



# 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 (the “Commission”), under the authority vested in it under the Political Reform Act (the “Act”)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **October 18, 2012**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on October 16, 2012.**

**BACKGROUND/OVERVIEW**

(1) Cost of Living Adjustment for Campaign Contribution Limits, Voluntary Expenditure Ceilings, and Officeholder Contribution Limits and Aggregate Contribution Limits: Adoption of Amendments to Regulation 18545.

Regulation 18545 sets forth current year contribution limits and voluntary expenditure ceilings. Under Sections 83124 and 85316(b) of the Act, the amounts must be adjusted biennially to reflect changes in the Consumer Price Index (“CPI”). Section 85316(b) permits post-election contributions to be made to elected state officers subject to calendar year limits and permits state office holders to receive such contributions subject to aggregate limits per calendar year. These limits must also be adjusted biennially to reflect changes in the CPI. The California Department of Finance (“DOF”) provides the annual CPI for all urban consumers. In order to pro-

<sup>1</sup>The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

vide the adjustment in time for the new calendar year the September CPI is used to make the final calculation. The proposed amendments make these adjustments for the period from January 1, 2013 through December 31, 2014.

The formulas for adjusting contribution limits and voluntary expenditure ceilings (found at Regulation 18544(b)(1)) are as follows:

$$\text{Applicable Limit}_{2001} \times \frac{237.8 \text{ (2012 CPI)*}}{174.8 \text{ (CPI from 2000)}} = \text{2013 limit **}$$

\*At the time of the filing of this notice, the September 2012 California CPI has not yet been released. The DOF provides the September California CPI for California urban consumers at the end of each year. As of June 2012, the average California CPI for all urban consumers was 237.8. However, this is subject to change and will be updated when the September 2012 California CPI is finally released for 2012.

\*\* Rounded to the nearest \$100 for contribution limits; to nearest \$1,000 for voluntary expenditure ceilings.

For officeholder accounts, the formula for calculating the adjustments for contribution limits and aggregate limits applicable is as follows:

$$\text{Applicable Limit}_{2007} \times \frac{237.8 \text{ (2012 CPI)*}}{210.5 \text{ (CPI from 2006)}} = \text{2013 limit **}$$

\* Rounded to the nearest \$100.

\*\* At the time of the filing of this notice, the September 2012 California CPI has not yet been released. The DOF provides the annual California CPI for all urban consumers in California at the end of each year. As of June 2012, the average California CPI for all urban consumers was 237.8. However, this is subject to change and will be updated when the September 2012 California CPI is released for 2012.

(2) Biennial Gift Limit Adjustments: Adoption of Amendments to Regulations 18703.4, 18730, and 18940.2.

The gift limit is adjusted biennially by the Commission to reflect changes in the CPI. (Sections 87103(c) and 89503(f).) The DOF provides the calendar year CPI for all California urban consumers. The formula used to calculate the adjusted gift limit is as follows:

$$\text{Applicable Limit}_{1990} \times \frac{237.8 \text{ (2012 CPI)*}}{135 \text{ (CPI from 1990)}} = \text{2013 limit **}$$

\* At the time of the filing of this notice, the September 2012 California CPI has not yet been released. The DOF provides the annual California CPI for all urban consumers in California at the end of each year. As of June 2012, the average California CPI for all urban consumers was 237.8. However, this is subject to change and will be updated when the September 2012 California CPI is finally released for 2012.

\*\* Rounded to the nearest \$10.

REGULATORY ACTION

- (1) Amend 2 Cal. Code Regs. § 18545. The proposed amendments to regulation 18545 reflect the adjusted contribution limits and voluntary expenditure ceilings for state candidates for the period of January 1, 2013, through December 31, 2014.
- (2) Amend 2 Cal. Code Regs. §§ 18703.4, 18730, and 18940.2. The proposed amendments reflect the adjustment of the gift limit for the period of January 1, 2013 through December 31, 2014.

SCOPE

The Commission may adopt or reject all or part of the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding implementation of the CPI adjustments described above.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act (Gov. Code Sections 81000–91014).

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific the following:

2 Cal. Code Regs. § 18545. Government Code Sections 83124, 85301, 85302, 85303, 85316 and 85400.

2 Cal. Code Regs. §§ 18703.4, 18730, and 18940.2. Government Code Sections 82028, 87100, 87102.5,

87102.6, 87102.8, 87103, 87207, 87300–87302, 89502, 89503 and 89506.

CONTACT

Any inquiries should be made to Sukhi Brar, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act (the “Act”)<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **October 18, 2012**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on October 16, 2012.**

BACKGROUND/OVERVIEW

In 2010, the Commission authorized a task force to gather information regarding updating the Act and its regulations in the digital age. The result, after two informative hearings, hours of testimony, and input from a variety of sources, was the Commission–approved report: *Internet Political Activity and the Political Reform Act*. Commissioners Timothy Hodsden and Elizabeth Garrett chaired that sub–committee that heard public testimony on two occasions. The resulting report highlighted the need for greater disclosure of online activity as a bulk of campaign activity now occurs digitally.

The report was careful to delineate between bloggers (online commentators who are paid by a campaign) and individuals who blog or otherwise publicize online independently from any campaign. The report made clear the difference between political activity, paid for by a

<sup>1</sup> The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

campaign committee, in which the public has an interest in disclosure, and activities of individuals not compensated by a campaign but simply expressing their own political views online. The proposed regulation addresses only the former.

Currently, the Act's expenditure reporting provisions in Section 84211(k) require that committees disclose expenditures over \$100 made during a campaign period. In addition, the subvendor reporting provisions of the Act state that the person who provides consideration for a payment of \$500 or more, whether or not that person is the payee, must be reported. (Sections 84211(k)(6) and 84303; Regulation 18431.) Regulation 18401 provides committees guidance in recordkeeping for reporting purposes, and Regulation 18401(a)(4) instructs that a campaign maintain records for expenditures of \$25 or more, including the payee as well as the underlying vendor providing the goods or services.

A committee that files a Form 460 must enter the name and address of the payee, the person providing services if applicable, and enter a code, if applicable, and a description if no code applies. Currently, there is no code for the type of activity encompassed in this regulation. Staff has been informed that the Secretary of State's office, responsible for maintaining and receiving the Form 460, cannot make any changes in the expenditure coding at present because of the precarious state of the Cal-Access system. For this reason, all reporting of this type would also include a description of the payment in the field the form provides.

As the subcommittee recommended, Regulation 18421.5 requires that a committee report the following information on its Form 460: name of recipient of payment, name of person providing services, name of websites or web addresses on which the communications (whether blog, tweet, Facebook, etc.) appear. The disclosure would apply to all paid communications for Internet Activities and would be reported in the aggregate to a particular payee and/or service-provider. By requiring the committee to report the payee and the service-provider, the regulation intends for committees to disclose those people they pay who are actually providing content for an Internet forum and the specific website URL.

As in Regulation 18215.2, Regulation 18421.5 only applies to *compensated* Internet activities paid for by a political committee. As the Federal Election Commission observed in its final rules, "[A] communication through one's own website is analogous to a communication made from a soapbox in a public square." Thus, when an uncompensated individual simply links to a political website or communication, this activity is not sufficient to create coordination with a campaign or to trigger regulation under the PRA.

Additionally, Regulation 18421.5 applies to those recipient committees, as defined in Section 82013(a), that would already be required to disclose expenditures and file a Form 460. Staff does not intend to create a reporting requirement on any individual, especially those who are unpaid Internet participants. This regulation addresses those recipient committees that pay bloggers or others who engage in Internet activity with no disclosure. The people have the right and the desire to know if the opinions they are absorbing generate from a payment and from whom.

## REGULATORY ACTION

### Adopt 2 Cal. Code Regs. Section 18421.5:

Proposed Regulation 18421.5 addresses an aspect of the Commission's focus on updating the Act for the new millennium. Currently, by reading expenditure reports, one cannot see expenditures made to support services related to Internet web logs ("blogs"), newsletters, or social media. A "blog" (short-form for "web log") is typically a space on the Internet where a person expresses his or her thoughts, promotes ideas, products, services, or any other topic one can imagine. This regulation would require greater transparency in such paid online communications. Accordingly, staff recommends that the Commission adopt Regulation 18421.5 to provide greater and more specific disclosure by those political campaigns that make payments to anyone who provides online commentary on the campaign's behalf.

## SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

## FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

## AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend,

and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

#### REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 84211.

#### CONTACT

Any inquiries should be made to Heather M. Rowan Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")<sup>1</sup> by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **October 18, 2012**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on October 16, 2012**.

#### BACKGROUND/OVERVIEW

Government Code Section 82028 defines a gift as any payment that confers a personal benefit on the recipient, to the extent that consideration of equal or greater benefit is not received. Certain payments made with respect to travel and either not subject to the Act's gift limits and honoraria prohibitions or are exempted from the definition of gifts. The Act's travel regulations are contained in Regulations 18950 et seq. The regulatory amendments suggested herein are the last part of the

Commission's effort to revise, update and clarify the Act's gift provisions that began last year. The proposed amendments also complete the work on last year's gift revisions by updating the provisions of Regulation 18944 regarding payments to agencies.

#### REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18944: Regulation 18944 addresses payments to agencies. This was the only gift regulation that was not included in last year's revisions. It was excluded so that the provisions could be coordinated with the provisions of the travel regulations. This proposed amendment updates to conform with the previous amendments to the gift regulations and to be consistent with the proposed amendments to the travel regulations.

Amend 2 Cal. Code Regs. § 18950: Regulation 18950 is the guide or index to the gift regulations. This proposed amendment updates that guide and provides certain basic definitions related to travel.

Amend 2 Cal. Code Regs. § 18950.1: This regulation is proposed to be completely gutted and replaced with proposed amendments to address certain travel for agency-related business and to exclude this travel from the definition of gift.

Amend 2 Cal. Code Regs. § 18950.2: This regulation consolidates the regulations providing exceptions for travel payments for campaign activities.

Amend 2 Cal. Code Regs. § 18950.3: This regulation provides the exception for travel in connection with a bona fide business. The language, which is currently contained in subdivision (e) of Regulation 18950.1 now is proposed as a separate regulation.

Repeal 2 Cal. Code Regs. § 18727.5: This regulation dealing with campaign travel is proposed to be repealed and its provisions incorporated into one regulation dealing with campaign travel. (See proposed Regulation 18750.2.)

#### SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy.

#### FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

<sup>1</sup>The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

**AUTHORITY**

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

**REFERENCE**

The purpose of these regulations is to implement, interpret, and make specific the procedures for valuing gifts to nonprofit and political fundraisers, consistent with various provisions of the Act. Specific Sections implemented, interpreted, or made specific by these regulations are indicated in the "Reference" section at the end of each regulation.

**CONTACT**

Any inquiries should be made to William J. Lenkeit, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

**TITLE 13. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE NEW PASSENGER MOTOR VEHICLE GREENHOUSE GAS EMISSION STANDARDS FOR MODEL YEARS 2017-2025 TO PERMIT COMPLIANCE BASED ON FEDERAL GREENHOUSE GAS EMISSIONS STANDARDS AND ADDITIONAL MINOR REVISIONS TO THE LEV III AND ZEV REGULATIONS**

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the Low-Emission Vehicle (LEV III) greenhouse gas emissions standards, and additional minor revisions to the LEV III criteria pollutant and Zero-Emission Vehicle (ZEV) regulations, approved by the Board on January 26, 2012.

DATE: November 15, 2012  
 TIME: 9:00 a.m.  
 PLACE: California Environmental Protection Agency  
 Air Resources Board  
 Byron Sher Auditorium  
 1001 I Street  
 Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., November 15, 2012, and may continue at 8:30 a.m., on November 16, 2012. This item may not be considered until November 16, 2012. Please consult the agenda for the hearing, which will be available at least 10 days before November 15, 2012, to determine the day on which this item will be considered.

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

**Sections Affected:** Proposed amendments to California Code of Regulations, title 13, section(s) 1900, 1956.8, 1960.1, 1961, 1961.2, 1961.3, 1962.1, 1962.2, and 1976; and to the following documents incorporated by reference therein: "California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted March 22, 2012; "California 2001 through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 through 2016 Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Model Passenger Cars, Light Duty Trucks, and Medium Duty Vehicles," as last amended March 22, 2012; "California Non-Methane Organic Gas Test Procedures," as last amended March 22, 2012; "California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles," as last amended March 22, 2012; "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines," as last amended March 22, 2012; "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as last amended March 22, 2012; "California Exhaust Emission Standards and Test Procedures for 2009 through 2017 Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes," as last amended March 22, 2012; and "California Exhaust Emission Standards and Test Procedures for 2018 and Subsequent Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes," adopted March 22, 2012.

**Documents Incorporated by Reference:**

SAE Standard J2727, Revision Feb2012, Published 02/23/2012. "Mobile Air Conditioning System Refrigerant Emission Charts for R-134a and R-1234yf".

SAE Standard J2841: “Utility Factor Definitions for Plug-In Hybrid Electric Vehicles Using Travel Survey Data” (September 2010)

### **Background:**

#### *2009–2016 Model Year Greenhouse Gas Regulations*

Recognizing the increasing threat of climate change to the well-being of California’s citizens and the environment, in 2002 the legislature adopted and the Governor signed AB 1493 (Chapter 200, Statutes 2002, Pavley). AB 1493 directed the Air Resources Board (ARB or Board) to adopt the maximum feasible and cost-effective reductions in greenhouse gas emissions from light-duty vehicles. Vehicle greenhouse gas emissions included carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), and nitrous oxide (N<sub>2</sub>O) that are emitted from the tailpipe, as well as emissions of HFC134a, the refrigerant currently used in most vehicle air conditioning systems.

In 2004, in response to AB 1493, ARB approved what are commonly referred to as the Pavley regulations, the first in the nation to require significant reductions of greenhouse gases from motor vehicles. These regulations, covering the 2009 through 2016 and later model years, will result in a 17% overall reduction in climate change emissions from the light-duty fleet by 2020 and a 25% overall reduction by 2030. They also formed the foundation for the national greenhouse gas program (National Program) for light-duty vehicles for 2012 through 2016 model years that was developed by the U.S. Environmental Protection Agency (USEPA), in coordination with the National Highway Traffic Safety Administration (NHTSA), which administers Corporate Average Fuel Economy (CAFE) Standards.

This initial National Program embraced California’s program for lower greenhouse gas emissions and technologies (e.g., for engines, transmission, and air-conditioning system content and operation) to achieve comparable 2016 new vehicle fleet greenhouse gas emission reductions nationally. As part of its commitment to the National Program, ARB modified its regulations to explicitly accept federal compliance with the USEPA standards as sufficient to demonstrate compliance with California’s standards for the 2012 through 2016 model years, creating a consistent requirement to reduce greenhouse gas emissions nationwide.

#### *2017 and Later Model Year Greenhouse Gas Regulations*

Subsequent to ARB’s adoption of the Pavley regulations, the legislature adopted and the Governor signed AB 32, the California Global Warming Solutions Act (Chapter 488, Statutes 2006, Nuñez/Pavley). AB 32 charges ARB with the responsibility of monitoring and regulating greenhouse gas emissions in the State. AB 32 also directed ARB to prepare a Scoping Plan outlining

the State’s strategy to achieve the maximum feasible and cost-effective reductions in furtherance of reducing greenhouse gas emissions to 1990 levels by 2020. Measure T1 of the Scoping Plan anticipates an additional 3.8 million metric tons carbon dioxide equivalent (MMTCO<sub>2</sub>e) reduction by 2020 beyond the reductions from the 2009 through 2016 Pavley standards, with greater reductions realized in subsequent years. In addition, in 2005, in order to mitigate the long-term impacts of climate change, the Governor issued Executive Order S-3-05. Among other actions, the Executive Order called for reducing greenhouse gas emissions to 80 percent below 1990 levels by 2050; this ambitious yet achievable reduction path and goal are considered necessary to stabilize the long-term climate. AB 32 and Executive Order S-3-05, combined with AB 1493, drove development of California’s second generation passenger vehicle greenhouse gas regulations for model years 2017 and beyond.

In May of 2010, a Presidential Memorandum<sup>1</sup> directed USEPA and NHTSA to build on their 2012 through 2016 National Program and work with California to jointly develop continuing national greenhouse gas standards for model years 2017 through 2025. The Memorandum requested that USEPA and NHTSA work closely with ARB on a 2010 technical assessment that would assess technologies and costs to achieve varying levels for greenhouse gas emission reduction through model year 2025. The result was a September 2010 *Interim Technical Assessment Report*, jointly authored by USEPA, NHTSA, and ARB. Subsequent to that collaborative technical work ARB staff closely monitored the work of USEPA and NHTSA, and the staffs continued to jointly hold meetings with various stakeholders (e.g., individual automakers), examine updated technical materials, and develop consistent technology assumptions.

In July 2011, automakers, California, and the federal government committed to a series of actions that would allow for the development of national greenhouse gas standards for model years 2017 through 2025 that would meet the needs of California as well as the nation as a whole. California’s commitments (as conveyed by a letter<sup>2</sup> from Chairman Mary Nichols to USEPA and the U.S. Department of Transportation) are:

<sup>1</sup> The Presidential Memorandum is found at: <http://www.whitehouse.gov/the-press-office/presidential-memorandum-regarding-fuel-efficiency-standards>.

<sup>2</sup> California Air Resources Board, Letter from Mary D. Nichols, Chairman, to The Honorable Lisa Jackson, Administrator, United States Environmental Protection Agency and The Honorable Ray LaHood, Secretary, United States Department of Transportation, July 28, 2011, available at <http://www.epa.gov/otaq/climate/letters/carb-commitment-ltr.pdf>.

- (1) California committed that if USEPA proposed federal greenhouse gas standards and NHTSA proposed CAFE standards for model years 2017 and beyond substantially as described in the July 2011 Notice of Intent (published in the Federal Register on August 9, 2011), and the agencies adopted standards substantially as proposed, California would not contest such standards;
- (2) California committed to propose to revise its standards on greenhouse gas emissions from new motor vehicles for the 2017 through 2025 model years, such that compliance with the greenhouse gas emissions standards adopted by USEPA for those model years that are substantially as described in the July 2011 Notice of Intent, even if amended after 2012, shall be deemed in compliance with the California greenhouse gas emissions standards, in a manner that is applicable to states that adopt and enforce California's greenhouse gas standards under Clean Air Act (CAA) Section 177; and
- (3) California committed to propose that its revised Zero-Emission Vehicle (ZEV) program for the 2018 through 2021 model years include a provision providing that over-compliance with the federal greenhouse gas standards in the prior model year may be used to reduce in part a manufacturer's ZEV obligation in the next model year.

The Notice of Proposed Rulemaking (NPRM) for the 2017 through 2025 model year national greenhouse gas program was issued on December 1, 2011. 76 Fed.Reg. 74854 (December 1, 2011). That NPRM also furthered USEPA and the U.S. Department of Transportation commitments to re-evaluate the state of vehicle technology to determine whether any adjustments to the stringency of the 2022 through 2025 model year national greenhouse gas standards, adopted as a result of these commitments are appropriate. This re-evaluation of vehicle technology is referred to as a "Mid-term Review." Regarding the Mid-term Review, Chairman Nichols's commitment stated "California will fully participate in the mid-term evaluation, however, California reserves all rights to contest final actions taken or not taken by EPA or NHTSA as part of or in response to the mid-term evaluation." The Board confirmed California's commitment to participating in the Mid-term Review by including the following language in Resolution 12-11<sup>3</sup>, "BE IT FURTHER RESOLVED that the Board directs the Executive Officer to participate in U.S.

<sup>3</sup> State of California, Air Resources Board, Resolution 12-11, January 26, 2012, Agenda Item No.: 12-1-2, ADVANCED CLEAN CARS REGULATION PACKAGE, <http://www.arb.ca.gov/regact/2012/cfo2012/res12-11.pdf>.

EPA's mid-term review of the 2022 through 2025 model year passenger vehicle greenhouse gas standards being proposed under the 2017 through 2025 MY National Program."

In January 2012, the ARB approved its second generation greenhouse gas regulations as part of the Low-Emission Vehicle III (LEV III) element of the Advanced Clean Cars program. This program combines the control of smog-causing pollutants and greenhouse gas emissions into a single coordinated package of requirements for model years 2017 through 2025 and assures the development of environmentally superior cars that will continue to deliver the performance, utility, and safety vehicle owners have come to expect. A second element of the Advanced Clean Cars program, the ZEV regulations, includes regulatory changes that implement California's third (3) commitment above.<sup>4</sup>

The second generation greenhouse gas regulations contained in the Advanced Clean Cars program require significant reductions in greenhouse gas emissions from passenger cars and light-duty trucks (i.e., vehicles less than 8,500 lbs. gross vehicle weight) and sport utility vehicles (i.e., medium-duty passenger vehicles). These requirements will reduce car CO<sub>2</sub> emissions by about 36% and truck CO<sub>2</sub> emissions by about 32% from model year 2016 through 2025. The ZEV element of the Advanced Clean Cars program also fulfills California's third commitment towards the development of the 2017 through 2025 model year national greenhouse gas program, as discussed above.

At the January 2012 hearing, the Board also confirmed California's commitment to make regulatory changes that implement California's first (1) commitment above by including the following language in Resolution 12-11, "BE IT FURTHER RESOLVED that the Board directs the Executive Officer to either propose modifications to the approved regulatory amendments, or to return to the Board with a new regulatory proposal, to accept compliance with the 2017 through 2025 MY National Program as compliance with California's greenhouse gas emission standards in the 2017 through 2025 model years, if the Executive Officer determines that U.S. EPA has adopted a final rule that at a minimum preserves the greenhouse reduction benefits set forth in U.S. EPA's December 1, 2011 Notice of Proposed Rulemaking for 2017 through 2025 model year passenger vehicles[.]" The Board reiterated this commitment at the March 2012 "Public Hearing to Consider Approval

<sup>4</sup> Another element of the Advanced Clean Cars program, the Clean Fuels Outlet regulations, designed to assure ultra-clean fuels such as hydrogen are available to meet vehicle demands brought on by these amendments to the ZEV program, are mentioned here for completeness. However, there are no proposed amendments to these regulations at this time and none are needed to meet the above-described commitments.

of Responses to Public Comments on the Environmental Analysis for the Advanced Clean Cars Regulations and to Take Final Action on These Regulations” by including the following language in Resolution 12–21<sup>5</sup>, “WHEREAS, in consideration of the proposed Final Regulation Orders, written comments, and public testimony it has received to date, the Board finds that: It is appropriate to accept compliance with the 2017 through 2025 model year National Program as compliance with California’s greenhouse gas emission standards in the 2017 through 2025 model years, once United States Environmental Protection Agency (U.S. EPA) issues their Final Rule on or after its current July 2012 planned release, provided that the greenhouse gas reductions set forth in U.S. EPA’s December 1, 2011 Notice of Proposed Rulemaking for 2017 through 2025 model year passenger vehicles are maintained, except that California shall maintain its own reporting requirements”. Accepting such National Program compliance for the 2017 through 2025 model years is the subject of this rulemaking proposal.

#### **Objectives and Benefits:**

The objective of this rulemaking is to follow through on the commitment made to USEPA and NHTSA by Chairman Nichols on July 28, 2011 and in Board Resolutions 12–11 and 12–21 to propose for adoption appropriate language to accept manufacturer–demonstrated compliance with the final national passenger motor vehicle greenhouse gas regulations for the 2017 through 2025 model years, as an option to achieve compliance with California’s regulations for those model years.

This proposal also makes minor changes to ARB’s regulations. In general these proposed changes correct errors, and update procedures to reflect information received since adoption of the regulations in January, 2012. Staff is not proposing to amend the regulations to be identical to the final National Program. For example ARB’s regulation would continue to treat upstream emissions differently than the final National Program. Other areas in which the California rule and the final federal greenhouse rule do not align are discussed in the Staff Report: Initial Statement of Reasons for this rulemaking. In practice, most if not all manufacturers are expected to use compliance with the national rule to satisfy California requirements. However a manufacturer may choose to comply with the ARB requirements, and the ARB regulation would remain in place in the event the National Program ceases.

It should also be noted that adoption of this proposal would not eliminate the reporting requirements for California. Specifically, a manufacturer will still be required to submit emission testing data and sales data for California and each of the Section 177 states in sufficient detail to allow staff to verify the manufacturer’s average greenhouse gas levels for each model year. In addition, staff is also proposing minor revisions to the LEV III criteria pollutant regulations and the ZEV regulations to correct errors and to clarify the regulations.

The national greenhouse gas program for the 2017 through 2025 model years is marginally less stringent than California’s program due to differences between the two programs in their treatment of advanced technology vehicles and the application and calculation of credits for improved air conditioning systems, off-cycle technologies and hybridization of full-size trucks. Staff has determined that the differences in the federal credit scheme for select technologies are largely limited to the early years of the program and will have a minimal impact on greenhouse gas emission reductions from the light-duty fleet. The combined impact of these federal provisions results in a slight decrease in accumulated CO<sub>2</sub> reductions in California in 2025. On page 162 of the Initial Statement of Reasons<sup>6</sup> for LEV III (LEV III ISOR), staff estimated that the impact of these provisions would result in a 4.5% loss of accumulated CO<sub>2</sub> emission reductions in 2025.

Nonetheless, while implementation of a compliance option that allows manufacturers to certify to the 2017 through 2025 model year national greenhouse gas program instead of the California program would result in a slight decrease in accumulated CO<sub>2</sub> reductions in California, greater CO<sub>2</sub> reductions would be achieved nationwide, as was the case when California adopted the federal program option for the 2012 through 2016 model years. For 2017 and later model years, staff estimates that in 2050, the California program would reduce greenhouse gas emissions from light-duty vehicles by 43 million metric tons (MMT) (LEV III ISOR page 176). USEPA has estimated greenhouse gas reductions of 569 MMTs from the national program in 2050.<sup>7</sup> This occurs because the national program applies to a national fleet that is approximately ten times larger than the California fleet.

Additionally, as noted in Appendix J, staff is proposing to correct an error in the carbon monoxide (CO) standards for medium-duty vehicles that were adopted

<sup>6</sup> The Initial Statement of Reasons can be found at <http://www.arb.ca.gov/regact/2012/leviiiighg2012/levisor.pdf>.

<sup>7</sup> “2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards” final rule, adopted August 28, 2012, available at <http://epa.gov/otaq/climate/documents/2017-2025-ghg-cafe-standards-firm.pdf>.

<sup>5</sup> State of California, Air Resources Board, Resolution 12–21, March 22, 2012, Agenda Item No.: 12–2–7, ADVANCED CLEAN CARS REGULATION PACKAGE, <http://www.arb.ca.gov/regact/2012/leviiiighg2012/res12-21.pdf>.

as part of the original LEV III rulemaking. The CO standards that are currently in place were inadvertently copied from an earlier proposal and are not consistent with those presented in the LEV III ISOR.

**CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS**

Staff does not believe the proposed regulation is inconsistent or incompatible with existing state regulations.

**MANDATED BY FEDERAL LAW OR REGULATIONS**

This regulation is not mandated by federal law or regulations.

**COMPARABLE FEDERAL REGULATIONS**

On August 28, 2012, a Final Rulemaking (FRM) was issued by USEPA and NHTSA for a joint rulemaking of coordinated federal greenhouse gas emission reduction and fuel economy program for light-duty vehicles, beginning in the 2017 model year (see footnote 7). While, as discussed above, differences remain between the proposed California greenhouse gas regulations and those presented in the FRM, greater greenhouse gas reductions occur nationwide under the National Program than under the California program alone. Staff's amendments allow manufacturers to comply with these federal standards as an alternative to compliance with California's greenhouse gas regulations for the 2017 through 2025 model years.

**AVAILABILITY OF DOCUMENTS**

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Proposed Amendments to New Passenger Motor Vehicle Greenhouse Gas Emission Standards for Model Years 2017–2025 to Permit Compliance Based on Federal Greenhouse Gas Emission Standards and Additional Minor Revisions to the LEV III and ZEV Regulations."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmen-

tal Services Center, First Floor, Sacramento, California, 95814, (916) 322–2990, on September 14, 2012.

**Final Statement of Reasons Availability**

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

**AGENCY CONTACT PERSONS**

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Paul Hughes, Manager, Low-Emission Vehicle Implementation Section, at (626) 575–6977, or Ms. Sarah Carter, Staff Air Pollution Specialist, at (626) 575–6845.

Further, the agency representative and designated back-up contact persons, to whom non-substantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, (916) 322–4011, or Ms. Amy Whiting, Regulations Coordinator, (916) 322–6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

**Internet Access**

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2012/leviiidtc12/leviiidtc12.htm>.

**FISCAL IMPACT**

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

**DISCLOSURES REGARDING THE PROPOSED REGULATION**

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

It is not possible to quantify the potential economic benefit of the additional compliance flexibility provided to automobile manufacturers with these proposed amendments due to the confidentiality of product placement strategies. Additionally, this alternate compliance path is optional, making the number of automobile manufacturers that will utilize these proposed amendments uncertain.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

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

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT PREPARED PURSUANT TO GOVERNMENT CODE SEC. 11346.3(b)

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

Benefits of the Proposed Regulation:

While the stringency of the California standards remains unchanged, the alternative compliance option will benefit manufacturers by providing them with greater flexibility and will increase the cumulative emission reductions — and therefore the resultant public health and environmental benefits — due to application across the national fleet. The benefits of this additional flexibility are not quantified due to the confidential nature of manufacturers' product placement strategies.

EFFECT ON SMALL BUSINESS

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because small businesses are not regulated parties under these regulations.

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

ALTERNATIVES

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

ENVIRONMENTAL ANALYSIS

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

SUBMITTAL OF COMMENTS AND WRITTEN COMMENT PERIOD

Interested members of the public may also present comments verbally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on September 14, 2012. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after September 14, 2012 and received **no later than 12:00 noon on November 14, 2012**, and must be addressed to the following:

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

Electronic submittal:

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

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

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

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

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

#### STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38510, 38560, 38562, 39500, 39515, 39600, 39601, 39667, 43006, 43013, 43018, 43018.5, 43101, 43104, 43105, 43200, 43210, 43210.5, and 44036.2, and Vehicle Code section 27156. This action is proposed to implement, interpret, and make specific sections 38501, 38510, 38560, 39002, 39003, 39667, 40000, 43000, 43004, 43006, 43008.6, 43009.5, 43100, 43101, 43101.5, 43102, 43104, 43106, 43205, 43205.5, 43210, 43211, 43212, and 43213, Health and Safety Code.

#### HEARING PROCEDURES

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

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

be made available to the public, for written comment, at least 15-days before it is adopted.

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

#### SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

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

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

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

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

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

#### TITLE 16. PHYSICIAN ASSISTANT COMMITTEE

NOTICE IS HEREBY GIVEN that the Physician Assistant Committee is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2005 Evergreen Street, Hearing Room 1150, Sacramento, California 96815, at 9:00 a.m., on 29 October 2012. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Committee at its office not later than 5:00 p.m. on 29 October 2012 or must be received

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

Authority and Reference: Pursuant to the authority vested by Sections 144, 901 and 3510 of the Business and Professions Code, and to implement, interpret or make specific Sections 901 of said Code, the Physician Assistant Committee is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST**

**A. Informative Digest**

Business and Professions Code Section 3510 authorizes the Committee to adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of the Physician Assistant Practice Act. The Committee is proposing the following changes:

Adopt Sections: 1399.620, 1399.621, 1399.622, and 1399.623 of Article 9, Sponsored Health Care Events — Requirements for Exemption.

Sponsored Free Health Care Events is not addressed in current regulation.

This proposal requires the Physician Assistant Committee to implement legislation, AB 2699, (Bass, Chapter 270, Statutes of 2010) enacting Business and Professions Code Section 901, which took effect January 1, 2011.

This statute provides a regulatory framework for certain health care events at which free care is offered to uninsured or under-insured individuals by volunteer health care practitioners where those practitioners may include individuals who may be licensed in one or more states but are not licensed in California.

These proposed regulations will implement, interpret, and make specific the provisions of Section 901, including application requirements, recordkeeping procedures, forms used, and denial and appeal procedures to be used by sponsoring entities and out-of-state practitioners who wish to participate in sponsored events.

**B. Policy Statement Overview/Anticipated Benefits of Proposal**

The committee’s highest priority is the protection of the public and the proposed regulations will implement

the provisions of Business and Professions Code Section 901 in a manner that will provide the greatest protection of the people of California.

**C. Consistency and Compatibility with Existing State Regulations**

This Physician Assistant Committee has evaluated this regulatory proposal and it is not inconsistent nor incompatible with existing state regulations.

**INCORPORATION BY REFERENCE**

The following documents are to be incorporated by reference:

1. “Registration of Sponsoring Entity under Business & Professions Code Section 901” Form 901–A (DCA/2011)
2. “Request for Authorization to Practice without a California License at a Registered Free Health Care Event” Form 901–B (PAC/2012)

**FISCAL IMPACT ESTIMATES**

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

The proposed regulations impact out-of-state health care practitioners applying to the Physician Assistant Committee to participate in community-based organizations that provide sponsored free health care events in California.

The proposed regulation may provide an opportunity for out-of-state licensed volunteers to participate in community sponsored free health care events.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in

reasonable compliance with the proposed action and that are known to Physician Assistant Committee are minor costs associated with the application and fingerprinting process. There may also be minor costs associated with maintenance of records.

Effect on Housing Costs: None.

**EFFECT ON SMALL BUSINESS**

There is no significant cost impact on small business. Minor costs associated with maintenance of records and filing applications may be incurred.

**RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

Impact on Jobs/Businesses:

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

Benefits of Regulation:

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

The proposed regulation would provide an opportunity for out-of-state licensed health care volunteers to participate in community sponsored free health care events. Uninsured or underinsured individuals would have an opportunity to receive health care.

**CONSIDERATION OF ALTERNATIVES**

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

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

**INITIAL STATEMENT OF REASONS AND INFORMATION**

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

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Committee at 2005 Evergreen Street, Suite 1100, Sacramento, California 95825.

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

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

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

**CONTACT PERSON**

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

Name: Glenn Mitchell  
 Address: 2005 Evergreen Street,  
 Suite 1100  
 Sacramento, CA 95815  
 Telephone No.: (916) 561-8783  
 Fax No.: (916) 263-2671  
 E-Mail Address: glenn.mitchell@mbc.ca.gov

The backup contact person is:

Name: Elberta Portman  
 Address: 2005 Evergreen Street,  
 Suite 1100  
 Sacramento, CA 95815  
 Telephone No.: (916) 561-8782  
 Fax No.: (916) 263-2671  
 E-Mail Address: elberta.portman@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at

[www.pac.ca.gov](http://www.pac.ca.gov).

**GENERAL PUBLIC INTEREST**

**FISH AND GAME COMMISSION**

**NOTICE OF RECEIPT OF PETITION**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on August 20, 2012 received a petition from Oceana, Center for Biological Diversity, and Shark Stewards to list the white shark (*Carcharodon carcharias*) as threatened or endangered under the California Endangered Species Act.

White sharks are a pelagic species and are endothermic, allowing them to inhabit cold water and remain active predators of swift and agile prey.

Pursuant to Section 2073 of the Fish and Game Code, on August 27, 2012 the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. It is anticipated that the Department’s evaluation and recommendation relating to the petition will be received by the Commission at its February, 2013 Commission meeting. Interested parties may contact Paul Hamdorf, Acting Manager, Marine Region, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA 93940, or telephone 562–342–7210 for information on the petition or to submit information to the Department relating to the petitioned species.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF INTENT TO LIST CHEMICALS BY THE LABOR CODE MECHANISM SEPTEMBER 14, 2012**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemicals identified in the table below as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 *et*

*seq.* This action is being taken pursuant to the Labor Code mechanism contained in Health and Safety Code section 25249.8(a).

Chemical	CAS No.	Endpoint	References
Alpha–methylstyrene	98–83–9	Cancer	IARC (2012a,b)
1,3–Dinitropyrene	75321–20–9	Cancer	IARC (2012a); Benbrahim–Tallaa <i>et al.</i> (2012)

**Background on listing by the Labor Code mechanism:** Health and Safety Code section 25249.8(a) incorporates California Labor Code Sections 6382(b)(1) and 6382(d) into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. Labor Code section 6382(d) refers to substances identified as carcinogens or potential carcinogens by IARC. Information regarding carcinogenicity classifications by IARC may be found at the following URL: <http://monographs.iarc.fr/ENG/Preamble/CurrentPreamble.pdf> (IARC Preamble).

As the lead agency for the implementation of Proposition 65, OEHHA evaluates whether listing under Proposition 65 is required.

**OEHHA’s determination:** *Alpha–methylstyrene* and *1,3–dinitropyrene* each meet the requirements for listing as known to the state to cause cancer for purposes of Proposition 65.

IARC has published on its website a list entitled “Agents Classified by the IARC Monographs, Volumes 1–105” (IARC, 2012a). IARC concludes that *alpha–methylstyrene* and *1,3–dinitropyrene* are each classified in Group 2B (the agent is “possibly carcinogenic to humans”). In Volume 101 of its series, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans* (IARC, 2012b), IARC concludes that there is “sufficient evidence of carcinogenicity in experimental animals” for *alpha–methylstyrene*. IARC also concludes that there is “sufficient evidence of carcinogenicity in experimental animals” for *1,3–dinitropyrene* (Benbrahim–Tallaa *et al.*, 2012). Therefore, these substances meet the requirements of both Labor Code sections 6382(b)(1) and (d).

**Opportunity for comment:** OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA is providing this opportunity to comment as to whether the chemicals identified above meet

the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a). Because these are ministerial listings, comments should be limited to whether IARC has identified the specific chemical or substance as a known or potential human or animal carcinogen. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when identifying a specific chemical or substance and will not respond to such comments if they are submitted.

**OEHHA must receive comments by 5:00 p.m. on Monday, October 15, 2012.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov), and should include "NOIL" and the chemical name in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. A public workshop will be held only upon request. Such request must be made in writing to the address below to [Cynthia.Oshita@oehha.ca.gov](mailto:Cynthia.Oshita@oehha.ca.gov) within 10 days from the publication of this notice:

**Mailing Address:** Ms. Cynthia Oshita  
Office of Environmental  
Health Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, California  
95812-4010

**Fax:** (916) 323-8803

**Street Address:** 1001 I Street  
Sacramento, California 95814

Any public comments received will be posted on the OEHHA website after the close of the comment period. If you have any questions, please contact Ms. Oshita at [Cynthia.Oshita@oehha.ca.gov](mailto:Cynthia.Oshita@oehha.ca.gov) or at (916) 445-6900.

**References**

Benbrahim-Tallaa, L, Baan R, Grosse, Y, Lauby-Secretan, B, El Ghissassi, F, Bouvard, V, Guha, N, Loomis, D, Straif, K, on behalf of the WHO International Agency for Research on Cancer Monograph Working Group (2012). Carcinogenicity of diesel-engine and gasoline-engine exhausts and some nitroarenes. *The Lancet Oncology* **13**(7):663-664. [URL: [http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2812%2970280-2/fulltext#article\\_upsell](http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2812%2970280-2/fulltext#article_upsell)].

International Agency for Research on Cancer (IARC, 2012a). Agents Classified by the *IARC Monographs*, Volumes 1-105. Available at URL: <http://monographs.iarc.fr/ENG/Classification/ClassificationsAlphaOrder.pdf> [Accessed August 15, 2012].

International Agency for Research on Cancer (IARC, 2012b). *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. Some Chemicals in Industrial and Consumer Products, Food Contaminants and Flavourings, and Water Chlorination By-products. Cume Vol. 101. World Health Organization, Lyon, France. [URL: <http://monographs.iarc.fr/ENG/Monographs/vol101/mono101-009.pdf>]

**DISAPPROVAL DECISION**

DECISIONS OF DISAPPROVAL OF REGULATORY ACTIONS

Printed below are the summaries of Office of Administrative Law disapproval decisions. The full text of disapproval decisions are available at [www.oal.ca.gov](http://www.oal.ca.gov) under the "Publications" tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**DEPARTMENT OF GENERAL SERVICES**

State of California  
Office of Administrative Law

**In re:**  
**Department of General Services**

**Regulatory Action: Title 2  
California Code of Regulations**

**Adopt sections: 1896.71, 1896.72, 1896.73, 1896.74, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.83, 1896.84, 1896.88, 1896.91, 1896.92, 1896.96, 1896.97**  
**Amend sections: 1896.60, 1896.61, 1896.62, 1896.70, 1896.75, 1896.80, 1896.90, 1896.95, 1896.98**  
**Repeal sections: 1896.63, 1896.64, 1896.85**

**DECISION OF DISAPPROVAL OF REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL File No. 2012-0716-03 S**

SUMMARY OF REGULATORY ACTION

This rulemaking by the Department of General Services (DGS) proposed to adopt, amend and repeal sev-

eral sections in the California Code of Regulations, title 2, Division 2, Chapter 3, Subchapter 10.5, commencing with section 1896.60, known as the Disabled Veteran Business Enterprise (DVBE) Participation regulations. Legislation chaptered in years 2003 through 2010 requires the addition or deletion of regulatory content and the restructuring and renumbering of the regulations because code references, terms, and definitions have become obsolete.

#### DECISION

On July 16, 2012, the DGS submitted to the Office of Administrative Law (OAL) proposed amendments to several sections in the California Code of Regulations (CCR), title 2, Division 2, Chapter 3, Subchapter 10.5, commencing with section 1896.60, known as the Disabled Veteran Business Enterprise (DVBE) Participation regulations.

On August 27, 2012, OAL notified DGS that OAL disapproved the proposed regulatory action for failure to comply with specified standards and procedures of the California Administrative Procedure Act (APA). The reasons for the disapproval are summarized below:

- A. The agency failed to follow required APA procedures;
- B. The proposed regulations fail to comply with the clarity standard of Government Code section 11349.1(a)(3) and 1 CCR section 16(a).

All APA issues must be resolved prior to OAL approval of any resubmission of the regulations.

#### CONCLUSION

For the reasons set forth, OAL has disapproved this regulatory action.

Date: September 4, 2012

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Peggy J. Gibson  
Senior Counsel

FOR: DEBRAM. CORNEZ  
Director

Original: Fred Klass  
Copy: Diana T. Alfaro

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2012-0731-05  
AIR RESOURCES BOARD  
Cap and Trade Regulation Amendments 2012

This regulatory action makes amendments to the California Cap-and-Trade Regulations to allow for implementation of the market program. The amendments address the following: limits eligibility for participation in the program; ensures every registered entity is informed of and can monitor actions on the account; adds security measures; establishes more rigorous methods to enhance integrity of transfers; consolidating accounts; sets a single auction date instead of two each year; changes allocation date for utilities; and modifies auction, reserve sale and trading procedures.

Title 17  
California Code of Regulations  
AMEND: 95802, 95812, 95814, 95830, 95831, 95832, 95833, 95834, 95856, 95870, 95892, 95910, 95911, 95912, 95913, 95914, 95920, 95021  
Filed 08/30/2012  
Effective 09/01/2012  
Agency Contact: Amy Whiting (916) 322-6533

File# 2012-0718-01  
BOARD OF OCCUPATIONAL THERAPY  
Delegation of Functions, Disciplinary Processes

This regulatory action by the Board of Occupational Therapy adds two sections and amends four sections of title 16 of the California Code of Regulations. BOT adopted these changes in response to a Department of Consumer Affairs mandate that all boards enhance consumer protection. The changes include new delegations of authority to BOT's Executive Officer, additional actions constituting unprofessional licensee conduct, and requirements for mental and physical examinations of fitness for licensure under particular circumstances.

Title 16  
 California Code of Regulations  
 ADOPT: 4146, 4148, 4149, 4149.1 AMEND: 4100,  
 4101  
 Filed 08/29/2012  
 Effective 09/28/2012  
 Agency Contact: Heather Martin (916) 263-2294

File# 2012-0724-04  
**BOARD OF PAROLE HEARINGS**  
 Parole Revocation Procedures

This resubmittal rulemaking amends several sections in Title 15 of the California Code of regulations. The purpose of this rulemaking is to make regulations consistent with changes made to statute in the "Criminal Justice Realignment." Some of the changes are that a parolee after 10/1/2011 may not be returned to custody for a parole revocation term longer than 180 days unless statute provides otherwise. Additionally there are changes being made to when a parolee is eligible to earn worktime credits. There also changes to the suggested length of confinement based on a single parole violation charge.

Title 15  
 California Code of Regulations  
 AMEND: 2606, 2635.1, 2646.1, 2733, 2740, 2743,  
 2744  
 Filed 08/29/2012  
 Effective 09/28/2012  
 Agency Contact:  
 Anne M. Cervantes (916) 445-5277

File# 2012-0720-05  
**BOARD OF VOCATIONAL NURSING AND  
 PSYCHIATRIC TECHNICIANS**  
 Sponsored Health Care Events

In this regulatory action, the Board of Vocational Nursing and Psychiatric Technicians (Board) proposed to adopt regulations pertaining to sponsored health care events. These regulations implement Business and Professions Code section 901, which was enacted in A.B. 2699 (Stats. 2010, ch. 270). Under this legislation, California's healing arts boards are generally authorized to adopt regulations under which a health care practitioner licensed or certified and in good standing in another state, district or territory of the United States (an out-of-state practitioner) under specified conditions may offer or provide health care services in California without obtaining California licensure. The out-of-state practitioner must provide the services on a voluntary basis and without charge to uninsured or underinsured persons, at a sponsored health care event, and for a period of 10 calendar days or less per event. The Board proposed to implement Business and Profes-

sions Code section 901 as it pertains to vocational nurses and psychiatric technicians.

Title 16  
 California Code of Regulations  
 ADOPT: 2557, 2557.1, 2557.2, 2557.3, 2595,  
 2595.1, 2595.2, 2595.3  
 Filed 08/30/2012  
 Effective 09/29/2012  
 Agency Contact: Mark Ito (916) 263-7864

File# 2012-0823-02  
**CALIFORNIA ALTERNATIVE ENERGY AND  
 ADVANCED TRANSPORTATION FINANCING  
 AUTHORITY**  
 SB 71 Sales and Use Tax Exclusion Program

Section 26011.8 of the Government Code authorizes the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) to approve projects for financial assistance in the form of the sales and use tax exclusion established in Section 6010.8 of the Revenue and Taxation Code. In 2010, CAEATFA adopted sections 10030, 10031, 10032, 10033, 10034, 10035, and 10036 in title 4 of the California Code of Regulations (CCR) to implement the advanced transportation and alternative source manufacturing sales and use tax exclusion program. Since that time staff has continued to evaluate the program and as a result CAEATFA adopted amendments to sections 10032, 10033, 10034, and 10035 of title 4 of the CCR by emergency regulatory action effective March 8, 2012. Those emergency regulations were deemed an emergency by the Legislature pursuant to Public Resources Code section 26011.8. This regulatory filing is a readoption of those emergency regulations.

Title 4  
 California Code of Regulations  
 AMEND: 10032, 10033, 10034, 10035  
 Filed 09/04/2012  
 Effective 09/04/2012  
 Agency Contact: Deana Carrillo (916) 651-5102

File# 2012-0821-04  
**CALIFORNIA DEBT LIMIT ALLOCATION  
 COMMITTEE**  
 Administration of California's Limited Tax-Exempt  
 Debt Authority

The California Debt Limit Allocation Committee (CDLAC) submitted this emergency readoption action to continue the emergency action taken in OAL File Nos. 2011-1011-02E, 2011-1129-02ER, and 2012-0522-01EE, which amended various title 4 regulations and seven related incorporated by reference forms and added a new incorporated by reference form. The emergency regulations pertain to housing projects

for lower income families and individuals and for preserving and rehabilitating existing governmental assisted housing for lower income families and individuals. Additionally, the CDLAC application form for small-issue industrial development bond projects was updated to conform to regulations governing this bond issuance category that are adopted by both CDLAC and the California Industrial Development Financing Advisory Commission. This action makes nonsubstantive technical revisions to five of the incorporated by reference forms.

Title 4  
California Code of Regulations  
ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133  
Filed 08/29/2012  
Effective 08/29/2012  
Agency Contact: Annie Ong (916) 653-8018

File# 2012-0719-02  
**CALIFORNIA HORSE RACING BOARD**  
Suspension of License Due to Delinquent Tax Debt

The California Horse Racing Board ("Board") adopted section 1489.1 of title 4 of the California Code of Regulations, "Suspension of License Due to Delinquent Tax Debt," to comply with the provisions of Business and Professions Code section 494.5. The regulation requires the Board to mail a preliminary notice of intent to suspend, or withhold issuance or renewal of a license to current licenses or applicants for a license whose name appears on the Board of Equalization ("BOE") or the Franchise Tax Board ("FTB") 500 largest tax delinquencies lists. If, within 90 days of the mailing of the preliminary notice, the Board receives a notice of release from the BOE or FTB, the licensee will not be suspended and the temporary license may become permanent. If no release is received within 90 days, the license is suspended or the temporary license is terminated and the license fees forfeited. Upon receipt of a notice of compliance from the BOE or FTB, the regulation requires that a suspended license be reinstated within five working days.

Title 4  
California Code of Regulations  
ADOPT: 1489.1  
Filed 08/30/2012  
Effective 09/29/2012  
Agency Contact: Erica Ward (916) 263-6025

File# 2012-0720-03  
**CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE**  
Loan Administration Policy

The California Institute for Regenerative Medicine (CIRM) amended section 100800 in title 17 of the California Code of Regulations to amend their loan administration policy.

Title 17  
California Code of Regulations  
AMEND: 100800  
Filed 08/29/2012  
Effective 08/29/2012  
Agency Contact: C. Scott Tocher (415) 396-9136

File# 2012-0719-01  
**DEPARTMENT OF EDUCATION**  
Interagency — Providing Services to Pupils with Disabilities

This interagency action makes changes without regulatory effect pursuant to 1 CCR section 100 by revising cross-references, revising grammar, and by making changes to authority and reference citations. Specifically, this action revises cross-references to subdivisions of Government Code section 7572 and eliminates cross-references and reference citations to Government Code section 7576 to reflect legislative amendments pursuant to Stats. 2011, c 43 (A.B. 114). Section 60323(f) is amended to correct an erroneous cross-reference to non-existent 5 CCR section 2620 where reference was intended to be made to Business and Professions Code section 2620. This action makes changes to reflect the name change of the "Department of Health Services" to the "Department of Health Care Services" and the "Health and Welfare Agency" to the "Health and Human Services Agency." This action further adds Health and Safety Code section 20 to the authority citations for regulation sections 60300, 60310, 60323, 60325, 60330, 60400 and 60610.

Title 2  
California Code of Regulations  
AMEND: 60000, 60010, 60300, 60310, 60323, 60325, 60330, 60400, 60550, 60560, 60600, 60610  
REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200  
Filed 08/30/2012  
Agency Contact: Cynthia Olsen (916) 319-0584

File# 2012-0723-01  
**DEPARTMENT OF INSURANCE**  
Proposed Rate Increase to CAARP Commercial Auto Rates

This file and print action amends the California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates to increase the rates on five sublines of commercial automobile insurance and amends section 2468.5 of Title 10 of the California Code of Regulations to state October 1, 2012 as the latest amendment date of that manual.

Title 10  
 California Code of Regulations  
 AMEND: 2468.5  
 Filed 08/30/2012  
 Effective 10/01/2012  
 Agency Contact: Mike Riordan (415) 538-4226

File# 2012-0724-03  
 DEPARTMENT OF PUBLIC HEALTH  
 Medical and Dental X-Ray Quality Assurance

The Department of Public Health adopted sections 30305.1, 30308.1, and 30311.1 of title 17 of the California Code of Regulations to establish general quality assurance standards for those who perform radiography and more specific quality assurance standards for those who develop radiographs for diagnostic purposes with automatic film processors and for those who use intra-oral film for dental radiography of human beings.

Title 17  
 California Code of Regulations  
 ADOPT: 30305.1, 30308.1, 30311.1  
 Filed 09/04/2012  
 Effective 10/04/2012  
 Agency Contact: Linda M. Cortez (916) 440-7683

File# 2012-0720-02  
 FISH AND GAME COMMISSION  
 Permits and Inspection of Restricted Species

This rulemaking amends Title 14, section 671.1 and adopts Title 14, section 671.8 of the California Code of Regulations ("CCR"). Existing regulations specify the conditions under which an individual or entity can lawfully possess restricted species in California. The regulatory changes are needed to comport with Fish and Game Code sections 2116-2195, which require the implementation of a comprehensive, self-supporting program for inspection and monitoring of restricted species facilities in California. In addition, recent events involving captive restricted species (a human fatality incident and separate escaped animal incidents) demonstrated the need for reconsideration, modification, and addition to the existing regulations to address issues such as escape contingency planning, public safety, and inspection.

Title 14  
 California Code of Regulations  
 ADOPT: 671.8  
 AMEND: 671.1  
 Filed 08/31/2012  
 Effective 07/01/2013  
 Agency Contact: Jon Snellstrom (916) 654-9868

File# 2012-0724-02  
 OCCUPATIONAL SAFETY AND HEALTH  
 STANDARDS BOARD  
 First Aid for Electrical Workers — Application and Scope

The California Occupational Safety and Health Standards Board is amending regulations regarding the requirements for first aid in the construction industry in general and, specifically for electrical workers. These modifications provide protection commensurate with the federal standards.

Title 8  
 California Code of Regulations  
 AMEND: 1512, 2320.10, 2940.10  
 Filed 09/05/2012  
 Effective 10/05/2012  
 Agency Contact: Marley Hart (916) 274-5721

File# 2012-0724-01  
 OCCUPATIONAL SAFETY AND HEALTH  
 STANDARDS BOARD  
 Federal OSHA Amendments and Technical Corrections

In this rulemaking action, the Occupational Safety and Health Standards Board (OSHSB) amends sections of Title 8 of the California Code of Regulations regarding notice to employees of blood lead levels so as to ensure that California standards remain at least as effective as amended federal standards.

Title 8  
 California Code of Regulations  
 AMEND: 5189, 5192(a)(3), 5198(j)(2)(D)2., 1532.1(j)(2)(D)2.  
 Filed 09/04/2012  
 Effective 10/04/2012  
 Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN April 11, 2012 TO  
 September 5, 2012**

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**  
 08/30/12 AMEND: 60000, 60010, 60300, 60310, 60323, 60325, 60330, 60400, 60550,

**CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 37-Z**

60560, 60600, 60610 REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200

08/16/12 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83, 1859.104 REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3

08/13/12 ADOPT: 59720

08/07/12 AMEND: 18640

07/16/12 AMEND: 18215.3

07/09/12 ADOPT: 22620.1, 22620.2, 22620.3, 22620.4, 22620.5, 22620.6, 22620.7, 22620.8

06/28/12 AMEND: 649.32

06/19/12 AMEND: 56800

06/04/12 ADOPT: 18313.6

05/29/12 AMEND: 20811(c)

05/15/12 AMEND: 1859.2

05/10/12 AMEND: 1859.2, 1859.82

05/08/12 ADOPT: 559.1

04/30/12 ADOPT: 565.5 AMEND: 565.1, 565.2, 565.3

04/26/12 AMEND: 554.4

04/23/12 AMEND: 18705.5

04/23/12 AMEND: 554.3

04/19/12 ADOPT: 18412 AMEND: 18215, 18413

**Title 3**

08/24/12 AMEND: 3406(b)

08/22/12 AMEND: 6800(b)

08/20/12 AMEND: 3435(b)

08/06/12 AMEND: 3435(b)

06/19/12 ADOPT: 6970, 6972 AMEND: 6000

05/17/12 AMEND: 4603(i)

05/01/12 AMEND: 3423(b)

04/16/12 AMEND: 3591.19

04/16/12 AMEND: 3439

04/12/12 AMEND: 3591.21(b)

04/12/12 ADOPT: 3435(c)

04/12/12 AMEND: 3434(b)&(c)

**Title 4**

09/04/12 AMEND: 10032, 10033, 10034, 10035

08/30/12 ADOPT: 1489.1

08/29/12 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5190, 5200, 5230, 5370, 5170, 5350 REPEAL: 5133

08/01/12 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580

08/01/12 AMEND: 5000, 5052

07/26/12 AMEND: 8070

07/26/12 AMEND: 12101, 12202, 12205.1, 12218, 12218.7, 12218.8, 12222, 12225.1, 12233, 12235, 12238, 12309, 12335, 12342, 12350, 12352, 12354

07/23/12 AMEND: 8035

07/16/12 AMEND: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057

06/25/12 AMEND: 8070, 8071, 8072, 8078, 8078.2

06/25/12 AMEND: 1663

06/06/12 AMEND: 1843.3

06/01/12 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133

05/15/12 REPEAL: 61.3

05/04/12 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060

04/30/12 ADOPT: 511 AMEND: 399

04/26/12 AMEND: 2066

04/19/12 ADOPT: 10192, 10193, 10194, 10195, 10196, 10197, 10198, 10199

04/17/12 AMEND: 53

04/12/12 AMEND: 10317, 10325

04/11/12 AMEND: 10302, 10310, 10315, 10317, 10322, 10325, 10327, 10328

**Title 5**

08/09/12 AMEND: 40403

08/09/12 AMEND: 59400, 59402, 59404, 59406, 59408

08/09/12 AMEND: 40500

08/09/12 ADOPT: 40541

08/09/12 AMEND: 40407.1

08/08/12 ADOPT: 40540

08/08/12 ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854

07/31/12 AMEND: 19816, 19816.1, 19845.2

06/12/12 ADOPT: 18004 AMEND: 18000, 18001, 18002, 18003

05/29/12 AMEND: 42600

04/25/12 AMEND: 80028, 80301, 80442

04/20/12 AMEND: 18013, 18054, 18111 REPEAL: 18006, 18200, 18201, 18202, 18203, 18205, 18206, 18207

**Title 7**

07/03/12 AMEND: 219

**Title 8**

09/05/12 AMEND: 1512, 2320.10, 2940.10

09/04/12 AMEND: 5189, 5192(a)(3), 5198(j)(2)(D)2., 1532.1(j)(2)(D)2.

08/07/12 ADOPT: 3558 AMEND: 3207, 4184

07/30/12 ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604

05/21/12 ADOPT: 10582.5, 10770.1 AMEND: 10770

05/07/12 AMEND: 477

05/07/12 AMEND: 2340.22

05/02/12	AMEND: 20363, 20365, 20393, 20400, 20402	345.34, 345.36(renumbered to 345.33), 345.38 (renumbered to 345.35), 345.39 (renumbered to 345.36), 345.40, 345.41
05/01/12	AMEND: 1533, 1541, 8403	REPEAL: 345.17, 345.21, 345.25, 345.26
<b>Title 9</b>		
07/27/12	AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358, 7400	
<b>Title 10</b>		
08/30/12	AMEND: 2468.5	
08/27/12	AMEND: 260.204.9	
08/22/12	ADOPT: 2327, 2327.1, 2327.2	
08/03/12	ADOPT: 2561.1, 2561.2	
07/19/12	AMEND: 2698.302	
07/19/12	AMEND: 2699.301	
07/19/12	AMEND: 5501, 5506	
05/31/12	AMEND: 2318.6, 2353.1, 2354	
05/09/12	AMEND: 2698.208	
04/23/12	AMEND: 2355.1, 2355.2	
<b>Title 11</b>		
07/31/12	AMEND: 999.16, 999.17, 999.19, 999.22	
06/26/12	AMEND: 1005, 1007, 1008	
06/21/12	AMEND: 1005, 1007	
05/09/12	ADOPT: 1019 REPEAL: 9020	
05/07/12	ADOPT: 999.24, 999.25, 999.26, 999.27, 999.28, 999.29 AMEND: 999.10, 999.11, 999.14, 999.16, 999.17, 999.19, 999.20, 999.21, 999.22	
<b>Title 12</b>		
06/04/12	AMEND: 506	
<b>Title 13</b>		
08/07/12	ADOPT: 1962.2 AMEND: 1962.1, 1962.2 (renumbered to 1962.3)	
08/07/12	ADOPT: 1961.2, 1961.3 AMEND: 1900, 1956.8, 1960.1, 1961, 1961.1, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, 2317	
08/02/12	ADOPT: 426.00	
07/30/12	AMEND: 1268, 1270.3	
07/12/12	ADOPT: 345.58, 345.73 AMEND: 345.50, 345.52, 345.56, 345.74, 345.78, 345.86, 345.88, 345.90 REPEAL: 345.54, 345.58, 345.60	
06/29/12	AMEND: 225.00, 225.03, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.35, 225.36, 225.38, 225.42, 225.45, 225.54, 225.60, 225.63, 225.66, 225.69, 225.72 REPEAL: 225.06	
04/19/12	ADOPT: 345.31, 345.32, 345.42 AMEND: 345.02, 345.04, 345.05, 345.06, 345.07, 345.11, 345.13, 345.15, 345.16, 345.18, 345.20, 345.22, 345.23, 345.24, 345.27, 345.28, 345.29, 345.30,	
<b>Title 14</b>		
08/31/12	ADOPT: 671.8 AMEND: 671.1	
08/14/12	AMEND: 13055	
08/02/12	ADOPT: 2231, 2301 AMEND: 2000, 2200, 2230, 2235, 2240, 2245, 2300, 2305, 2310, 2320	
07/26/12	AMEND: 18836	
07/12/12	AMEND: 790, 851.20, 851.21, 851.22, 851.25, 851.26, 851.27, 851.27.1, 851.28, 851.29, 851.30, 851.31, 851.32	
07/09/12	ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8	
07/02/12	ADOPT: 602	
06/28/12	ADOPT: 17944.1, 17945.1, 17945.4, 17946, 17946.5, 17948.1, 17948.2 AMEND: 17943, 17944, 17946(a)-(h) renumber as 17945.2, 17946(i) renumber as 17945.3, 17946.5 renumber as 17945.5, 17947, 17948, 17948.5, 17949 REPEAL: 17942, 17944.2, 17944.5, 17945	
06/25/12	AMEND: 791.7	
06/06/12	ADOPT: 18950, 18951, 18952, 18953, 18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, 18958	
06/01/12	REPEAL: 660	
05/30/12	AMEND: 11960	
05/29/12	AMEND: 360, 361, 362, 363, 364, 365, 708.12	
05/21/12	AMEND: 703	
05/21/12	AMEND: 7.50	
05/21/12	AMEND: 705	
05/17/12	AMEND: 7.50	
05/07/12	ADOPT: 18835, 18836, 18837, 18838, 18839	
05/01/12	AMEND: 27.80	
05/01/12	ADOPT: 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877	
05/01/12	AMEND: 791.7, 870.17	
04/30/12	AMEND: 632	
04/27/12	AMEND: 228, 228.5	
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08/29/12	AMEND: 2606, 2635.1, 2646.1, 2733, 2740, 2743, 2744	
08/20/12	AMEND: 1006, 1007, 1008, 1012, 1013, 1024, 1032, 1044, 1046, 1051, 1055, 1056, 1058, 1059, 1062, 1063, 1069, 1072, 1080, 1081, 1083, 1084, 1100, 1104, 1125, 1140, 1141, 1143, 1144,	

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1145, 1146, 1147, 1148, 1149, 1151,  
1203, 1205, 1206, 1208, 1217, 1241  
07/02/12 ADOPT: 3999.12  
06/26/12 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1,  
1748.5 AMEND: 1700, 1706, 1712,  
1714, 1730, 1731, 1740, 1747, 1747.1,  
1747.5, 1748, 1751, 1752, 1753, 1754,  
1756, 1760, 1766, 1767, 1768, 1770,  
1772, 1776, 1778, 1788 REPEAL: 1757  
06/26/12 ADOPT: 3079, 3079.1 AMEND: 3000,  
3075.2, 3075.3  
06/26/12 AMEND: 3000, 3076.1, 3076.3, 3375,  
3375.1, 3375.2, 3375.3, 3375.4, 3375.5,  
3377.2, 3521.2  
06/06/12 AMEND: 3000, 3006, 3170.1, 3172.1,  
3173.2, 3315, 3323  
05/10/12 ADOPT: 3375.6 AMEND: 3000, 3375  
04/11/12 AMEND: 3187, 3188

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08/30/12 ADOPT: 2557, 2557.1, 2557.2, 2557.3,  
2595, 2595.1, 2595.2, 2595.3  
08/29/12 ADOPT: 4146, 4148, 4149, 4149.1  
AMEND: 4100, 4101  
08/20/12 ADOPT: 1333, 1333.1, 1333.2, 1333.3  
07/23/12 ADOPT: 1397.2 AMEND: 1380.4  
07/17/12 ADOPT: 1399.23, 1399.24 AMEND:  
1398.4  
07/10/12 ADOPT: 3394.25, 3394.26, 3394.27  
06/18/12 ADOPT: 1727.2 AMEND: 1728  
06/18/12 AMEND: 443  
06/14/12 ADOPT: 302.5  
05/25/12 ADOPT: 1399.364, 1399.375, 1399.377,  
1399.381, 1399.384 AMEND: 1399.301,  
1399.302, 1399.303, 1399.320,  
1399.330, 1399.352.7, 1399.353,  
1399.360, 1399.370, 1399.374, 1399.376  
(renumbered to 1399.382), 1399.380,  
1399.382 (renumbered to 1399.383),  
1399.383 (renumbered to 1399.385),  
1399.384 (renumbered to 1399.378),  
1399.385 (renumbered to 1399.379),  
1399.395 REPEAL: 1399.340,  
1399.381, 1399.387, 1399.388,  
1399.389, 1399.390, 1399.391  
05/17/12 ADOPT: 4544, 4600, 4602, 4604, 4606,  
4608, 4610, 4620, 4622 AMEND: 4422,  
4440, 4446, 4470  
05/14/12 AMEND: 932  
05/04/12 ADOPT: 2509, 2518.8, 2524.1, 2568,  
2576.8, 2579.11 AMEND: 2503, 2524.1  
(renumber to 2524.5), 2563, 2579.11  
(renumber to 2579.20)  
04/27/12 AMEND: 407, 428  
04/26/12 AMEND: 3605

04/23/12 AMEND: 3005  
04/16/12 ADOPT: 2295, 2295.1, 2295.2, 2295.3  
AMEND: 2252, 2275, 2284

**Title 17**  
09/04/12 ADOPT: 30305.1, 30308.1, 30311.1  
08/30/12 AMEND: 95802, 95812, 95814, 95830,  
95831, 95832, 95833, 95834, 95856,  
95870, 95892, 95910, 95911, 95912,  
95913, 95914, 95920, 95021  
08/29/12 AMEND: 100800  
08/15/12 ADOPT: 54521, 54522, 54523, 54524,  
54525, 54526, 54527, 54528, 54529,  
54530, 54531, 54532, 54533, 54534,  
54535 AMEND: 54500, 54505, 54520  
REPEAL: 54521, 54522, 54523, 54524,  
54525  
07/26/12 AMEND: 94006  
06/15/12 AMEND: 6508  
04/18/12 AMEND: 100607, 100608

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08/07/12 AMEND: 1618  
07/27/12 AMEND: 1684  
07/10/12 AMEND: 1205, 1212, 1271  
07/10/12 AMEND: 1105, 1120, 1132, 1161  
07/10/12 AMEND: 1435, 1436  
07/10/12 AMEND: 25128.5  
07/03/12 AMEND: 3301  
07/03/12 AMEND: 263  
05/01/12 AMEND: 1685.5

**Title 21**  
08/28/12 AMEND: 6640, 6680

**Title 22**  
08/20/12 AMEND: 87224  
08/13/12 AMEND: 100104, 100106, 100106.1,  
100113, 100115, 100119, 100120,  
100121, 100123, 100127  
07/12/12 AMEND: 66263.18, 66263.41,  
66263.43, 66263.44, 66263.45, 66263.46  
07/12/12 AMEND: 66268.40, 66268.48  
07/09/12 AMEND: 4416  
07/03/12 AMEND: 51516.1  
06/28/12 AMEND: 91477  
06/21/12 AMEND: 50195, 50197, 50256, 50258,  
50258.1, 50262, 50268, 50815, 51000.53  
06/12/12 AMEND: 66261.32  
05/24/12 AMEND: 90417  
05/22/12 ADOPT: 60098, 64400.05, 64400.29,  
64400.36, 64400.41, 64400.66,  
64400.90, 64402.30, 64400.46 AMEND:  
60001, 60003, 63790, 63835, 64001,  
64211, 64212, 64213, 64252, 64254,  
64256, 64257, 64258, 64259, 64400.45,  
64415, 64463.1, 64463.4, 64470, 64481,

	64530, 64531, 64533, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536.6, 64537, 64537.2 REPEAL: 60430, 64002, 64439, 64468.5		7078.1, 7078.2, 7078.3, 7078.4, 7078.5, 7078.6, 7078.7
05/17/12	AMEND: 51240, 51305, 51476	06/07/12	ADOPT: 4326, 4328 AMEND: 4004, 4200, 4204, 4208
05/04/12	AMEND: 123000	<b>Title 27</b>	
04/11/12	AMEND: 97174	07/12/12	AMEND: 25305, 25701, 25705, 25801
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08/08/12	ADOPT: 3969.2	<b>Title MPP</b>	
07/30/12	ADOPT: 2923	06/25/12	AMEND: 40-105.4(g)(1), 44-111.23, 44-113.2, 44-133.54(QR), 44-315.39(QR), 89-201.513
07/11/12	ADOPT: 597, 597.1, 597.2, 597.3, 597.4	06/25/12	AMEND: 41-440, 42-716, 42-717, 44-207
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04/23/12	ADOPT: 3979.4	04/11/12	AMEND: 47-230, 47-240, 47-401
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08/13/12	ADOPT: 7097 AMEND: 7054, 7056, 7058, 7060, 7062, 7062.1, 7072, 7076, 7078, 7104 REPEAL: 7064, 7066, 7074,		

