



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. CALIFORNIA STATE AUDITOR'S OFFICE

NOTICE OF INTENTION TO AMEND THE CONFLICT OF INTEREST CODE OF THE CALIFORNIA STATE AUDITOR'S OFFICE

NOTICE IS HEREBY GIVEN that the California State Auditor's Office, pursuant to the authority vested in it by section 87306 of the Government Code, is proposing amendment to its Conflict of Interest Code.¹ The purpose of the amendment is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

Based on a review of the duties and responsibilities of its staff, the California State Auditor's Office proposes to amend its Conflict of Interest Code to add to its list of designated employee positions some positions in which the holder of the position makes or participates in making governmental decisions that may have a foreseeable material financial effect on his or her economic interests and eliminate from the list some positions in which the holder of the position does not make or participate in such decisions. For clarification, several of the employee positions appearing on the list of designated employee positions in the previous Conflict of Interest Code are being renamed to reflect the current job titles of the positions.

The California State Auditor's Office also proposes to amend its economic interest disclosure categories to increase the number of disclosure categories from two to three. The proposed disclosure categories consist of: Category 1, which was Category A in the previous Conflict of Interest Code and remains unchanged; Category 2, which is a revision of Category B of the previous Conflict of Interest Code; and Category 3, which is a new disclosure category for employee positions in the

information technology and reprographic units of the California State Auditor's Office. The proposed Categories 2 and 3 narrow the scope of financial disclosure by certain designated employees to eliminate over-disclosure of their economic interests.

In amending its Conflict of Interest Code, the California State Auditor's Office proposes to remove wording from its previous Conflict of Interest Code that is not required and make other technical changes to reflect the current organizational structure of the office. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested persons may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than October 31, 2013, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than October 16, 2013, by contacting the Contact Person set forth below.

The California State Auditor's Office has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The California State Auditor's Office has determined that the proposed amendments:

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

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

¹ Effective January 1, 2013, the former Bureau of State Audits became known as the California State Auditor's Office and the Conflict of Interest Code of the former Bureau of State Audits became the Conflict of Interest Code of the California State Auditor's Office, as provided by section 8543, subdivision (b) of the Government Code.

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

Patti Alverson
621 Capitol Mall, Suite 1200
Sacramento, California 95814
Phone: (916) 445-0255
Fax: (916) 327-0019
Email: CodeRevision@auditor.ca.gov

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY

AGENCY: California Mental Health Services Authority

AMENDMENT

MULTI-COUNTY

AGENCY: Paratransit, Inc.
Sacramento Municipal Utility District (SMUD)

STATE AGENCY: Assembly Rules Committee

A written comment period has been established commencing on **September 13, 2013** and closing on **October 28, 2013**. Written comments should be directed to the Fair Political Practices Commission, Attention Barbara Smith, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **October 28, 2013**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person beginning **September 13, 2013** and ending at 5 p.m., **October 28, 2013**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, 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 407, 27531 and 27541, Food and Agricultural Code, and to implement, interpret or make specific sections 27510, 27510.1, 27521, 27541, 27542, 27554, 27571 and 27573, of said Code, the De-

partment proposes to adopt section 13558.3 of Subchapter 3, Chapter 1, Division 3 of Title 3 of the California Code of Regulations, as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Food and Agriculture (Department) proposes to adopt new section 1358.3 of Subchapter 3, Chapter 1, Division 3 of Title 3 of the California Code of Regulations (CCR) for the purpose of establishing procedures for any person engaged in business in this State as an egg producer or handler, and any out-of-state egg producer or handler selling eggs into California to register their business with the Department and submit a registration fee to cover the costs of supporting the functions of the Egg Safety Quality Management Program (ESQM). These changes come at the request of the California Shell Egg Advisory Committee (SEAC) and were approved at its January 23, 2013 committee meeting.

Existing law, section 27531 of the Food and Agricultural Code (FAC), authorizes the Department to adopt regulations pertaining to the preparation for market and marketing of shell eggs. Specifically as it pertains to this proposal, section 27531 authorizes procedures for the registration of shell egg handlers and for the collection of registration fees and assessments. Further, existing law, section 27541 of the FAC, requires any California egg producer or egg handler, or any out-of-state egg producer or egg handler selling eggs in California, to register with the Department. An "egg handler" is defined in section 27510 of the FAC to mean a person engaged in the business of producing, candling, grading, packing or preparing shell eggs for market or who engages in the operation of selling or marketing eggs that he or she has produced, purchased, or acquired from a producer, or which he or she is marketing on behalf of a producer, whether as owner, agent, or employee. A "producer" is defined in section 27510.1 of the FAC to mean a person engaged in the business of producing eggs from domesticated fowl for human consumption. Because a "producer" as defined is inclusive of the activities which define an "egg handler", the Department considers an "egg producer", an "egg handler", and is therefore using the term "egg handler" throughout this proposal to also mean "egg producer."

Existing law, section 27571 of the FAC, authorizes the Department to establish an advisory committee to assist the Secretary in the administration of all matters pertaining to standards for shell eggs including egg quality and sampling, inspection, fee adjustment for administering and enforcement purposes, budget administration, regulation adoption, and voluntary food safe-

ty programs pursuant to FAC section 27573. Members of the California SEAC are appointed by and may hold office at the pleasure of the Secretary.

In compliance with sections 27531, 27541 and 27571, the Department proposes to adopt section 1358.3 (Registration and Fees for Egg Handlers) to establish the procedures and fees for the registration and annual renewal registration of any person engaged in business in this State as an egg handler.

Based on an initial evaluation, the Department does not believe that the proposed regulations are inconsistent or incompatible with existing state or federal regulations.

This proposal benefits the Department and the public, and California's shell egg industry. The purpose is to clarify the registration process for egg handlers required to register with the Department, and to provide the Department a means of collecting and maintaining egg handler information for purposes of disease traceability in the event of a food-borne illness outbreak or livestock disease outbreak.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Department has determined that this proposal would have a fiscal impact on the Department. In making this determination, the Department conducted a Fiscal Impact Assessment that is included in this filing. The Department estimates the total fiscal impact as a result of this proposal for 2013–14 at a net increase to program savings of \$2,136, for 2014–15 a net increase to program savings of \$4,707 and for 2015–16 a net increase to program savings of \$7,278 as shown in the ESQM Fund Condition Statement (Attachment D.)

This proposal does not affect any costs/savings in federal funding to the State.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: The Department has made an initial determination that the proposed regulatory action will have significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation requires any person engaged in business in this State as an egg handler, to register with the Department and submit a registra-

tion form and registration fee, and subsequent renewal form and fee annually thereafter. Due to the cost impacts of this proposal, any person engaged in business in this State as an egg handler may choose to discontinue such practices.

The anticipated compliance requirements are as follows:

Businesses Impacted:

Currently registered with the Department are 1,231 California egg handlers, and 155 out-of-state egg handlers selling eggs in California that could renew their registration with the Department pursuant to this proposal should they choose to continue operating as an egg handler.

Estimated costs to businesses to comply with the registration and registration fee requirement by January 1, 2014:

The Department is unable to determine the number of "new" businesses that may choose to register with the Department. Additionally, the Department is unable to determine the number of businesses that may choose not to renew with the Department, or egg handlers that may cancel their current registration.

Therefore, the Department is basing the estimated costs to businesses as a result of this proposal on the current number of California registered egg handlers (1,231) at the proposed fee for a renewal registration of \$50.

- *Registration Fees:* Current number of registered California egg handlers is 1,231 with an annual renewal fee of \$50 for a total statewide costs to California businesses at \$61,550 annually.
- *Paperwork/Reporting:* There are no reporting requirements associated with this proposal. The Department, however, requires any person engaged in business in this State as an egg handler to complete a new registration or renewal registration form (See attachments A and B), accompanied by the applicable fee, and return it to the Department on or before December 31 of each year.
- *Record-keeping:* This proposal does not require recordkeeping; however, the Department is proposing to require each egg handler to display a copy of his or her current registration certificate at each official business location and each branch location. The Department will provide the certificate(s) via postal service, within a reasonable timeframe after receiving and processing the registration or renewal form and associated fees, to the official business location.

In making these determinations, the Department has considered alternatives that would lessen any adverse economic impact on businesses and invites the public to

submit such proposals during the written comment period. Submissions may include the following considerations:

- Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- Consolidation or simplification of compliance and reporting requirements for businesses.
- Use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

Cost Impacts on Representative Private Persons or Businesses: The Department is aware of the cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action. The anticipated compliance requirements are as follows:

Businesses Impacted:

Currently registered with the Department are 1,231 California egg handlers and 155 out-of-state egg handlers selling eggs in California that could renew their registration with the Department pursuant to this proposal should they choose to continue operating as an egg handler.

Estimated costs to businesses to comply with the registration and registration fee requirement by January 1, 2014:

The Department is unable to determine the number of “new” businesses that may choose to register with the Department. Additionally, the Department is unable to determine the number of businesses that may choose not to renew with the Department or egg handlers that may cancel their current registration.

Therefore, the Department is basing the estimated costs to businesses as a result of this proposal on the current number of California registered egg handlers (1,231) at the proposed fee for a renewal registration of \$50.

- *Registration Fees:* Current number of registered California egg handlers is 1,231 with an annual renewal fee of \$50 for a total statewide costs to California businesses at \$61,550 annually.
- *Paperwork/Reporting:* There are no reporting requirements associated with this proposal. The Department, however, requires any person engaged in business in this State as an egg handler to complete a new registration or renewal registration form (See attachments A and B), accompanied by the applicable fee, and return it to the Department on or before December 31 of each year.

- *Record-keeping:* This proposal does not require recordkeeping; however, the Department is proposing to require each egg handler to display a copy of his or her current registration certificate at each official business location and each branch location. The Department will provide the certificate(s) via postal service, within a reasonable timeframe after receiving and processing the registration or renewal form and associated fees, to the official business location.

Effect on Housing Costs: None.

RESULTS OF ECONOMIC
IMPACT ASSESSMENT

The Department has prepared an Economic Impact Assessment that is included in this filing. The Department has made an initial determination that the proposed regulatory action would have significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the Department’s analysis of the current number of California egg handlers registered with the Department (1,231); should the same number of egg handlers renew their registration with the Department (@ \$50), the total economic impact to California’s shell egg industry would be \$61,550. The Department requires new egg handler businesses to register at a one-time fee of \$75; however, the Department is unable to determine the number of new businesses that may incur these costs. Further, some of the businesses included in the costs calculated at \$61,550 may choose to cancel a current registration or may choose to not renew a registration for the next year.

As part of its Economic Impact Assessment, the Department has determined that its proposal will affect the ability of California businesses to compete with other states by making it more costly to produce goods or services and that it will create or eliminate jobs or occupations. The Department’s proposal does not impact multiple industries. The Department is making these determinations because due to cost impacts, egg handlers may choose to discontinue their businesses in California.

Small Businesses: The Department’s proposal may affect small businesses.

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will have significant impact on the creation of new or elimination of existing jobs, businesses or the expansion of businesses in the State.

Occupations/Businesses Impacted: The Department has made an initial determination that this regulatory proposal will impact persons engaged in business in this

State as an egg handler. The current number of California egg handlers registered with the Department is 1,231.

Business Reporting Requirement: The regulation does not require a report, which shall apply to businesses.

Comparable Federal Regulations: This proposal does not duplicate or conflict with federal regulations.

Benefits: This proposal benefits California's shell egg industry by facilitating the registration process for egg handlers required to register with the Department by providing clear direction and a mechanism for registering with the Department as required. Additionally, this proposal would benefit the public health and safety of California and national consumers by providing the Department a means of obtaining and maintaining up to date and accurate information on any person who is engaged in business in this State as an egg handler for purposes of disease traceability in the event of a food-borne illness outbreak or in the event of a livestock disease outbreak. Further, this proposal could expedite the identification of possible sources and prevent the spreading of food-borne illness outbreaks, as well as in any livestock disease outbreaks. These benefits mitigate any potential adverse economic impacts identified in this proposal.

Monetary benefits would include the ability to quickly identify sources of possible human illnesses or animal disease outbreaks which could, if prolonged, cost the egg industry millions of dollars in recalling contaminated eggs from the marketplace, lead to illnesses to the public, and put California's livestock industry at risk for widespread disease outbreaks including costly clean-up efforts.

Indirect nonmonetary benefits would be increased consumer confidence that comes from knowing eggs sold in California meet the nation's highest food safety standards and market stability derived from strong food-borne illness prevention measures applied equally to all suppliers into California markets.

Documents Incorporated by Reference:

- Attachment A — Egg Handlers Registration Form (Rev. 6/13)
- Attachment B — Egg Handlers Renewal Registration Form (Rev. 6/13)

Documents Relied Upon in Preparing Regulations:

- Minutes from the Department's Shell Egg Advisory Committee Meeting, January 23, 2013, Sacramento, CA
- Attachment C — Personal Services and Operating Expenses and Equipment Summary
- Attachment D — ESQM Fund Condition Statement

- STD. 399 w/attached Economic and Fiscal Impact Assessments

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, 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 hearing (if a hearing is requested) or during the written public comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Department has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department of Food and Agriculture's website as indicated below in this Notice.

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 persons named below.

Any person may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations or any written comments concerning this proposal are to be addressed to the following:

Tony Herrera, Program Supervisor
Egg Safety and Quality Management
Department of Food and Agriculture
Meat, Poultry, and Egg Safety Branch
Mailing: 1220 N Street
Sacramento, CA 95814
(916) 900-5060
E-mail: tony.herrera@cdfa.ca.gov

PUBLIC HEARING

The Division will hold a hearing to receive public comments on the proposed regulations on:

November 7, 2013
10:00 a.m. and until conclusion of all comments
Conference Rooms A & B
Elihu Harris State Building
1515 Clay Street
Oakland, California, 94612

The backup contact person is:

Thamarah Rodgers, Associate Analyst
Department of Food and Agriculture
Animal Health and Food Safety Services
Mailing: 1220 N Street
Sacramento, CA 95814
(916) 698-3276
E-mail: thamarah.rodgers@cdfa.ca.gov

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

Subject: INSPECTION AND PERMIT FEES, PRESSURE VESSELS, TANKS & BOILERS

TITLE 8, CALIFORNIA CODE OF REGULATIONS, SECTIONS 344 AND 344.1

The Division of Occupational Safety and Health (“the Division” or “DOSH”), in the Department of Industrial Relations, proposes to permanently amend sections 344 and 344.1 of Title 8 of the California Code of Regulations (“8 CCR”) to increase hourly inspection fees and to increase the charge for mileage associated with the scheduled inspection of air tanks, liquid petroleum gas tanks and boilers. The proposed changes were adopted by the Division as emergency regulations, as directed by Labor Code section 7721(e), effective March 18, 2013. The purpose of this rulemaking process is to adopt these changes as permanent regulations after considering all public comments and recommendations about the proposed action.

At the hearing, any person may present statements orally or in writing relevant to this proposed action. Persons making oral comments are encouraged, but not required, to submit their comments in writing as well. Equal weight will be given to oral and written comments. **Please note that the hearing of public comment will begin promptly at 10 a.m. and will conclude after the last speaker has concluded his or her presentation.**

PLEASE BE ADVISED: Visitors to this building are required to go through security screening including metal detection and inspection of belongings. **DISABILITY ACCOMMODATION NOTICE:** This State Building and its conference rooms are accessible to persons with mobility impairments. Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact Ms. Tracy Kwon, Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

WRITTEN COMMENT PERIOD

Any person interested in the proposed rulemaking action, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the Division by writing to:

Division of Occupational Safety & Health,
Legal Unit
PV Rulemaking
Attn: Suzanne P. Marria, Special Counsel
1515 Clay Street, Ste. 1901
Oakland, CA 94612

Comments may also be submitted by facsimile (FAX) at 510-286-7037, or by email to: smarria@dir.ca.gov. **The written comment period closes at 5**

p.m. on November 7, 2013. The Division will consider only comments received by that time.

AUTHORITY AND REFERENCE

Under Labor Code sections 59, 60.5(c) and 7721, the Chief of the Division of Occupational Safety and Health has the authority to adopt regulations governing the assessment of fees for inspections performed by Division safety engineers of shops, field inspection and resale inspection of tanks and boilers and for the issuance of permits for the operation of such pressurized tanks, vessels and boilers. The proposed regulations implement, interpret and make specific section 7721 of the Labor Code governing the assessment of such fees.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking permanently adopts increased fee amounts and mileage reimbursement amounts charged by the Division under Labor Code section 7721 for various types of inspections it performs for pressurized vessels, tanks and boilers operated in California.

The Division of Occupational Safety and Health (“Division” or “DOSH”), within the Department of Industrial Relations, is responsible for administering and enforcing the provisions of the California Occupational Safety and Health Act, which begins at section 6300, in Part 1 of Division 5 of the Labor Code, as well as all other parts of Division 5 that previously were the responsibility of the Division of Industrial Safety. (Lab. Code §§ 60.5 and 6308.) The laws governing the use of pressure vessels, other pressurized tanks and boilers begin at section 7620, Part 6 of Division 5 of the Labor Code.

No tank or boiler shall be operated unless a permit for its operation has been issued by, or on behalf of, the Division. (Lab. Code § 7680.) The Division’s Pressure Vessel Unit conducts regular inspections of such equipment prior to issuing a permit to operate air tanks, liquefied petroleum gas (L.P.G.) tanks and boilers. (Lab. Code §§ 7681–7683.) Qualified safety engineers who are certified by the Division and employed by a county, city, insurer or employer to inspect the employer’s tanks and boilers may also perform inspections. (Lab. Code § 7650.) Only the Division issues permits based on inspection reports filed either by Division-qualified safety engineers or those certified inspectors who are employed by a county, city, insurer or employer in compliance with the Labor Code and regulations. (Lab. Code §§ 7681, 7682 and 7683.)

Generally, permits for unfired L.P.G. tanks are valid for 3 years and other unfired air tanks are valid for 5 years. (8 Cal. Code Regs. § 462.) Permits for fired boil-

ers are valid generally for 12 months, except for specified petroleum, chemical and power-generating facilities that may obtain permits for longer periods after meeting specified conditions. (8 Cal. Code Regs. §§ 770, 771.) The owner/operator of a tank or boiler may request the Division to inspect and issue a permit to operate the equipment or may have the inspection performed by one of the certified inspectors listed in Labor Code section 7650. The Division is authorized to charge fees for conducting inspections, providing consultations, conducting surveys, audits and other activities required or related to meeting national standards for safe design and construction of tanks and boilers, and for processing permit applications, and for field consultations (Lab. Code § 7721). Whenever the inspection to operate a pressurized air tank, L.P.G. or boiler is performed by a private sector certified inspection, the Division may charge only \$15.00 to review the inspection report and issue a permit to operate. (Lab. Code § 7721.)

Effective March 18, 2013, the existing fee amounts and mileage reimbursement amounts were increased as explained below. This rulemaking proposes to adopt those amendments on a permanent basis.

Section 344.

Prior to the emergency rulemaking, section 344(a) of Title 8 of the California Code of Regulations provided that the Division would charge a fee of \$110.00 per hour, or any part of an hour, including travel time as specified, based on quarter-hour intervals, with a minimum charge of one-half hour, for all shop inspections, field erection and resale inspections of all tanks, boilers, parts of tanks and boilers, nuclear components and for consultation, surveys, audits, manual review and other activities required or related to the ASME code or other national standards concerning the design or construction of boilers or pressure vessels or for evaluating fabricator’s plant facilities when these services are requested by entities desiring these services. The Division proposes to amend section 344 to increase the hourly inspection rate to **\$135.00** per hour. In addition, the Division proposes to add language to allow the Division to charge, for inspections requested to be conducted after 5 p.m. on Monday through Friday, and at any hour on Saturday, Sunday or on any State holiday, the hourly inspection rate of **\$202.50** per hour. The Division also proposes to amend section 344(c) to increase the rate of reimbursement from 31 cents per mile to **55.5** cents per mile for inspection-related travel.

The purpose of the proposed fee increase is to enable the Division to cover all of its actual costs in performing the inspections referenced in regulation 344. The purpose of the higher hourly inspection rate for inspections conducted after 5 p.m. on Monday through Friday or at

any time on a Saturday, Sunday and State holiday, is to cover all of the Division's personnel costs of providing inspection services at such hours since often the Division will be required to pay time and one-half to the safety inspector. The purpose of the increase in the mileage reimbursement rate proposed in section 344(c)(1) is to ensure the mileage fee covers the Division's costs for reimbursing the Division inspector for mileage expenses incurred while on state business conducting such inspections or otherwise cover car expenses paid by the Division.

Section 344.1.

Prior to the emergency rulemaking, section 344.1(c) of Title 8 of the California Code of Regulations allowed the Division to charge an hourly fee of \$130.00 per hour or any part thereof, including travel time as set forth in subdivision (a)(1), for field permit inspections of air tanks, liquefied petroleum gas (L.P.G.) tanks and boilers by qualified safety engineers employed by the Division. Subdivision 344.1(a)(1) provides that travel time shall include the travel time from the Division's local office or the site of previous inspection, whichever is less, to the inspection site and travel time from the inspection site to the Division's local office or the site of the following inspection, whichever is less. The subdivision also prohibits the Division from charging more than one employer for the same period of travel.

The Division proposes to amend section 344.1 to increase the hourly fee to **\$160.00** per hour or any part thereof, including travel time.

The purpose of the increased hourly inspection fee for the inspection of air tanks, liquefied petroleum gas and boilers is to enable the Division to cover all of its costs in performing the inspection services addressed by regulation 344.1.

The Division is required by state fiscal policy and law to charge sufficient hourly inspection fees and mileage reimbursement amounts to cover the Division's actual costs for performing the mandates of the Pressure Vessel Unit. These charges cover the Division's costs for qualified safety inspectors, supervisory and support staff, operating expenses, travel charges, and direct and indirect administrative charges, in performing the mandated inspections, consultations, and audits, and for maintaining the permit system.

The Division has been advised by the Department of Industrial Relations that the projected inspection fee and permit revenues to be collected in the 2012/2013 fiscal year, based on the existing hourly inspection fees of \$110 and \$130, respectively, and the \$15 permit fee allowed under Labor Code section 7721 for pressure vessels and boilers that are inspected by qualified safety inspectors employed by a county, city, an insurance company or specified employers, are projected to fall

short of the Division's actual costs for administering the pressure vessel inspection and permit services it performs under the Labor Code. Approximately 40% of the pressure vessels and boilers requiring an inspection during a fiscal year are inspected by the Division. Seventy-five percent of these businesses are small businesses. The remaining 40% of private sector pressure vessels and boilers are inspected by inspectors employed by an insurance company or the employer that is using the equipment, as allowed under the Labor Code. The remainder of permit inspections is performed at state, local government or other public sector political subdivision entities (special districts, etc.) In the case of permit inspections performed by certified inspectors employed by an insurance company or employer, the Division receives an inspection report with the permit application, reviews and evaluates the report for compliance with applicable regulations and statutes, enters relevant data into the pressure vessel permit database system and, when appropriate, issues the permit. Division safety engineers also spend considerable time on the phone and in the field providing advice to the inspectors employed by cities, counties, insurance companies and specified employers about applicable laws, regulations, code interpretations and technical matters.

Labor Code section 7721(b) mandates, in pertinent part, ". . . that the Division may charge a fee of not more than \$15 to cover the cost of processing a permit . . .", based on the inspection reports filed by non-Division inspectors. Accordingly, under current law the Division is unable to increase the statutorily fixed permit fee to cover the Division's costs of maintaining the inspection and permit database that includes permits issued on the basis of non-Division inspections. To meet the Division's costs, it must increase the hourly inspection fees for the inspections, consultations, audits and field permit inspections the Division conducts. In addition the Division proposes to raise the mileage reimbursement rate to the amount the Division must reimburse Division employees or otherwise pay for vehicle transportation used by Division inspectors.

The Division's hourly inspection fees in sections 344 and 344.1 of title 8 of the California Code of Regulations, and the mileage reimbursement fee, were last increased in 2000. The Division's costs have increased each year in the interim. If the Division is unable to increase the hourly inspection fees and the mileage reimbursement rate, as proposed by the amendments to regulations 344 and 344.1 summarized above, the Division may be required to suspend its safety inspection and permit program for pressure vessels and boilers operated in California, which would expose the public and employees in the vicinity of such pressurized vessels and boilers to a credible risk of significant injury, im-

pairment or death upon failure of the pressure vessel or boiler. In addition, should a vessel or boiler explode, there would be related economic losses due to business interruption.

Anticipated Benefits of the Proposed Regulation:

The benefits that will result from the Division’s proposed amendments to increase the hourly inspection fees under regulations 344 and 344.1, explained above, and the mileage reimbursement rate are:

- The Division will be able to cover the Division’s actual costs in having qualified safety engineers provide on-site inspection services for the private sector owners/operators using pressure vessels and boilers in California which must be inspected prior to the issuance of a permit to operate.
- Inspection of pressure vessels, tanks and boilers, as required by Labor Code sections 7620 *et seq.* is necessary to protect the lives, health and safety of the public and of employees working in the vicinity of such equipment, as well as to avoid business disruption from such explosions. It is also necessary to protect the environment from contamination that could result from uncontrolled emissions or spills of the materials, gases and substances stored in such tanks and boilers.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Division has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. Based on a review of regulations that would relate to or affect this area, the Division has concluded that these are the only regulations that concern the fees and mileage rates to be charged by the Division for inspections performed by its safety engineers of tanks, pressure vessels and boilers operated in California.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Division has made the following initiation determinations:

Determination of Reimbursable Mandate:

The Division has determined the proposed amendments to sections 344 and 344.1 do not impose a mandate on local agencies or school districts requiring reimbursement by the State pursuant to Part 7 (commencing with Section 7500) of Division 4 of the Government Code because the proposed regulations do not constitute a “new program or higher level of service of an existing program within the meaning of section 6 of Article XIII B of the California Constitution.” Public entities that require permits and inspections of pressure ves-

sels and boilers are statutorily exempt from being charged fees by the Division for these purposes since there is no express statutory provision allowing it to do so. (Gov. Code § 6103.)

The California Supreme Court has determined that a “program” within the meaning of section 6 of Article XIII B of the California Constitution is one which carries out a governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal. 3d 46.)

Moreover, the Division receives an appropriation from the Occupational Safety and Health Fund to cover the costs of the inspection and permit program for public agencies, which are not otherwise assessed permit or inspection fees by the Division. Those program costs previously were paid for by the state’s General Fund.

Costs or Savings to Local Agencies or School Districts:

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

Costs or Savings to State Agencies:

The Division has determined that the proposed amendments to regulations 344 and 344.1 will not result in costs to state agencies that require inspections and permits for pressurized tanks and boilers under the Labor Code, because there is no express statutory authority that provides for charging state agencies such permit fees and therefore state agencies are statutorily exempt from such fees (Gov. Code § 6103.). An annual appropriation from the Occupational Safety and Health Fund is made to the Division to cover the cost of the inspection of tanks and boilers operated by state agencies. Those program costs previously were paid for by the state’s General Fund.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies:

The proposed amendments to regulations 344 and 344.1 do not impose non-discretionary costs on local agencies.

Costs or Savings in Federal Funding to the State:

The proposed amendments will not result in costs or savings in federal funding to the State.

Cost impacts on Small Business; Representative Private Person or Business:

The Division has determined the proposed regulations may affect small businesses. However, the express terms of the proposed regulations are drafted in plain English, as required by Government Code section 11346.2(a)(1), since the proposed amendments consist primarily of changing numbers (for the fee amounts and mileage charge) rather than text. The Informative Di-

gest for the proposed amendments includes a plain-English policy statement overview.

The proposed amendment to regulation 344(a) will increase the hourly inspection fee for shop inspections performed during normal business hours over the regular work week from \$110.00 to **\$135.00**, a 23% increase. The hourly fee for these inspections has not been increased since 2000. The increase of \$25 in the hourly fee represents an increase of \$2.08 per hour per year in the hourly fee rate since the last fee increase. The Division performed shop inspections at 40 separate locations involving approximately 6214 hours of inspection time in fiscal year 2011/2012. Using the total number of inspection hours for the shop inspections in 2011/2012, the increase of \$25 per hour for shop inspection, audit and consultation time will result in an average increase of \$3884 per shop inspection, assuming that all shop inspections require the same amount of time.

The proposed amendment to regulation 344(a), for a higher hourly inspection fee of **\$202.50** for inspections performed after 5 p.m. Monday through Friday, or at any hour on Saturday, Sunday or State holidays, represents time and a half of the hourly rate of \$135.00. The owner/operator of a pressure vessel or boiler is able to schedule the time of the inspection, therefore can either avoid the higher hourly rate or to decide to pay the higher rate for the convenience of having the inspection performed at hours and on days that are preferable to the requesting owner/operator. The proposed amendment to regulation 344.1 will increase the hourly inspection fee for air tanks, liquefied petroleum gas tanks and boiler inspections to **\$160.00** from \$135.00. Each inspection is one hour. The increase is 18.5%, however, this fee was last increased in 2000. The \$25/hour increase from the existing fee is effectively an increase of \$2.02/hr. per year since the last increase. Approximately 75% of the permits subject to this increase are valid for 5 years so the effective impact of the \$25.00 increase on businesses needing such permits would be \$5.00 per year since the last fee increase.

Statewide adverse economic impact directly affecting businesses and individuals:

Although the proposed action will directly affect business statewide, including small businesses, the Division concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, *will not* be significant.

Results of Economic Impact Analysis/Assessment

The Division concludes that it is (1) unlikely that the proposed fee and mileage changes will eliminate any jobs in California, (2) unlikely that the proposals will create any jobs in California, (3) unlikely that the proposals will create any new businesses in California, and

(4) unlikely that the proposals will eliminate or expand any existing businesses in California.

Benefits of the proposed Action: The proposed inspection fees and mileage fee to be charged by the Division when its inspectors conduct the various inspections described above will enable the Division to meet the range of its costs and expenses in having an inspector conduct the inspection at a given place of business, and thereby continue public protection through the inspection program. Pressure vessel, tank and boiler inspection in California is critical to ensuring such equipment is properly constructed, maintained and used. The inspection determines that the equipment complies with applicable California safety laws. Prior to obtaining a permit to operate each such vessel must pass the required inspection. The permit inspection program ensures that pressurized tanks, vessels and boilers are constructed, maintained and used in a manner that should prevent unexpected releases or explosions of the contents of such tanks and boilers, including hazardous, hot, toxic or corrosive materials. In doing so, the Division is protecting the public and workers in the vicinity of such equipment from the hazards of death or serious bodily injury or illness and preventing the economic disruption that could affect other businesses and activities of the local government and residents in a community where such equipment is used.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Division must determine that no reasonable alternative it considered, 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 as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Reasonable Alternatives Considered by the Division:

The Division has considered initiating a statutory change to increase the existing permit inspection fee in Labor Code section 7721(b). Section 7721(b) provides, in pertinent part, that the Division "...may charge a fee of not more than fifteen (\$15.00) to cover the cost of processing a permit." Currently, however, the Legislature is has concluded its session for the year.

This section applies to the fee charged by the Division when it receives a request to issue a permit based on an inspection performed by a certified inspector employed by a county, city, an insurer or an employer for the purpose of inspecting only tanks and boilers under the employer's jurisdiction. The statutory maximum fee in

section 7721(b) was last increased in 2000 from a maximum of \$5.00. The Division's costs of reviewing and evaluating the 'certified' inspector's inspection report, and costs of updating and maintaining the permit database for pressure vessels and boilers exceed the amount of revenue obtained from the statutory maximum fee of \$15.00. As the need to increase the Division's revenue from the inspection and permit fees for pressure vessels and boilers became clear, it also became clear that a statutory change of the fee amount in Labor Code § 7721(b) would not be an effective immediate solution because it would not take effect in the same fiscal year. Therefore, the Division initiated this rulemaking to increase hourly inspection fees and mileage reimbursement fees, while the statutory maximum fee for permits based on non-Division inspections will remain the same until amended statutorily.

Consideration of Performance Standard:

The regulations being amended by this regulation are not, and cannot be adequately addressed by, a performance standard as defined in Government Code § 11342.570. The Labor Code sections discussed above require the Division to perform inspections and otherwise ensure the safe use, maintenance and operation of pressurized air tanks, L.P.G. tanks and boilers by issuing permits to operate only after such inspections, whether performed by the Division or other certified inspectors as allowed by statute. In addition, the permit fee paid based on a non-Division certified inspector's inspection is fixed by statute.

CONTACT PERSONS

Inquiries concerning the substance of the proposed administrative action may be directed to:

Suzanne P. Marria
Special Counsel
Division of Occupational Safety and Health,
Legal Unit
1515 Clay Street, Ste. 1901
Oakland, CA 94612
Telephone: (510) 286-7000
Fax: (510) 286-7037
Email: smarria@dir.ca.gov

The backup person for inquiries is:

Elizabeth Cameron
Office Assistant
Division of Occupational Safety and Health,
Legal Unit
1515 Clay Street, Ste. 1901
Oakland, CA 94612
Telephone: (510) 286-7000

Fax: (510) 286-7037
Email: ecameron@dir.ca.gov

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

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

The Division will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, and the NOTICE OF ADOPTION OF EMERGENCY REGULATIONS, FINDING OF EMERGENCY AND INFORMATIVE DIGEST. Copies may be obtained by contacting Ms. Marria.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Division may permanently adopt the proposed regulations substantially as described in this Notice. If the Division makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Division adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Suzanne P. Marria, Special Counsel, at the address indicated above. The Division will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Marria at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this Notice of Proposed Rulemaking Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout format can be ac-

cessed through the Division's website at www.dir.ca.gov/Rulemaking/DIRProposed.html.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215, and 316.5 of said Code, proposes to repeal subsection (b)(53.8), amend subsections (b)(63), (b)(115), and (b)(187), and add subsections (b)(195.1) and (b)(205.5) of Section 7.50, Title 14, California Code of Regulations, relating to alphabetical list of waters with special fishing regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Fish and Wildlife (Department) is proposing to amend trout and salmon angling rules for waters with special fishing regulations in three general areas:

1. Re-open waters to trout and salmon fishing that were unintentionally closed during the 2012 sport fishing regulation change cycle.
2. Provide winter angling opportunities on two trout waters in California.
3. Additional revisions are being proposed to improve regulatory enforcement and correct regulatory issues.

Eel River

During the 2012 sport fishing regulation change cycle, the Department inadvertently deleted the "0" (zero) from the daily bag limit for all anadromous waters in Section 7.50(b) of Title 14, CCR. As a result, the Department unintentionally closed all anadromous waters to catch and release (C & R) fishing for salmon, including the Eel River. This proposed regulation change is to reinstate the historic Chinook salmon C & R sport fishery on the Eel River System.

Strong public opposition to the regulation change and inadvertent closure of the targeted Eel River Chinook salmon C & R sport fishery was voiced through print and internet media as well as numerous calls received by regional CDFW personnel. The popular Chinook salmon sport fishery has existed on the Eel River for more than 100 years and in the mid 1990's regulations were changed to allow only C & R salmon fishing with zero retention of Chinook salmon. Local and out-of-area anglers participate in the annual Chinook salmon

C & R sport fishery and support local tackle shops, drift boat guides, lodging, and gas, food and lodging businesses.

The abundance of Chinook salmon has been at very high levels for several years, and their exposure to angling is minimized above the estuary by low flow closure or high, turbid flow and the requirement of barbless hooks also reduces injury to any fish encountered. The Eel River Chinook salmon population has sustained a C & R sport fishery for the last sixteen years, and CDFW has determined that under current regulations the Eel River system can support reinstatement of the inadvertently terminated C & R zero bag limit Chinook salmon sport fishery.

Edson Creek

During the 2012 sport fishing regulation change cycle, the Department submitted a fishing regulation change proposal on Edson Creek, Siskiyou County. The proposed regulation included closing Edson Creek and all tributaries to fishing all year. The proposed regulation was adopted by the Fish and Game Commission and implemented on January 1, 2013. A misidentification on the stream order has unintentionally closed Dry Creek (a tributary to Edson Creek) to fishing. The original intent of the regulation change was to close Edson Creek upstream from the confluence with Dry Creek.

The regulation in its current state will impact the recreational use at a USDA Forest Service Campground on Trout Creek (tributary to Dry Creek), a popular area for anglers to target McCloud redband trout, which is also a qualifying fish for the California Heritage Trout Challenge.

Dry Creek and Trout Creek do not contain genetically distinct McCloud redband trout, but a slightly introgressed version between coastal rainbow trout and McCloud redband trout. While these introgressed fish still qualify for the Heritage and Wild Trout Challenge and have potential restoration value, they are not "genetically distinct" McCloud redband trout. McCloud redband trout are currently isolated in four small streams — Edson, Moosehead, Sheepheaven, and Swamp creeks.

The Department expects no change to the fish population due to the reopening of this important fishery. The Dry and Trout creek fisheries have remained in a self-sustaining state since 1977 when restocked by the Department.

Davis Lake

Davis Lake is currently listed as a special regulation under Section 7.50 due to past efforts to remove the pike from Davis Lake. However, Davis Lake no longer requires special fishing regulations and is covered under the Sierra District General Regulations, Section

7.00(b). Therefore, Lake Davis should be removed from Section 7.50, Special Fishing Regulations.

Beardsley Afterbay

There is an enforcement issue with the way subsection (b)(187)(A) for the Middle Fork Stanislaus River is currently worded. The intent of the regulation is to include Beardsley Afterbay as part of the Middle Fork Stanislaus River. However, as currently written which does not include the word Afterbay, one can easily say the river begins downstream of the Afterbay dam and use the general rules for lakes/reservoirs in the Afterbay. The courts may dismiss a citation if a person claims they thought the Beardsley Afterbay was a reservoir. The proposed amendment will make it clear that the Afterbay is considered part of the Middle Fork Stanislaus River.

Upper Trinity River

In response to requests from both anglers and businesses in northern Trinity County, CalTrout, with the support of the Trinity County Fish and Game Commission, and the Trinity County Board of Supervisors, is seeking opening a catch-and-release winter fishery season on the Upper Trinity River (UTR). Opening the UTR to fishing through the winter would open approximately 13.8 miles of fishing opportunities during the winter season. CalTrout is seeking to have this regulation change effective for the 2013–2014 winter season.

To assess the effects of year-round angling on the UTR, Department Heritage and Wild Trout staff conducted surveys that encompassed the proposed winter fishery season during the months of November 2010 through March 2011 and November 2011 through April 2012. In 2012, a survey was added during the open fishing season (last Saturday in April–November 15) to compare with off-season results. Sampling included direct observation (snorkel survey), hook and line, and flow to fish-ability observations.

In comparison with other northern California trout fisheries, the UTR fish observed (trout per mile) was relatively low. Although the sampling techniques were strategically chosen to best sample the river with available resources, it is uncertain whether the frequency of sampling (limited due to environmental conditions and staffing) was able to detect the adfluvial component of this fishery or migratory movement of resident fish.

The number of anglers that may take advantage of recreational angling opportunities in the UTR during an open winter season is unknown, but because of its relative remoteness, distance from major living areas, seasonality of adfluvial fish, inclement weather, and low densities of fish altogether, angling pressure would most likely be minimal and sporadic. The Department finds no biological reason not to open the UTR for winter angling opportunities. In addition, opening up a win-

ter fishery to provide recreational angling where there would be no conflicts with native species, falls under the principal mission of the Department's Strategic Plan for Trout Management, especially where the waters have not been historically fishless.

West Walker River

In response to demands from both anglers and businesses in northern Mono County, the Mono County Fisheries Commission (MCFC) is seeking an addition of catch-and-release angling on two contiguous sections of the West Walker River. The MCFC, local businesses and interested anglers are seeking to increase the fishing opportunities in Mono County and specifically winter angling opportunities. Currently there are four small sections of two streams and two rivers that are open to year-round and specifically winter fishing in Mono County. Often the Upper Owens River and Lower Deadman Creek are inaccessible to anglers even though they are open to fishing. The East Walker River and Hot Creek are much more accessible and see the majority of angling pressure. Opening the West Walker River to catch-and-release fishing through the winter would provide a fifth open water, add one that is more accessible than the Upper Owens or Deadman Creek and potentially relieve some of the angling pressure on Hot Creek and the East Walker River.

The proposed opening of the West Walker River for a winter angling season is supported by the Antelope Valley Regional Planning Committee, Northern Mono Chamber of Commerce, High Sierra Flycasters, Antelope Valley Lions Club, and the Mono County Board of Supervisors.

Benefits of the Proposed Regulations

It is the policy of this state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the state for the benefit of all the citizens of the State. In addition, it is the policy of this state to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout and salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout and salmon to ensure their continued existence.

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of California's trout and salmon resources, and promotion

of businesses that rely on recreational sport fishing in California.

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Compatibility with State Regulations

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (sections 200, 202, and 205, Fish and Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to recreational fishing seasons, bag and possession limits. Further, the Commission has determined that the proposed regulations are neither incompatible nor inconsistent with existing federal regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Crowne Plaza Ventura Beach Hotel, 450 E Harbor Blvd., Ventura, California, on Wednesday, October 2, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Embassy Suites, 50-777 Santa Rosa Plaza, La Quinta, California, on Wednesday, November 6, 2013, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 25, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on November 1, 2013. All comments must be received no later than November 6, 2013 at the hearing in La Quinta. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency

representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sheri Tiemann at the preceding address or phone number. **Mr. Stafford Lehr, Chief, Fisheries Branch, telephone at (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

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

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

Impact of Regulatory Action/Results of the Economic Impact Analysis

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

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

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

affected are few and remote, and the number of anglers that will be affected is relatively small. In addition, the proposed changes will offer more fishing opportunities with potential increases in economic activity related to spending by recreational anglers.

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

The proposed regulations would provide additional recreational angling opportunities, primarily during the winter months. However, the increase in fishing activity is anticipated to be limited relative to recreational angling effort statewide. Therefore the Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing business or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon and trout sport fishery encourages consumption of a nutritious food.

The Commission does not anticipate any non-monetary benefits to worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to

Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

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

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on October 28, 2013.

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Sheraton Garden Grove, 12221 Harbor Blvd., Garden Grove, CA 92840, on October 29, 2013, at 4:00 p.m.

The Board of Pharmacy, 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 4005, 4034 and 4163.1 of the Business and Professions Code, and to implement, interpret or make specific Sections 4005, 4034, 4037, 4163, 4163.1, 4170, 4180, and 4190 of the Business and Professions Code, the Board of Pharmacy is proposing to add Section 1747.2 to Article 5.5 of Division 17 of Title 16 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In 2004, the California State Board of Pharmacy (the board) sponsored legislation, Senate Bill (SB) 1307,

that made comprehensive changes to the drug distribution system to protect against counterfeit drugs. Among other requirements that were enacted, the Pharmacy Law required development of an electronic “pedigree” that tracks each prescription drug (“dangerous drug”) at the smallest package or immediate container (saleable item) distributed by the manufacturer through the distribution system by way of an interoperable electronic system (track and trace). In 2008, SB 1307 was enacted, and implemented a staggered timeline for compliance with California’s electronic pedigree requirements. California’s pedigree requirements for dangerous drugs will take effect on a staggered basis from January 1, 2015, through July 1, 2017. (California Business and Professions Code sections 4163 and 4163.5.)

Business and Professions Code section 4034 defines a “pedigree” as a record, in electronic form, containing information regarding each transaction resulting in a change of ownership of a given dangerous drug, from sale by a manufacturer, through acquisition and sale by one or more wholesalers, manufacturers, repackagers, or pharmacies, until final sale to a pharmacy or other person furnishing, administering, or dispensing the dangerous drug.

Business and Professions Code section 4163.1 defines “drop shipment” to mean a sale of a dangerous drug by the manufacturer of the dangerous drug where by all of the following occur: (1) The pharmacy, or other person authorized by law to dispense or administer the drug, receives delivery of the dangerous drug directly from the manufacturer; (2) The wholesale distributor takes ownership of, but not physical possession of, the dangerous drug; and (3) The wholesale distributor invoices the pharmacy or other person authorized by law to dispense or administer the drug in place of the manufacturer.

Business and Professions Code section 4163.1 also authorizes the board to develop regulations to establish an “alternative process” for conveying the pedigree information for dangerous drugs sold by drop shipment. The Board proposes to add Section 1747.2 to Article 5.5 of Division 17 of Title 16 of the California Code of Regulations (“CCR”) entitled “Drop Shipments”, which would set forth this alternative process.

The board’s proposal would specify that when a manufacturer utilizes the “drop shipment” method of sale, as defined, for a dangerous drug, the manufacturer may omit data elements from the pedigree showing transfers of ownership to and from the wholesale distributor, including any certifications of receipt and delivery of the drug by the wholesaler. That pedigree would then be required to be conveyed directly from the manufacturer to the authorized purchaser prior to or contemporaneously with the delivery of the dangerous drug.

As specified in Business and Professions Code Section 4001.1, protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. This section further states that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. This proposal supports that mandate by continuing the process of setting forth compliance standards for implementation of the pedigree laws in a way that addresses both drug delivery concerns and patient safety issues.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The board conducted a search of Title 21 Code of Federal Regulations (Food and Drugs), as well as the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and found no existing federal regulations or statutes that are comparable to the board’s proposal. Further, the board conducted a search of the California Code of Regulations and found a definition of “drop shipment” in Section 1706 of Division 2 of Title 18 of the California Code of Regulations. The term “drop shipment” is defined for the purposes of establishing sales and use tax liability for the purchase of tangible personal property from a retailer to a consumer. This definition is not applicable as dangerous drugs are not sold directly to consumers but to a pharmacy or other person authorized by law to dispense or administer the dangerous drug. The board found no existing state regulation that duplicates or addresses the scope of changes proposed by the board.

Based on this initial evaluation, the board does not believe that the proposed regulation is inconsistent or incompatible with existing state or federal regulations. Finally, the existing statute at Section 4034.1 of the Business and Professions Code specifies that upon the effective date of federal legislation or adoption of a federal regulation addressing pedigree or serialization measures for dangerous drugs, Sections 4034, 4163, 4163.1, 4163.2, 4163.4 and 4163.5 shall become inoperative. As of the date of this Notice, the board is not aware of any federal laws or regulations that have been enacted or established.

Anticipated Benefits of the Proposed Regulations: Please see “Benefits” below under “Results of the Economic Impact Analysis.” In coming to this conclusion, the board considered specific benefits anticipated by the proposed amendment of the sections described, including, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and

the increase in openness and transparency in business and government, among other things.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The following types of businesses licensed by the board would be affected by this regulation: drug manufacturers, wholesalers, repackagers, pharmacies, and pharmacy warehouses. Additionally, entities owned by other persons authorized by law to dispense or administer dangerous drugs would be affected by this regulation. However, this regulation specifically applies to the pedigree requirements when drop shipment is utilized by a manufacturer where the wholesaler maintains ownership of the dangerous drug but never takes possession as the manufacturer ships directly to the pharmacy or the person authorized by law to dispense or administer the dangerous drug. Based on this application of the pedigree requirement, the board has determined the regulatory action would have no significant statewide adverse economic impact directly affecting businesses nor prohibit the ability of California businesses to compete with businesses in other states.

Drop shipment is utilized within the pharmaceutical drug supply industry by manufacturers that contract with wholesalers for administrative functions (e.g., invoicing) related to the distribution of dangerous drugs to pharmacies and other persons authorized to dispense or administer dangerous drugs. When drop shipment is utilized by a manufacturer, the ownership of the dangerous drugs is transferred to the wholesale distributor but the manufacturer retains physical possession and ships the dangerous drugs directly to the pharmacy or other person authorized to dispense or administer dangerous drugs. The wholesaler is typically responsible for invoicing and accounting duties. Drop shipment has proven to assist the pharmaceutical drug supply industry's ability to efficiently ship and manage dangerous drugs from manufacturer to pharmacy/authorized person to dispense dangerous drugs. Drop shipment is used in the in-

dustry for medications that are needed for specialty dangerous drugs requiring special handling, unique administration to the patient, and/or low stock in the supply chain. Additionally, drop shipment is used in emergency and critical patient need cases as the distribution time is dramatically decreased.

After conducting numerous meetings discussing pedigree implementation and specifically drop shipment method of sale, the board has been encouraged by industry to further specify drop shipment requirements as well as relieve the wholesaler involved in drop shipment from adding their respective ownership information to the electronic pedigree. This would reduce potential confusion and compliance problems with the pedigree law, thereby eliminating potential costs to businesses in implementing the new pedigree requirements and avoiding possible unnecessary delays in drug delivery to patients.

The board's proposal will allow wholesalers involved in drop shipment to omit their ownership information from the electronic pedigree. This ensures entities that never physically possess the dangerous drugs are not subject to reporting requirements of the pedigree; thereby, the electronic pedigree stands to be a true documentation of the possessors of the dangerous drugs.

Cost Impact on Representative Private Person or Business: In assessing the potential for adverse economic impact on California business enterprises and individuals, the board considered the following.

Drop Shipment. Existing statute at Section 4163.1 of the Business and Professions Code defines "drop shipment" to mean a sale of a dangerous drug by the manufacturer of the dangerous drug whereby the following occur: (1) The pharmacy, or other person authorized by law to dispense or administer the drug, receives delivery of the dangerous drug directly from the manufacturer; (2) The wholesale distributor takes ownership of, but not physical possession of, the dangerous drug; and (3) The wholesale distributor invoices the pharmacy or other person authorized by law to dispense or administer the drug in place of the manufacturer. In establishing statutory requirements to establish an electronic pedigree system, the Legislature strongly encouraged all drug manufacturers and repackagers to serialize drug products and initiate electronic pedigrees, and to ready themselves to receive and pass electronic pedigrees.

Drop shipment is utilized within the pharmaceutical drug supply industry by manufacturers that contract with wholesalers for administrative functions (e.g., invoicing) related to the distribution of dangerous drugs to pharmacies and other persons authorized to dispense or administer dangerous drugs. When drop shipment is utilized by a manufacturer, the ownership of the danger-

ous drugs is transferred to the wholesale distributor but the manufacturer retains physical possession and ships the dangerous drugs directly to the pharmacy or other person authorized to dispense or administer dangerous drugs. The wholesaler is typically responsible for invoicing and accounting duties. Drop shipment has proven to assist the pharmaceutical drug supply industry's ability to efficiently ship and manage dangerous drugs from manufacturer to pharmacy/authorized person to dispense dangerous drugs. Drop shipment is used in the industry for medications that are needed for specialty dangerous drugs requiring special handling, unique administration to the patient, and/or low stock in the supply chain. Additionally, drop shipment is used in emergency and critical patient need cases as the distribution time is dramatically decreased.

After conducting numerous meetings discussing pedigree implementation and specifically drop shipment method of sale, the board has been encouraged by industry to further specify drop shipment requirements as well as relieve the wholesaler involved in drop shipment from adding its respective ownership information to the electronic pedigree. This would reduce potential confusion and compliance problems with the pedigree law, thereby eliminating potential costs to businesses in implementing the new pedigree requirements and avoiding possible unnecessary delays in drug delivery to patients.

The board's proposal will allow wholesalers involved in drop shipment to omit their ownership information from the electronic pedigree. This ensures entities that never physically possess the dangerous drugs are not subject to reporting requirements of the pedigree; thereby, the electronic pedigree stands to be a true documentation of the possessors of the dangerous drugs.

Manufacturers and wholesalers do not report financial data related to the cost of shipping the dangerous drugs to the pharmacy or authorized purchaser. Once pedigree is implemented, the manufacturers and wholesalers will still not report financial data related to the cost of shipping the dangerous drugs. The board is unable to demonstrate cost savings to manufacturers or wholesalers. However, the patients ultimately benefit from drop shipment utilization as it allows for a more efficient distribution process for dangerous drugs required for specialty purposes (e.g., chemotherapy, etc.) or when there is a low inventory in the drug chain supply for the specific dangerous drug.

Effect on Housing Costs: None.

Small Businesses: The board's proposal may affect small businesses; however, the board does not have nor does it maintain data to determine if any of its licensed pharmacies are "small businesses" as defined in Government Code Section 11342.610.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Board of Pharmacy conducted an Economic Impact Analysis (EIA) and has made an initial determination that the proposed regulatory action would not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

Existing statute at Section 4163 of the Business and Professions Code specifies requirements related to the acquisition of dangerous drugs and devices from manufacturers, wholesalers, repackagers and pharmacies, and specifies dates on which pedigree requirements must be met.

This regulation proposes to specify when the drop shipment defined by Business and Professions Code section 4163.1 is utilized by a manufacturer, the wholesale distributor who takes ownership but not physical possession of the dangerous drug does not have to be conveyed on the pedigree record for the dangerous drug.

Comparable Federal Regulations: The board conducted a search of Title 21 Code of Federal Regulations (Food and Drugs), as well as the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and found no existing federal regulations or statutes that are comparable to the board's proposal. Further, the board conducted a search of the California Code of Regulations and found a definition of "drop shipment" in Section 1706 of Division 2 of Title 18 of the California Code of Regulations. The term "drop shipment" is defined for the purposes of establishing sales and use tax liability for the purchase of tangible personal property from a retailer to a consumer. This definition is not applicable as dangerous drugs are not sold directly to consumers but to a pharmacy or other person authorized by law to dispense or administer the dangerous drug. The board found no existing state regulations that duplicate or address the scope of changes proposed by the board.

Benefits: Business and Professions Code section 4005 states that "the board may adopt rules and regulations . . . pertaining to the practice of pharmacy . . ." As specified in Business and Professions Code Section 4001.1, protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. This section further states that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. The initial phase of compliance with California's electronic pedigree requirements must be completed by January 1, 2015, and the board's proposal provides requirements so that drug manufacturers, wholesalers, repackagers, and pharmacy ware-

houses can meet the statutory requirement. Compliance helps ensure that tracking of drug products occurs consistent with the pedigree laws, resulting in the public being better protected from counterfeited and adulterated dangerous drugs entering California's prescription drug supply chain.

Additionally, manufacturers will be able to retain and realize important efficiencies in the distribution of dangerous drugs to pharmacies and other persons authorized to dispense dangerous drugs as well as expedite these deliveries for patient administration.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy 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 in writing relevant to the above determinations at the address listed for the Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's website <http://www.pharmacy.ca.gov>.

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 Board of Pharmacy's website (www.pharmacy.ca.gov).

CONTACT PERSON

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

Name: Debbie Damoth
Address: 1625 N. Market Blvd., N219
Sacramento, CA 95834
Telephone No.: (916) 574-7935
Fax No.: (916) 574-8618
E-Mail Address: Debbie.Damoth@dca.ca.gov

The backup contact person is:

Name: Carolyn Klein
Address: 1625 N. Market Blvd., N219
Sacramento, CA 95834
Telephone No.: (916) 574-7913
Fax No.: (916) 574-8618
E-Mail Address: Carolyn.Klein@dca.ca.gov

Website Access. Materials regarding this proposal can be found at www.pharmacy.ca.gov.

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

Licensed Residential Facilities — Secured Perimeters

The Department of Developmental Services (DDS) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the contact listed below.

The written comment period closes at **5:00 p.m. on October 28, 2013**. DDS will consider only comments received at DDS by that time.

CONTACT

Eric Gelber
 Assistant Director, Legislation & Regulations
 Department of Developmental Services
 1600 9th Street, Room 322, MS 3-10
 Sacramento, CA 95814
 FACSIMILE: (916) 654-1913
 EMAIL: eric.gelber@dds.ca.gov

PUBLIC HEARING

DDS will hold a public hearing starting at 10:00 a.m. on October 28, 2013 at the following location:

1600 9th Street
 Room 360
 Sacramento, California

At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. DDS requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. DDS will adjourn the hearing immediately following the completion of testimony presentations. The room is wheelchair accessible.

Following the public hearing, DDS may thereafter adopt the proposed regulations substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the department contact identified above.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the contact listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are also available on the Internet at <http://www.dds.ca.gov/ProposedRegs>. Additionally, all information which DDS considered as the basis for these proposed regulations (i.e., the rulemaking file) is available for public reading/perusal at the contact address listed above. Following the public hearing, copies

of the Final Statement of Reasons will be available from the office listed above once it is prepared.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare & Institutions Code section 4500 et seq., was enacted to reduce institutionalization of people with developmental disabilities and prevent their dislocation from their home communities. Under the Lanterman Act, people with developmental disabilities have a right to treatment and habilitation services and supports in the least restrictive environment. Toward this end, the Lanterman Act states that “[a]n array of services and supports should be established which is sufficiently complete to meet the needs and choices of each person with developmental disabilities, regardless of age or degree of disability, and at each stage of life and to support their integration into the mainstream life of the community.” With the reduced reliance on restrictive institutional and out-of-state placements, there is a need to increase community capacity and develop new alternatives, particularly for the most difficult-to-serve consumers, including those with challenging behaviors.

Assembly Bill (AB) 1472, Chapter 25, Statutes of 2012, the 2012-13 Budget trailer bill related to developmental services, included a number of measures intended to reduce reliance on institutional living arrangements for, and out-of-state placements of people with developmental disabilities who receive services and supports pursuant to the Lanterman Act but are difficult to serve in the community with available resources and living options.

Among the provisions enacted by AB 1472 were sections 1267.75 and 1531.15 of the Health and Safety (H&S) Code. H&S Code section 1267.75 authorizes specified intermediate care facilities for people with developmental disabilities to install and utilize delayed egress devices of the time delay type in combination with secured perimeters under prescribed conditions. H&S Code section 1531.15 authorizes specified residential community care facilities that are utilizing delayed egress devices of the time delay type pursuant to H&S Code section 1531.1 to install and utilize secured perimeters under similar prescribed conditions.

As required by AB 1472, H&S Code sections 1267.75(k) and 1531.15(k), DDS has promulgated emergency regulations, at Title 17 California Code of Regulations (CCR), Division 2, Chapter 3, Subchapters 4 and 4.2 (effective June 13, 2013), establishing program standards for homes that include secured perimeters and delayed egress devices, including requirements and timelines for the completion and updating of a com-

prehensive assessment of each consumer's needs, including the identification through the IPP process of the services and supports needed to transition the consumer to a less restrictive living arrangement, and a timeline for identifying or developing those services and supports. The emergency regulations, as required by AB 1472, also establish a statewide limit on the total number of beds in homes utilizing both delayed egress devices and secured perimeters. As required by statute, the emergency regulations were developed in consultation with stakeholders, including the State Department of Social Services, the State Department of Public Health, consumer advocates, and regional centers. DDS is now undertaking the regular rulemaking process to make the emergency regulations permanent.

The statutory authorization for the limited use of secured perimeters in combination with delayed egress devices benefits individuals with developmental disabilities eligible for services under the Lanterman Act. It furthers the purpose and intent of the Lanterman Act by enabling individuals who would otherwise require placement in more restrictive, locked institutional settings to live in less restrictive, community-based living arrangements. The proposed regulations are intended to ensure that safeguards and procedures are in place consistent with the intent of the governing statutes and the Lanterman Act to protect individuals' rights with respect to procedures for admissions to, residence in, and transitions from residential facilities utilizing delayed egress devices and secured perimeters.

After conducting a search of any other regulations related to the use of delayed egress devices and secured perimeters in Group Homes, Adult Residential Facilities and Intermediate Care Facilities for people with developmental disabilities, we find that these are the only regulations dealing with this subject matter. Therefore, DDS finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 1472, as well as with the Lanterman Act and other existing state statutes and regulations.

DDS has made the following initial determinations:

LOCAL MANDATE STATEMENT

These regulations do not constitute a mandate on local agencies or school districts.

FISCAL IMPACT

Cost or savings to any state agency: None.

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

Other nondiscretionary cost or savings imposed on local agencies: None.

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

Cost impacts on a representative private person or business: None. DDS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

DDS has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulations govern program requirements for the use of delayed egress devices and secured perimeters only by licensed residential care providers, serving no more than 100 individuals statewide, that choose to utilize such measures.

SMALL BUSINESS IMPACT STATEMENT

DDS has determined that there is no impact on small business as a result of filing of these regulations because the regulations only govern program requirements for licensed residential care providers that choose to utilize delayed egress devices and secured perimeters.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed regulations are a continuation of the current emergency regulations. The authorizing statutes permit but do not require a limited number of specified residential service providers to install secured perimeters around adult residential facilities and group homes utilizing delayed egress devices, and to install delayed egress devices and secured perimeters in and around specified intermediate care facilities. The adoption of the proposed amendments will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California. These regulations will improve the health and welfare of California residents by filling an unmet need and enabling the development of previously unavailable community living alternatives for among the most difficult-to-serve consumers. AB 1472 and the proposed regulations benefit the general welfare of people with developmental disabilities by furthering the intent of the Lanterman Act — as well as the federal Americans with Disabilities Act — to support their integration into the community.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

DDS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of DDS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

In developing the regulatory action, DDS did not consider any other alternatives than the one directed by statute because there were no other alternatives proposed.

AUTHORITY AND REFERENCE

Authority: Health & Safety Code sections 1267.75 and 1531.15. Reference: Health & Safety Code sections 1267.75 and 1531.15.

CONTACT PERSON REGARDING THE
RULEMAKING PROCESS OF THE
PROPOSED REGULATIONS

Contact Person: Eric Gelber
(916) 654-1844

Backup: Diana Nicolaou
(916) 654-1760

TITLE 18. BOARD OF EQUALIZATION

Notice of Proposed Regulatory Action

The State Board of Equalization Proposes to Amend California Code of Regulations, Title 18, Division 2.1, Rules for Tax Appeals, Chapter 2, Sales and Use Tax, Timber Yield Tax, and Special Taxes and Fees, Chapter 3, Property Taxes, Chapter 4, Appeals from Actions of the Franchise Tax Board, and Chapter 5, General Board Hearing Procedures

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board) proposes to adopt amendments to chapters 2 through 5 of the Board's *Rules for Tax Appeals* (RTA), codified in division 2.1 of title 18 of the California Code of Regulations. The proposed amendments to California Code of Regulations, title 18, division 2.1, sections (RTA Regulations) 5511, *Definitions*, 5551, *Voting and Decisions*, 5573, *Waiver of Confidentiality*, and 5574, *Request for Portion of Oral Hearing Conducted During Closed Session*, and the proposed adoption of new RTA Regulation 5552, *Publication*, incorporate and implement, interpret, and make specific the publication requirements contained in section 40, which was added to the Revenue and Taxation Code (RTC) by Assembly Bill No. (AB) 2323 (Stats. 2012, ch. 788), effective January 1, 2013.

The proposed amendments to RTA Regulations 5200, *Application of Chapter 2 and Definitions*, 5212, *Contents of Petitions for Redetermination, and Supporting Arguments and Evidence*, 5215, *Scope of Petitions for Redetermination Filed Under Hazardous Substances Tax Law*, 5215.4, *Scope of Petitions for Redetermination Filed Under Covered Electronic Waste Recycling Fee*, 5215.6, *Scope of Petition for Redetermination Filed Under Water Rights Fee Law*, 5216, *Filing Petitions for Redetermination*, 5217, *Assignment and Acknowledgment of Petitions for Redetermination*, 5218, *Review of the Petition by the Assigned Section*, 5219, *Mailing the Summary Analysis and Scheduling the Appeals Conference*, 5220, *Premature or Untimely Petition May Be Treated as an Administrative Protest*, 5222, *Persons Who May File a Petition for Redetermination of a Jeopardy Determination*, 5224, *Review of Petition for Redetermination of Jeopardy Determination*, 5225, *Persons Who May File an Application for Administrative Hearing; Manner of Filing; and Consolidation with Petition*, 5230, *Persons Who May File a Claim for Refund; Limitations on Certain Claims*, 5233, *Filing Claims for Refund*, 5235, *Action on the Claim for Refund*, 5237, *Board Approval Required for Refunds Over \$100,000*, 5240, *Persons Who May File, Contents of and Manner of Filing Requests for Innocent Spouse Relief (Sales and Use Tax, Including State-Administered Local Sales, Transactions, and Use Taxes)*, 5241, *Acknowledgement and Review of Requests for Innocent Spouse Relief*, 5242, *Requests for Reconsideration by the Board*, 5247, *Authority to Grant Relief Due to Reasonable Reliance on Written Advice and Contents of Requests for Relief Due to Reasonable Reliance on Written Advice*, 5250, *Filing and Reviewing Claims and Inquiries Regarding Incorrect or Non-Distribution of Local and District Taxes*, 5262, *Requests to Reschedule or Postpone Appeals Conferences*, 5264, *Conducting*

the Appeals Conference; Parties to the Appeals Conference; Nature of the Appeals Conference; Failure to Appear, 5266, Appeals Staff Recommendations; Requests for Reconsideration; Requests for Oral Hearings, 5267, Issuance of Post Appeals Conference Notices, 5270, Requirements for Briefs; Briefing Schedule; Non-Party Briefs; Additional Briefing, 5311, Definitions, 5322, Information Available to Assesseees; Assessment Factor Hearings, 5323.6, Submission of Petition, 5323.8, Duplicate Petitions, 5324, Timeliness of Petition, 5325.6, Prehearing Review of All Other Petitions, 5332, Time of Filing of Application, 5332.6, Submission of Application and Board-Appraised Property, 5333, Time for Filing of Petitions, 5333.4, Contents of Petition, 5333.6, Submission of Petition, 5334, Time for Filing of Petitions, 5334.4, Contents of the Petition, 5334.6, Submission of Petition, 5335, Submission of Petitions, Briefs, and Related Documents, 5336.5, Perfecting a Petition, 5345, Finality of Board Action; Written Findings and Decision, 5421, Methods for Delivery of Written Documents and Correspondence, 5435, Additional Briefing, 5444, Hearing Summary, 5451, Summary Decisions, 5452, Formal Opinions, 5460, Finality of Decision, 5463, Decisions on Petitions for Rehearing, 5510, General Application of Chapter 5, 5522.8, Dismissal, Deferral, and Postponement, 5523.6, Presentation of Evidence or Exhibits, 5561, Petition for Rehearing, 5562, Recommendation on Petition for Rehearing, and 5570, Mailing Address, the proposed adoption of new RTA Regulations 5255, Cigarette and Tobacco Products Licensing Act Appeals, 5256, Petitions for Recovery of Seized Cigarette and Tobacco Products, and 5453, Notice of Board's Determination, and the proposed repeal of RTA Regulations 5450, Letter Decisions, 5512, Construction, and 5563, Rehearings, make RTA chapters 2 through 4 consistent with the amendments being made to RTA chapter 5 to incorporate and implement, interpret, and make specific RTC section 40's publication requirements and address historical clean-up and housekeeping issues in RTA chapters 2 through 5.

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on November 19–21, 2013. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board's website at www.boe.ca.gov at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as

the matter may be heard on November 19, 20, or 21, 2013. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to RTA chapters 2 through 5.

AUTHORITY & REFERENCE

RTA Regulation 5200: Authority: Government Code (GC) section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6561, 6814, 6902, 7710, 8128, 8851, 9152, 12428, 12978, 30261, 30362, 32301, 32402, 38441, 38602, 40091, 40112, 41085, 41101, 43301, 43452, 45301, 45652, 46351, 46502, 50114, 50140, 55081, 55222, 60350 and 60522.

RTA Regulation 5212: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38442, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6561.5, 7710.5, 8851.5, 12428, 30261.5, 32301.5, 38442, 40092, 41086, 43302, 45302, 46352, 50115, 55082 and 60351.

RTA Regulation 5215: Authority: GC section 15606 and RTC section 43501. Reference: RTC section 43301 and Health and Safety Code (HSC) section 105310.

RTA Regulation 5215.4: Authority: GC section 15606 and RTC section 55301. Reference: Public Resources Code (PRC) section 42464.6.

RTA Regulation 5215.6: Authority: GC section 15606 and RTC section 55301. Reference: Water Code section 1537.

RTA Regulation 5216: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6561, 6814, 7710, 8851, 12428, 30175, 30261, 32301, 38441, 40091, 41085, 43301, 45301, 46351, 50114, 55081 and 60350.

RTA Regulation 5217: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6562, 7711, 8852, 12429, 30175, 30262, 32302, 38443, 40093, 41087, 43303, 45303, 46353, 50116, 55083 and 60352.

RTA Regulation 5218: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6562, 7711, 8852, 12429, 30175, 30262, 32302, 38443, 40093, 41087, 43303, 45303, 46353, 50116, 55083 and 60352.

RTA Regulation 5219: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6562, 7711, 8852, 12429, 30175, 30262, 32302, 38443, 40093, 41087, 43303, 45303, 46353, 50116, 55083 and 60352.

RTA Regulation 5220: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6981, 8191, 9196, 12951, 30421, 32440, 38631, 40121, 41107, 43491, 45801, 46551, 50151, 55281 and 60581.

RTA Regulation 5222: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6538, 7700, 8828, 30243, 32312, 38433, 43351, 45352, 46302, 50120.2, 55102 and 60332.

RTA Regulation 5224: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6538, 7700, 8828, 30243, 32312, 38433, 43351, 45352, 46302, 50120.2, 55102 and 60332.

RTA Regulation 5225: Authority: GC section 15606 and RTC sections 6538.5, 7051, 7700.5, 8251, 8828.5, 9251, 13170, 30243.5, 30451, 32313, 32451, 38435, 38701, 40171, 41128, 43352, 45353, 43501, 45851, 46601, 50120.3, 50152, 55103, 55301, 60333 and 60601. Reference: RTC sections 6538.5, 7700.5, 8828.5, 30243.5, 32313, 38435, 43352, 45353, 50120.3, 55103 and 60333.

RTA Regulation 5230: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6901, 6902, 8101, 8101.1, 8101.6, 8101.7, 8102, 8126, 8128, 9151, 9152, 12977, 12978, 30176, 30176.1, 30176.2, 30177, 30361, 30362, 32401, 32402, 32407, 38601, 38602, 40111, 40112, 41100, 41101, 43451, 43452, 45651, 45652, 46501, 46502, 50139, 50140, 55221, 55222, 60501, 60502, 60507, 60521 and 60522 and Water Code section 1537.

RTA Regulation 5233: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6902, 8128, 9152, 12978, 30178, 30178.1, 30362, 32402, 32402.1, 32407, 38602, 40112, 41101, 43452, 45652, 46502, 50140, 55222, 60501, 60502, 60507, 60521 and 60522.

RTA Regulation 5235: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601,

50152, 55301 and 60601. Reference: RTC sections 6901, 6902, 6906, 8126, 8128, 9151, 9152, 12977, 12978, 12981, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30361, 30362, 30365, 32401, 32402, 32402.1, 32404, 32407, 38601, 38602, 38605, 40111, 40112, 40115, 41100, 41101, 41101.1, 41104, 43451, 43452, 43454, 45651, 45652, 45654, 46501, 46502, 46505, 50139, 50140, 50142, 55221, 55222, 55224, 60501, 60502, 60507, 60521 and 60522.

RTA Regulation 5237: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6901, 8126, 9151, 12977, 30361, 32401, 38601, 40111, 41100, 43451, 45651, 46501, 50139, 55221 and 60521.

RTA Regulation 5240: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152 and 55301. Reference: RTC sections 6456, 7202, 7203, 7261, 7262, 7270, 7657.5, 8880, 30285, 32258, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6 and 55045.1.

RTA Regulation 5241: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152 and 55301. Reference: RTC sections 6456, 7202, 7203, 7261, 7262, 7270, 7657.5, 8880, 30285, 32258, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6 and 55045.1.

RTA Regulation 5242: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152 and 55301. Reference: RTC sections 6456, 7202, 7203, 7261, 7262, 7270, 7657.5, 8880, 30285, 32258, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6 and 55045.1.

RTA Regulation 5247: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6596, 7657.1, 8879, 30284, 32257, 38454, 40104, 41098, 43159, 45157, 46158, 50112.5, 55045 and 60210.

RTA Regulation 5250: Authority: GC section 15606 and RTC sections 7202, 7203, 7261, 7262, 7270. Reference: RTC sections 7209 and 7223.

RTA Regulation 5255: Authority: Business and Professions Code (BPC) section 22971.2. Reference: BPC sections 22973.1, 22974.7, 22977.2, 22978.7, 22979 and 22979.7.

RTA Regulation 5256: Authority: BPC section 22971.2 and RTC section 30451. Reference: BPC sections 22974.3, 22978.2 and 22980.2 and RTC section 30438.

RTA Regulation 5262: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522 and 60581.

RTA Regulation 5264: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7081, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281,

60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522 and 60581.

RTA Regulation 5266: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522 and 60581.

RTA Regulation 5267: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139,

50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522 and 60581.

RTA Regulation 5270: Authority: GC section 15606 and RTC sections 7051, 8251, 9251, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6901, 6902, 6906, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46511, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522 and 60581.

RTA Regulation 5311: Authority: GC sections 15606 and 15640 and RTC section 11651. Reference: GC sections 15640 and 15645 and RTC sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840 and 11251.

RTA Regulation 5322: Authority: GC section 15606 and RTC section 11651. Reference: RTC sections 110, 721, 721.5, 722, 723, 724, 725, 731, 746, 11251, 11291, 11292 and 11293.

RTA Regulation 5323.6: Authority: GC section 15606 and RTC section 11651. Reference: RTC section 741.

RTA Regulation 5323.8: Authority: GC section 15606 and RTC section 11651. Reference: RTC section 741.

RTA Regulation 5324: Authority: GC section 15606 and RTC section 11651. Reference: RTC sections 733, 741, 743, 746, 747, 758, 759, 11338 and 11339.

RTA Regulation 5325.6: Authority: GC section 15606 and RTC section 11651. Reference: RTC sections 741, 747 and 11340.

RTA Regulation 5332: Authority: Article XIII, section 11, California Constitution and GC section 15606. Reference: RTC section 1840.

RTA Regulation 5332.6: Authority: Article XIII, section 11, California Constitution and GC section 15606. Reference: RTC section 1840.

RTA Regulation 5333: Authority: GC section 15606. Reference: RTC sections 214, 254.6 and 270.

RTA Regulation 5333.4: Authority: GC section 15606. Reference: RTC sections 214, 254.6 and 270.

RTA Regulation 5333.6: Authority: GC section 15606. Reference: RTC sections 214, 254.6 and 270.

RTA Regulation 5334: Authority: GC sections 15606 and 15640. Reference: GC sections 15640 and 15645.

RTA Regulation 5334.4: Authority: GC sections 15606 and 15640. Reference: GC sections 15640 and 15645.

RTA Regulation 5334.6: Authority: GC sections 15606 and 15640. Reference: GC sections 15640 and 15645.

RTA Regulation 5335: Authority: GC sections 15606 and 15640. Reference: GC section 15640 and RTC sections 214, 254.6, 270 and 1840.

RTA Regulation 5336.5: Authority: GC sections 15606 and 15640. Reference: GC sections 15640 and 15645 and RTC sections 214, 254.6, 270 and 1840.

RTA Regulation 5345: Authority: GC sections 15606 and 15640 and RTC section 11651. Reference: GC sections 15640 and 15645 and RTC sections 214, 254.6, 270, 721, 721.5, 747, 759, 1840, 1841 and 11251.

RTA Regulations 5421, 5435, 5444, 5450, 5451, 5452, 5453, and 5460: Authority: GC section 15606. Reference: RTC sections 18533, 19043.5, 19045, 19047, 19048, 19084, 19085, 19087, 19104, 19324, 19331, 19333, 19334, 19335, 19343, 19345, 19346 and 20645.

RTA Regulation 5463: Authority: GC section 15606. Reference: Code of Civil Procedure section 657 and RTC sections 18533, 19043.5, 19045, 19047, 19048, 19084, 19085, 19087, 19104, 19324, 19331, 19333, 19334, 19335, 19343, 19345, 19346 and 20645.

RTA Regulation 5510: Authority: Article XIII, section 11, California Constitution, GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: Article XIII, section 11, California Constitution, GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601.

RTA Regulation 5511: Authority: Article XIII, section 11, California Constitution, GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: Article XIII, section 17, California Constitution, GC sections 15606 and 15640, and RTC sections 20, 40,

254.5, 254.6, 742, 748, 1840, 5107, 5148, 6074, 6456, 6538, 6538.5, 6562, 6592, 6593, 6593.5, 6596, 6901, 6902, 6906, 6981, 7209, 7223, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 18533, 19047, 19085, 19104, 19333, 19345, 20645, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522 and 60581.

RTA Regulation 5512: Authority: Article XIII, section 11, California Constitution, GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: Article XIII, section 11, California Constitution, GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601.

RTA Regulation 5522.8: Authority: Article XIII, section 11, California Constitution, GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: GC sections 15606 and 15640 and RTC sections 254.5, 254.6, 742, 748, 1840, 5148, 6074, 6456, 6538, 6538.5, 6562, 6592, 6593, 6593.5, 6596, 6901, 6902, 6906, 6981, 7209, 7223, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 15640, 18533, 19047, 19085, 19104, 19333, 19345, 20645, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602,

38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522 and 60581.

RTA Regulation 5523.6: Authority: California Constitution, article XIII, section 11; GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301, 60601. Reference: GC sections 15606 and 15640, and RTC sections 254.5, 254.6, 742, 748, 1840, 5148, 6074, 6456, 6538, 6538.5, 6562, 6592, 6593, 6593.5, 6596, 6901, 6902, 6906, 6981, 7081, 7209, 7223, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 15640, 18533, 19047, 19085, 19104, 19333, 19345, 20645, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 41100, 41101, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 43451, 43452, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 45651, 45652, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46501, 46502, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522 and 60581.

RTA Regulation 5551: Authority cited: Article XIII, section 11, California Constitution, GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: Article XIII, section 17, California Constitution, GC sections 7.9, 11122.5, 11125, 15606 and 15640, and RTC sections 40, 254.5, 254.6, 742, 748, 1840, 5148, 6074, 6456, 6538, 6538.5, 6562, 6592, 6593, 6593.5, 6596, 6901, 6902, 6906, 6981, 7209,

7223, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8128, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9152, 9196, 12429, 12636, 12637, 12951, 12977, 12978, 12981, 18533, 19047, 19085, 19104, 19333, 19345, 20645, 30175, 30176, 30176.1, 30176.2, 30177, 30178, 30178.1, 30243, 30243.5, 30262, 30282, 30283, 30283.5, 30284, 30361, 30362, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32312, 32313, 32401, 32402, 32402.1, 32404, 32407, 32440, 38433, 38435, 38443, 38452, 38453, 38454, 38455, 38601, 38602, 38605, 38631, 40093, 40102, 40103, 40103.5, 40104, 40111, 40112, 40115, 40121, 41087, 41096, 41097, 41097.5, 41098, 43157, 43158, 43158.5, 43159, 43303, 43351, 43352, 45155, 45156, 45156.5, 45157, 45303, 45352, 45353, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50120.2, 50120.3, 50139, 50140, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55102, 55103, 55221, 55222, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60501, 60502, 60506, 60507, 60521, 60522 and 60581.

RTA Regulation 5552: Authority: GC section 15606. Reference: RTC section 40.

RTA Regulation 5561: Authority: GC section 15606, and RTC sections 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9196, 12429, 12431, 12636, 12637, 12951, 12977, 19048, 19104, 19334, 19346, 20645, 30175, 30176, 30176.1, 30176.2, 30177, 30243, 30243.5, 30262, 30263, 30282, 30283, 30283.5, 30284, 30361, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32304, 32312, 32313, 32401, 32404, 32407, 32440, 38433, 38435, 38443, 38445, 38452, 38453, 38454, 38455, 38601, 38605, 38631, 40093, 40095, 40102, 40103, 40103.5, 40104, 40111, 40115, 40121, 41087, 41089, 41096, 41097, 41097.5, 41098, 41100, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43305, 43351, 43352, 43451, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45305, 45352, 45353, 45651, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46355, 46501, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50118, 50120.2, 50120.3, 50139, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55085, 55102, 55103, 55221, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60354, 60501, 60502, 60521 and 60581.

RTA Regulation 5562: Authority: GC section 15606, and RTC sections 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sec-

tions 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9196, 12429, 12431, 12636, 12637, 12951, 12977, 19048, 19104, 19334, 19346, 20645, 30175, 30176, 30176.1, 30176.2, 30177, 30243, 30243.5, 30262, 30263, 30282, 30283, 30283.5, 30284, 30361, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32304, 32312, 32313, 32401, 32404, 32407, 32440, 38433, 38435, 38443, 38445, 38452, 38453, 38454, 38455, 38601, 38605, 38631, 40093, 40095, 40102, 40103, 40103.5, 40104, 40111, 40115, 40121, 41087, 41089, 41096, 41097, 41097.5, 41098, 41100, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43305, 43351, 43352, 43451, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45305, 45352, 45353, 45651, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46355, 46501, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50118, 50120.2, 50120.3, 50139, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55085, 55102, 55103, 55221, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60354, 60501, 60502, 60521 and 60581.

RTA Regulation 5563: Authority: GC section 15606, and RTC sections 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: RTC sections 6074, 6456, 6538, 6562, 6592, 6593, 6593.5, 6596, 6814, 6981, 7657, 7657.1, 7658, 7658.1, 7700, 7700.5, 7711, 8126, 8191, 8828, 8828.5, 8852, 8877, 8878, 8878.1, 8879, 9151, 9196, 12429, 12431, 12636, 12637, 12951, 12977, 19048, 19104, 19334, 19346, 20645, 30175, 30176, 30176.1, 30176.2, 30177, 30243, 30243.5, 30262, 30263, 30282, 30283, 30283.5, 30284, 30361, 30365, 30421, 32255, 32256, 32256.5, 32257, 32302, 32304, 32312, 32313, 32401, 32404, 32407, 32440, 38433, 38435, 38443, 38445, 38452, 38453, 38454, 38455, 38601, 38605, 38631, 40093, 40095, 40102, 40103, 40103.5, 40104, 40111, 40115, 40121, 41087, 41089, 41096, 41097, 41097.5, 41098, 41100, 41104, 41107, 43157, 43158, 43158.5, 43159, 43303, 43305, 43351, 43352, 43451, 43454, 43491, 45155, 45156, 45156.5, 45157, 45303, 45305, 45352, 45353, 45651, 45654, 45801, 46156, 46157, 46157.5, 46158, 46302, 46303, 46353, 46355, 46501, 46505, 46551, 50112.2, 50112.3, 50112.4, 50112.5, 50116, 50118, 50120.2, 50120.3, 50139, 50142, 50151, 55044, 55045, 55046, 55046.5, 55083, 55085, 55102, 55103, 55221, 55224, 55281, 60209, 60210, 60211, 60212, 60332, 60333, 60352, 60354, 60501, 60502, 60521 and 60581.

RTA Regulation 5570: Authority: Article XIII, section 11, California Constitution, GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Refer-

ence: Article XIII, section 11, California Constitution, GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601.

RTA Regulation 5573: Authority: Article XIII, section 11, California Constitution, GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: Article XIII, section 11, California Constitution, GC sections 6254, 11124.1, 11125.1, 15606, 15619 and 15640, and RTC sections 40, 251, 743, 833, 1840, 7051, 7056, 8251, 8255, 9251, 9255, 11651, 11655, 13170, 19542, 19545, 30451, 30455, 32451, 32455, 38701, 38705, 38706, 40171, 41128, 43501, 45851, 46601, 50152, 55301, 60601 and 60609.

RTA Regulation 5574: Authority: Article XIII, section 11, California Constitution; GC sections 15606 and 15640, and RTC sections 251, 1840, 7051, 8251, 9251, 11651, 13170, 30451, 32451, 38701, 40171, 41128, 43501, 45851, 46601, 50152, 55301 and 60601. Reference: Article XIII, section 11, California Constitution; GC sections 6254, 11124.1, 11125.1, 15606, 15619 and 15640, and RTC sections 40, 251, 743, 833, 1840, 7051, 7056, 8251, 8255, 9251, 9255, 11651, 11655, 13170, 19542, 19545, 30451, 30455, 32451, 32455, 38701, 38705, 38706, 40171, 41128, 43501, 45851, 46601, 50152, 55301, 60601 and 60609.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current Law

Adoption of the RTA

The RTA became effective on February 6, 2008. The RTA was originally adopted to provide comprehensive regulations governing the administrative and appellate review processes for all of the tax and fee programs administered by the Board and specifically address public concerns, at the time, regarding the Board's administrative and appellate review processes. (See RTA § 5000.) Chapter 1 (RTA § 5000) names the RTA, and provides a clear statement of the Board's primary intent for its implementation, which is to improve the Board's relationship with taxpayers and fee payers (hereafter, collectively, taxpayers). Chapter 2 (RTA §§ 5200–5271) codified the Board's existing practices, at the time, for handling appeals involving revenue-generating tax and fee programs (business taxes and fees), including the Sales and Use Tax, administered by the Board. (See BOE Publication 41, *Taxes and Fees Administered by*

the California State Board of Equalization, for a complete list.) Chapter 3 (RTA §§ 5310–5345) codified the Board's existing practices, at the time, for handling property tax appeals, and provides a more detailed description of each step in the property tax appeals process than the Board's prior *Rules of Practice* (Cal. Code Regs., tit. 18, 5010–5095), which were repealed and replaced by the RTA. Chapter 4 (RTA §§ 5410–5465) restated most of the *Rules of Practice* provisions and codified the Board's existing practices, at the time, for handling appeals from the Franchise Tax Board (FTB). Chapter 5 (RTA §§ 5510–5576) restated most of the *Rules of Practice* provisions and codified the Board's existing practices, at the time, for conducting oral Board hearings and deciding appeals in all of the Board's appeals processes. Chapter 5 also made several important improvements over the *Rules of Practice*, including making oral Board hearings more understandable to the public. Chapter 6 incorporated the Board's previously adopted regulations governing Taxpayer Bill of Rights reimbursement claims (RTA §§ 5600–5605) and the Board's previously adopted regulation governing the publication of annotations derived from legal rulings of counsel (RTA § 5700).

2010 Amendments to the RTA

At the time that the RTA was adopted, RTA Regulations 5237 and 5266 codified the Board's existing delegation of authority to appropriate Board staff, at the time, to grant or deny claims for refunds of specified taxes and fees, unless the refunds exceeded \$50,000. The Board subsequently changed the delegation of authority so that it applied to claims for refunds that did not exceed \$100,000, and the Board adopted amendments to RTA Regulations 5237 and 5266 to incorporate the change, which became effective on February 19, 2010. No other substantive amendments have been made to the RTA since it was originally adopted.

AB 2323 & RTC section 40

The Governor approved AB 2323 on September 29, 2012, and AB 2323 added section 40 to the RTC effective January 1, 2013. Section 40 provides as follows:

- (a)(1) The board shall publish on its Internet Web site a written formal opinion, a written memorandum opinion, or a written summary decision for each decision of the board in which the amount in controversy is five hundred thousand dollars (\$500,000) or more, within 120 days of the date upon which the board rendered its decision. (2) A decision of the board shall not include consent calendar actions taken by the board.

- (b) Each formal opinion, memorandum opinion, and summary decision as described in subdivision (a) shall include all of the following: (1) Findings of fact. (2) The legal issue or issues presented. (3) Applicable law. (4) Analysis. (5) Disposition. (6) Names of adopting board members.
- (c) (1) A board member may submit a dissenting opinion setting forth his or her rationale for disagreeing with the memorandum opinion or formal opinion. (2) A board member may submit a concurring opinion setting forth the board member's rationale for agreeing with the result reached in the memorandum opinion or formal opinion, if different than the rationale set forth in the memorandum opinion or formal opinion. (3) A dissenting opinion and a concurring opinion shall be published in the same manner as prescribed in subdivision (a) for a formal opinion or memorandum opinion.
- (d) A formal opinion or memorandum opinion adopted by the board may be cited as precedent in any matter or proceeding before the board, unless the opinion has been depublished, overruled, or superseded. A summary decision may not be cited as precedent in any matter or proceeding before the board.

Effect, Objectives, and Benefits of the Proposed Amendments to the RTA to Incorporate, Implement, and Clarify RTC Section 40

The Board discussed AB 2323 during its meeting on December 19, 2012, and directed staff to draft proposed amendments to the RTA that would have the effect and accomplish the objectives of implementing, interpreting, and making specific the publication requirements of RTC section 40, and incorporating the new publication requirements into the RTA. The Board also directed staff to meet with interested parties to discuss the proposed amendments prior to presenting them to the Board.

After meeting with the interested parties, Board staff prepared a Chief Counsel Memorandum and distributed it to the Board Members and interested parties on May 29, 2013. The Chief Counsel Memorandum recommended that the Board propose to:

- Move the definitions for the terms “Summary Decision” and “Formal Opinion” from Regulations 5311, 5451, and 5452 in chapters 3 and 4 of the RTA to Regulation 5511 in chapter 5 of the RTA, and add a consistent definition for the term “Memorandum Opinion” to RTA Regulation 5511 so that all of these terms, which are used in RTC section 40, are consistently defined in one place;

- Add definitions to RTA Regulation 5511 to clarify that all three types of documents are “written opinions,” Summary Decisions are “nonprecedential opinions” and Memorandum Opinions and Formal Opinions are “precedential opinions”; and
- Add definitions to RTA Regulation 5511 for the commonly used terms “Appeal,” “Board hearing,” and “nonappearance matter.”

The Chief Counsel Memorandum recommended that the Board propose amendments to RTA Regulation 5551. The amendments revise subdivision (a) so that it more clearly explains the timing of the Board's vote to decide an appeal. The amendments add a new subdivision (b) to RTA Regulation 5551 to explain that the “Board may, but is not required to, adopt a written opinion to decide an appeal. The Board may vote to decide an appeal by adopting a written opinion containing its decision, or the Board may vote to decide an appeal without adopting a written opinion at the time of the vote.” New subdivision (b) also explains the Board's discretion to direct staff to prepare written opinions, the procedures for ensuring that the Board adopts written opinions when required by RTC section 40, the procedures for the adoption of precedential opinions prepared at the Board's direction, the authority to cite written opinions in proceedings before the Board, and the confidentiality of written opinions, respectively. The amendments also renumber current subdivision (b) of RTA Regulation 5551 regarding dissenting and concurring opinions as subdivision (c), replace the phrase “Memorandum Opinion or Formal Opinion” with the term “precedential opinion” in renumbered subdivision (c)(1) and (2) and with the term “opinion” in renumbered subdivision (c)(1)(A) and (B), and replace the word “decision” with the word “opinion” in renumbered subdivision (c)(1)(B).

The Chief Counsel Memorandum recommended that the Board propose to adopt new RTA Regulation 5552 to incorporate the remaining provisions of RTC section 40 into the RTA. RTA Regulation 5552 specifically:

- Clarifies that for purposes of RTC section 40, “the Board's decision on an appeal is rendered on the date that the Board's vote to decide the appeal becomes final”;
- Clarifies the meaning of the phrase “amount in controversy” as used in RTC section 40, subdivision (a)(1); and
- Clarifies that RTC section 40's publication requirements apply to decisions of the Board acting as a collective body in open session to resolve a pending dispute regarding an issued assessment of tax or fee or refund of tax or fee to a taxpayer, or the reallocation of local or district tax,

that has been scheduled and appears as a contested matter before the Board on a Board meeting notice, including Board hearing and nonappearance matters, except for nonappearance consent calendar action items (as provided in RTC § 40, subd. (a)(1)).

The Chief Counsel Memorandum recommended that the Board propose to change the name of RTA Regulation 5573 from “Waiver of Confidentiality” to “Confidentiality.” The memorandum recommended that the Board amend subdivision (a) of RTA Regulation 5573 to further emphasize the broad waiver of confidentiality associated with the filing of an appeal from the actions of the FTB with the Board. The memorandum also recommended that the Board propose to add a new subdivision (f) to RTA Regulation 5573 to clarify that, “[e]ven in the absence of a waiver, there is no right to confidentiality as to relevant information that the Board or Board staff includes in a written opinion that is required to be published pursuant to [RTA Regulation] 5552.”

The Chief Counsel Memorandum recommended that the Board propose to add a new subdivision (g) to RTA Regulation 5574 to avoid potential confusion by clarifying that nothing in Regulation 5574 shall prevent the Board from publishing a written opinion when required under RTC section 40. In addition, the memorandum recommended that the Board propose additional amendments throughout RTA Regulations 5573 and 5574 so that they consistently use the terms “Board hearing,” “Summary Decision,” “Hearing Summary,” “appeal,” and “nonappearance matter” from RTA Regulation 5511.

Finally, the Chief Counsel Memorandum recommended that the Board propose to change the title of article 5 of chapter 5 of the RTA from “Voting and Decisions” to “Voting, Decisions, and Opinions” to better reflect that the article contains Regulations 5551 and 5552 regarding the adoption and publication of written opinions.

The Board Members considered the May 29, 2013, Chief Counsel Memorandum during the Board’s June 11, 2013, meeting, and unanimously voted to propose the amendments to the RTA discussed above. The effects and objectives of the proposed amendments are to clearly and concisely implement, interpret, and make specific RTC section 40 and incorporate section 40’s new publication requirements into the RTA to eliminate potential problems the Board might have had complying with the new publication requirements. The Board anticipates that the Board and interested parties, including taxpayers, will benefit from the proposed amendments because they clearly and concisely explain how the Board will implement and comply with RTC section 40’s publication requirements, and increase transparency in government.

The Board has performed an evaluation of whether the proposed amendments to the RTA to implement, interpret, and make specific RTC section 40 and incorporate section 40’s new publication requirements into the RTA are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations. This is because there are no other state regulations that implement, interpret, and make specific RTC section 40. This is also because RTA Regulations 5511, 5551, 5573, and 5574, and newly proposed RTA Regulation 5552 are contained in RTA chapter 5, which provides procedures that are specific to the Board’s actions on appeals, including the conduct of Board hearings and the adoption of written opinions, and RTA Regulations 5511, 5551, 5552, 5573, and 5574 are not inconsistent or incompatible with the other provisions of RTA chapter 5.

There is no previously adopted or amended federal regulation or statute that is comparable to RTA Regulation 5311, 5451, 5452, 5511, 5551, 5573, or 5574, or newly proposed RTA Regulation 5552.

Effect, Objectives, and Benefits of the Additional Proposed Amendments to the RTA

In addition, on December 19, 2012, the Board directed staff to draft proposed amendments to RTA chapters 2 through 4 that would have the effect and accomplish the objectives of making those chapters consistent with the amendments being made to RTA chapter 5 to implement, interpret, and make specific RTC section 40. The Board directed staff to draft proposed amendments to RTA chapters 2 through 5 that would have the effect and accomplish the objectives of addressing historical clean-up and housekeeping issues that have been identified by interested parties and Board staff since the RTA became effective in 2008, which are discussed in more detail in the initial statement of reasons. The Board also directed staff to meet with interested parties to discuss the additional proposed amendments prior to presenting them to the Board. Therefore, after meeting with interested parties, Board staff recommended that the Board propose additional amendments to make RTA chapters 2 through 4 consistent with the amendments being made to RTA chapter 5 to implement, interpret, and make specific RTC section 40, and address the historical clean-up and housekeeping issues in RTA chapters 2 through 5, in the May 29, 2013, Chief Counsel Memorandum.

Additional Proposed Amendments to RTA Chapter 2

The May 29, 2013, Chief Counsel Memorandum recommended that the Board propose to delete the references to “definitions” from the titles of article 1 of chapter 2 of the RTA and RTA Regulation 5200, and delete the provisions of RTA Regulation 5200 that refer to

RTA Regulations 5511 and 5512 because they are unnecessary. In addition, the memorandum recommended that the Board make RTA Regulation 5200 more clear by replacing the regulation's references to the various types of appeals that are provided for in chapter 2 with the term "appeal" as proposed to be defined in the amendments to RTA Regulation 5511 (discussed above), and reformatting the citations to the various tax and fee laws listed in the regulation as parenthetical citations.

The Chief Counsel Memorandum recommended that the Board propose to make the text of RTA Regulation 5212 more consistent with the terms "taxpayer" and "Board hearing" as defined or proposed to be defined in RTA Regulation 5511.

The Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulations 5215, 5215.4, and 5230 to update the references to the California Department of Toxic Substance Control. The memorandum recommended that the Board propose to amend RTA Regulations 5215 and 5230 to replace the references to the "State Director of Health Services" and "State Department of Health Care Services" with references to the "California Department of Public Health" due to statutory changes. The memorandum also recommended that the Board propose to replace the terms "petitioner" and "claimant" with the term "taxpayer" throughout RTA Regulations 5215 and 5230, subdivision (c)(3), and amend Regulation 5230, subdivisions (b) and (e) so that they are more consistent with the Motor Vehicle Fuel Tax Law and Water Code, respectively. Furthermore, the memorandum recommended that the Board propose to amend RTA Regulation 5215.6 to make it more consistent with the provisions of Water Code section 1537, and propose to amend RTA Regulation 5224 to make it more consistent with Regulations 5215, 5215.4, and 5215.6.

The Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulation 5217 to clarify the procedures for acknowledging petitions for redetermination and make the regulation more concise. The memorandum also recommended that the Board propose to clarify the procedures for accepting untimely petitions as administrative protests in RTA Regulation 5220 and make the text of Regulation 5220 more consistent with the terms "taxpayer," "Board hearing," and "appeal" as defined or proposed to be defined in RTA Regulation 5511.

The Chief Counsel Memorandum recommended that the Board propose to amend:

- RTA Regulation 5218 to clarify the process for referring petitions to another office for further investigation and comment;

- RTA Regulations 5218 and 5219 to clarify the requirements for the Board's Departments to prepare a summary analysis of an appeal and provide a copy of the analysis to the taxpayer before forwarding the appeal to the Appeals Division for the scheduling of an appeals conference;
- RTA Regulations 5218 and 5235 to clarify the requirements for taxpayers to request appeals conferences and Board hearings or confirm prior requests for appeals conferences and Board hearings in order to obtain an appeals conference; and
- RTA Regulations 5264 and 5266 to clarify the procedures for taxpayers to submit additional arguments and evidence to the Appeals Division during the appeals conference process, and the procedures for filing requests for reconsideration and requests for Board hearings to continue to contest the Appeals Division's Decisions and Recommendations.

The memorandum recommended the amendments to RTA Regulations 5218, 5219, 5235, 5264, and 5266 so that taxpayers can keep track of their appeals better and clearly understand when they are required to take additional actions to continue their appeals.

The Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulations 5237 and 5266 to make their provisions regarding Board approval and public records more concise and more consistent with all of the Board's current policies requiring Board approval of the Departments' and Appeals Division's recommendations. The memorandum recommended that the Board propose to move RTA Regulation 5266's provisions regarding Board approval and public records to RTA Regulation 5267 and add similar provisions for Board approval to RTA Regulation 5218, which provides for the review of petitions for redetermination and administrative protests. The memorandum also recommended that the Board propose to clarify the procedures for the issuance of post appeals conference notices in RTA Regulation 5267 so that they are entirely consistent with the Board's current practices.

RTA Regulations 5216, 5222, 5225, 5233, 5240, 5250, and 5262 prescribe the procedures for filing appeals and the procedures for filing requests to reschedule and postpone appeals conferences under chapter 2. These regulations all explain that the Board encourages the use of electronic means for the filing of appeals and appeals related documents, but the regulations do not provide any specific guidance on how to file documents via electronic means. Therefore, the Chief Counsel

Memorandum recommended that the Board propose to amend RTA Regulations 5216, 5222, 5225, 5233, 5240, 5250, and 5262 in order to delete the language encouraging the use of electronic means to file appeals related documents and add more specific information regarding the electronic filing of such documents. In addition, the memorandum recommended that the Board amend RTA Regulation 5250 so that it simply cross–references the provisions for filing local and district tax appeals, which are already provided by California Code of Regulations, title 18, division 2, sections (Regulations) 1807, *Petitions for Reallocation of Local Tax*, and 1828, *Petitions for Distribution or Redistribution of Transactions and Use Tax*, respectively. Furthermore, the memorandum recommended that the Board propose to amend RTA Regulation 5262 to explain the differences between deferrals and postponements of appeals conferences and clearly provide the procedures applicable to requests for deferrals and postponements.

The Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulation 5240 so that it provides for the filing of requests for innocent spouse relief under the Motor Vehicle Fuel Tax Law, Use Fuel Tax Law, Diesel Fuel Tax Law, Cigarette and Tobacco Products Tax Law, Alcoholic Beverage Tax Law, Timber Yield Tax Law, Energy Resources Surcharge Law, Emergency Telephone Users Surcharge Law, Hazardous Substances Tax Law, Integrated Waste Management Fee Law, Oil Spill Response, Prevention and Administration Fee Law, Underground Storage Tank Maintenance Fee Law, and Fee Collection Procedures Law. The memorandum also recommended that the Board propose to amend RTA Regulations 5240, 5241, and 5242 so that they all cross–reference the applicable provisions of Regulation 4903, *Innocent Spouse or Registered Domestic Partner Relief from Liability*, which are applicable to requests for innocent spouse relief filed under the additional tax and fee laws listed above.

RTA Regulation 5247 incorporates and cross–references provisions in Regulation 1705, *Relief from Liability*, and Regulation 4902, *Relief from Liability*. Therefore, the Chief Counsel Memorandum recommended that the Board proposes to amend RTA Regulation 5247 to make it fully consistent with the provisions of Regulations 1705 and 4902.

The Chief Counsel Memorandum recommended that the Board make the RTA more complete by proposing to add a new article 5.5 to chapter 2 of the RTA and add new RTA Regulations 5255 and 5256 to new article 5.5 to cross–reference the Board’s current regulations pertaining to Cigarette and Tobacco Products Licensing Act appeals, including petitions for the recovery of seized cigarette and tobacco products.

The Chief Counsel Memorandum recommended that the Board propose to amend subdivision (g) of RTA Regulation 5270 to make it consistent with the Board’s current practice by providing that the Board may, but is not required to, accept untimely briefs at Board hearings regarding appeals subject to RTA chapter 2. The memorandum also recommended that the Board propose to amend RTA Regulation 5270 to clarify the introductory language in subdivision (a), make subdivision (b) cross–reference the identical filing provisions in RTA Regulation 5570, and delete an unnecessary reference to RTA Regulation 5264 from subdivision (b).

Finally, the Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulation 5266 to require the Appeals Division to acknowledge the receipt of requests for reconsideration, and explain that the Appeals Division may request additional information from the parties that may be relevant to the preparation of a Supplemental Decision and Recommendation. The memorandum also recommended that the Board propose to amend Regulation 5266 so that it requires the Appeals Division to notify the parties when the Appeals Division is required to or has decided to issue a Supplemental Decision and Recommendation, and requires the Appeals Division to issue a Supplemental Decision and Recommendation within 90 days after the submission of any additional information the Appeals Division needs to prepare the document.

Additional Proposed Amendments to RTA Chapter 3

The May 29, 2013, Chief Counsel Memorandum recommended that the Board propose to delete subdivision (a) from RTA Regulation 5311 because it is duplicative of the introductory language in RTA Regulation 5511, combine the two definitions for the County–Assessed Properties Division in Regulation 5311 into one definition, and make minor formatting changes to RTA Regulation 5311.

The Board generally conducts Assessment Factor Hearings in February. However, in years when the Board does not conduct a meeting in Sacramento during February, the Board will hold Assessment Factor Hearings during its January meeting in Sacramento. Therefore, the Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulation 5322 to provide that the Board generally conducts Assessment Factor Hearings at the Board’s “January or February meeting in Sacramento.”

The Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulation 5323.6 so that it no longer requires 10 hard copies of a petition that is submitted electronically, and propose to amend RTA Regulations 5323.6 and 5335 so that they both similarly explain how to file documents electronically, by hand

delivery, and by mail and both directly cross-reference the Board Proceedings Division's contact information in RTA Regulation 5570 (as proposed to be amended below). The memorandum also recommended that the Board propose to amend RTA Regulations 5324, 5332, 5332.6, 5333, 5333.6, 5334, 5334.6, and 5336.5 to make the regulations' filing provisions consistent with the proposed amendments to RTA Regulations 5323.6 and 5335 and the regulations' terms consistent with the definitions in RTA Regulation 5511. Furthermore, the memorandum recommended that the Board propose minor grammatical changes to RTA Regulations 5323.8, 5333.4, and 5334.4.

The Chief Counsel Memorandum recommended that the Board propose to move the provisions in RTA Regulation 5311 prescribing the contents of Hearing Summaries and Summary Decisions for property tax appeal to RTA Regulation 5325.6, which currently provides for the preparation of Hearing Summaries and Summary Decisions for property tax appeals.

The Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulation 5345 so that the Board's decisions on petitions objecting to the County-Assessed Properties Division's findings of ineligibility for an organizational clearance certificate, denial of a claim for a supplemental clearance certificate, or denial of a claim for the veterans' organization exemption, and petitions filed with the Board by county assessors under GC section 15640 et seq. become "final 30 days after the date notice of the Board's decision is mailed to the petitioner, unless the petitioner files a Petition for Rehearing in accordance with the procedures provided in chapter 5 of [the RTA] within that 30-day period." The memorandum also recommended that the Board propose to amend RTA Regulation 5561 in chapter 5 of the RTA so that its provisions for filing petitions for rehearing apply to these new types of petitions for rehearing.

Additional Proposed Amendments to RTA Chapter 4

The May 29, 2013, Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulation 5421 in order to delete the regulation's language encouraging the use of electronic means to file documents in appeals from the FTB and add more specific information regarding the filing of such documents.

The Chief Counsel Memorandum recommended that the Board propose to replace the reference to Appeals Staff with a reference to the Appeals Division in subdivision (a) of RTA Regulation 5435 and propose to amend subdivision (e) of RTA Regulation 5435 so that it requires the Chief of Board Proceedings to be promptly notified about requests for additional briefing in appeals from the FTB, rather than the Board Chair.

The Chief Counsel Memorandum recommended that the Board propose to delete the definition of "Hearing Summary" from subdivision (a) of RTA Regulation 5444, move subdivision (a)'s remaining provisions prescribing the content of hearing summaries to the end of the first paragraph in current subdivision (b), renumber the first paragraph of current subdivision (b) as subdivision (a), and reformat the second paragraph of current subdivision (b) as new subdivision (b).

The Chief Counsel Memorandum recommended that the Board propose to repeal RTA Regulation 5450 and adopt new RTA Regulation 5453 to provide for the preparation of a notice of determination, rather than a letter decision, when the Board does not adopt a written opinion for an appeal from the FTB.

The Chief Counsel Memorandum recommended that the Board propose to delete subdivisions (a), (c), and (d) from RTA Regulation 5451 and subdivisions (a), (d), and (f) from RTA Regulation 5452 because the subdivisions will no longer be necessary after the proposed amendments to RTA Regulations 5511 and 5551. The memorandum also recommended that the Board propose to renumber the remaining subdivisions in RTA Regulations 5451 and 5452, and add provisions to make the regulations consistent with the provisions of RTA Regulation 5551 as proposed to be amended and RTA Regulation 5552 as proposed to be adopted.

The Chief Counsel Memorandum recommended that the Board propose to:

- Replace the references to the word "decision" with references to the word "determination" in RTA Regulations 5460 and 5463 to make the regulations more consistent with the phrasing of RTC section 19047 and to further aid FTB staff in distinguishing written opinions from "determinations" on appeals from the FTB; and
- Add language to RTA Regulation 5460, subdivision (a), explaining when the Board's determination on an appeal from the FTB becomes final in situations where the determination is held in abeyance under the proposed amendments to RTA Regulation 5551.

The Chief Counsel Memorandum recommended that the Board propose to add provisions to RTA Regulation 5460, subdivision (c) to incorporate the Board's existing policy with regard to the filing of petitions for rehearing in appeals from the FTB, which is that "no party may file a Petition for Rehearing in response to a Decision on Petition for Rehearing or the Board's vote to determine an appeal after a rehearing." The memorandum also recommended that the Board propose to add language to subdivision (c) of RTA Regulation 5562 to incorporate the Board's existing policy with regard to the

filing of petitions for rehearing in other types of appeals, which is that a taxpayer may not file a petition for rehearing in response to the Board's decision to deny a prior petition for rehearing in the same appeal.

Finally, the Chief Counsel Memorandum recommended that the Board propose to delete unnecessary language from the definition of "Decision on Petition for Rehearing" in RTA Regulation 5463, subdivision (a) and make minor clarifying amendments to RTA Regulation 5463, subdivision (c).

Additional Amendments to RTA Chapter 5

The May 29, 2013, Chief Counsel Memorandum recommended that the Board propose to amend the title of RTA chapter 5 and subdivisions (a) and (b) of RTA Regulation 5510 so that it is clear that RTA chapter 5 applies to all the different types of appeals submitted to the Board for decision, not just appeals scheduled for a Board hearing. The memorandum also recommended that the Board propose to clarify the citations to the tax and fee laws specified in RTA Regulation 5510, subdivision (a), including adding a separate reference and citation to the Fee Collection Procedures Law and clarifying that the Hazardous Substances Tax Law is applicable to appeals of the Childhood Lead Poisoning Prevention Fee and Occupational Lead Poisoning Prevention Fee.

The Chief Counsel Memorandum recommended that the Board propose to repeal RTA Regulation 5512 in its entirety because the regulation provides unnecessary definitions for common terms, and incorrectly defines the word "will."

The Chief Counsel Memorandum recommended that the Board propose to delete all of the references to deferrals from RTA Regulation 5522.8 and just leave the references to postponements because the terms essentially have the same meaning in the context of RTA Regulation 5522.8. The memorandum recommended that the Board propose to amend RTA Regulation 5522.8, subdivision (b)(3) to clarify that the Chief Counsel has discretion to postpone an appeal if the Chief Counsel determines that pending litigation is likely to have a material bearing on the appeal and that the Board should wait to decide the appeal until after the Board knows the outcome of the litigation. Further, the memorandum recommended that the Board propose to delete the requirement that staff notify the Board when an appeal from the FTB is postponed as a result of a pending bankruptcy proceeding from RTA Regulation 5522.8, subdivision (b)(4), because the Board does not need such notice. Furthermore, the memorandum recommended that the Board propose to delete the incorrect reference to subdivision (a) from RTA Regulation 5522.8, subdivision (c), and make minor amendments throughout RTA Regulation 5522.8 to make the regulation more clear

and make the regulation's terminology more consistent with RTA Regulation 5511 as proposed to be amended.

The Chief Counsel Memorandum recommended that the Board propose to add a new subdivision (f) to RTA Regulation 5523.6 to provide procedures allowing for the use of electronic presentations at Board hearings because taxpayers and their representatives are regularly requesting permission to make electronic presentations during their Board hearings. The memorandum also recommended that the Board propose other clarifying amendments to RTA Regulation 5523.6 in order to delete the reference to "Exhibits" from the title of the regulation, revise the phrasing of the second sentence in subdivision (a) and the second sentence in subdivision (b), make the regulation's terminology more consistent with RTA Regulation 5511 as proposed to be amended, and replace the word "refute" with the word "contest" in subdivision (d).

The Chief Counsel Memorandum recommended that the Board propose to amend subdivision (a) of RTA Regulation 5561 to clarify that a taxpayer's petition for rehearing must be signed by the taxpayer or the taxpayer's authorized representative to ensure that the petition is authentic. The memorandum recommended that the Board propose to delete the filing provisions from RTA Regulation 5561, subdivision (b) and replace them with a cross-reference to the substantially similar filing provisions in RTA Regulation 5570. The memorandum also recommended that the Board propose to add paragraphs (4) through (6) to the current provisions in RTA Regulation 5561, subdivision (c), regarding the review of submissions that are intended as petitions for rehearing, to incorporate the Board Proceedings Division's current practice of giving taxpayers time to complete timely filed submissions, clarify that the Board Proceedings Division will notify the taxpayer if its submission is ultimately rejected, and explain that a taxpayer may only file one petition for rehearing with regard to the same appeal (as previously discussed).

The Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulation 5562, subdivision (a), to clarify that the Appeals Division may recommend that the Board revise its decision on an appeal based on information presented in a taxpayer's petition for rehearing, but still recommend that the Board deny the taxpayer's request for a rehearing after revising its decision. The memorandum recommended that the Board propose to amend RTA Regulation 5562, subdivision (c) to more clearly explain the options the Board has for deciding a petition for rehearing, how the Board's decision to choose each option affects the underlying appeal to which the petition relates, and when the Board's decision in the underlying appeal will become final. The memorandum also recommended that

the Board propose to repeal RTA Regulation 5563 because RTA Regulation 5562, as proposed to be amended, will cover all of the same subject matter that RTA Regulation 5563 currently covers.

Finally, the Chief Counsel Memorandum recommended that the Board propose to amend RTA Regulation 5570 to delete the first sentence of subdivision (a), which encourages the use of electronic means for the filing of documents related to Board hearings, and update the Board Proceedings Division’s contact information so that it includes the division’s current email address and fax number where the division receives documents related to Board hearings.

June 11, 2013, Board Meeting

During the Board’s June 11, 2013, meeting, the Board Members also unanimously voted to propose the additional amendments to RTA chapters 2 through 5 recommended in the May 29, 2013, Chief Counsel Memorandum. The effects and objectives of the proposed amendments are to make RTA chapters 2 through 4 consistent with the amendments being made to RTA chapter 5 to implement, interpret, and make specific RTC section 40, and address a number of historical clean-up and housekeeping issues in RTA chapters 2 through 5, which are discussed above and described in more detail in the initial statement of reasons.

The Board anticipates that the Board and interested parties, including taxpayers, will benefit from the additional proposed amendments to RTA chapters 2 through 5 described above because the amendments:

- Avoid potential confusion by making RTA chapters 2 through 4 consistent with the amendments being made to RTA chapter 5 to implement, interpret, and make specific RTC section 40;
- Address historical clean-up and housekeeping issues in RTA chapters 2 through 5, and
- Increase transparency in government by providing more detailed explanations of the Board’s administrative and appellate review processes.

The Board has performed an evaluation of whether the additional proposed amendments to RTA chapters 2 through 5 are inconsistent or incompatible with existing state regulations and determined that the proposed amendments are not inconsistent or incompatible with existing state regulations. This is because:

- The proposed amendments are intended to ensure that the RTA contains or cross references all of the Board’s administrative and appellate review procedures;

- The proposed amendments to chapters 2 through 5 of the RTA are not inconsistent or incompatible with the other provisions of RTC chapters 2 through 5 and they are not inconsistent or incompatible with each other; and
- The proposed amendments are not inconsistent or incompatible with other Board regulations that are not included in the RTA, such as Regulations 1807, 1828, 1705, 4902, and 4903, and the Board’s Cigarette and Tobacco Products Licensing Act appeals regulations discussed above.

There is no previously adopted or amended federal regulation or statute that is comparable to RTA Regulations 5200, 2512, 5215, 5215.4, 5215.6, 5216, 5217, 5218, 5219, 5220, 5222, 5224, 5225, 5230, 5233, 5235, 5237, 5240, 5241, 5242, 5247, 5250, 5262, 5264, 5266, 5267, 5270, 5311, 5322, 5323.6, 5323.8, 5324, 5325.6, 5332, 5332.6, 5333, 5333.6, 5334, 5334.4, 5334.6, 5335, 5336.5, 5345, 5421, 5435, 5444, 5450, 5451, 5452, 5460, 5463, 5510, 5512, 5522.8, 5523.6, 5561, 5562, 5563, and 5570, or newly proposed RTA Regulations 5255, 5256, and 5453.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to the RTA described above will not impose a mandate on local agencies or school districts, including a mandate that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the GC.

NO COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to the RTA described above will result in no direct or indirect cost or savings to any state agency, any cost to local agencies or school districts that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the GC, other non-discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that the adoption of the proposed amendments to the RTA de-

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

The adoption of the proposed amendments to the RTA described above may affect small business.

**NO COST IMPACTS TO PRIVATE PERSONS
OR BUSINESSES**

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

**RESULTS OF THE ECONOMIC IMPACT
ASSESSMENT REQUIRED BY GC SECTION
11346.3, SUBDIVISION (b)**

The Board has prepared the economic impact assessment required by GC section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. The Board has determined that the adoption of the proposed amendments to the RTA described above will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to the RTA described above will not affect the health and welfare of California residents, worker safety, or the state's environment.

**NO SIGNIFICANT EFFECT ON
HOUSING COSTS**

Adoption of the proposed amendments to the RTA described above will not have a significant effect on housing costs.

**DETERMINATION REGARDING
ALTERNATIVES**

The Board must determine that no reasonable alternative considered by it or that has been otherwise 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 proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

CONTACT PERSONS

Questions regarding the substance of the proposed amendments to the RTA should be directed to Bradley M. Heller, Tax Counsel IV, by telephone at (916) 323-3091, by e-mail at Bradley.Heller@boe.ca.gov, or by mail at State Board of Equalization, Attn: Bradley M. Heller, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on November 19, 2013, or as soon thereafter as the Board begins the public hearing regarding the adoption of the proposed amendments to the RTA described above during the November 19-21, 2013, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the proposed amendments to the RTA. The Board will only consider written comments received by that time.

**AVAILABILITY OF INITIAL STATEMENT OF
REASONS AND TEXT OF PROPOSED
REGULATION**

The Board has prepared underscored and strikeout versions of the text of RTA chapters 2 through 5 illustrating the express terms of the proposed amendments to the RTA described above and an initial statement of reasons for the adoption of the proposed amendments, which includes the economic impact assessment required by GC section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's Website at www.boe.ca.gov.

SUBSTANTIALLY RELATED CHANGES
PURSUANT TO GC SECTION 11346.8

The Board may adopt the proposed amendments to the RTA described above with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made to an RTA regulation that the Board is proposing to adopt, amend, or repeal, the Board will make the full text of the regulation, with the change clearly indicated, available to the public for at least 15 days before the Board adopts, amends, or repeals the resulting regulation. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulation will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting regulation that are received prior to the Board's adoption, amendment, or repeal of the resulting regulation.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

If the Board adopts the proposed amendments to the RTA described above, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's Website at www.boe.ca.gov.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH
AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION NO.
2080-2013-008-03**

Project: Ameresco Interconnection Project
Location: Alameda County
Applicant: Pacific Gas and Electric Company
Notifier: Garcia and Associates

Background

Pacific Gas and Electric Company (Applicant) proposes to reconductor three miles of an existing distribution circuit, to connect Ameresco's existing electric

generating facility, located at the Vasco Road Landfill, with the Applicant's electric transmission and distribution system. The Ameresco Interconnection Project (Project) includes the installation of 12 new wood poles and replacement of 44 existing wood poles, to support a heavier conductor between the Ameresco generating station and the Cayetano Substation, and the use of eight pull sites to reconductor the distribution line. The Project is located within a rural district of Alameda County, north of the City of Livermore.

Ground-disturbing activities include the creation of six access roads to allow personnel to: (1) access eight pull sites and pole locations, (2) install poles, including the use of an auger on a line truck, and (3) remove existing conductor and install new conductor to the existing line. At four of the eight pull sites, the Applicant will work from paved roads or historically disturbed areas; the remainder will be located within grassland habitat. Pull site equipment will include "rope" truck or tensioners, truck-mounted reels of conductor to receive the old conductor as it is removed, reels of new conductor to "feed" out, and trucks or other equipment to handle the weight of the conductor reels and to move them on- and off-site.

The Project activities described above are expected to incidentally take¹ California tiger salamander (*Ambystoma californiense*; CTS) where those activities will take place within suitable CTS upland habitat. In particular, CTS could be incidentally taken as a result of: (1) staging and driving vehicles or equipment within suitable CTS habitat; (2) entrapment in burrows or crushing during augering, pull and tension activities, and vehicle operation across suitable upland habitat; and (3) the operation of vehicles and equipment which may result in noise and vibration within suitable habitat that may disturb CTS behavior. CTS is designated as a threatened species pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).)

CTS individuals are documented as present at the Project site and there is suitable habitat within and adjacent to the Project site including multiple suitable breeding ponds in the immediate vicinity of the Project site. Because of the proximity of the nearest documented CTS, dispersal patterns of the species, and the presence of suitable habitat within the Project site, the

¹ Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459,507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' . . . means to catch, capture or kill").

United States Fish and Wildlife Service (Service) determined that CTS is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of CTS.

According to the Service, the Project will result in the temporary loss of 1.692 acres of upland CTS habitat. Construction of the Project will also result in the permanent loss of 0.001 acre of upland CTS habitat.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the U.S. Army Corps of Engineers (Corps) consulted with the Service as required by ESA. On May 31, 2012, the Service issued a biological opinion (Service Ref. No. 08ESMF00-2012-F-0092-1) (BO) to the Corps. The BO was amended on August 1, 2013. The amended BO describes the Project, requires the Applicant to comply with terms of the amended BO and its associated incidental take statement (ITS), and incorporates additional measures.

On August 2, 2013, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Notifier, on behalf of the Applicant, requesting a determination pursuant to Fish and Game Code section 2080.1 that the amended BO and its associated ITS are consistent with CESA for purposes of the Project and CTS. (Cal. Reg. Notice Register 2013, No. 33-Z, p. 1218.)

Determination

CDFW has determined that the amended BO and its associated ITS are consistent with CESA as to the Project and CTS because the mitigation measures contained in the amended BO and associated ITS, as well as the conditions in the Biological Assessment (BA), meet the conditions set forth in Fish and Game Code Section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that (1) take of CTS will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the amended BO, associated ITS, and BA will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of CTS. The mitigation measures in the amended BO, associated ITS, and BA include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- Applicant will compensate for permanent and temporary effects to upland CTS habitat by

purchasing 17 acres of multi-species credits at Mountain House Conservation Bank, a Service and CDFW approved conservation bank, prior to Project commencement. Although not a condition of the amended BO, CDFW requests documentation of the purchase.

- Applicant will flag the construction boundaries and access areas prior to beginning ground-disturbing activities in sensitive areas.
- Applicant will limit site disturbance for construction and access and implement specific protections for sensitive areas containing potentially suitable habitat for CTS. Applicant shall install protective fencing for sites immediately adjacent to construction activities and use flagging to identify avoidance areas along access roads.
- The Service- and CDFW-approved biologist shall supervise the installation and necessary maintenance of Service- and CDFW-approved wildlife fencing in project pull site areas subject to greater than 72 hours of disturbance.
- Applicant will not plant, seed or otherwise introduce prohibited exotic plant species identified in the California Exotic Pest Plant Council's database.
- Applicant will flag burrows for avoidance prior to ground-disturbing activities.
- A Service- and CDFW-approved biologist will survey the work site immediately prior to construction activities, during excavation, and continue for at least 30 minutes following the initial ground disturbance. The Service- and CDFW-approved biologist will contact the Service and CDFW if CTS are extant.
- The Service- and CDFW-approved biologist shall relocate CTS following the Service- and CDFW-approved relocation plan.

Monitoring and Reporting Measures

- The Service- and CDFW-approved biologist shall be responsible for monitoring project activities to minimize or avoid take of CTS.
- Applicant shall immediately notify the Service and CDFW if a CTS is taken or injured by a project-related activity, or if a CTS is otherwise found dead or injured within the vicinity of the project. Applicant will send the Service and CDFW a written report within two calendar days following initial notification.

- The Service- and CDFW-approved biologist will immediately take any injured CTS to a CDFW-approved wildlife rehabilitation center. The CTS shall remain in captivity and not be released into the wild. Applicant will bear any costs associated with the care or treatment of the CTS. Applicant will notify the Service and CDFW of the incident immediately by telephone and e-mail followed by a written incident report. The Applicant's notification will include the name of the receiving facility where the CTS was taken.

Financial Assurances

Prior to initiating Project activities, Applicant will provide CDFW with a form of performance security, approved in advance in writing, in the amount of \$27,004.50 that is required to restore temporary impacts to 1.7 acres of suitable CTS habitat.

Pursuant to Fish and Game Code Section 2080.1, take authorization under CESA is not required for the Project for incidental take of CTS, provided the Applicant implements the Project as described in the amended BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the amended BO, its associated ITS, and BA. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service further amends or replaces the amended BO, associated ITS, and BA, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs, (b) and (c)).

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES
SEPTEMBER 13, 2013**

**CHEMICALS LISTED EFFECTIVE
SEPTEMBER 13, 2013
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER: CHLORAL, CHLORAL
HYDRATE, 1,1,1,2-TETRACHLOROETHANE,
AND TRICHLOROACETIC ACID**

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is adding *chloral* (CAS No. 75-87-6), *chloral hydrate* (CAS No. 302-17-0), *1,1,1,2-tetrachloroethane* (CAS No. 630-20-6), and *trichloroacetic acid* (CAS No. 76-03-9) to the list of chemicals known to the State of California to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹). The listing of these four chemicals is effective **September 13, 2013**.

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 chemicals that are within the scope of the federal Hazard Communications Standard. The Federal Hazard Communications Standard relies on chemical designations made by IARC. An explanation of the carcinogenicity classifications used by IARC, and the *Monographs* development and peer review by the international Working Groups of scientific experts convened by IARC, may be found at the following URL: <http://monographs.iarc.fr/ENG/Preamble/CurrentPreamble.pdf> (IARC Preamble).

The basis for the listing of chloral, chloral hydrate, 1,1,1,2-tetrachloroethane, and trichloroacetic acid was described in a public notice published in the July 26, 2013, issue of the *California Regulatory Notice Register* (Register 2013, No. 30-Z). The title of the notice was "Notice of Intent to List Chemicals by the Labor Code Mechanism." The publication of the notice initiated a public comment period that closed on August 26, 2013. No public comments were received.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at <http://www.oehha.ca.gov/prop65.html>.

¹ Health and Safety Code, section 25249.5, et seq.

Chemical	CAS No.	Toxicological Endpoints	Listing Mechanism ²
Chloral	75-87-6	Cancer	LC
Chloral hydrate	302-17-0	Cancer	LC
1,1,1,2-Tetrachloroethane	630-20-6	Cancer	LC
Trichloroacetic acid	76-03-9	Cancer	LC

² Listing mechanism: LC — “Labor Code” mechanism (Labor Code sections 6382(b)(1) and (d)).

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
SEPTEMBER 13, 2013

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

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
Allyl chloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
<i>ortho</i> -Anisidine	90-04-0	July 1, 1987
<i>ortho</i> -Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzophenone	119-61-9	June 22, 2012
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromochloroacetic acid	5589-96-8	April 6, 2010
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
<u>Chloral</u>	<u>75-87-6</u>	<u>September 13, 2013</u>
<u>Chloral hydrate</u>	<u>302-17-0</u>	<u>September 13, 2013</u>
Chlorambucil	305-03-3	February 27, 1987
<u>Chloramphenicol Delisted January 4, 2013</u>	<u>56-75-7</u>	<u>October 1, 1989</u>
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
<i>p</i> -Chloroaniline	106-47-8	October 1, 1994
<i>p</i> -Chloroaniline hydrochloride	20265-96-7	May 15, 1998
<u>Chlorodibromomethane Delisted October 29, 1999</u>	<u>124-48-1</u>	<u>January 1, 1990</u>
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
<i>p</i> -Chloro- <i>o</i> -toluidine	95-69-2	January 1, 1990
<i>p</i> -Chloro- <i>o</i> -toluidine, strong acid salts of	—	May 15, 1998
5-Chloro- <i>o</i> -toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Disperse Yellow 3	2832-40-8	February 8, 2013
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Clomiphene citrate	50-41-9	May 24, 2013
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coconut oil diethanolamine condensate (cocamide diethanolamine)	68603-42-9	June 22, 2012
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
<i>para</i> -Cresidine	120-71-8	January 1, 1988
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclopenta[<i>cd</i>]pyrene	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[<i>a,h</i>]acridine	226-36-8	January 1, 1988
Dibenz[<i>a,j</i>]acridine	224-42-0	January 1, 1988
Dibenz[<i>a,h</i>]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[<i>c,g</i>]carbazole	194-59-2	January 1, 1988
Dibenzo[<i>a,e</i>]pyrene	192-65-4	January 1, 1988
Dibenzo[<i>a,h</i>]pyrene	189-64-0	January 1, 1988
Dibenzo[<i>a,i</i>]pyrene	189-55-9	January 1, 1988
Dibenzo[<i>a,l</i>]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987

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<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988
Dienestrol <u>Delisted January 4, 2013</u>	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
2,6-Dimethyl-N-nitrosomorpholine (DMNM)	1456-28-6	February 8, 2013
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,3-Dinitropyrene	75321-20-9	November 2, 2012
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Emissions from combustion of coal	—	August 7, 2013
Epichlorohydrin	106-89-8	October 1, 1987
Epoiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine (Aziridine)	151-56-4	January 1, 1988
Etoposide	33419-42-0	November 4, 2011
Etoposide in combination with cisplatin and bleomycin	—	November 4, 2011
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glass wool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990

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<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isopyrazam	881686-58-1	July 24, 2012
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyridin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011
Methyl iodide	74-88-4	April 1, 1988
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
α -Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furilazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004

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Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitriiotriacetic acid	139-13-9	January 1, 1988
Nitriiotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro-o-anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisoie	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
<i>p</i> -Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
<i>o</i> -Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
<i>o</i> -Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
<i>o</i> -Phenylphenate, sodium	132-27-4	January 1, 1990
<i>o</i> -Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo- <i>p</i> -dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
3,3',4,4'-Tetrachloroazobenzene	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
<u>1,1,1,2-Tetrachloroethane</u>	<u>630-20-6</u>	<u>September 13, 2013</u>
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4'-Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
<u>para-Toluidine Delisted October 29, 1999</u>	<u>106-49-0</u>	<u>January 1, 1990</u>
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>)	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
<u>Trichloroacetic acid</u>	<u>76-03-9</u>	<u>September 13, 2013</u>

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl) para-benzoquinone (Triaziuone)	68-76-8	October 1, 1989
<u>Delisted December 8, 2006</u>		
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CASNo.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bisphenol A (BPA) <u>Delisted April 19, 2013</u>	developmental	80-05-7	April 11, 2013
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, male	63-25.2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4 DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Diglycidyl ether	male	2238-07-5	August 7, 2009
Di- <i>n</i> -hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental	127-19-5	May 21, 2010
<i>m</i> -Dinitrobenzene	male	99-65-0	July 1, 1990
<i>o</i> -Dinitrobenzene	male	528-29-0	July 1, 1990
<i>p</i> -Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl- <i>tert</i> -butyl ether	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrogen cyanide (HCN) and cyanide salts (CN salts)	male		July 5, 2013
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Methyl chloride	developmental male	74-87-3	March 10, 2000 August 7, 2009
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
α -Methyl styrene	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinat	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide)	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylphosphine	developmental	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30, 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: September 13, 2013

DISAPPROVAL DECISION

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of disapproval decisions are available at 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.

In re:
Department of Toxic Substances Control
Regulatory Action: Title 22
California Code of Regulations
Adopt sections: 69501.3(b), 69509.1(a), 69509.1(c)
DECISION OF PARTIAL DISAPPROVAL
OF REGULATORY ACTION
Government Code Section 11349.3
OAL File No. 2013-0718-03 S

SUMMARY OF REGULATORY ACTION

This regulatory action by the Department of Toxic Substances Control (Department) proposed to adopt

new sections 69501, 69501.1, 69501.2, 69501.3, 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69506.10, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1 and 69510 in title 22 of the California Code of Regulations. The regulatory action establishes a list of Candidate Chemicals and provides for a process to identify additional chemicals. It also describes the process for evaluating and prioritizing consumer products that contain these chemicals and creating a Priority Products list. Responsible entities (manufacturers, assemblers, retailers and importers) are required to notify the Department if their product is listed and then, unless they meet specified exemptions, perform an alternatives analysis to determine ways to limit exposure and adverse impacts on public health and the environment. After the alternatives analysis, the Department may implement one or more regulatory responses to protect public health and/or the environment. This action also provides for audits related to these processes, dispute resolution arising from these processes and provides for assessment of trade secret claims made to the Department.

DECISION

On July 18, 2013, the Department submitted to the Office of Administrative Law (OAL) the proposed adoption of these sections in article 22. On August 28, 2013, OAL notified the Department that OAL approved the adoption of sections 69501, 69501.1, 69501.2, 69501.3(a) and (c) through (e), 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69506.10, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1(b) and (d), and 69510. On that same date, OAL notified the Department that it disapproved the adoption of subdivisions 69501.3(b), 69509.1(a) and 69509.1(c), for failure to comply with the Clarity standard of Government Code section 11349.1(a)(3) of the California Administrative Procedure Act (APA).

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

CONCLUSION

For the reasons set forth above, OAL has disapproved subdivisions 69501.3(b), 69509.1(a) and 69509.1(c) of this regulatory action.

Date: September 3, 2013

George C. Shaw
Senior Counsel

FOR: DEBRAM. CORNEZ
Director

Original: Deborah Raphael

Copy: Manpreet Singh

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2013-0730-01
Board of Equalization
Interest and Penalties

Existing section 1703 of title 18 of the California Code of Regulations, entitled "Interest and Penalties," lists the sections in the Sales and Use Tax Law (Revenue and Taxation Code, section 6001 et seq.) that apply to the calculation of, imposition of, or relief from interest and penalties, and incorporates, implements, and provides additional notice of important statutory provisions applicable to the calculation of, imposition of, and relief from interest and penalties. Effective January 1, 2011, section 6591.6 was added to the Revenue and Taxation Code (RTC) by Senate Bill No. 1028 (Stats. 2010, ch. 316). RTC section 6591.6 authorizes the Members of the Board, meeting as a public body, to find, under specified circumstances, that it is inequitable to compute interest on a monthly basis and to instead compute interest on a daily basis. The State Board of Equalization (BOE) amended section 1703 of title 18 of the California Code of Regulations to add RTC section 6591.6 to the list and to add substantive provisions originating from RTC section 6591.6. BOE also made minor corrections to section 1703. This filing was submitted as a change without regulatory effect pursuant to section 100, title 1, California Code of Regulations.

Title 18
California Code of Regulations
AMEND: 1703
Filed 08/28/2013
Effective
Agency Contact:
Richard E. Bennion (916)445-2130

File# 2013-0718-05
CALIFORNIA ENERGY COMMISSION
Renewables Portfolio Standard

This rulemaking action implements Senate Bill X1-2 (Chapter 1 of the Statutes of 2011) by adding regulations to Title 20 of the California Code of Regulations which will specify procedures for the enforcement of the Renewables Portfolio Standard (RPS) on local, publicly-owned utilities (POUs) so as to increase the amount of electricity generated from eligible renewable energy sources.

Title 20
California Code of Regulations
ADOPT: 1240, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208
Filed 08/28/2013
Effective 10/01/2013
Agency Contact: Angela Gould (916)654-4881

File# 2013-0722-01
DEPARTMENT OF FOOD AND AGRICULTURE
Specifications for Hydrogen Gas Used in Internal Combustion Engines and Fuel Cells

This rulemaking amends two sections in title 4 of the California Code of Regulations. These amendments implement the standard for hydrogen fuel for use in internal combustion engines and fuel cells published by SAE International, a standards development organization accredited by the American National Standards Institute.

Title 4
California Code of Regulations
AMEND: 4180, 4181
Filed 09/03/2013
Effective 01/01/2014
Agency Contact:
Katherine de Contreras (916)229-3047

File# 2013-0718-03
DEPARTMENT OF TOXIC SUBSTANCES
CONTROL
Safer Consumer Products

This regulatory action establishes a list of Candidate Chemicals and provides for a process to identify additional chemicals. It also describes the process for evaluating and prioritizing consumer products that contain these chemicals and creating a Priority Products list. Responsible entities (manufacturers, assemblers, retailers and importers) are required to notify the Department if their product is listed and then, unless they meet specified exemptions, perform an alternatives analysis to determine ways to limit exposure and adverse impacts on public health and the environment. After the alternatives analysis, the Department may implement one or more regulatory responses to protect public health and/or the environment. This action also provides for audits related to these processes, dispute resolution arising from these processes and provides for assessment of trade secret claims made to the Department.

Title 22
California Code of Regulations
ADOPT: 69501, 69501.1, 69501.2, 69501.3, 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69506.10, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1, 69510
Filed 08/28/2013
Effective 10/01/2013
Agency Contact:
Manpreet K. Singh (916)322-2543

File# 2013-0719-02
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Internal Combustion Engine-Driven Equipment
(Technical Amendments)

This rulemaking by the Occupational Safety and Health Standards Board (OSHSB) updates section 1533 of title 8 of the California Code of Regulations, which addresses an employer's duty to provide mechanical ventilation in confined spaces where internal combustion engine-driven equipment is being operated.

Title 8
 California Code of Regulations
 AMEND: 1533
 Filed 08/29/2013
 Effective 10/01/2013
 Agency Contact: Marley Hart (916)274-5721

06/19/13 AMEND: 3435(b)
 05/23/13 ADOPT: 6558, 6577, 6880, 6884, 6886
 AMEND: 6452, 6452.2, 6452.4
 (renumbered to 6881), 6890 (renumbered
 to 6864)
 05/22/13 AMEND: 3434(b)
 05/20/13 AMEND: 3434(b)
 05/06/13 ADOPT: 1350 AMEND: 1354
 04/16/13 AMEND: 3435(b)
 04/04/13 AMEND: 3435(b)

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN April 3, 2013 TO
 September 4, 2013**

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

Title 2

08/23/13 ADOPT: 1859.90.3 AMEND: 1859.2,
 1859.51, 1859.61, 1859.90.2, 1859.90.4,
 1859.104, 1859.164.2, 1859.184.1
 08/12/13 ADOPT: 579, 579.1, 579.2, 579.4,
 579.24
 07/24/13 AMEND: 599.500, 599.508
 07/23/13 AMEND: 35101
 06/25/13 ADOPT: 1859.97 AMEND: 1859.2,
 Form SAB 50-02, 1859.90.2
 06/24/13 AMEND: 18247.5, 18413, 18427.1
 06/03/13 AMEND: 43000, 43001, 43002, 43003,
 43004, 43005, 43006, 43007, 43008,
 43009
 05/16/13 ADOPT: 59740
 05/15/13 AMEND: 599.500, 599.501, 599.502,
 599.508
 04/16/13 AMEND: 23000
 04/12/13 ADOPT: 51.4, 52.11, 56.5, 58.12, 58.13,
 61 AMEND: 51.2, 51.6, 52.1, 52.4, 52.8,
 53.2, 53.3, 54.1, 55.2, 56.3, 56.4, 57.1,
 58.2, 59.1, 59.3, 60.1, 60.3

Title 3

08/12/13 AMEND: 3435(b)
 08/09/13 AMEND: 3423(b)
 07/30/13 AMEND: 3435(b)
 07/11/13 AMEND: 3591.12(a)
 07/08/13 AMEND: 1701, 1701.1, 1701.2, 1702,
 1703.2, 1703.3 REPEAL: 1703.4, 1703.5
 07/02/13 AMEND: 1310
 06/26/13 AMEND: 2751(b)
 06/19/13 AMEND: 3435(b)

Title 4

09/03/13 AMEND: 4180, 4181
 08/16/13 ADOPT: 10170.1, 10170.2, 10170.3,
 10170.4, 10170.5, 10170.6, 10170.7,
 10170.8, 10170.9, 10170.10, 10170.11,
 10170.12, 10170.13, 10170.14, 10170.15
 08/06/13 ADOPT: 2086, 2086.1, 2086.5, 2086.6,
 2086.7, 2086.8, 2086.9, 2087, 2087.5,
 2087.6, 2088, 2088.6, 2089, 2089.5,
 2089.6, 2090, 2090.5, 2090.6, 2091,
 2091.5, 2091.6, 2092, 2092.5, 2092.6,
 2093
 07/31/13 AMEND: 12357, 12463, 12464
 07/25/13 AMEND: 5170, 5190, 5205, 5212, 5230,
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 07/22/13 AMEND: 8072
 07/22/13 AMEND: 10322, 10325, 10326
 07/08/13 ADOPT: 5342, 5343, 5344, 5345, 5346,
 5347, 5348
 06/03/13 AMEND: 12101, 12120, 12122, 12126,
 12130, 12132, 12140, 12142, 12200,
 12200.3, 12200.5, 12200.6, 12200.10B,
 12200.14, 12200.20, 12202, 12203,
 12203A, 12203.2, 12203.3, 12205.1,
 12218, 12218.7, 12218.8, 12218.9,
 12220, 12220.3, 12220.5, 12220.6,
 12220.14, 12220.20, 12222, 12223,
 12225.1, 12233, 12235, 12238, 12239,
 12301, 12301.1, 12302, 12303, 12304,
 12305, 12309, 12310, 12342, 12345,
 12349, 12350, 12351, 12352, 12354,
 12357, 12358, 12359, 12370, 12372,
 12401, 12402, 12403, 12404, 12464,
 12480, 12492, 12496, 12500, 12503,
 12505, 12508, 12591
 06/03/13 AMEND: 5170, 5190, 5205, 5212, 5230,
 5250
 05/23/13 ADOPT: 12364 AMEND: 12004
 05/22/13 ADOPT: 10050, 10051, 10052, 10053,
 10054, 10055, 10056, 10057, 10058,
 10059, 10060
 05/16/13 AMEND: 10192, 10193, 10194, 10195,
 10196, 10197, 10198

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05/16/13	ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580	9792.10.7, 9792.10.8, 9792.10.9
05/03/13	AMEND: 1843.2	AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12
05/02/13	AMEND: 1658	
04/23/13	AMEND: 8035(e)	07/01/13 ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 14, 17, 30, 31.2, 31.7, 33, 35, 35.5, 36, 38, 100, 105, 106, 10160
04/08/13	ADOPT: 8035.5	
Title 5		
08/12/13	AMEND: 58312	
08/12/13	AMEND: 80003, 80004, 80048.6	
07/10/13	AMEND: 80021.1, 80023, 80023.1, 80023.2, 80025.5 REPEAL: 80024.1, 80024.2, 80024.2.1, 80024.3.2, 80024.4, 80024.5	06/26/13 ADOPT: 10133.31, 10133.32, 10133.33, 10133.34, 10133.35, 10133.36 AMEND: 9813.1, 10116.9, 10117, 10118, 10133.53, 10133.55, 10133.57, 10133.58, 10133.60 REPEAL: 10133.51, 10133.52
06/12/13	ADOPT: 19847 AMEND: 19816, 19816.1, 19818, 19824, 19829, 19837.3	06/26/13 ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208 AMEND: 10205, 10205.12
06/05/13	AMEND: 19816, 19816.1, 19839	
05/23/13	ADOPT: 30000.5, 30010, 30040, 30040.2, 30040.6, 30041, 30041.5, 30042, 30042.5, 30044.5 AMEND: 30000, 30001, 30002, 30005, 30009, 30020, 30021, 30022, 30030, 30032, 30033	06/24/13 AMEND: 8352
05/14/13	ADOPT: 30737, 30738 AMEND: 30730, 30731, 30733, 30734, 30736	05/30/13 AMEND: 4994
05/01/13	AMEND: 80054	05/08/13 AMEND: 5004(d)(2)
04/03/13	ADOPT: 41906.6	05/07/13 AMEND: 17000 Appendix
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08/29/13	AMEND: 1533	05/06/13 AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, 5194, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5217, 5218, 5220, 8358, 8359
08/27/13	AMEND: 5155	04/24/13 AMEND: 2940.8
08/22/13	AMEND: 32147, 32380, 32802	04/15/13 AMEND: 354, 371.2, 373, 376.1, 386
08/19/13	ADOPT: 32999, 33000, 33001, 33002, 33003, 33004, 33005, 33006, 33007, 33008, 33009, 33010, 33011, 33012, 33013	Title 9
08/13/13	ADOPT: 9795.1.5, 9795.1.6, 9795.5 AMEND: 9795.1, 9795.3	06/06/13 ADOPT: 14200, 14210, 14220, 14230, 14240
08/13/13	ADOPT: 15209 AMEND: 15201, 15210, 15210.1, 15475, 15477, 15481, 15484, 15496, 15497	05/09/13 AMEND: 7156, 7158.8, 7159, 7160, 7160.5, 7161.5, 7162, 7163, 7211, 7263, 7302, 7310, 7312, 7320, 7321, 7322, 7330, 7332
08/01/13	AMEND: 5199(g)(3)(B)	Title 10
07/23/13	AMEND: 1933, 5541, 5543, 5559, 5600, 6170	08/27/13 AMEND: 2690, 2690.1, 2690.2
07/02/13	AMEND: 3329	08/05/13 AMEND: 2498.5
07/01/13	ADOPT: 9792.5.4, 9792.5.5. 9792.5.6. 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15. AMEND: 9792.5.1., 9792.5.3, 9793, 9794, 9795	07/31/13 AMEND: 2498.6
07/01/13	AMEND: 5197	07/17/13 AMEND: 2498.5
07/01/13	AMEND: 9795.1, 9795.3	07/16/13 AMEND: 2498.6
07/01/13	ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6,	07/15/13 ADOPT: 6650, 6652, 6654, 6658, 6660, 6662, 6664, 6666, 6668, 6670
		07/10/13 ADOPT: 6410, 6420, 6422, 6424, 6440, 6442, 6444
		07/03/13 AMEND: 2548.3, 2548.19, 2548.21, 2548.24, 2548.25
		06/27/13 ADOPT: 6456
		06/25/13 AMEND: 2698.401
		06/13/13 ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4, 2594.5, 2594.6, 2594.7
		05/20/13 AMEND: 2698.95(a)
		05/13/13 AMEND: 2632.19

Title 11

08/21/13 ADOPT: 31.25 REPEAL: 101.1
 08/21/13 ADOPT: 31.26 REPEAL: 101.2
 08/21/13 AMEND: 31.7
 08/06/13 AMEND: 1955
 07/08/13 AMEND: 1005, 1007, 1008

1399.616, 1399.617, 1399.618, 1399.619
 REPEAL: 1399.512
 08/07/13 AMEND: 811, 832.05, 832.06, 832.35
 REPEAL: 832.14, 854
 08/07/13 ADOPT: 1399.620, 1399.621, 1399.622,
 1399.623

Title 13

08/15/13 AMEND: 2700, 2701, 2702, 2703, 2704,
 2705, 2706, 2707, 2708, 2709, 2710,
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 07/31/13 AMEND: 1968.2, 1968.5, 1971.1,
 1971.5
 07/24/13 AMEND: 599
 05/07/13 ADOPT: 426.00
 04/18/13 AMEND: 1956.8

08/07/13 AMEND: 1399.501, 1399.502,
 1399.503, 1399.506, 1399.507,
 1399.507.5, 1399.511, 1399.512,
 1399.520, 1399.521, 1399.521.5,
 1399.523, 1399.523.5, 1399.526,
 1399.527, 1399.530, 1399.540,
 1399.543, 1399.545, 1399.547,
 1399.557, 1399.570, 1399.571,
 1399.572, 1399.610, 1399.612,
 1399.616, 1399.617, 1399.618, 1399.619
 REPEAL: 1399.512

Title 14

08/27/13 AMEND: 703
 08/27/13 AMEND: 670 REPEAL: 678
 08/19/13 AMEND: 1299.03(b)(2)(A)
 08/06/13 AMEND: 13055
 07/22/13 ADOPT: 18751.2.2, 18751.2.3 AMEND:
 18751.2, 18751.2.1
 06/28/13 AMEND: 228
 06/26/13 AMEND: 1059(a)
 06/25/13 AMEND: 354, 360, 361, 362, 363, 364,
 708.9
 06/19/13 AMEND: 816.01(c)(3), 826.01(c)(2),
 870.21(d)
 06/17/13 AMEND: 7.50
 04/29/13 AMEND: 27.80
 04/25/13 ADOPT: 709, 709.1
 04/12/13 AMEND: 1.74, 701

07/30/13 REPEAL: 367.7
 07/24/13 ADOPT: 1398.15
 07/23/13 AMEND: 2502, 2516, 2525, 2526,
 2526.1, 2527, 2529, 2530, 2535, 2562,
 2575, 2580, 2581, 2581.1, 2582, 2584,
 2585, 2885.1
 07/16/13 AMEND: 4154
 07/15/13 ADOPT: 1355.45
 07/15/13 AMEND: 1833
 06/26/13 AMEND: 1600
 06/25/13 AMEND: 4102, 4114, 4122, 4141, 4163,
 4181
 06/20/13 AMEND: 1379.50
 06/10/13 ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND:
 21 (renumbered to 36.1), 26, 98

Title 15

08/27/13 ADOPT: 8125
 08/06/13 AMEND: 2000
 07/30/13 AMEND: 3075
 07/29/13 AMEND: 3000, 3190, 3213, 3334
 05/16/13 AMEND: 3173.2, 3174

06/06/13 AMEND: 2006
 05/20/13 AMEND: 4402
 05/17/13 ADOPT: 3340.4 AMEND: 3340.1,
 3340.43
 05/08/13 AMEND: 1380.1
 05/02/13 ADOPT: 3340.17.1, 3340.17.2,
 AMEND: 3340.1, 3340.16, 3340.16.4,
 3340.16.5, 3340.17, 3340.18, 3340.42,
 3340.42.2, 3340.45, 3394.5

Title 16

08/08/13 AMEND: 1920, 1937.11
 08/07/13 AMEND: 811, 832.05, 832.06, 832.35
 REPEAL: 832.14, 854
 08/07/13 ADOPT: 1399.620, 1399.621, 1399.622,
 1399.623
 08/07/13 AMEND: 1399.501, 1399.502,
 1399.503, 1399.506, 1399.507,
 1399.507.5, 1399.511, 1399.512,
 1399.520, 1399.521, 1399.521.5,
 1399.523, 1399.523.5, 1399.526,
 1399.527, 1399.530, 1399.540,
 1399.543, 1399.545, 1399.547,
 1399.557, 1399.570, 1399.571,
 1399.572, 1399.610, 1399.612,

04/22/13 AMEND: 2268.2, 2271
 04/16/13 ADOPT: 1364.50
 04/16/13 AMEND: 1132
 04/15/13 ADOPT: 1508, 1508.1, 1508.2, 1508.3
 04/10/13 ADOPT: 1149, 1150, 1151, 1152, 1153
 04/08/13 AMEND: 2614
 04/08/13 AMEND: 40, 43, 45

Title 17

08/12/13 AMEND: 2641.55
 08/12/13 ADOPT: 30456, 30456.1, 30456.2,
 30456.4, 30456.6, 30456.8, 30456.10,
 30456.12

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- 07/16/13 ADOPT: 7000, 7002, 7004, 7006, 7008, 7010, 7012, 7014, 7016
- 07/01/13 AMEND: 100000
- 06/26/13 AMEND: 91022
- 06/26/13 AMEND: 1230, 2641.57
- 06/24/13 ADOPT: 95943 AMEND: 95802, 95830, 95833, 95910, 95911, 95912, 95913, 95920, 95921, 95942, 96010, 96022
- 06/13/13 ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101
- 05/06/13 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
- 04/25/13 AMEND: 94508, 94509
- Title 18**
- 08/28/13 AMEND: 1703
- 08/28/13 AMEND: 1703
- 07/24/13 AMEND: 462.040
- 07/16/13 AMEND: 4601, 4603, 4604, 4605
- 07/11/13 AMEND: 1532, 1533.1, 1533.2, 1534, 1535, 1598
- 06/25/13 ADOPT: 2000
- 05/31/13 ADOPT: 17052.6
- 05/28/13 AMEND: 1685.5
- Title 19**
- 07/17/13 AMEND: 557.4, 557.5, 557.8, 557.13, 557.23, 561.2, 567, 567.8, 573, 574.4, 575.1, 575.3, 575.6, 575.8, 575.13, 575.16, 577.2, 578.6, 591.6, 592.1, 592.2, 593.1, 594.3, 594.4, 594.5, 595.5 and 596
- Title 20**
- 08/28/13 ADOPT: 1240, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208
- 04/18/13 ADOPT: 1680, 1681, 1682, 1683, 1684
- Title 21**
- 06/24/13 ADOPT: 2653, 2654, 2655, 2656, 2657, 2658
- Title 22**
- 08/28/13 ADOPT: 69501, 69501.1, 69501.2, 69501.3, 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69506.10, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1, 69510
- 08/28/13 ADOPT: 69501, 69501.1, 69501.2, 69501.3, 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1, 69510
- 08/19/13 ADOPT: 70438.2
- 05/30/13 AMEND: 70723, 71523, 71835, 72535, 73525, 74723, 75051, 75335, 76539, 76874, 76919, 78429, 79331, 79781, 79795, 79805
- 05/22/13 ADOPT: 64651.12, 64651.13, 64651.15, 64651.48, 64651.52, 64651.54, 64651.61, 64651.62, 64654.8, 64656.5, 64664.2, 64665.5 AMEND: 63011, 63012, 63020, 63021, 63052, 64650, 64651.88, 64652, 64652.5, 64653, 64655, 64656, 64660, 64662, 64663, 64664, 64666 REPEAL: 64657, 64657.10, 64657.20, 64657.30, 64657.40, 64657.50
- 05/15/13 ADOPT: 66274.1, 66274.2, 66274.3, 66274.4, 66274.5, 66274.7, 66274.8
- Title 23**
- 08/07/13 ADOPT: 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016
- 08/07/13 ADOPT: 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016
- 07/26/13 ADOPT: 3979.6
- 07/03/13 AMEND: 595
- 07/01/13 ADOPT: 3007
- 06/24/13 ADOPT: 3919.13
- 06/04/13 ADOPT: 3939.45
- 06/03/13 AMEND: 5000
- 04/25/13 AMEND: 2920
- Title 27**
- 08/08/13 AMEND: 25805
- 07/11/13 AMEND: 25805
- 06/25/13 AMEND: 25805
- 04/10/13 AMEND: 25805
- Title 28**
- 07/05/13 ADOPT: 1300.67.005

04/08/13	ADOPT: 1300.74.73			42-769,	44-101,	44-102,	44-111,
Title MPP				44-113,	44-115,	44-133,	44-205,
07/01/13	ADOPT: 40-038	AMEND: 22-071,		44-207,	44-211,	44-304,	44-305,
	22-072,	22-305,	40-036,	40-103,	44-313,	44-314,	44-315,
	40-105,	40-107,	40-119,	40-125,	44-317,	44-318,	44-325,
	40-128,	40-131,	40-173,	40-181,	44-340,	44-350,	44-352,
	40-188,	40-190,	41-405,	42-209,	47-220,	47-320,	48-001,
	42-213,	42-221,	42-302,	42-406,	80-301,	80-310,	80-310,
	42-407,	42-716,	42-721,	42-751,	82-612,	82-812,	82-820,
					82-824,	82-824,	82-824,
					82-832,	89-110,	89-201
					REPEAL:		
					44-400,	44-401,	44-402,
					44-403		