



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: California Earthquake Authority
California Department of Motor Vehicles

ADOPTION

STATE AGENCY: Board of State and Community Corrections

A written comment period has been established commencing on **August 30, 2013** and closing on **October 14, 2013**. Written comments should be directed to the Fair Political Practices Commission, Attention Barbara Smith, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **October 14, 2013**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

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

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

NOTICE OF PROPOSAL TO ADD RULE 1927.1.
TAMPERING WITH SMOKE
DETECTORS PROHIBITED

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

PROPOSED REGULATORY ACTION

The proposed addition of Rule 1927.1 was first noticed to the public on August 3, 2012, but was withdrawn due to Office of Administrative Law (OAL) concerns regarding the proposed text. A modified regulation was subsequently noticed for a 15-day public comment period on July 1, 2013 and adopted by the Board at its July 18, 2013 Regular Meeting. Due to an administrative error, the deadline for resubmitting the file to OAL was missed. The Administrative Procedures Act does not allow the OAL to extend the period in which the rulemaking file may be resubmitted; therefore, the Board is providing a 45-day public notice of the addition of Rule 1927.1. The proposed text is identical to the text previously noticed for a 15-day public comment period. There have been no changes to the text of the regulation.

Rule 1927.1, Tampering With Smoke Detectors Prohibited, is divided into two subsections. Subsection 1927.1 (a) states the primary violation of tampering with smoke detectors and the associated fines. The fine amounts are defined as specific amounts in increasing steps dependent upon the number of times subsection (a) of the proposed rule is violated within a 365-day period; \$25 for the first offense within 365 days, \$50 for the second within 365 days, \$75 for the third within 365 days, \$100 for the fourth for more offense within 365 days. Subsection (b) covers the culpability of the trainers who are responsible for the employees that violate

subsection (a). The fine maximums for violations of subsection 1927.1 (b) are also specific amounts in increasing steps dependent on the number of violations within a 365-day period; \$100 for the second offense within a 365-day period, \$200 for the third offense within a 365-day period, \$300 for the fourth offense within a 365-day period, and \$500 for the fifth or more offense within a 365-day period. The fines in subsection (b) are more than the fines in subsection (a) because the trainers' level of responsibility and their income are both greater than that of their employees.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, October 24, 2013**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on October 14, 2013**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Leeland Turner, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6026
Fax: (916) 263-6022
E-Mail: lturner@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440 and 19460, Business and Professions Code. Reference: Sections 19440 and 19481, Business and Professions Code.

Business and Professions Code sections 19420, 19440 and 19460 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19440 and 19481, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 states that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering, and administration and enforcement of all laws, rules and regulations affecting horse racing and pari-mutuel wagering. Business and Professions Code section 19460 provides that all licenses granted under this chapter are subject to all rules, regulations and conditions from time to time prescribed by the Board. Business and Professions Code section 19481 states that in performing its duties the Board shall establish safety standards governing track facilities in order to improve the safety of horses, riders and workers at the racetrack. Board Rule 1927, Fire Prevention, states association shall make adequate provision for fire prevention, protection against fire, and fire suppression within the inclosure. A reasonable standard of fire safety shall require that each building, barn or structure which is used by an association for the stabling of horses or human habitation, be equipped with an automatic sprinkler system and an automatic fire alarm system.

The Board proposes to add Rule 1927.1, Tampering With Smoke Detectors Prohibited. Subsection 1927.1 (a) states the primary violation of tampering with smoke detectors and the associated fines. The fine is defined as amounts in increasing steps dependent upon the number of times subsection (a) of the proposed rule is violated within a 365-day period; \$25 for the first offense within 365 days, \$50 for the second within 365 days, \$75 for the third within 365 days, \$100 for the fourth or more offense within 365 days. This subsection is necessary because fire safety is a continuing issue within the enclosure. The Board requires that racing associations install and maintain sprinkler systems and fire alarms. Racing associations are also required to undergo annual fire inspections, and periodic safety inspections. The disabling of smoke detectors is a problem that occurs especially in habitable rooms used for sleeping. Under Rule 2103, Habitable Rooms, such rooms are required to be provided with battery-operated smoke detectors that are maintained in work-

ing order, or any other approved fire alarm system. Occupants may wish to smoke where it is otherwise prohibited, or to cook on portable hot plates. To enable such activities, the smoke detectors may be disabled. Subsection (b) covers the culpability of the trainers who are responsible for the employees that violate subsection (a). The fine for violation of subsection 1927.1 (b) is also defined as amounts in increasing steps dependent on the number of violations within a 365-day period; \$100 for the second offense within a 365-day period, \$200 for the third offense within a 365-day period, \$300 for the fourth offense within a 365-day period, and \$500 for the fifth or more offense within a 365-day period. The Board has determined subsection 1927.1(b) is necessary in order to encourage trainers to pay attention to what their employees may be doing with fire safety equipment, as there are currently no repercussions for trainers whose employees routinely disable fire alarms. The Board believes that these fines, while not excessive, are enough to help deter and prevent future incidents.

POLICY STATEMENT OVERVIEW OF
ANTICIPATED BENEFITS OF PROPOSAL

The proposed addition of Rule 1927.1 promotes the protection of worker, public, and equine safety. The regulation prohibits individuals from tampering with, dismantling, or disabling any automatic fire alarm system or smoke detector at facilities under the Board's jurisdiction or a fine will be imposed. Prohibiting such actions will aid in fire safety for workers and any horses located on the grounds of a California horse racing facility. Race horses are very valuable and their health and safety is of great importance to the industry. Also, if there is a race meeting or other event occurring at a facility, the rule protects the public attending by decreasing the chances of them being exposed to a fire. If individuals are following good fire safety practices on the grounds of the facilities, the chances of a fire is reduced, which in turn provides a feeling of safety in workers and the public. If individuals believe the horse racing facilities to be a safe environment, there could be an increase in attendance at the horse racing events. An increase in attendance may result in increased wagering, which in turn has a positive economic impact on the industry.

Consistency with Existing State Regulations: During the process of developing these regulations and amendments, The California Horse Racing Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

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

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

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

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

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

The Board has made an initial determination that the proposed addition of Rule 1927.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

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

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

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 1927.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed addition of Rule 1927.1 will benefit California by promoting the protection of worker, public, and equine safety. The regulation prohibits individuals from tampering with, dismantling, or disabling any automatic fire alarm system or smoke detector at facilities under the Board's jurisdiction or a fine will be imposed. Prohibiting such actions will aid in fire safety for workers and any horses located on the grounds of a California horse racing facility. Race horses are very valuable and their health and safety is of great importance to the industry. Also, if there is a race meeting or other event occurring at a facility, the rule protects the public attending by decreasing the chances of them being exposed to a fire. If individuals are following good fire safety practices on the grounds of the facilities, the chances of a fire is reduced, which in turn provides a feeling of safety in workers and the public.

Effect on small businesses: none. The proposal to add Rule 1927.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

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

Leeland Turner, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6026
E-mail: lturner@chrb.ca.gov

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

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

AVAILABILITY OF INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Leeland Turner, or the alter-

native contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has

set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **October 17, 2013**, at 10:00 a.m. in the Auditorium of the State Resources Building, 1416 9th Street, Sacramento, California.

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

PUBLIC HEARING: On **October 17, 2013**, at 10:00 a.m. in the Auditorium of the State Resources Building, 1416 9th Street, Sacramento, California.

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

BUSINESS MEETING: On **October 17, 2013**, at 10:00 a.m. in the Auditorium of the State Resources Building, 1416 9th Street, Sacramento, California.

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

DISABILITY ACCOMMODATION NOTICE

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

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for

an ALS or CART should be made no later than five (5) days before the hearing.

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **October 17, 2013**.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 3, Section 1520
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Article 10, Section 3384
Hand Protection
2. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 4, Sections 1529, 1532, 1532.1 Appendix B to 1532.1, 1532.2 and 1535
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Section 3204
Article 107, Section 5150
Article 108, Section 5157
Article 109, Sections 5161, 5189, 5190, 5191, 5192
Appendix A to 5192, 5194, Appendices A through G of 5194, 5198, and Appendix B to 5198
Article 110, Sections 5200, 5201, 5202 Appendix A to 5202, 5206, 5207, 5208 Appendix J to 5208, 5208.1, 5209, 5210, 5211, 5212
Appendix B to 5212, 5213, 5214, 5215, 5217
Appendix A to 5217, 5218, 5219, and 5220

SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY ORDERS

Division 1, Chapter 4, Subchapter 18, Article 4, Section 8358
Appendix K to 8358, and 8359
Federal Final Rule, Globally Harmonized System — Update to Hazard Communication (Health)

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

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 3, Section 1520
GENERAL INDUSTRY SAFETY ORDERS
Division 1, Chapter 4, Subchapter 7, Article 10, Section 3384
Hand Protection

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal is the result of an Occupational Safety and Health Appeals Board (OSHAB) Decision After Reconsideration (DAR) filed February 15, 2007, Docket Number 00–R1D3–2844, in the Matter of the Appeal of United Airlines dba, United Airlines SFO SYC. The employer was cited by the Division of Occupational Safety and Health (Division) for failing to require the use of hand protection for the baggage handlers and other related workers.

In the aforementioned OSHAB DAR, it was determined that the terms “unusual” and “excessive” are not defined in Title 8 or the California Occupational Safety and Health Act, and the OSHAB had not determined the meaning of these terms in any prior proceeding. The OSHAB assigned the usual, ordinary and common sense meaning to both terms and concluded that it could not agree with the Administrative Law Judge (ALJ) that the exposure described in the testimony was unusual and excessive. The ALJ’s Decision was reversed.

The OSHAB DAR was reviewed by the Superior Court, which remanded the matter to the OSHAB for issuance of a new DAR applying the standard determined to be appropriate by the court. That standard is whether the exposure of affected employees is too great in

amount or degree to be reasonable under the circumstances. The OSHAB issued a new DAR applying the new standard on April 30, 2009.

Even after the Superior Court’s input, the terms “unusual and excessive” remain vague and ambiguous. Comparable Federal Occupational Safety and Health Standards give examples and do not use ambiguous open-ended qualifiers to establish the employer’s duty to provide hand protection. The lack of clarity created by the terms “unusual” and “excessive” used in Construction Safety Orders (CSO), Section 1520 and General Industry Safety Orders (GISO), Section 3384, could result in the employer failing to provide hand protection to control an employee exposure thus resulting in serious injury.

Board staff proposes to amend the CSO and GISO hand protection standards by eliminating the terms “unusual” and “excessive” and replacing the existing language with language taken from 29 CFR 1910.138(a), the federal hand protection standard for general industry. Board staff has examined the language of other hand protection standards in Title 8, and they either already refer the reader to Section 3384, or they do not contain the terms “unusual” or “excessive.” Therefore further proposed amendments of these sections are unnecessary. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states at Subsection (a)(1) that the Board is the “only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Eliminates vague and ambiguous language; “unusual and excessive” is not contained in the counterpart federal standard. The proposal aligns the state standard with federal hand protection standards for general and construction industries at 29 CFR 1910.138(a) and 29 CFR 1926.28(a).
- Is not inconsistent with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations are provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the state regulations be at least as effective as their federal counterparts,

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

- The proposal eliminates confusion over what is “unusual and excessive” exposure to the hands, thus obligating the employer to provide hand protection in situations where discretion on the part of the employer and the Division in enforcing the standard could vary, arbitrarily exposing the employee to the risk of a hand injury.

Section 1520. Hand Protection.

This section requires hand protection for employees whose work involves unusual or excessive exposure to various types of hand injuries. An “Exception” is used to exclude hand protection that could cause injuries by becoming caught in moving machinery or materials.

Amendments are proposed to reword Section 1520 that will eliminate the words “unusual” and “excessive” and state that the employer shall provide and require employees to wear hand protection when their hands are exposed to such hazards as those from skin absorption of harmful substances, cuts or lacerations, abrasions, punctures, chemical burns, thermal burns, radioactive materials, and harmful temperature extremes.

The proposed amendments will clarify to the employer when hand protection is to be worn. The employee is protected against hand injury through deletion of vague and ambiguous language that might create confusion as to the necessity for hand protection.

Section 3384. Hand Protection.

This section requires the employer to provide hand protection for employees whose hands may receive injury as a result of unusual and excessive exposure to such hazards as cuts, abrasions, punctures and skin absorption of harmful substances. Section 3384 also addresses entanglement issues around moving machinery and provides an “Exception” for machinery/equipment equipped with momentary contact devices and includes two “Notes” explaining use of the term entanglement and situations when jewelry, watches and rings should not be worn.

Amendments are proposed to reword subsection (a) in a manner that would eliminate the words “unusual” and “excessive” and thus simply require that the employer shall provide and require employees to wear hand protection when their hands are exposed to physical injury from skin absorption of harmful substances, cuts, or lacerations, abrasions, punctures, chemical burns, thermal burns, radioactive materials, and harmful temperature extremes.

The proposal will clarify to the employer when hand protection is to be worn. The employee is protected against hand injury through deletion of vague and am-

biguous language that might create confusion as to the necessity for hand protection.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

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

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal clarifies to the employer when hand protection is to be worn. The employee is protected against hand injury through deletion of vague and ambiguous language that might create confusion as to the necessity for hand protection. The effect of the proposal will not reduce or add to the employer's obligation to provide hand protection, but will ensure employees are protected against hand injury when they need to be.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. There are no costs to any local government or school district which must be reim-

bursed in accordance with Government Code Sections 17500 through 17630.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

BENEFITS OF THE REGULATION

The proposal will render California general and construction industry hand protection standards, clearer and easier to understand by both employers and the Division who have the responsibility to enforce the standard. It will also render Sections 3384 and 1520 consistent with federal standards without compromising the current comprehensiveness of the California standard in terms of the types of exposures that the employer must protect the employee's hands against.

ALTERNATIVES STATEMENT

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

2. TITLE 8: CONSTRUCTION SAFETY ORDERS

Division 1, Chapter 4, Subchapter 4, Article 4, Sections 1529, 1532, 1532.1 Appendix B to 1532.1, 1532.2 and 1535

GENERAL INDUSTRY SAFETY ORDERS

Division 1, Chapter 4, Subchapter 7, Section 3204
Article 107, Section 5150
Article 108, Section 5157
Article 109, Sections 5161, 5189,

5190, 5191, 5192
 Appendix A to 5192, 5194, Appendices A through G of 5194, 5198, and Appendix B to 5198
 Article 110, Sections 5200, 5201, 5202
 Appendix A to 5202, 5206, 5207, 5208
 Appendix J to 5208, 5208.1, 5209, 5210, 5211, 5212
 Appendix B to 5212, 5213, 5214, 5215, 5217
 Appendix A to 5217, 5218, 5219, and 5220
SHIP BUILDING, SHIP REPAIRING, AND SHIP BREAKING SAFETY ORDERS
 Division 1, Chapter 4, Subchapter 18, Article 4, Section 8358
 Appendix K to 8358, and 8359
Federal Final Rule, Globally Harmonized System — Update to Hazard Communication (Health)

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Pursuant to California Labor Code Section 142.3, the Occupational Safety and Health Standards Board (Board) may adopt, amend, or repeal occupational safety and health standards or orders. The Division of Occupational Safety and Health (Division) requests the Board to adopt the proposed rulemaking action pursuant to Labor Code 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration promulgated regulations on March 26, 2012, addressing Globally Harmonized System (GHS) updates of the Hazard Communication Standard (HCS) and related sections. The changes impact 29 CFR, Parts 1910 (general industry), 1915 (shipyards) and 1926 (construction). The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 77, No. 58, pages 17574–17896, March 26, 2012, as the justification for the Board’s proposed rulemaking action. Except as noted below, the Board proposes to adopt regulations which are effectively the same as the federal regulations except where existing state standards are deemed more protective than the federal promulgation.

The proposed regulations address updated requirements for hazard communication as it pertains to updating HCS warning labels, signs and safety data sheets,

which are to be consistent with the United Nations GHS classification, and labeling of chemicals to inform workers and other downstream users of manufactured and imported chemical products. Additionally, the proposed standards update hazard communication standards for welding, brazing and cutting. This proposed rulemaking action also contains non-substantive, editorial, reformatting of subsections and grammatical revisions which are clearly indicated in the regulatory text in underline and strikeout format. The effect of these changes will be to make state standards consistent with federal GHS standards while retaining more protective provisions of California Code of Regulations, Title 8 where they exist. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states at subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal standards where state standards are more protective; however, it is at least as effective as the federal standard.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations are provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.
- Is the least burdensome effective alternative. This rulemaking proposal is the result of the federal rulemaking process and a follow-up advisory committee process conducted by the Division. With the assistance of an advisory committee, the Division determined the state standards are more protective than the federal promulgation, and that retaining existing state unique requirements would not pose any additional burden on the regulated California workplaces.

CSO Section 1529: Updates requirements for communication of asbestos hazards, training and access to labels and safety data sheets to comply with the HCS

(Section 5194). Revises warning labels and signs to inform on: cancer and lung effects.

CSO Section 1532: Updates requirements for communication of cadmium hazards, training and access to labels and safety data sheets to comply with the HCS (Section 5194). Revises warning labels and signs to inform on: cancer; lung effects; kidney effects; and acute toxicity effects.

CSO Section 1532.1: Updates requirements for labeling, communication of lead hazards, training and access to labels and safety data sheets to comply with the HCS (Section 5194). Revises warning labels and signs to address: reproductive/developmental toxicity; central nervous system effects; kidney effects; blood effects and acute toxicity effects.

CSO Appendix B to Section 1532.1: Updates requirements for warning signs to specify: Danger; lead work area; may damage fertility or the unborn child; causes damage to the central nervous system; and do not eat, drink or smoke in this area.

CSO Section 1532.2: Updates requirements for labeling, hazard communication, training and access to labels and safety data sheets concerning chromium to comply with the HCS (Section 5194). Revises requirements to inform regarding: cancer; eye irritation; and skin sensitization.

CSO Section 1535: Updates requirements for hazard communication, training and access to labels and safety data sheets concerning methylenedianiline to comply with the HCS (Section 5194). Revises requirements pertaining to warning labels and signs to address: cancer; liver effects; and skin sensitization. Deletes material safety data sheet requirements to comply with federal standards.

GISO Section 3204: Revises the phrase “material safety data sheet(s)” to “safety data sheet(s)” for consistency with the HCS (Section 5194).

GISO Section 5150: Updates requirements to ensure communication of information to potentially hazardous materials used in welding and cutting, training, access to labels and safety data sheets in accordance with the HCS (Section 5194). Revises requirements to label in accordance with Section 5194 any hazards associated with welding, cutting and brazing; and to warn about adequate ventilation and the hazards associated with cadmium and fluorine compounds.

GISO Section 5157: Revises the phrase “material safety data sheet(s)” to “safety data sheet(s)” and revises the term “MSDS” to “SDS” for consistency with the HCS (Section 5194).

GISO Section 5161: Modifies the definition of “corrosive” to add reference to Appendix B to Section 5194 — Physical Hazard Criteria (Mandatory). As defined in Appendix B, the physical hazard class of a “chemical which is corrosive to metals” means a chemical which

by chemical action will materially damage, or even destroy, metals.

The previous Appendix A to Section 5194 defined “corrosive” as a substance that causes visible destruction of, or irreversible alterations in, living tissue by chemical action at the site of contact. This appendix is being replaced with the equivalent of the federal standard and contains a health hazard class of “skin corrosion” where a “corrosive substance” is a chemical that produces destruction of skin tissue, namely, visible necrosis through the epidermis and into the dermis, in at least one of three tested animals after exposure up to a four-hour duration. The term “corrosive” may also refer to chemicals that cause serious eye damage or irritation, which is another health hazard class in Appendix A.

Also modifies the definition of “hazardous substance” to include “hazardous chemical” as defined in Section 5194(c). In the revised HCS, the definition of “hazardous substance” is deleted and incorporated into the definition of the term “hazardous chemical.”

GISO Section 5189: Update terminology for “flammable liquid or gas” and “material safety data sheet” for consistency with GHS terminology and make a non-substantive editorial change to correct typographical error.

GISO Section 5190: Revises requirements for warning signs concerning cotton dust for consistency with the HCS (Section 5194) and to state: Danger; cotton dust; causes damage to lungs (Byssinosis); wear respiratory protection in this area.

GISO Section 5191: Relocates the terms: “Compressed gas,” “Explosive,” “Organic peroxide,” “Oxidizer,” “Unstable (reactive)” and “Water reactive” to be listed in the definition for physical hazard for consistency with GHS. Modifies definitions for “Hazardous chemical,” “Health hazard,” “Physical hazard,” and “Reproductive toxins” and adds the definition for “Mutagen” for consistency with GHS classifications and to reference Appendix A or B of Section 5194. Updates terminology for “material safety data sheet” for consistency with GHS terms.

GISO Section 5192: Modifies definitions for “Health hazard” for consistency with GHS classifications and to reference Appendix A of Section 5194. Updates terminology for “material safety data sheet” for consistency with federal standards.

GISO Section 5194(b): Updates terminology for “substances,” “material safety data sheets” and “assess” and makes other non-substantive editorial changes for consistency with federal standards.

GISO Section 5194(c): Modifies definitions for consistency with GHS and replaces terminology for “material safety data sheet” with “safety data sheet;” “substance” with “chemical;” and “evaluation” with “classi-

fication.” Adds the following definitions: “chemical,” “classification,” “hazard category,” “hazard class,” “hazard not otherwise classified (HNOC),” “hazard statement,” “hazardous chemical,” “label elements,” “pictogram,” “precautionary statement,” “product identifier,” “signal word,” and “simple asphyxiant.” Updates the definitions for “chemical name,” “health hazard,” “label,” “mixture,” “physical hazard,” “pyrophoric gas,” “safety data sheet,” “substance,” and “trade secret.” Deletes the definitions for “compressed gas,” “explosive,” “hazard warning,” “hazardous substance,” “identity,” “organic peroxide,” “oxidizer,” “unstable (reactive),” and “water reactive.” Relocates the terms: “Explosive,” “Organic peroxide,” “Oxidizer,” and “Water reactive” to be included in the definition of “physical hazard.”

GISO Section 5194(d): The proposal includes retention of certain existing language in subsection (d) which is more protective than the new federal language, as well as language that reflects requirements of California’s Hazardous Substances Information and Training Act, Labor Code Sections 6360–6399. Under the procedures adopted by federal OSHA in the amended 29 CFR 1910.1200, a manufacturer, importer, or employer who classifies a substance based on a hazardous effect may determine, based on the weight of evidence, that the hazards of the substance:

- (1) meet the criteria of one or more categories of hazard, and appropriately classify that substance, or
- (2) do not meet the criteria of one or more categories of hazard, and therefore not classify the substance even though it may have a hazardous effect, or
- (3) meet the criteria for a hazard not otherwise classified or
- (4) must be “noted” on the safety data sheet because there is one positive study regarding carcinogenicity.

(The Board notes that in both the federal and state standards, employers who are not manufacturers or importers are not required to classify chemicals, but if the employer chooses not to rely on the manufacturer or importer, the employer must comply with the procedures in this section and its appendices.)

The existing language in subsection (d)(2) is revised to include new wording from the federal standard that requires manufacturers, importers, and employers classifying chemicals to consider the full range of available scientific literature and other evidence. It also includes new federal wording requiring those classifying chemicals to use the criteria in Appendix A for health hazards and in Appendix B for physical hazards. In this subsection, the Board proposes to retain the existing requirement to disclose the identity and hazard(s) of chemicals

for which “there is statistically significant evidence of a hazardous effect” and “the evidence is based on at least one positive study conducted in accordance with established scientific principles.” This neither precludes nor prevents the “weight of evidence” approach to *classifying* health hazards as described in the federal Appendix A (proposed to be adopted by the Board). Appendix A states, “both positive and negative results are considered together in the weight of evidence determination. However, a single positive study performed according to good scientific principles and with statistically and biologically significant positive results may justify classification.” The effect of the proposed provisions is to require that chemicals be classified as required by the federal regulations, and to also require chemical classifiers, to disclose the identity and hazard associated with chemicals that the classifier has determined do not meet the criteria for a specific classification. This therefore retains the existing requirements to disclose the identity of all chemicals for which there is scientifically valid evidence of a hazardous effect, and does not conflict with the federal requirements for classification contained in Appendix A.

The Board proposes to retain and update subsections (d)(3) and (4) with regard to lists of chemicals determined by authoritative bodies to be hazardous. All of these lists of chemicals were compiled and published by the Director as required by Labor Code Section 6380–6383, or by federal OSHA in promulgating permissible exposure limits, or by national or international bodies after extensive research and public comment.

Under the GHS classification system, classification typically means a chemical’s hazardous effects are placed on the label and SDS. The proposal would require that where one of the authoritative bodies have already made a weight of evidence determination, a manufacturer or other SDS preparer would need to consider that it met the GHS criteria for classification.

As these subsections are proposed, the listings would constitute presumptive evidence that chemicals on those lists should be classified in accordance with the weight of evidence determinations and criteria in Appendix A. These subsections also provide exceptions for those situations in which a manufacturer, importer, or employer classifying chemicals determines that the listing does not justify a classification.

To meet the criteria for the exceptions, the classifier is required to document the basis for the determination not to classify the chemical, and to provide on the SDS the identity of the chemical and the list upon which it appears. The Board believes these subsections will lead to greater consistency and improved communications of hazards by providing downstream California employers and employees with source lists to refer to when

considering using products that contain listed chemicals.

The Board has added to subsection (d)(5) language consistent with the new federal language regarding chemicals in mixtures. The proposal retains existing state language that is in some cases more protective, and is consistent with the Labor Code obligation to address ingredients at concentrations of 1% (0.1% for carcinogens).

GISO Section 5194(e): Updates terminology and replaces “substances,” with “chemicals,” “material safety data sheets” with “safety data sheets” and “identity” with “product identifier” and makes other non-substantive editorial changes for consistency with federal standards.

GISO Section 5194(f): Revises labeling requirements and sets forth detailed specifications of what information must be provided. Additionally, in accordance with GHS revisions, references Appendix C and mandates what specific information is to be provided for each hazard class and category once a chemical is classified. Updates terminology to replace “substances” with “chemicals” and makes other non-substantive editorial changes for consistency with federal standards. The issue of keeping the three-month requirement for changing labels when new hazard information is known or going with the new federal provision of allowing six months, was talked about at an advisory meeting. Based on these discussions, the Division is recommending keeping the three-month requirement as currently mandated as it is more protective and California has not been aware of any concerns with label providers complying within three months since it became effective back in the 1990s.

GISO Section 5194(g): Revises safety data sheet requirements to follow the 16 section format and to provide detailed information required under each heading, as mandated by Appendix D and in accordance with GHS revisions. Updates terminology to replace “substances” with “chemicals,” “material safety data sheets” with “safety data sheets,” and “determination” with “classification”; and makes other non-substantive editorial changes for consistency with federal standards.

GISO Section 5194(h): Updates training requirements to reflect the new label, safety data sheet format and presentation of information in accordance with GHS revisions. Updates terminology to replace “substances” with “chemicals,” “material safety data sheets” with “safety data sheets”; and makes other non-substantive editorial changes for consistency with federal standards.

GISO Section 5194(i): Revises trade secret requirements to mandate disclosure of the percentage composition of mixtures on the SDS, as per GHS revisions,

but allows the manufacturer to claim trade secret protection. Updates terminology to replace “substances” with “chemicals,” “material safety data sheets” with “safety data sheets”; and makes other non-substantive editorial changes for consistency with federal standards.

GISO Section 5194(j): Adds effective date requirements to train employees on new labels and safety data sheets, and other GHS provisions to comply with federal standards.

GISO Section 5194(k): Redesignates former subsection (j) to subsection (k), updates and makes other non-substantive editorial changes for consistency with federal standards.

GISO Appendix A to Section 5194: Deletes former appendix and adopts Appendix A from the revised GHS, which sets criteria for the classification of health hazards and the categorization of the degree of the hazard, in accordance with federal standards.

GISO Appendix B to Section 5194: Deletes former appendix and adopts Appendix B from the revised GHS, which sets criteria for the classification of physical hazards and the categorization of the degree of the hazard, for consistency with federal standards.

GISO Appendix C to Section 5194: Deletes former appendix and adopts Appendix C from the revised GHS, which sets allocation for label elements and sets forth detailed specifications for what information must be provided, for consistency with federal standards.

GISO Appendix D to Section 5194: Redesignates former Appendix D as Appendix E and adopts Appendix D from the revised GHS, which modifies safety data sheet requirements to follow a 16 section format and indicates the detailed information required under each heading, in accordance with federal standards.

GISO Appendix E to Section 5194: Redesignates former Appendix D as Appendix E, and references equivalent text as Appendix E from the revised federal standards, which sets out criteria to be used in evaluating trade secrets.

GISO Appendix F to Section 5194: Adds new Appendix F from the revised GHS, which sets non-mandatory guidance on hazard classification for carcinogenicity, for consistency with federal standards.

GISO Appendix G to Section 5194: Redesignates former Appendix E to Appendix G.

GISO Section 5197: Revises the phrase “material safety data sheet” to “safety data sheet” and revises the term “MSDS” to “SDS” for consistency with the HCS (Section 5194).

GISO Section 5198: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning lead to comply with the Hazard Communication Standard (Section 5194). Revises warning labels and signs

to address: reproductive/developmental toxicity; central nervous system effects; kidney effects; blood effects and acute toxicity effects.

GISO Appendix B to Section 5198: Updates requirements for warning signs with: Danger; lead work area; may damage fertility or the unborn child; causes damage to the central nervous system; and do not eat, drink or smoke in this area.

GISO Section 5200: Updates requirements for hazard classification and communication, training, access to labels and safety data sheets concerning methylenedianiline to comply with the HCS (Section 5194). Revises warning labels and signs to address: Cancer; liver effects; and skin sensitization. Modifies “material safety data sheets” terminology and requirements to comply with federal standards.

GISO Section 5201: Updates requirements for hazard classification and communication, training, access to labels and safety data sheets concerning 1,3-butadiene to comply with the HCS (Section 5194) and address: flammability; cancer; eye and respiratory tract irritation; and central nervous system effects.

GISO Section 5202: Updates requirements for hazard classification and communication, training, access to labels and safety data sheets concerning methylene chloride to comply with the HCS (Section 5194) and address: cancer; cardiac effects (including elevation of carboxyhemoglobin), central nervous system effects, liver effects and skin and eye irritation.

GISO Appendix A to Section 5202: Updates “material safety data sheets” terminology and classification requirements for consistency with federal standards.

GISO Section 5206: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning chromium to comply with the HCS (Section 5194) and address: cancer; eye irritation, and skin sensitization.

GISO Section 5207: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning cadmium to comply with the HCS (Section 5194). Revises warning signs and labels to address: cancer; lung effects; kidney effects; and acute toxicity effects.

GISO Section 5208: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning asbestos to comply with the Hazard Communication Standard (Section 5194). Revises warning signs and labels to address: cancer and lung effects. Deletes material safety data sheet requirements and makes other non-substantive editorial changes for consistency with federal standards.

GISO Appendix J to Section 5208: Updates “material safety data sheets” terminology for consistency with federal standards.

GISO Section 5208.1: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning non-asbestiform tremolite, anthophyllite, and actinolite to comply with the HCS (Section 5194). Provides the following list of health effects to assist the classifier in determining what must be considered for inclusion on the new labels: Cancer and lung effects. Removes warning sign specification in subsection (h)(2)(B)1. With the GHS revision, the language for workplace signs in substance-specific standards is revised to be in the same format and contain identical warnings as labels (i.e., to incorporate the GHS hazard statement and the applicable precautionary statement(s), where required.) Relocates employee information and training to subsection (h)(4) from subsection (n) with the following changes: removed reference to Section 5209 as a training element in subsection (h)(4)10. as Section 5209 does not apply to non-asbestiform tremolite, anthophyllite, and actinolite.

GISO Section 5209: Updates requirements for hazard classification and communication, training and access to labels and safety data sheets concerning carcinogens to comply with the HCS (Section 5194). Revises warning signs requirements and lists the specific hazards that are to be addressed for each individual carcinogen for consistency with federal standards.

GISO Section 5210: Updates requirements for hazard classification and communication, training and access to labels and safety data sheets concerning vinyl chloride to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer; central nervous system effects; liver effects; blood effects and flammability.

GISO Section 5211: Updates requirements for hazard communication, training and access to labels and safety data sheets concerning coke oven emissions to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer.

GISO Section 5212: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning 1,2-Dibromo-3-chloropropane (DBCP) to comply with the HCS (Section 5194). Revises warning signs and labels to address: cancer; reproductive effects; liver effects; kidney effects; central nervous system effects; skin, eye and respiratory tract irritation; and acute toxicity effects. Makes other non-substantive editorial changes for consistency with federal standards.

GISO Appendix B to Section 5212: Amends “Class III A combustible” terminology for consistency with federal standards.

GISO Section 5213: Updates requirements for hazard communication and classification, training and access to labels and safety data sheets concerning acrylo-

nitrile (AN) and AN-based materials to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer; central nervous system effects; liver effects; skin sensitization; skin, respiratory, and eye irritation; acute toxicity effects; and flammability.

GISO Section 5214: Updates requirements for labeling, hazard communication and classification, training and access to labels and safety data sheets concerning inorganic arsenic to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer; liver effects; skin effects; respiratory irritation; nervous system effects; and acute toxicity effects.

GISO Section 5215: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning 4,4'-methylenebis(2-chloroaniline), MBOCA, to comply with the HCS (Section 5194). Provides the following list of health effects to assist the classifier in determining what must be considered for inclusion on the new labels: cancer; liver effects; blood effects; kidney effects; and acute toxicity effects. Relocates subsection (j)(2) Signs from subsection (l) Signs and Labels with the following changes: subsection (j)(2)(A) modifies the legend to include the signal word "Danger" and "May Cause Cancer" and removes the phrase "Controlled Access Area" to conform to GHS warning sign requirements.

Revises the phrase "material safety data sheets" to "safety data sheets" for consistency with the HCS (Section 5194).

GISO Section 5217: Revises warning signs and label requirements to address: cancer; skin and respiratory sensitization; eye, skin and respiratory tract irritation; acute toxicity effects and flammability for consistency with GHS. Updates requirements for labeling, hazard communication and classification, training and access to labels and safety data sheets concerning formaldehyde to comply with the HCS (Section 5194). Deletes material safety data sheet requirements to comply with federal standards.

GISO Appendix A to Section 5217: Amends "Class III A" terminology for consistency with federal standards.

GISO Section 5218: Updates requirements for hazard communication and classification, training and access to labels and safety data sheets concerning benzene to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer; central nervous system effects; blood effects; aspiration; skin, eye, and respiratory tract irritation; and flammability. Deletes material safety data sheet requirements to comply with federal standards.

GISO Section 5219: Updates requirements for labeling, hazard classification and communication, training and access to labels and safety data sheets concerning ethylene dibromide (EDB) to comply with the HCS (Section 5194). Provides the following list of health effects to assist the classifier in determining what must be considered for inclusion on the new labels: cancer; reproductive effects; liver effects; kidney effects; eye and respiratory tract irritation; and acute toxicity effects.

Relocates subsection (j)(2) Warning Signs and subsection (j)(3) Notification of Shipment from subsection (k) Signs and Notification of Shipment with the following changes: modifies the legend in warning signs to conform to GHS warning sign requirements by replacing "CANCER HAZARD" with "MAY CAUSE CANCER;" and replacing "MAY CAUSE STERILITY IN MALES" with "MAY DAMAGE FERTILITY OR THE UNBORN CHILD;" and updates the contact information for HESIS in subsection (j)(4)(B)9.

Revises the phrase "material safety data sheet" to "safety data sheet" and revises the term "MSDS" to "SDS" for consistency with the HCS (Section 5194).

GISO Section 5220: Updates requirements for hazard communication and classification, training and access to labels and safety data sheets concerning ethylene oxide to comply with the HCS (Section 5194). Revises warning signs and label requirements to address: cancer; reproductive effects; mutagenicity; central nervous system; skin sensitization; skin, eye, and respiratory tract irritation; acute toxicity effects and flammability. Deletes material safety data sheet requirements to comply with federal standards.

SISO Section 8358: Updates requirements for labeling, hazard communication and classification, training and access to labels and safety data sheets concerning asbestos to comply with the HCS (Section 5194). Revises warning signs and label requirements to comply with federal standards and address: cancer; and lung effects.

SISO Appendix K to Section 8358: Modifies "material safety data sheets" terminology for consistency with federal standards.

SISO Section 8359: Updates requirements for labeling, hazard communication, training and access to labels and safety data sheets concerning chromium to comply with federal standards and address: cancer; skin sensitization; and eye irritation.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

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

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal consists of a Global Harmonization Standard that all states and UN member nations are adopting; thus, it will not affect the ability of California businesses to compete with businesses in other states. Estimated costs of compliance are presented in the preamble for the federal final rule, Fed.Reg., Vol. 77, No. 58, dated March 26, 2012, pages 17625–17649 and pages 17661–17674. The federal preamble lists the number and type of businesses impacted and estimated costs.

Cost Impact on Private Persons or Businesses

Cost impacts that a representative private person or business entity would necessarily incur in reasonable compliance with the proposed action cannot be accurately determined as they are part of a system of global harmonization which businesses throughout the United States and worldwide are adopting. Thus while there may be costs associated with compliance, there will also be costs associated with noncompliance: i.e. lost business due to incompatibility with international standards adopted by a vast majority of businesses and entities throughout the United States and throughout the world. Estimated costs of compliance are presented in the preamble for the federal final rule, Fed.Reg., Vol. 77, No. 58, dated March 26, 2012, pages 17625–17649 and pages 17661–17674. The federal preamble lists the number and type of businesses impacted and estimated costs. The federal preamble includes costs of compliance with both safety and health standards of the Global Harmonization Standard. This subject rulemaking only pertains to the health aspects.

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed will affect small businesses. However, no adverse economic impact is anticipated.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses as a result of the these GHS updates to Title 8 health regulations. The economic impact of the proposed GHS updates are outlined in the preamble to the federal final rule and state unique differences were discussed by the advisory committee. The Standards Board concluded based on the advisory committee discussion and Division research that no information had been presented supporting a conclusion that the GHS updates would be infeasible in any particular industrial sector or operation. In light of this, the Standards Board believes there will be no adverse economic impact.

BENEFITS OF THE REGULATION

Updating Title 8 health regulations with regard to GHS will allow California to be as protective and consistent with federal regulations and international hazard communication systems.

ALTERNATIVES STATEMENT

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which

the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

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

**INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW**

This rulemaking action was initiated by the Occupational Safety and Health Standards Board (Board). On October 12, 2012, Mr. Paul Burnett, Safety and Health Administrator of the Santa Clara Valley Water District, sent an e-mail to Board staff noting that band knives and band saws (types of woodworking machinery) may be equipped with two or more wheels. A band of blade wraps around the wheels and one or more wheels would drive the motion of the blade to perform the cutting action. Board staff has determined that it is necessary to make technical corrections to the definitions of band knife and band saw in order to provide an accurate description of the above-mentioned machines so that it will be clear to the employer and to the Division of Occupational Safety and Health that the corresponding woodworking safety standards contained in Section 4310, Band Knives and Band Saws, apply to band saws and band knives regardless of whether they are designed with just two wheels or more than two wheels. Additional updates of the definitions also are proposed. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board “is the only agency in the state authorized to adopt occupational safety and health standards”. When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.

- This proposal provides technical corrections clarifying existing definitions in Title 8 consistent with the way industrial band saws and band knives are currently designed and manufactured. Both machines can be made with more than two wheels. Band knife blades are manufactured in configurations other than what is mentioned in the existing definition.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the state’s regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).
- The proposed definitions would provide clarification so as to not exclude band saws and band knives that operate with more than two wheels from the regulatory requirements of Section 4310.

Section 4297. Definitions.

This section contains definitions of various woodworking machines and equipment regulated by Title 8. The proposed amendments to the definitions of “band saw” and “band knife” would include band knives and band saws with more than two wheels. In addition, it would not limit the configuration of the band knife blade to the two types of blades as specified in the existing definition. Also, since the existing last sentence of the “band saw” definition is based on the outdated two-wheel conception, that sentence also is eliminated.

The proposed amendments will clarify to the employer the duty to comply with Title 8 standards that apply to band saws and band knives and ensure that any band saw and band knife with two or more wheels will be used and operated safely by employees.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

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

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

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

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

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, the proposal does not create additional regulatory requirements. The clarification in the definitions will improve the understanding of the application of the standards.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses because it does not propose additional regulatory requirements.

BENEFITS OF THE REGULATION

The clarification of the existing definition of band knives and band saws would benefit the employer because accurate definitions of these machines would inform the employer if the guarding requirements of Title 8, Section 4310 apply to the machines they own. Machine guarding is intended to protect employees from inadvertent contact with moving parts, therefore help prevent accidents and incurrence of associated medical costs.

ALTERNATIVES STATEMENT

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

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

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

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **October 11, 2013**. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **October 17, 2013**, will not be considered by the Board unless the Board announces an extension

of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

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

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

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

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 6653, 6653.5, 6700, and 6701 of the Fish and Game Code and to implement, interpret or make specific sections 6650, 6651, 6652, 6653, 6653.5, 6654, 6656, 6680, 6700, 6701, 6701.5, 6702, 6703, 6704, 6705, 6706, and 6707 of said Code, proposes to amend subsections (a), (b), and (c), of Section 165 and Section 165.5, Title 14, California Code of Regulations, relating to the commercial harvest of kelp.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing regulations within subsections (a), (b), and (c) of Section 165, and Section 165.5, Title 14, California Code of Regulations (CCR), define procedures for the commercial harvest of kelp, as well as the exclusive right to harvest in leased Administrative Kelp Beds

(kelp beds). Existing regulations define kelp bed boundaries by landmarks and compass headings, and reference outdated kelp bed maps. A kelp harvest plan approved by the Fish and Game Commission (Commission) is required only for mechanical harvesters in non-leased kelp beds north of Santa Rosa Creek, San Luis Obispo County, and a detailed development plan is required for approval of kelp bed leases. To improve management and enforceability, the proposed regulation will revise subsections (a), (b), and (c) of Section 165, and Section 165.5 by defining kelp bed boundaries using spatially explicit latitude and longitude coordinates, removing reference to antiquated kelp bed maps, requiring a Commission-approved kelp harvest plan for the mechanical harvest of kelp in all kelp beds where harvesting is allowed, removing the requirement of a Commission-approved development plan for lessees and replacing it with a Commission-approved kelp harvest plan, and specifying required details in and frequency of submittal of harvest plans. The proposed regulations will incorporate by reference the form 2013 Kelp Harvesting License Application (MRD 658 New 7/13) in subsection 165(a)(1). Subsections 165(c)(4) and 165(c)(4)(E) will be repealed. Editorial changes are also proposed to improve clarity and consistency of the regulations.

The proposed regulatory changes will benefit the environment by improving the sustainable management of commercial kelp harvest. In addition, the proposed regulatory changes will provide benefits related to regulation enforceability.

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Legislature has delegated authority to the Commission to adopt regulations as may be necessary to insure the proper harvesting of kelp and other aquatic plants, for the leasing of kelp beds, and to prescribe information necessary on kelp lease applications (sections 6653, 6700, and 6701, Fish and Game Code). The proposed regulations are consistent with regulations that restrict or prohibit kelp harvest in marine protected areas (Section 632, Title 14, CCR), commercial herring-eggs-on-kelp regulations (Section 164, Title 14, CCR), and regulations concerning marine facility plans and small marine fueling facility plans (sections 817.02 and 817.03, Title 14, CCR). Commission staff has searched the California Code of Regulations and statutes and has found no other state regulations related to kelp harvesting and no other state agency with authority to promulgate kelp harvest regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Crowne Plaza Ventura Beach Hotel, 450 E. Harbor Blvd., Ventura, Califor-

nia, on Wednesday, October 2, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Embassy Suites La Quinta Hotel & Spa, 50–777 Santa Rosa Plaza, La Quinta, California, on Wednesday, November 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

Written comments may be submitted at the address given below, or by fax at (916) 653–5040, or by e–mail to FGC@fgc.ca.gov. **Written comments mailed, faxed or e–mailed to the Commission office, must be received before 5:00 p.m. on October 31, 2013.**

All comments must be received no later than November 6, 2013 at the hearing in La Quinta, CA.

If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Dr. Craig Shuman, Marine Region Manager, Department of Fish and Wildlife, phone (805) 568–1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations nominally change the boundaries of the areas available to help harvesters and do not significantly increase harvesting costs.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed changes in boundary descriptions for existing kelp beds are minor clarifications and are unlikely to result in changes to the economics of commercial kelp harvesting. Industry costs associated with preparation of the required kelp harvest plans are minor to inconsequential. For this reason, the proposed regulations are unlikely to result in either the creation of new jobs or new businesses, or the elimination of existing jobs or existing businesses, or cause the expansion of existing kelp harvesting operations.

The Commission anticipates some benefits to the health and welfare of California residents or to worker safety. Incidental benefits to the health and welfare of Californians may accrue from more detailed and precise lease boundary definitions. This could lead to diminished user conflicts in areas which heretofore may not have been as well identified as the site of industrial activities.

The Commission anticipates benefits to the environment in the improved sustainable management of commercial kelp harvest.

(c) Cost Impacts on a Representative Private Person or Business:

Some licensed kelp harvesters may incur additional costs ranging from \$80 to \$400 (occurring once every five years) if they plan to use mechanical harvesters in non-leased areas or intend to lease kelp beds. Furthermore, kelp bed lessees that currently have a kelp harvest plan in place would incur additional costs of approximately \$40 to \$200 to amend their harvest plans with the additional required information. However, these costs are considered negligible compared to overall business operating costs, occur only once every five years, and only affect those licensees that desire to use mechanical harvesters in non-leased kelp beds and those kelp bed lessees which must provide additional information in their harvest plans.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH CARE SERVICES PROPOSES TO EXEMPT NONPROFIT DENTAL PEDIATRIC SURGERY CENTERS WHICH PROVIDE AT LEAST 99 PERCENT OF THEIR SERVICES UNDER GENERAL ANESTHESIA TO CHILDREN WITH SEVERE DENTAL DISEASE UNDER THE AGE OF 21 FROM THE MEDI-CAL TEN PERCENT PROVIDER PAYMENT REDUCTION

This notice provides information of public interest about the California Department of Health Care Services' (DHCS') proposal to exempt nonprofit dental pediatric surgery centers which provide at least 99 percent of their services under general anesthesia to children with severe dental disease under the age of 21 from the ten percent payment reduction as enacted by Assembly Bill (AB) 97 (Statutes of 2011). This exemption will be effective for dates of service on or after August 31, 2013.

AB 97 added section 14105.192 to the Welfare and Institutions Code which requires DHCS to reduce provider payments up to 10 percent for various outpatient services, effective for dates of service on or after June 1, 2011. Paragraph (4) of subdivision (d) of section 14105.192 authorizes the Director of DHCS to adjust the payment reductions specified in section 14105.192 with respect to particular provider types, products, or services. The adjustments may be to zero, which would result in a total exemption from any payment reduction for the particular provider type, product, or service. The exemption is being made to ensure that Medi-Cal beneficiaries with severe dental disease under the age of 21 have access to general anesthesia.

PUBLIC REVIEW AND COMMENTS

Written comments (or requests for copies of the statutes) may be submitted to: Jon Chin, Acting Chief, Medi-Cal Dental Services Division; Department of Health Care Services; MS 4708, P.O. Box 997413, Sacramento, CA 95899-7413.

DEPARTMENT OF HEALTH CARE SERVICES

SUMMARY OF REGULATORY ACTIONS

DEPARTMENT OF HEALTH CARE SERVICES INTENDS TO EXEMPT ALL RURAL AND FRONTIER DISTINCT PART SKILLED NURSING FACILITIES—LEVEL B, FROM THE CURRENT 10 PERCENT PAYMENT REDUCTION AND RATE FREEZE

REGULATIONS FILED WITH SECRETARY OF STATE

Pursuant to Welfare and Institutions Code section 14105.192, and in order to comply with federal requirements, the Department of Health Care Services (DHCS) will exempt all designated rural and frontier Distinct Part Nursing Facility — Level B (DP/NF–B) providers from the payment reduction and rate freeze authorized by Assembly Bill (AB) 97 (Statutes of 2011). Pursuant to AB 97, DHCS is authorized to implement provider payment reductions up to 10 percent for various services and freezes per diem rates at the 2008–09 levels, effective for dates of services on or after June 1, 2011.

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.

The designated rural and frontier DP/NF–B providers subject to this exemption will be determined based on the Office of Statewide Planning & Development Hospital Annual Utilization definition, that uses data from the 2011 Final Database Rural and Frontier from the Metropolitan Study Service Areas (MSSA) Designations. In addition, DHCS may also exempt facilities not designated as rural or frontier in the MSSA database, with DP/NF–B beds located in designated rural and frontier areas, on a case–by–case basis, and in order to comply with state and federal requirements.

File# 2013–0703–05
AIR RESOURCES BOARD
Verification Procedures 2012

This rulemaking action by the Air Resources Board (ARB) amends regulatory provisions in title 13 of the California Code of Regulations (CCR) relating to diesel engines with diesel emission control strategies (DECS), which are part of ARB’s Diesel Risk Reduction Plan. Specifically, this action amends sections 2700 through 2711 relating to the verification and testing procedures for DECS. These amendments are intended to, among other things, replace phase 1 and phase 2 testing with field and emissions testing, increase sales thresholds, add recall provisions, clarify safety testing requirements, and clarify warranty requirements for DECS manufacturers and installers.

The effective date for this exemption will be September 1, 2013, or any other date as approved by the Centers for Medicare and Medicaid Services.

Title 13
California Code of Regulations
AMEND: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711
Filed 08/15/2013
Effective 10/01/2013
Agency Contact: Trini Balcazar (916) 445–9564

PUBLIC REVIEW AND COMMENTS

The California statutes mentioned above are available for public review at Welfare offices in every county of the State. Written comments (or requests for copies of the statutes and/or copies of the written comments) may be submitted to:

File# 2013–0709–01
BOARD OF FORESTRY AND FIRE PROTECTION
Defensible Space, 2012

This rulemaking action specifies the maximum depth of loose surface litter which property owners are permitted to maintain under the Board of Forestry and Fire Protection’s defensible space regulations.

Mr. Grant Gassman, Chief
Long Term Care Reimbursement Section
Department of Health Care Services
1501 Capitol Avenue, Suite 71.4001
MS 4612
P.O. Box 997413
Sacramento, CA 95899–7413

Title 14
California Code of Regulations
AMEND: 1299.03(b)(2)(A)
Filed 08/19/2013
Effective 10/01/2013
Agency Contact: Eric Huff (916) 616–8643

File# 2013–0806–02
CALIFORNIA SCHOOL FINANCE AUTHORITY
Charter School Facility Grant Program

This emergency rulemaking action by the California School Finance Authority (Authority) implements regulations to govern administration of the Charter School Facility Grant Program, under which the Authority will commence grant apportionment with the 2013–2014 fiscal year.

Title 4
California Code of Regulations
ADOPT: 10170.1, 10170.2, 10170.3, 10170.4,
10170.5, 10170.6, 10170.7, 10170.8, 10170.9,
10170.10, 10170.11, 10170.12, 10170.13,
10170.14, 10170.15
Filed 08/16/2013
Effective 08/16/2013
Agency Contact: Katrina Johantgen (213) 620–2305

File# 2013–0819–05
DEPARTMENT OF JUSTICE
Department of Business Oversight Bond Form

This file and print action renumbers Title 11, California Code of Regulations, Article 50, section 101.2 to Article 6, section 31.26 to reflect the change of name from State Banking Department to Department of Business Oversight.

Title 11
California Code of Regulations
ADOPT: 31.25
REPEAL: 101.1
Filed 08/21/2013
Effective 08/21/2013
Agency Contact: Karen W. Yiu (415) 703–5385

File# 2013–0819–06
DEPARTMENT OF JUSTICE
Department of Business Oversight bond form

This file and print action renumbers Title 11, California Code of Regulations, Article 50, section 101.1 to Article 6, section 31.25 to reflect the change of name from the State Banking Department to Department of Business Oversight.

Title 11
California Code of Regulations
ADOPT: 31.26
REPEAL: 101.2
Filed 08/21/2013
Effective 08/21/2013
Agency Contact: Karen W. Yiu (415) 703–5385

File# 2013–0819–04
DEPARTMENT OF JUSTICE
Department of Business Oversight Bond Form

This file and print action amends Title 11 of the California Code of Regulations, Article 6, section 31.7, to revise the Bond of Escrow Licensee form to reflect the change of name from Department of Corporations to Department of Business Oversight.

Title 11
California Code of Regulations
AMEND: 31.7
Filed 08/21/2013
Effective 08/21/2013
Agency Contact: Karen W. Yiu (415) 703–5385

File# 2013–0807–02
DEPARTMENT OF PUBLIC HEALTH
Cardiac Catheterization Laboratory

This emergency rulemaking by the California Department of Public Health (DPH) readopts section 70438.2 in title 22 of the California Code of Regulations relating to cardiac catheterization laboratory services. Section 70438.2 was originally adopted as an emergency regulation in OAL File No. 2013–0208–02E. In readopting section 70438.2, DPH is implementing California Health and Safety Code section 1255 as amended by Statutes 2012, chapter 772 (A.B. 491).

Title 22
California Code of Regulations
ADOPT: 70438.2
Filed 08/19/2013
Effective 08/20/2013
Agency Contact: Linda M. Cortez (916) 440–7807

File# 2013–0712–02
PUBLIC EMPLOYMENT RELATIONS BOARD
SMCS Conducted Elections

This rulemaking adopts 15 sections in Title 8 of the California Code of Regulations. These regulations provide for and describe the election services and processes for representation and agency shop elections conducted by the State Mediation and Conciliation Service (SMCS) pursuant to the local rules of an MMBA, Trial Court Act or Court Interpreter Act employer.

These proposed regulations define “Parties,” describe ballots, and provide for stays of an election, notice requirements, voter list requirements, voter eligibility requirements, challenge processes, tallying of ballots, resolution of challenges, objection processes, hearings on objections and challenges, and filing of exceptions to decisions on objections and challenges.

Title 8
 California Code of Regulations
 ADOPT: 32999, 33000, 33001, 33002, 33003,
 33004, 33005, 33006, 33007, 33008, 33009, 33010,
 33011, 33012, 33013
 Filed 08/19/2013
 Effective 10/01/2013
 Agency Contact: Jonathan Levy (916)322-3198

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)

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN March 27, 2013 TO
 August 21, 2013**

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

08/12/13 ADOPT: 579, 579.1, 579.2, 579.4,
 579.24
 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

Title 3

08/12/13 AMEND: 3435(b)
 08/09/13 AMEND: 3423(b)
 07/30/13 AMEND: 3435(b)
 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)

Title 4

08/16/13 ADOPT: 10170.1, 10170.2, 10170.3,
 10170.4, 10170.5, 10170.6, 10170.7,
 10170.8, 10170.9, 10170.10, 10170.11,
 10170.12, 10170.13, 10170.14, 10170.15
 08/06/13 ADOPT: 2086, 2086.1, 2086.5, 2086.6,
 2086.7, 2086.8, 2086.9, 2087, 2087.5,
 2087.6, 2088, 2088.6, 2089, 2089.5,
 2089.6, 2090, 2090.5, 2090.6, 2091,
 2091.5, 2091.6, 2092, 2092.5, 2092.6,
 2093
 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

CALIFORNIA REGULATORY NOTICE REGISTER 2013, VOLUME NO. 35-Z

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

Title 5

08/12/13 AMEND: 58312
08/12/13 AMEND: 80003, 80004, 80048.6
07/10/13 AMEND: 80021.1, 80023, 80023.1,
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05/01/13 AMEND: 80054
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07/02/13 AMEND: 3329
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05/20/13 AMEND: 2698.95(a)
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03/29/13	REPEAL: 2690.6		1399.543,	1399.545,	1399.547,
03/29/13	REPEAL: 2690.4		1399.557,	1399.570,	1399.571,
03/29/13	ADOPT: 6426		1399.572,	1399.610,	1399.612,
03/29/13	ADOPT: 6446		1399.616, 1399.617, 1399.618, 1399.619		
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08/06/13	AMEND: 1955		1399.623		
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06/26/13	AMEND: 1059(a)	07/16/13	AMEND: 4154		
06/25/13	AMEND: 354, 360, 361, 362, 363, 364,	07/15/13	ADOPT: 1355.45		
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04/25/13	ADOPT: 709, 709.1	06/10/13	ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND:		
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