527, 94528, 94700, and the repeal of sections 94560, 94561, 94562, 94563, 94564, 94565, 94566, 94567, 94568,

94569, 94570, 94571, 94572, 94573, 94574 and 94575; proposed amendments to sections 1, 2, 3, 4, 5, Appendix A, and repeal of Appendix B of Method 310, “Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products (September 29, 2011),” which is incorporated by reference in title 17, CCR, sections 94506, 94515 and 94526.

Documents Incorporated by Reference :

1. Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products (September 29, 2011);
2. The following documents are incorporated by reference in the proposed amendments to Method 310, Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products (September 29, 2011):
 ASTM D1613 — 06 “Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates Used in Paint, Varnish, Lacquer, and Related Products;”
 ASTM D523 — 08 “Standard Test Method for Specular Gloss;” and
 ASTM D5381 — 93(2009) “Standard Guide for X-Ray Fluorescence (XRF) Spectroscopy of Pigments and Extenders.”

Background and Effect of the Proposed Rulemaking:

Background on the Proposed Rulemaking

Section 41712 of the California Health and Safety Code requires ARB to adopt regulations to achieve the maximum feasible reduction in VOC emissions from consumer products (including aerosol coatings). As part of the regulatory process, ARB must determine that adequate data exist for it to adopt the regulations. ARB must also determine that the regulations are technologically and commercially feasible, and necessary to carry out the Board’s responsibilities under Division 26 of the Health and Safety Code. In addition, Health and Safety Code section 41712(c) provides that no regulation shall be adopted which requires the elimination of a product form. The Health and Safety Code further stipulates in section 41712(e) that public health agencies be consulted, and their recommendations be considered, prior to adopting regulations for health benefit products. Section 41712 is primarily directed at attaining State and federal air quality standards.

Pursuant to Health and Safety Code section 41712, ARB has adopted the Regulation for Reducing Volatile Organic Compound Emissions from Antiperspirants and Deodorants (the “Antiperspirants and Deodorants

Regulation,” title 17, CCR, sections 94500–94506.5); the Regulation for Reducing Emissions from Consumer Products (the “Consumer Products Regulation,” title 17, CCR, sections 94507–94517); the Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions (the “Aerosol Coating Products Regulation,” title 17, CCR, sections 94520–94528); the Tables of Maximum Incremental Reactivity (MIR) Values (“Tables of MIR Values,” title 17, CCR sections 94700–94701); the Hairspray Credit Program, title 17, CCR, sections 94560–94575; and the incorporated by reference Method 310, “Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products” (“Method 310”), has been adopted to enforce the above regulations.

The Antiperspirants and Deodorants Regulation sets forth volatile organic compound limits and other requirements for antiperspirant and deodorant products. The regulation was originally approved for adoption on November 8, 1989, and has been amended several times. The most recent amendments were approved for adoption on October 26, 2000.

The Consumer Products Regulation sets forth VOC limits and other requirements for numerous categories of consumer products. For certain categories, the regulation also prohibits use of specific toxic compounds and compounds with high global warming potential (GWP) values. The regulation was originally approved for adoption on October 11, 1990, and has been amended numerous times. The most recent amendments were approved for adoption on October 18, 2012. Among other things the regulation sets forth requirements for “Aerosol Adhesive,” “Multi-purpose Solvent,” and “Paint Thinner” products.

On March 6, 2009, the South Coast Air Quality Management District (SCAQMD) adopted Rule 1143, “Consumer Paint Thinners and Multi-Purpose Solvents” (Rule 1143). As allowed by State law, this rule established requirements specific to “Consumer Paint Thinners” and “Consumer Multi-Purpose Solvents” sold, supplied, offered for sale, or manufactured for sale in the SCAQMD. The categories are defined similarly to those in the Consumer Products Regulation. Rule 1143 has been amended several times, most recently on December 3, 2010.

The Aerosol Coating Products Regulation limits the ozone formation potential (reactivity) of all aerosol coating product emissions. The regulation was originally approved for adoption on March 23, 1995, to establish mass-based VOC limits and other requirements. At a June 22, 2000, hearing reactivity limits, based on the MIR scale, were approved for adoption. The most recent amendments were approved for adoption on November 17, 2006.

The Tables of MIR Values are used to determine reactivity of aerosol coating products. These values were approved for adoption on June 22, 2000, and have been amended twice, most recently on November 3, 2009.

Method 310 was adopted on September 25, 1997, and has been amended numerous times, most recently on November 18, 2010. Method 310 is used to determine compliance with various regulatory requirements, and is incorporated by reference in title 17, CCR sections 94506 (Antiperspirants and Deodorants), 94515 (Consumer Products), and 94526 (Aerosol Coating Products).

The Hairspray Credit Program was approved for adoption on November 13, 1997, and provided an incentive for manufacturers to comply early with the June 1, 1999, 55 percent VOC limit for hairspray products, or for manufacturers to develop products with lower VOC levels than required. Manufacturers were allowed to generate credits through January 1, 2005, and use them through January 1, 2010.

Effect of the Proposed Rulemaking

The proposed rulemaking would require various consumer products to reformulate to reduce VOC or reactivity content to meet specified limits. These reformulations would result in an equivalent VOC emission reduction of about four tons per day. Reducing VOC emissions is an important strategy for reducing ground level ozone concentrations. The proposals would also streamline and clarify various regulatory provisions, improve enforcement, and add analytical procedures. The proposals would also strengthen enforceability of provisions for “Multi-purpose Solvent” and “Paint Thinner” to ensure that all of the expected benefits from ARB’s regulation and the SCAQMD’s Rule 1143 are fully realized.

Public Process

As part of the public process, staff conducted several surveys to obtain the necessary data to inform development of the various regulatory provisions. Summaries of the data were shared with the public. In addition, staff conducted three public workshops and held numerous meetings with individual companies, industry associations, SCAQMD staff, and other stakeholders. The proposal has been developed over the course of about three years.

Objectives of Proposed Amendments:

Objectives of Proposed Amendments to the Antiperspirants and Deodorants Regulation

Staff is proposing to amend the definition of “Volatile Organic Compound” to exclude trans-1,3,3,3-tetrafluoropropene (HFO-1234ze). It is negligibly reactive with respect to forming ozone, and a multimedia im-

pacts assessment determined that no other potential health or environmental impacts would be expected. Another proposal would update the reference to Method 310.

Objectives of Proposed Amendments to the Consumer Products Regulation

Definitions

Staff is proposing to add, modify, reorganize, clarify, or delete numerous definitions in the Consumer Products Regulation. The proposed definitional modifications, among other things, would clarify the types of products included or excluded from various categories, define new categories, and delete expired portions of the definitions. Among the proposed modifications are the following:

- Modifying the “Lubricant” definition to clarify that “Multi-purpose Lubricant” and “Silicone-based Multi-purpose Lubricant” categories do not include lubricants labeled for a single purpose; clarify that any product meeting the definition for “Dry Lubricant” is exempt from the requirements for other lubricant products; and clarify that “Gear, Chain, or Wire Lubricant” does not include lubricants labeled solely for use on chains of chain-driven vehicles;
- Modifying the definitions of “Multi-purpose Solvent” and “Paint Thinner” products to include all product forms; clarifying the types of products that are either included or excluded in the categories; and strengthening the exemption criteria for paint thinners used with “Industrial Maintenance Coatings,” “Zinc-Rich Primers,” or “High Temperature Coatings;”
- Defining “No Rinse Shampoo” and “Thermal Protectant” products and excluding them from the “Hair Styling Product” definition as long as certain criteria are met;
- Defining aerosol “Screen Printing Adhesive;”
- Defining “Single Purpose Cleaner” and “Single Purpose Degreaser” and excluding these products from the definitions of “General Purpose Cleaner” and “General Purpose Degreaser,” respectively;
- Exempting trans-1,3,3,3-tetrafluoropropene (HFO-1234ze) from the definition of “Volatile Organic Compound;” and
- Modifying the definition of “Undercoating” to specify that such products are labeled solely for application to vehicle substrates to prevent rust or deaden sound, and that products making additional claims are “Flexible Coatings” as defined in the Aerosol Coating Products Regulation.

Requirements

The proposed amendments would set lower VOC limits for aerosol “Mist Spray Adhesive” and “Web Spray Adhesive” products. New VOC limits are proposed for aerosol “Screen Printing Adhesive,” and aerosol “Multi-purpose Solvent” and “Paint Thinner” products. Other proposals would establish VOC limits of 25 grams per liter for nonaerosol “Multi-purpose Solvent” and “Paint Thinner” products sold in the SCAQMD and establish analytical procedures to determine VOC content for these products that are consistent with those in the SCAQMD’s rule. The requirements for nonaerosol “Multi-purpose Solvent” and “Paint Thinner” products sold in other areas of the State would be unchanged. However, proposed amendments would specify that VOC content for “Multi-purpose Solvent” and “Paint Thinner” products would be determined prior to any recommended dilution. To address ongoing concerns related to safety and flammability, staff is proposing to extend provisions in section 94512(e) until December 31, 2017.

In addition to VOC limits, the amendments would prohibit the use of methylene chloride, perchloroethylene, and trichloroethylene in “Single Purpose Cleaner,” “Single Purpose Degreaser,” and aerosol forms of “Screen Printing Adhesive,” “Multi-purpose Solvent,” and “Paint Thinner” products. This change is proposed to ensure that as manufacturers reformulate their products to comply with VOC limits they do not begin using these toxic air contaminants. Staff is also proposing to prohibit use of compounds with GWP values of 150 or greater in aerosol forms of “Mist Spray Adhesive,” “Web Spray Adhesive,” “Screen Printing Adhesive,” “Multi-purpose Solvent,” and “Paint Thinner.”

All of these requirements would become effective between January 1, 2015, and January 1, 2017.

To address feasibility, the VOC limit for “Multi-purpose Lubricant” products of 10 percent by weight scheduled to become effective December 31, 2015, would be delayed until December 31, 2018. This proposed change would delay an emission reduction of about 1.3 tons per day for three years. Additionally, reporting requirements in section 94513(f)(2) would be delayed to March 31, 2017.

Test Methods

Staff is proposing changes to the Test Methods section to reproduce staff’s proposed changes to Method 310.

*Objectives of the Proposed Amendments to the Aerosol Coating Products Regulation*Deleting Expired Requirements

Throughout the Aerosol Coating Products Regulation staff is proposing to delete the expired requirements related to VOC limits.

Definitions

Staff is proposing to add, modify, reorganize, clarify, or delete numerous definitions in the Aerosol Coating Products Regulation. The definitional modifications would, among other things, clarify the types of products included or excluded from various categories, define new categories and terms, and delete expired portions of the definitions. Among the proposed modifications are the following:

- Defining “Antimicrobial Compound,” “Coating,” “Extender,” “Flexible Coating,” “Fragrance,” “General Coating,” “Label,” “Pigment,” “Plasticizer,” “Principal Display Panel or Panels,” “Resin,” “Specialty Coating,” “Two-Component Coating,” and “Uniform Finish Coating;”
- Expanding the definition of “Electrical Coating” to include electronic and conformal coating products; and
- Modifying the definitions for “Flat Coating,” “Nonflat Coating,” and “Metallic Coating” to specify that such products making claims to function as both paint and primer are included in these categories.

Requirements

Staff is proposing new or lower reactivity limits for all “General Coating” and a number of “Specialty Coating” categories that would become effective on January 1, 2017. Reactivity limits for other “Specialty Coating” categories with very low emissions would be set as low as possible without requiring reformulation, which would be small and not cost effective. These limits would become effective January 1, 2015.

Staff is proposing to revise the sell-through and product dating provisions to provide consistency with the Consumer Products Regulation.

Staff is proposing modifications to provisions for determining a product’s reactivity content. The amendments would clarify assignment of MIR values, and establish default MIR values to be used when an ingredient is not listed in the Tables of MIR Values.

Exemptions

Staff is proposing to rescind the exemptions for “Electrical Coating” and “Mold Release Coating” products, and specify reactivity limits for these categories. Data show that the exemption is no longer needed.

Test Methods and Compliance Verification

Staff is proposing changes to the Test Methods section to specify the types of data to be reported upon receiving written notice, allow additional time for manufacturers to supply such information, require responsible parties to provide contact information as to whom the written notice is to be sent, and specify that failure to respond to such notice is a violation.

In addition a new table to specify MIR values for various hydrocarbon solvent fractions is proposed. The amendments would also specify that Method 310 results take precedence over manufacturer supplied formulation in such cases where there is a discrepancy.

Objectives of the Proposed Amendments to the Tables of MIR Values

Staff is proposing to amend the “Oxygenated Organics” section of the Tables of MIR Values to reorganize them by chemical class rather than by carbon number.

Objectives of the Proposed Amendments to Test Method 310

Staff is proposing to amend Test Method 310 to improve existing testing procedures and incorporate additional testing procedures to analyze consumer products and aerosol coating products for compliance.

Objectives of the Proposed Repeal of the Hair Spray Credit Program

Staff is proposing to repeal the Hairspray Credit Program in its entirety because its usefulness has expired.

Benefits of Proposed AmendmentsHealth and Welfare of California Residents:

The overall benefit of these proposed amendments is to provide an equivalent VOC emission reduction of just over four tons per day. Reducing VOC emissions and lowering the ozone-forming potential of VOCs would improve air quality. This is because VOCs are ozone precursors. Emission reductions from consumer products (including aerosol coatings) is an important part of ARB’s strategy toward attaining the ambient air quality standards.

In several categories, the proposed amendments would also prohibit use of compounds with higher GWPs and certain air toxic compounds. These proposals would ensure that the public is not exposed to these air toxic compounds and that greenhouse gas emissions from use of various products do not increase.

The provisions related to “Multi-purpose Solvent” and “Paint Thinner” products would ensure that the

emission reductions predicted would be fully realized. The numerous proposed clarifications will help stakeholders better understand how to comply and improve enforceability. All of these proposals provide further protection of the public’s health.

State’s Environment:

Staff has concluded that the proposed amendments would not have a significant adverse impact on the following resource areas: aesthetics; agricultural and forestry resources; biological resources; cultural resources; geology and soils; hazardous materials; hydrology and water quality; land use planning; mineral resources; noise; population and housing; public services; or recreation. These areas would not be impacted because compliance with the proposed amendments to the regulations would not require any action that could affect these resources, either directly or indirectly.

No discussion of alternatives or mitigation measures is necessary because no significant adverse environmental impacts were identified.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

COMPARABLE FEDERAL REGULATIONS

The United States Environmental Protection Agency (U.S. EPA) has promulgated a national consumer products rule under section 183(e) of the federal Clean Air Act (CAA) (40 CFR Part 59, subpart C, sections 59.201 *et seq.*). The rule specifies VOC limits for a number of consumer product categories and is similar in format to ARB’s Consumer Products Regulation.

Although the national regulation is similar in many aspects to the California regulation, it does not include a number of product categories that are currently regulated under the ARB regulation. For the categories that are regulated under both rules, many of ARB’s limits are more stringent than the U.S. EPA’s limits. Because California has unique air quality problems, reducing VOC emissions from all categories, including consumer products, to the maximum extent feasible is necessary to attain the federal and State ambient air quality standards for ozone.

The U.S. EPA’s rule also differs in that it applies nationwide to consumer product manufacturers, importers and distributors (but not retailers), while the ARB regulation applies to any person (including retailers) who “sells, supplies, offers for sale, or manufactures

consumer products for use in the State of California.” Finally, the U.S. EPA’s rule has an unlimited “sell-through” period for noncomplying products manufactured before the effective date of the limits, whereas California law limits the sell-through period to three years.

U.S. EPA’s consumer products rule does not prohibit the use of certain toxic air contaminants and there is no comparable federal regulation related to reducing greenhouse gas emissions from consumer products.

On March 24, 2008, U.S. EPA set national VOC emission standards for aerosol spray paints (aerosol coatings), (40 CFR Part 59, subpart E, National Volatile Organic Compound Emission Standards for Aerosol Coatings). This national regulation, modeled after ARB’s Regulation for Reducing the Ozone Formed from Aerosol Coating Product Emissions, established a uniform reactivity-based standard for aerosol spray paints. On December 24, 2008, U.S. EPA published amendments to the rule to move the applicability and initial compliance dates for aerosol coatings from January 1, 2009, to July 1, 2009. The reactivity standards and product categories in the national rule mirror ARB’s current aerosol coatings regulation, however, the national rule does not prohibit the use of certain toxic air contaminants.

STATE IMPLEMENTATION PLAN REVISION

If adopted by ARB, ARB plans to submit the proposed regulatory action to U.S. EPA for approval as a revision to the California State Implementation Plan (SIP) required by the CAA. The adopted regulatory action would be submitted as a SIP revision because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for Rulemaking, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Proposed Amendments to the Antiperspirants and Deodorants Regulation, the Consumer Products Regulation, the Aerosol Coating Products Regulation, the Tables of MIR Values, Test Method 310, and Proposed Repeal of the Hairspray Credit Program.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB’s website listed below, or may

be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322–2990, on August 7, 2013.

Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB’s website listed below.

Agency Contact Persons

Inquiries concerning the substance of the proposed amendments to the regulations may be directed to the designated agency contact persons, Mr. Jose Gomez, Manager, Technical Development Section, at (916) 324–8033, or Ms. Judy Yee, Manager, Implementation Section, at (916) 322–9148.

The agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Ms. Trini Balcazar, Regulations Coordinator, (916) 445–9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB’s website for this rulemaking at <http://www.arb.ca.gov/regact/2013/cp2013/cp2013.htm>.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The determinations of the Board’s Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Fiscal Impact/Local Mandate

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs to State Agencies or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete

The Executive Officer has made an initial determination that the proposed regulatory action would not have

a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

Cost Impacts on Representative Private Persons or Businesses

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. As explained in the ISOR, the proposed amendments will have a cost impact on some individual businesses, but ARB is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Staff has estimated that the overall cost to comply with the proposed amendments is about \$5.3 million dollars per year for five years, or a total of \$26.5 million. Initial representative costs for aerosol coatings and consumer products manufacturers are estimated to be about \$198,000 and \$34,600, respectively. Ongoing costs are estimated to be about \$420 and \$6,200 for consumer products and aerosol coatings manufacturers, respectively. If all assumed compliance costs are passed on to the consumer, without consideration of typical retail mark-up, we estimate the annual cost to a consumer to be about \$0.12 to purchase an aerosol adhesive, Multi-purpose Solvent, or Paint Thinner, and about a \$1.60, to purchase aerosol coatings.

Statement of the Results of the Economic Impact Assessment Prepared Pursuant to Government Code Section 11346.3(b)

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

Benefits of the Proposed Regulation:

A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in Chapter VII of the ISOR. The overall benefit of the proposed amendments is to reduce VOC emissions, which in turn improves air quality. The cost-effectiveness of the proposed amendments is estimated to be \$1.82 per pound of VOC reduced. This is comparable to other consumer products rulemakings.

The benefits are further described in the “Benefits of Proposed Amendments” section on page 7 of this notice.

Effect on Small Business

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. Staff has estimated that 65 of the 134 business impacted by these proposed amendments are small businesses. Staff has also estimated that initial costs for a small business are \$11,500 and \$16,500 for consumer products and aerosol coatings manufacturers, respectively. Ongoing costs are estimated to be \$140 and \$520, for consumer products and aerosol coatings manufacturers, respectively.

Housing Costs

The Executive Officer has also made the initial determination that the proposed regulatory action would not have a significant effect on housing costs.

Business Reports

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Alternatives

Before taking final action on the proposed regulatory action, 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Environmental Analysis

In accordance with ARB’s certified regulatory program, California Code of Regulations, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. ARB staff has determined that implementing the proposed amendments would result in a beneficial impact in that air quality would be improved. No significant adverse impacts were identified. The environmental analysis of the proposed regulatory action can be found in Chapter V of the ISOR.

WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the meeting and may provide comments by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on August 12, 2013. To be considered by the Board, written comments not physically submitted at the meeting, must be submitted on or after August 12, 2013, and received no later than 12:00 noon on September 25, 2013, and must be addressed to the following:

Postal mail: Clerk of the Board,
Air Resources Board
1001 I Street,
Sacramento, California 95814
Electronic submittal: [http://www.arb.ca.gov/
lispub/comm/bclist.php](http://www.arb.ca.gov/lispub/comm/bclist.php)

You can sign up online in advance to speak at the Board meeting when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38501, 38510, 38560, 38560.5, 38562, 38580, 39600, 39601, 39602, 39607, 41511, and 41712. This action is proposed to implement, interpret, and make specific sections 38501, 38510, 38560, 38560.5, 38562, 38580, 39002, 39600, 39601, 39607, 40000, 41511, and 41712 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act,

Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia
- Documentos disponibles en un formato alterno u otro idioma
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2013-0627-02
AIR RESOURCES BOARD
On-Board Diagnostic System Requirements

This regulatory action modifies the monitoring and performance requirements of On Board Diagnostic (OBD) II systems in diesel fueled medium-duty vehicles, the monitoring and performance requirements of heavy-duty OBD systems, and the enforcement provisions applicable to both systems.

Title 13
California Code of Regulations
AMEND: 1968.2, 1968.5, 1971.1, 1971.5
Filed 07/31/2013
Effective 07/31/2013
Agency Contact: Amy Whiting (916) 322-6533

File# 2013-0617-05
BOARD OF CHIROPRACTIC EXAMINERS
Name of Corporation

This regulatory action by the Board of Chiropractic Examiners (Board) repeals section 367.7 of title 16 of the California Code of Regulations. The Board determined that the restrictions on names for chiropractic corporations imposed by this section serve no practical purpose, and that the requirements set forth in Business and Professions Code section 1054 are sufficient.

Title 16
California Code of Regulations
REPEAL: 367.7
Filed 07/30/2013
Effective 10/01/2013
Agency Contact: Dixie Van Allen (916) 263-5355

File# 2013-0617-03
BOARD OF EQUALIZATION
Change in Ownership — Joint Tenancies

The California State Board of Equalization in this rulemaking amends title 18, section 462.040 of the California Code of Regulations. This amendment makes the regulation consistent with current law, which provides that the transfer of a joint tenancy interest to a trust severs the joint tenancy. The amendment clarifies that all transferor(s) must be among the joint tenants for the transfer to be excluded from change in ownership. The amendments also clarify that the elimination of a joint tenant does not create "original transferor" status in any of the remaining joint tenants. This amendment also updates the regulation to include transfers between registered domestic partners.

Title 18
California Code of Regulations
AMEND: 462.040
Filed 07/24/2013
Effective 10/01/2013
Agency Contact:
Richard E. Bennion (916) 445-2130

File# 2013-0612-02
CALIFORNIA DEBT LIMIT ALLOCATION
COMMITTEE
QRRP Program Changes

This change without regulatory effect by the California Debt Limit Allocation Committee amends four addendums to forms. In June 2013, the California Debt Limit Allocation Committee amended sections of Title 4 relating an allocation system to administer the state unified volume ceiling. The current changes will bring the forms into conformity with current statutes and regulations.

Title 4
California Code of Regulations
AMEND: 5170, 5190, 5205, 5212, 5230, 5250
Filed 07/25/2013
Agency Contact: Leslie J. Campaz (916) 653-8018

File# 2013-0716-02
CALIFORNIA GAMBLING CONTROL
COMMISSION
State Dept. of Alcohol and Drug Programs & Gambling
Addiction Program Fee

This change without a regulatory effect makes the administration of the Gambling Addiction Program Fund consistent with AB 75 (Committee on Budget, Chapter 22, Statutes of 2013).

Title 4
California Code of Regulations
AMEND: 12357, 12463, 12464
Filed 07/31/2013
Agency Contact: James Allen (916) 263-4024

File# 2013-0718-01
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Inmate Religious Property

This is the re-adoption of emergency regulations by the Department of Corrections and Rehabilitation. The emergency rulemaking amended sections of Title 15, to provide for a Religious Property Matrix, which is a standardized list of allowable religious personal property items that an inmate may possess.

Title 15
California Code of Regulations
AMEND: 3000, 3190, 3213, 3334
Filed 07/29/2013
Effective 07/29/2013
Agency Contact: Sarah Pollock (916) 445-2266

File# 2013-0703-01
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Revision and Removal of Picture of Form CDC 104

The California Department of Corrections and Rehabilitation (CDCR) amended section 3075 of title 15 of the California Code of Regulations (CCR) as a change without regulatory effect to remove the form entitled "Property and Cash Receipts-Arrival", CDCR Form 104, currently printed in title 15 of the CCR following section 3075, and instead incorporate the form, with an updated format, by reference.

Title 15
California Code of Regulations
AMEND: 3075
Filed 07/30/2013
Agency Contact: Trilochan Oberoi (916) 445-2227

File# 2013-0729-02
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action adds approximately 178 square miles in Tulare County to the quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*). The effect of the amendment provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, San Bernardino, San Diego, Santa Barbara, Riverside and Ventura, totaling approximately 45,616 square miles.

Title 3
California Code of Regulations
AMEND: 3435(b)
Filed 07/30/2013
Effective 07/30/2013
Agency Contact: Lindsay Rains (916) 654-1017

File# 2013-0621-07
DEPARTMENT OF INSURANCE
Annual Low-Cost Rate Application Submission

This action amends Title 10, section 2498.6, by updating the "Exhibit E Private Passenger Automobile Liability Rates" by county. The updated rates show an overall decrease of 2.8% for 2013. This action is a file/print rulemaking exempt from OAL review per the APA "rates, prices, or tariffs" exemption contained in GC section 11340.9(g).

Title 10
California Code of Regulations
AMEND: 2498.6
Filed 07/31/2013
Effective 07/31/2013
Agency Contact: Mike Riordan (415) 538-4226

File# 2013-0715-01
NEW MOTOR VEHICLE BOARD
Conflict of Interest Code (Approved for FPPC for Filing)

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

Title 13
California Code of Regulations
AMEND: 599
Filed 07/24/2013
Effective 08/23/2013
Agency Contact:
Mr. Dana F. Winterrowd (916) 445-1888

File# 2013-0611-01
PHYSICAL THERAPY BOARD OF CALIFORNIA
Notice to Consumers

This rulemaking action by the Physical Therapy Board of California (Board) adds section 1398.15 to title 16 of the California Code of Regulations. This new section requires licensed physical therapists and physical therapist assistants to provide notice of licensure and other Board information to patients.

Title 16
 California Code of Regulations
 ADOPT: 1398.15
 Filed 07/24/2013
 Effective 10/01/2013
 Agency Contact: Sarah Conley (916) 561-8210

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN March 6, 2013 TO
 July 31, 2013**

File# 2013-0627-01
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
 Risk Adjustment for Healthcare Premiums

The California Public Employees' Retirement System (CalPERS) is amending two regulations in Title 2 of the California Code of Regulations. The purpose of this rulemaking is to define "risk adjustment," "risk assessment," and "risk adjusted premium." The regulations also explain the CalPERS risk adjustment procedures.

Title 2
 California Code of Regulations
 AMEND: 599.500, 599.508
 Filed 07/24/2013
 Effective 07/24/2013
 Agency Contact: Anthony Martin (916) 795-9347

File# 2013-0613-02
STATE WATER RESOURCES CONTROL BOARD
 San Diego Creek, Upper Newport Bay and Lower Newport Bay OCs TMDLs

This regulatory action by the State Water Resources Control Board (Board) amends the Water Quality Control Plan for the Santa Ana Region as adopted by the Santa Ana Regional Water Resources Control Board (Regional Board) on July 15, 2011, pursuant to Resolution No. R8-2011-0037 and approved by the Board on October 16, 2012, pursuant to Resolution No. 2012-0051. This basin plan amendment establishes a Total Maximum Daily Load (TMDL) for 1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane (DDT) and toxaphene in San Diego Creek and its tributaries; DDT, and polychlorinated biphenyls (PCBs) in Upper Newport Bay; and chlordane, DDT, and PCBs in Lower Newport Bay. This basin plan amendment also establishes informational TMDLs for chlordane and PCBs for San Diego Creek and its tributaries.

Title 23
 California Code of Regulations
 ADOPT: 3979.6
 Filed 07/26/2013
 Effective 07/26/2013
 Agency Contact: Wanda Cross (916) 782-4468

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

- Title 2**
- 07/24/13 AMEND: 599.500, 599.508
 - 07/24/13 AMEND: 599.500, 599.508
 - 07/23/13 AMEND: 35101
 - 06/25/13 ADOPT: 1859.97 AMEND: 1859.2, Form SAB 50-02, 1859.90.2
 - 06/24/13 AMEND: 18247.5, 18413, 18427.1
 - 06/03/13 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
 - 05/16/13 ADOPT: 59740
 - 05/15/13 AMEND: 599.500, 599.501, 599.502, 599.508
 - 04/16/13 AMEND: 23000
 - 04/12/13 ADOPT: 51.4, 52.11, 56.5, 58.12, 58.13, 61 AMEND: 51.2, 51.6, 52.1, 52.4, 52.8, 53.2, 53.3, 54.1, 55.2, 56.3, 56.4, 57.1, 58.2, 59.1, 59.3, 60.1, 60.3
 - 03/29/13 REPEAL: 26100
 - 03/26/13 ADOPT: 20202, 20203, 20208, 20212, 20217, 20220.5, 20249.5 AMEND: 20200, 20201, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20215, 20216, 20220, 20221, 20222, 20223, 20224, 20225, 20226, 20227, 20230, 20235, 20236, 20245, 20247, 20249, 20250, 20251, 20252, 20253, 20254, 20255, 20256, 20257, 20258, 20259, 20260, 20261, 20262, 20265, 20266, 20267 REPEAL: 20237, 20238
 - 03/25/13 ADOPT: 1859.90.3 AMEND: 1859.2, 1859.51, 1859.61, 1859.90.2, 1859.90.4, 1859.104, 1859.164.2, 1859.184.1
 - 03/20/13 AMEND: 1897
 - 03/12/13 AMEND: 1859.2, 1859.77.3
 - 03/11/13 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95

Title 3
 07/30/13 AMEND: 3435(b)

CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 32-Z

07/11/13 AMEND: 3591.12(a)
07/08/13 AMEND: 1701, 1701.1, 1701.2, 1702,
1703.2, 1703.3 REPEAL: 1703.4, 1703.5
07/02/13 AMEND: 1310
06/26/13 AMEND: 2751(b)
06/19/13 AMEND: 3435(b)
06/19/13 AMEND: 3435(b)
05/23/13 ADOPT: 6558, 6577, 6880, 6884, 6886
AMEND: 6452, 6452.2, 6452.4
(renumbered to 6881), 6890 (renumbered
to 6864)
05/22/13 AMEND: 3434(b)
05/20/13 AMEND: 3434(b)
05/06/13 ADOPT: 1350 AMEND: 1354
04/16/13 AMEND: 3435(b)
04/04/13 AMEND: 3435(b)
04/02/13 AMEND: 3435(b)

Title 4

07/31/13 AMEND: 12357, 12463, 12464
07/25/13 AMEND: 5170, 5190, 5205, 5212, 5230,
5250
07/22/13 AMEND: 8072
07/22/13 AMEND: 10322, 10325, 10326
07/08/13 ADOPT: 5342, 5343, 5344, 5345, 5346,
5347, 5348
06/03/13 AMEND: 12101, 12120, 12122, 12126,
12130, 12132, 12140, 12142, 12200,
12200.3, 12200.5, 12200.6, 12200.10B,
12200.14, 12200.20, 12202, 12203,
12203A, 12203.2, 12203.3, 12205.1,
12218, 12218.7, 12218.8, 12218.9,
12220, 12220.3, 12220.5, 12220.6,
12220.14, 12220.20, 12222, 12223,
12225.1, 12233, 12235, 12238, 12239,
12301, 12301.1, 12302, 12303, 12304,
12305, 12309, 12310, 12342, 12345,
12349, 12350, 12351, 12352, 12354,
12357, 12358, 12359, 12370, 12372,
12401, 12402, 12403, 12404, 12464,
12480, 12492, 12496, 12500, 12503,
12505, 12508, 12591
06/03/13 AMEND: 5170, 5190, 5205, 5212, 5230,
5250
05/23/13 ADOPT: 12364 AMEND: 12004
05/22/13 ADOPT: 10050, 10051, 10052, 10053,
10054, 10055, 10056, 10057, 10058,
10059, 10060
05/16/13 AMEND: 10192, 10193, 10194, 10195,
10196, 10197, 10198
05/16/13 ADOPT: 5255, 5256 AMEND: 5170,
5230, 5250, 5560, 5580
05/03/13 AMEND: 1843.2
05/02/13 AMEND: 1658
04/23/13 AMEND: 8035(e)

04/08/13 ADOPT: 8035.5
04/02/13 AMEND: 10032, 10033, 10034, 10035
03/21/13 AMEND: 10178, 10179, 10181, 10182,
10185, 10188
03/20/13 AMEND: 1462
03/19/13 AMEND: 10302, 10315, 10322, 10323,
10325, 10326, 10327, 10337
03/12/13 AMEND: 5000, 5052

Title 5

07/10/13 AMEND: 80021.1, 80023, 80023.1,
80023.2, 80025.5 REPEAL: 80024.1,
80024.2, 80024.2.1, 80024.3.2, 80024.4,
80024.5
06/12/13 ADOPT: 19847 AMEND: 19816,
19816.1, 19818, 19824, 19829, 19837.3
06/05/13 AMEND: 19816, 19816.1, 19839
05/23/13 ADOPT: 30000.5, 30010, 30040,
30040.2, 30040.6, 30041, 30041.5,
30042, 30042.5, 30044.5 AMEND:
30000, 30001, 30002, 30005, 30009,
30020, 30021, 30022, 30030, 30032,
30033
05/14/13 ADOPT: 30737, 30738 AMEND: 30730,
30731, 30733, 30734, 30736
05/01/13 AMEND: 80054
04/03/13 ADOPT: 41906.6
03/13/13 AMEND: 20135, 20136, 20140
REPEAL: 20145, 20300, 20301, 20302,
20303, 20304, 20305, 20306, 20307,
20308, 20309, 20310, 20311, 20312,
20313, 20314, 20315, 20316, 20317,
20318, 20319, 20320, 20321, 20322,
20323, 20324, 20325, 20326, 20327,
20328, 20329, 20330, 20331, 20332

Title 8

07/23/13 AMEND: 1933, 5541, 5543, 5559, 5600,
6170
07/02/13 AMEND: 3329
07/01/13 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6,
9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10,
9792.5.11, 9792.5.12, 9792.5.13,
9792.5.14, 9792.5.15.
AMEND: 9792.5.1., 9792.5.3, 9793,
9794, 9795
07/01/13 AMEND: 5197
07/01/13 AMEND: 9795.1, 9795.3
07/01/13 ADOPT: 9785.5, 9792.6.1, 9792.9.1,
9792.10.1, 9792.10.2, 9792.10.3,
9792.10.4, 9792.10.5, 9792.10.6,
9792.10.7, 9792.10.8, 9792.10.9
AMEND: 9785, 9792.6, 9792.9,
9792.10, 9792.12

07/01/13	ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 14, 17, 30, 31.2, 31.7, 33, 35, 35.5, 36, 38, 100, 105, 106, 10160	7302, 7310, 7312, 7320, 7321, 7322, 7330, 7332
06/26/13	ADOPT: 10133.31, 10133.32, 10133.33, 10133.34, 10133.35, 10133.36 AMEND: 9813.1, 10116.9, 10117, 10118, 10133.53, 10133.55, 10133.57, 10133.58, 10133.60 REPEAL: 10133.51, 10133.52	03/13/13 AMEND: 7071.2, 7017.5, 7021, 7051, 7053
06/26/13	ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208 AMEND: 10205, 10205.12	
06/24/13	AMEND: 8352	
05/30/13	AMEND: 4994	
05/08/13	AMEND: 5004(d)(2)	
05/07/13	AMEND: 17000 Appendix	
05/06/13	AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, 5194, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5217, 5218, 5220, 8358, 8359	
04/24/13	AMEND: 2940.8	
04/15/13	AMEND: 354, 371.2, 373, 376.1, 386	
03/29/13	AMEND: 9789.31, 9789.34, 9789.35, 9789.39	
03/18/13	ADOPT: 32056, 32121, 32998, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080 AMEND: 32150, 32155, 32300, 32305, 32310, 32315, 32320, 32350, 32360, 32370, 32375, 32380, 32410 REPEAL: 15800, 15805, 15810, 15815, 15820, 15825, 15830, 15835, 15840, 15845, 15850, 15855, 15860, 15865, 15870, 15875, 15875.1, 17300	
03/18/13	ADOPT: 32091, 61215, 61255, 61275 AMEND: 32132, 32135, 32140, 32147, 32169, 32305, 32320, 32450, 32455, 32615, 32620, 32661, 32798, 61090, 61210, 61220, 61240, 61250, 61260, 61270 REPEAL: 32613, 32810, 32811, 32812, 32813	
03/18/13	AMEND: 344, 344.1	
03/14/13	AMEND: 3381	
03/13/13	AMEND: 9789.23, 9789.24, 9789.25	
Title 9		
06/06/13	ADOPT: 14200, 14210, 14220, 14230, 14240	
05/09/13	AMEND: 7156, 7158.8, 7159, 7160, 7160.5, 7161.5, 7162, 7163, 7211, 7263,	
		07/31/13 AMEND: 2498.6
		07/17/13 AMEND: 2498.5
		07/16/13 AMEND: 2498.6
		07/15/13 ADOPT: 6650, 6652, 6654, 6658, 6660, 6662, 6664, 6666, 6668, 6670
		07/10/13 ADOPT: 6410, 6420, 6422, 6424, 6440, 6442, 6444
		07/03/13 AMEND: 2548.3, 2548.19, 2548.21, 2548.24, 2548.25
		06/27/13 ADOPT: 6456
		06/25/13 AMEND: 2698.401
		06/13/13 ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4, 2594.5, 2594.6, 2594.7
		05/20/13 AMEND: 2698.95(a)
		05/13/13 AMEND: 2632.19
		03/29/13 REPEAL: 2690.65
		03/29/13 REPEAL: 2690.5
		03/29/13 REPEAL: 2690.6
		03/29/13 REPEAL: 2690.4
		03/29/13 ADOPT: 6426
		03/29/13 ADOPT: 6446
		03/13/13 AMEND: 2318.6, 2353.1, 2354
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		07/08/13 AMEND: 1005, 1007, 1008
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		07/31/13 AMEND: 1968.2, 1968.5, 1971.1, 1971.5
		07/24/13 AMEND: 599
		05/07/13 ADOPT: 426.00
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		07/22/13 ADOPT: 18751.2.2, 18751.2.3 AMEND: 18751.2, 18751.2.1
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		06/25/13 AMEND: 354, 360, 361, 362, 363, 364, 708.9
		06/19/13 AMEND: 816.01(c)(3), 826.01(c)(2), 870.21(d)
		06/17/13 AMEND: 7.50
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