



# California Regulatory Notice Register

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Amendment

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT OF INTEREST CODES**

**AMENDMENT**

STATE AGENCY: Legislative Counsel Bureau

**ADOPTION**

MULTICOUNTY: Public Agency Coalition  
Enterprise  
Bay Area Special Education  
Joint Powers Authority

**AMENDMENT**

MULTICOUNTY: Mid–Peninsula Regional Open  
Space District  
Golden Gate Bridge and  
Highway Transportation  
District  
San Juan Water District

A written comment period has been established commencing on **September 21, 2012** and closing on **November 5, 2012**. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45–day comment period, the proposed conflict of interest code(s) will be submitted to the Commission’s Executive Director for his review, unless any interested person or his or her duly authorized 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 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 **November 5, 2012**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict

of interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

### CONTACT

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

### 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 November 5, 2012.

The board does not intend to conduct a Regulation Hearing on the matter, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the written comment period.

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 4163.2 of the Business and Professions Code, and to implement, interpret or make specific Sections 4005, 4034, 4034.1, 4163,

4163.1, 4163.2, 4163.4 and 4163.5 of the Business and Professions Code, the Board of Pharmacy is proposing to add a new Article 5.5 and add Sections 1747 and 1747.1 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 Business and Professions Code section 4163.)

Among other requirements, existing law requires each manufacturer of dangerous drugs, and every wholesaler and pharmacy that possesses dangerous drugs to provide specified notices and declarations to the board by specified dates for compliance with the electronic pedigree laws. (Business and Professions Code sections 4163.2, and 4163.5.) However, the form and content of such notices and declarations are not fully specified. In addition, existing law at Business and Professions Code Section 4034 (operative on January 1, 2015) will require each pedigree to include a “unique identification number.” However, the Pharmacy Law does not specify what that unique identification number must contain to be compliant.

The Board of Pharmacy (“Board”) proposes to add Article 5.5 entitled “Pedigree Requirements” and add Sections 1747 and 1747.1 to Division 17 of Title 16 of the California Code of Regulations (“CCR”) to (1) specify the “unique identification number” that is to be established and applied to the smallest package or immediate container, and (2) specify dates by which declarations for manufacturers, wholesalers, repackagers, pharmacies and pharmacy warehouses must be submitted to the board, as well as information that is to be contained in those declarations.

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 inter-

ests sought to be promoted, the protection of the public shall be paramount. This proposal supports that mandate by beginning the process of standardizing serialization and reporting requirements that will ultimately help ensure the safety of California's prescription drug supply.

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 no existing state regulations that duplicate or address 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, 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, 4165.4 and 4161.5 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.

INCORPORATION BY REFERENCE

"Guidance for Industry, Standards for Securing the Drug Supply Chain — Standardized Numerical Identification for Prescription Drug Packages," dated March 2010, U.S. Food and Drug Administration (FDA).

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 business would be affected by this regulation: drug manufacturers, wholesalers, repackagers, pharmacies, and pharmacy warehouses.

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.

Unique Identification Number. Existing statute at Section 4034(i) of the Business and Professions Code requires that an electronic track and trace system for dangerous drugs use a unique identification number. 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. Existing statute requires an interoperable electronic system to use a unique identification number. The Board is not aware of what costs a representative business would have in reasonable compliance with this existing law. Further, the Food and Drug Administration has published guidance for manufacturers for requirements for standardized numerical identifiers (SNIs). This guidance document is incorporated by reference in the board's proposal. As proposed, for dangerous drugs for which no NDC product identifier is assigned or is in use, the board's proposal establishes requirements to establish the unique identification number. The Board is unaware of what cost impact(s) manufacturers could incur in establishing unique identification numbers. However, presentations made to the Board by stakeholders (GS1, Abbot) indicate that unique identification numbers are used in today's commerce.

Submission of Declarations. Statute requires a manufacturer listed with the federal Food and Drug Administration to provide specified notices to the board, and authorizes the Board to specify the notification process. To assist stakeholders in reasonable compliance with these requirements, the Board's proposal specifies dates by which the notices shall be submitted, and the information to be contained in these notices. The board does not specify, however, the method of transmission

by which these declarations must be made (electronic or hard copy). Manufacturers vary in size and in the number of drugs they manufacture; thus, the Board has no way of assessing the economic impact of manufacturers to comply with the requirement to submit declarations to the Board as proposed.

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 proposed regulation proposes to (1) specify the "unique identification number" that is to be established and applied to the smallest package or container, and (2) specify dates by which declarations must be reported to the board, as well as information that is to be contained in those declarations.

Comparable Federal Regulations: The board conducted a search of Title 21 Code of Federal Regulations (Food and Drugs) and 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 no existing state regulations that duplicate or address 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, 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, 4165.4 and 4161.5 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.

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 manufacturers 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.

### 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 Web site <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 Web site ([www.pharmacy.ca.gov](http://www.pharmacy.ca.gov)).

CONTACT PERSON

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

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](mailto:Carolyn.Klein@dca.ca.gov)

The backup contact person is:

Name: Anne Sodergren  
 Address: 1625 N. Market Blvd., N219  
 Sacramento, CA 95834  
 Telephone No.: (916) 574-7910  
 Fax No.: (916) 574-8618  
 E-Mail Address: [Anne.Sodergren@dca.ca.gov](mailto:Anne.Sodergren@dca.ca.gov)

Website Access. Materials regarding this proposal can be found at [www.pharmacy.ca.gov](http://www.pharmacy.ca.gov).

**TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs  
 2005 Evergreen Street, Hearing Room  
 Sacramento, CA 95815**

**November 8, 2012**

**9:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than **5:00 p.m. on November 5, 2012**, or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for fifteen (15) days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2615 of the Business and Professions Code (B&P Code), and to implement, interpret or make specific Section 138 of the B&P Code, the Board is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Existing law, Business and Professions Code section 138, requires every board, as defined in Business and Professions Code section 22, to adopt regulations to require its licentiates to provide notice to consumers that the practitioner is licensed by the State.

This proposal to adopt Title 16, California Code of Regulation, section 1398.14 would implement section 138 by requiring physical therapists to notify consumers of the fact that physical therapists and physical therapist assistants are licensed by the Physical Therapy Board of California, also providing the Board's toll-free phone number and its Web site address.

B. Policy Statement Overview/Anticipated Benefits of Proposal

As drafted, this proposal would increase public protection by informing the public of the existence of the Board and by providing the contact information for the Board. The general public may not be aware that 1) the Board exists, 2) physical therapists and physical therapist assistants are licensed and regulated by the Board, and 3) the Board can investigate complaints about care provided by a physical therapist or physical therapist assistant. The notices will increase consumer awareness and provide immediate access to contact information for the Board, the primary entity ensuring physical therapy consumers have fair and safe access to quality physical therapy care.

This specific proposal would add Section 1398.14. Notice to Consumers, requiring physical therapists to either 1) post a notice prescribed by the Board, or 2) provide a copy of a notice prescribed by the Board to the patient. If a physical therapist chooses to provide a copy of notice to each patient rather than posting the notice, an acknowledgement of receipt of the notice shall be signed by the patient and maintained in the patient's record.

C. Consistency and Compatibility with Existing State Regulations

This proposal is consistent and compatible with existing State regulations in that it implements Business and Professions Code section 138, which is required by all Department of Consumer Affairs (DCA) boards, and the Board has found this proposal to be consistent with similar regulations implementing Business and Professions Code section 138, such as the regulation adopted by the Medical Board of California. Additionally, this proposal is similar to Business and Professions Code section 2936, which statutorily requires licensees of the Board of Psychology to provide a notice to consumers informing consumers how to contact the Board of Psychology.

INCORPORATED BY REFERENCE  
(if applicable)

1. NTC 12-01, August 2, 2012

FISCAL IMPACT ESTIMATES

A. Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Board has identified a potential increase in cost to the Board. The notice to consumers, as mentioned above, informs the public of the existence of the Board and provides immediate access to the Board's contact information. This increase in consumer awareness of the Board's existence and purpose may result in an increase of consumer communication with the Board and complaints filed with the Board. To handle the increased work load, the Board would need additional staff. Since this is a new proposal for the Board, it is unknown the full impact to workload; thus, the amount of additional staff the Board may need is unknown.

Other than this potential effect on the Board itself, there are no costs or savings to any other State agency, nor is there any effect on Federal funding to the State.

B. Nondiscretionary Costs/Savings to Local Agencies: None.

C. Local Mandate: None.

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

E. Business Impact:

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

**AND**

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

F. Cost Impact on Representative Private Person or Business:

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.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would affect small businesses, since some licensees work in a small-business practice setting.

The proposed regulation would require physical therapists to determine which of the two notification options provided would be most appropriate for their practice, and then either post a sign where their patients may see it, or provide a copy of the notice to the patient and have the patient sign an acknowledgment that he or she received the notice, which shall then be maintained in the patient's record.

Although the regulation may have a minimal printing and paper supply cost, the Board anticipates most physical therapists will choose to post the notice rather than printing a copy for each patient.

RESULTS OF ECONOMIC IMPACT  
ASSESSMENT/ANALYSIS

A. Impact on Jobs/New Businesses:

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

B. Benefits of Regulation

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

This proposal would potentially increase public protection by informing the public of the existence of the Physical Therapy Board of California (Board) and by providing the contact information for the Board. The notices will increase consumer awareness and provide immediate access to contact information for the Board.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's Web site: [http://www.ptbc.ca.gov/laws\\_reps/prop\\_regs/index.shtml](http://www.ptbc.ca.gov/laws_reps/prop_regs/index.shtml).

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the Board's Web site:

[http://www.ptbc.ca.gov/laws\\_regs/prop\\_regs/index.shtml](http://www.ptbc.ca.gov/laws_regs/prop_regs/index.shtml).

#### CONTACT PERSON

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

Name: Sarah Conley  
Address: Physical Therapy Board  
of California  
2005 Evergreen St., Ste. 1350  
Sacramento, CA 95815  
Telephone: (916) 561-8210  
Fax: (916) 263-2560  
E-Mail Address: Sarah.Conley@dca.ca.gov

The backup contact person is:

Name: Rebecca Marco  
Address: Physical Therapy Board  
of California  
2005 Evergreen St., Ste. 1350  
Sacramento, CA 95815  
Telephone: (916) 561-8260  
Fax: (916) 263-2560  
E-Mail Address: Rebecca.Marco@dca.ca.gov

#### Web Site Access

Materials regarding this proposal can be found at [http://www.ptbc.ca.gov/laws\\_regs/prop\\_regs/index.shtml](http://www.ptbc.ca.gov/laws_regs/prop_regs/index.shtml).

#### TITLE 16. PHYSICAL THERAPY BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs  
2005 Evergreen Street, Hearing Room  
Sacramento, CA 95815**

**November 8, 2012**

**8:45 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than **5:00 p.m. on November 5, 2012** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals sub-

stantially 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 2615 of the Business and Professions Code, and to implement, interpret or make specific Sections 136 and 2680 of said Code, the Board is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST**

**A. Informative Digest/Policy Statement Overview**

Existing law, Business and Professions Code (B&P) section 2680, requires the Board to maintain a register of all licensees, which shall include a residential address; and, existing B&P Code section 136 requires each licensee to change his or her mailing address within thirty (30) days. Existing regulation, California Code of Regulations (CCR) section 1398.6 (CCR §1398.6), requires each licensee to report every change of residence address within thirty (30) days after each change, as specified. CCR §1398.6 also permits a licensee to provide an alternate address as an address of record in addition to the residential address and provides that if an alternate address is provided, the residential address shall be confidential. CCR §1398.6 defines a “licensee” as any holder of an active, delinquent, suspended or expired license, approval, certification or other authorization issued by the board.

The proposed amendments to CCR §1398.6 would further clarify address reporting requirements and add an e-mail filing requirement for licensees.

**B. Anticipated Benefits of Proposal**

The Board anticipates increased compliance with CCR §1398.6 with the clarification of what is expected from the licensees when reporting addresses. This compliance is important should the Board need to contact and/or physically locate a licensee.

The Board anticipates improved voluntary communications with its licensees through e-mail. Moreover, with the future implementation of BreEZe, the Department of Consumer Affairs (DCA) automated licensing system, there is potential for the license application process to be fully automated; therefore, all Board communications could be sent electronically.

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

The Board has evaluated this regulatory proposal and it is not inconsistent or incompatible with existing State regulations.

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

**AND**

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

Cost Impact on Representative Private Person or Business:

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.

Effect on Housing Costs: None.

**EFFECT ON SMALL BUSINESS**

The Board has determined that the proposed regulations would not affect small businesses because the requirements put forth are specifically for licensees and do not impose any requirements on licensees’ place of employment.

**RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing

businesses or the expansion of businesses in the State of California.

**Benefits of Regulation:**

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

The proposed amendment requiring licensees to submit an e-mail address would potentially increase the Board's communication with its licensees allowing licensees to be more informed of laws, regulations and other important information.

The proposed amendments clarifying address reporting requirements would allow the Board to contact and/or physically locate a licensee should the Board need to contact the licensee.

Both of the above mentioned results of the proposed amendments would increase public protection by making the Board more efficient in communicating with licensees.

**CONSIDERATION OF ALTERNATIVES**

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

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

**INITIAL STATEMENT OF REASONS AND INFORMATION**

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

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the in-

formation upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person at or by accessing the Board's Web site at: [http://www.ptbc.ca.gov/laws\\_regs/prop\\_regs/index.shtml](http://www.ptbc.ca.gov/laws_regs/prop_regs/index.shtml).

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the Board's Web site at: [http://www.ptbc.ca.gov/laws\\_regs/prop\\_regs/index.shtml](http://www.ptbc.ca.gov/laws_regs/prop_regs/index.shtml).

**CONTACT PERSON**

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

Name: Sarah Conley  
Address: Physical Therapy Board of California  
2005 Evergreen Street,  
Suite 1350  
Sacramento, CA 95815  
Telephone: 916-561-8210  
Fax: 916-263-2560  
E-Mail Address: Sarah.Conley@dca.ca.gov

The backup contact person is:

Name: Rebecca Marco  
Address: Physical Therapy Board of California  
2005 Evergreen Street,  
Suite 1350  
Sacramento, CA 95815  
Telephone: 916-561-8260  
Fax: 916-263-2560  
E-Mail Address: Rebecca.Marco@dca.ca.gov

**Web site Access**

Materials regarding this proposal can be found at [http://www.ptbc.ca.gov/laws\\_regs/prop\\_regs/index.shtml](http://www.ptbc.ca.gov/laws_regs/prop_regs/index.shtml).

**TITLE 24. BUILDING STANDARDS  
COMMISSION**

**NOTICE OF PROPOSED ACTION TO  
BUILDING STANDARDS OF THE  
OFFICE OF STATEWIDE HEALTH PLANNING  
AND DEVELOPMENT**

**REGARDING THE  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 1, CHAPTERS 6 & 7**

**HOSPITAL SEISMIC COMPLIANCE**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1, Chapters 6 & 7. OSHPD is proposing building standards related to hospital seismic compliance deadline extension.

**PUBLIC COMMENT PERIOD**  
(Government Code Section 11346.5(a)(17))

A public hearing has not been scheduled; however, written comments will be accepted from September 21, 2012, until 5:00 p.m. on November 5, 2012. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Jim McGowan, Executive Director

Written comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

**POST-HEARING MODIFICATIONS TO THE  
TEXT OF THE REGULATIONS**  
(Government Code Section 11346.5(a)(18))

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clear-

ly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

**AUTHORITY AND REFERENCE**  
(Government Code Section 11346.5(a)(2))

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code 18949.3 and 130060(g). The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code 130060(g). OSHPD is proposing this regulatory action based on 130060(g).

**INFORMATIVE DIGEST**  
(Government Code Section 11346.5(a)(3))

Summary of Existing Laws

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Health and Safety Code Sections 130000 through 130070 establish responsibilities for the Office and for hospital owners regarding the seismic safety and retrofit of general acute care hospitals.

Health and Safety Code Section 130060(g) enacted by SB 90 (Chapter 19, Statute of 2011) authorizes OSHPD to grant hospitals an extension of up to seven years beyond the 2013 seismic safety deadline to retrofit or replace SPC-1 hospital buildings if certain milestones and conditions are met. The extension (up to 2020) would supersede the 2013 deadline and any 2013 deadline extension that has been previously approved by OSHPD. It authorizes OSHPD to develop regulations to implement these provisions and they will be deemed by the California Building Standards Commission as emergency. SB 90 provides that the seismic safety provisions of bill will become operative on the date that DHCS receives \$320 million in fee revenue to pay for health care coverage for children, which is made available as a result of the legislative enactment of a 2011/12 fiscal year Hospital Quality Assurance Fee Program. On June 22, 2012, the Centers for Medicare

and Medicaid Services approved the Hospital Quality Assurance Fee (HQAF) Program authorized by SB 335 (Chapter 286, Statute of 2011). Federal approval of the HQAF Program enacted the seismic safety provisions in Health and Safety Code 130060(g).

In addition, the first milestone set forth by SB 90 is March 31, 2012, however, AB 1467 (Chapter 23, Statutes of 2012) amended this statute to extend this milestone deadline to September 30, 2012. By this date hospital owners must submit to OSHPD a letter of intent stating whether it intends to rebuild, replace, or retrofit the building, or remove all general acute care beds and services from the building, and indicate the amount of time necessary to complete the construction.

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Section 18930 and the Government Code (commencing with Section 11346).

Government Code 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

Government Code 11346.1(c) requires that building standards that are emergency regulations must be approved by the California Building Standards Commission.

Summary of Existing Regulations

Pursuant to SB 1953 (Chapter 740, Statutes of 1994), all general acute care hospitals in service prior to January 1, 2000, were required to evaluate each hospital building to determine the structural and nonstructural performance categories based on their expected seismic performance. Hospital buildings were evaluated to specific Structural Performance Categories (SPC) and these categories are described in Table 2.5.3 of Title 24, Part 1, Chapter 6. Hospital buildings rated SPC-1 were constructed pre-1973, prior to the Alfred E. Alquist Hospital Facilities Seismic Safety Act, and are at risk of collapse in an earthquake. These hospital buildings must be retrofitted, replaced, or removed from acute care service by January 1, 2008 unless an extension has been granted to 2013, 2015, or 2020. Existing regulations include criteria these deadline extensions and process for requesting them.

Summary of Effect

General acute care hospitals that have received an extension to the January 1, 2008, deadline to January 1, 2013, for both structural and nonstructural requirements may be eligible to request an additional extension

of up to seven years (to January 1, 2020) pursuant to SB 90. The proposed regulations specify the process for requesting this extension, the milestones and criteria that a hospital must comply with for the extension, and fee requirements for extension requests.

The first milestone set forth by SB 90 is March 31, 2012, however, AB 1467 (Chapter 23, Statutes of 2012) amended this statute to extend this milestone deadline to September 30, 2012. By this date hospital owners must submit to OSHPD a letter of intent stating whether it intends to rebuild, replace, or retrofit the building, or remove all general acute care beds and services from the building, and indicate the amount of time necessary to complete the construction.

Among the 202 general acute care hospitals, there are 600 SPC-1 hospital buildings which could essentially be eligible to receive a deadline extension. Hospitals, however, may choose the alternative of not requesting an extension but continue the seismic safety compliance plan that is currently in progress for their SPC-1 hospital building(s).

Comparable Federal Statute or Regulations

There are no federal statutes or regulations that are comparable to these proposed regulations.

Policy Statement Overview

The proposed regulations implement existing statute which authorizes OSHPD to grant an extension of up to seven years (to 2020) for SPC-1 hospital buildings if specific milestones and criteria are met. The regulations describe the extension request process.

Evaluation of consistency

The proposed action modifies regulation to implement statute and is consistent and compatible with existing state regulations contained in Title 24, California Building Standards Code.

OTHER MATTERS PRESCRIBED BY STATUTE  
APPLICABLE TO THE AGENCY OR TO ANY  
SPECIFIC REGULATION OR CLASS  
OF REGULATIONS

(Government Code Section 11346.5(a)(4))

There are no matters to be identified. These proposed regulations are in compliance with the mandated requirements of SB 90 (Chapter 19, Statute of 2011) and AB 1467 (Chapter 23, Statute of 2012).

MANDATE ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS

(Government Code Section 11346.5(a)(5))

OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **Yes.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **Yes.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No.**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No.**
- E. Cost or savings in federal funding to the state: **Yes.**

**Estimate:** The actual dollar savings to state government (University of California Medical Centers) local government (county and healthcare districts) and private hospitals cannot be estimated since each hospital will have a variety of strategies open for seismic compliance of their SPC-1 buildings.

In addition, the timing of hospital retrofit and replacement construction projects affects the delivery of hospital services which impacts associated Medicaid (Medi-Cal) expenditures. The amount of savings or expenditure of federal funds to the state is unknown.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

OSHPD has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

OSHPD is not aware of any cost impacts that a representative private person or business would necessarily

incur in reasonable compliance with the proposed action.

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

OSHPD has assessed whether or not and to what extent this proposal will affect the following:

- @ The creation or elimination of jobs within the State of California.  
These regulations will have no effect.
- @ The creation of new businesses or the elimination of existing businesses within the State of California.  
These regulations will have no effect.
- @ The expansion of businesses currently doing business with the State of California.  
These regulations will have no effect.
- @ The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.  
These administrative regulations implement statute regarding procedures for hospitals applying for seismic compliance extensions.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS (Government Code Section 11346.5(a)(12))

OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES (Government Code Section 11346.5(a)(13))

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

AVAILABILITY OF RULEMAKING DOCUMENTS (Government Code Section 11346.5(a)(20), (Government Code Section 11346.5(a)(19))

All of the information upon which the proposed regulations are based is contained in the rulemaking file,

which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties 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 at the California Building Standards Commission website.

**CBSC CONTACT PERSON FOR PROCEDURAL  
AND ADMINISTRATIVE QUESTIONS**  
(Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman or back-up person  
Enrique Rodriguez  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT  
PERSON FOR SUBSTANTIVE AND/OR  
TECHNICAL QUESTIONS ON THE PROPOSED  
CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Chris Tokas, Deputy Division Chief  
Office of Statewide Health Planning  
and Development  
Facilities Development Division  
400 R Street, Suite 200  
Sacramento, CA 95811

[regsunit@oshpd.ca.gov](mailto:regsunit@oshpd.ca.gov)  
Telephone No.: (916) 440-8300  
Facsimile No.: (916) 324-9188

**TITLE 24. BUILDING STANDARDS  
COMMISSION/CALIFORNIA ENERGY  
COMMISSION**

**REVISIONS TO THE CALIFORNIA BUILDING  
ENERGY EFFICIENCY STANDARDS  
CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, PART 1 and PART 6  
(CALIFORNIA ENERGY CODE)**

**Nonresidential Acceptance Testing Certification  
Rulemaking  
California Energy Commission  
DOCKET NO. 12-BSTD-2  
September 5, 2012**

Notice is hereby given that the California Energy Commission proposes to adopt changes to the Building Energy Efficiency Standards contained in the California Code of Regulations (CCR), Title 24, Part 6 (also known as the California Energy Code) and associated administrative regulations in Part 1. The proposed amended standards, called the "Nonresidential Acceptance Testing Certification," will go into effect in 2014.

The Energy Commission has prepared this Notice of Proposed Action (NOPA) and an Initial Statement of Reasons (ISOR) regarding the need for these proposed revisions. The Energy Commission has also published the Express Terms (45-Day Language) of the proposed amendment language. These documents and all the information on which the proposal is based can be obtained from the contact persons designated below or from the Energy Commission website at:

[http://www.energy.ca.gov/title24/2013standards/  
provider\\_cert/documents/](http://www.energy.ca.gov/title24/2013standards/provider_cert/documents/)

**PUBLIC COMMENT PERIOD AND HEARINGS**

The Energy Commission's Energy Efficiency Commissioner will hold public hearings to receive public comments on the proposed action. At these hearings, any person may present statements or arguments relevant to the proposed regulatory action summarized below. The proposed language (45 Day Language Express Terms) is posted on the Energy Commission's website at:

[http://www.energy.ca.gov/title24/2013standards/  
provider\\_cert/documents/](http://www.energy.ca.gov/title24/2013standards/provider_cert/documents/)

The 45 Day Language Express Terms are also available from the Energy Commission's High Performance Buildings and Standards Development Office (contact persons are listed later in this NOPA). The Commissioner Hearings to discuss the 45-Day Language are scheduled as follows:

MONDAY, OCTOBER 1, 2012

9:00 a.m.

CALIFORNIA ENERGY COMMISSION

Hearing Room A  
1516 Ninth Street  
Sacramento, California  
(Wheelchair Accessible)

Audio for the Energy Efficiency Commissioner Hearings will be broadcast over the Internet. For details, please go to: [www.energy.ca.gov/webcast](http://www.energy.ca.gov/webcast).

If you have a disability and require assistance to participate in these hearings, please contact Lou Quiroz at (916) 654-5146 at least 5 days in advance.

A hearing before the Energy Commission, for possible final adoption of the 45 Day Language Express Terms will be held on the date below; however, if the Energy Commission decides to make substantive changes to the Express Terms through 15 Day Language, the public hearing may be continued to a later noticed date.

PROPOSED ADOPTION DATE — ENERGY COMMISSION HEARING

WEDNESDAY, NOVEMBER 14, 2012

10 a.m.

CALIFORNIA ENERGY COMMISSION

Hearing Room A  
1516 Ninth Street  
Sacramento, California  
(Wheelchair Accessible)

Audio for the November 14, 2012 ENERGY COMMISSION HEARING will be broadcast over the Internet. For details, please go to: [www.energy.ca.gov/webcast](http://www.energy.ca.gov/webcast).

If you have a disability and require assistance to participate in these hearings, please contact Lou Quiroz at (916) 654-5146 at least 5 days in advance.

If the Energy Commission decides to propose 15 Day Language modifications to the Express Terms, a separate notice of the adoption hearing for the 15 Day Language will be provided.

**The public comment period for this NOPA will be from September 21, through 10:00 a.m. on November 14, 2012.** Any interested person may submit written comments on the proposed amendments. Regarding the Energy Efficiency Commissioner and Adoption Hearings, the Energy Commission appreciates receiving written comments at the earliest possible date: for the October 1, 2012 hearing, please provide written comments by September 24, 2012; for the November 14,

2012 Adoption Hearing, please provide written comments by November 7, 2012. However, written comments will still be accepted at the adoption hearing if they are received by 10:00 a.m. on November 14, 2012. Written comments must be emailed to [Docket@energy.ca.gov](mailto:Docket@energy.ca.gov) or mailed or delivered to the following address (emailing is preferred):

CALIFORNIA ENERGY COMMISSION

Attention: Docket No. 12-BSTD-2

Dockets Office

1516 Ninth Street, MS-4

Sacramento, CA 95814

**All written comments must contain the official number of the proceeding “Docket No. 12-BSTD-2,”** prominently displayed on the first page. When comments are emailed on behalf of an organization, the comments should be a scanned copy of the original on the organization’s letterhead and include a signature of an authorized representative.

Written Comments may also be filed electronically by emailing [Joe.Loyer@energy.ca.gov](mailto:Joe.Loyer@energy.ca.gov) or FAXing them to (916) 654-4304, as long as they are received no later than November 14, 2012 at 10:00 a.m.

**Oral comments may be made at the Energy Efficiency Commissioner hearing** (October 1). In addition, oral comments may be made at the November 14 Full Commission Adoption Hearing. **The Commission requests that oral comments be limited to summaries of previously-submitted written comments.**

POTENTIAL MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Interested persons should be aware that any of the provisions of the amendments under consideration by the Energy Commission could be substantively changed as a result of public comment, staff recommendations, or discussions at the Energy Efficiency Commissioner or Full Commission Hearings. Changes could be made to add additional requirements, remove proposed requirements, or refer to subsequent development of language for the Building Energy Efficiency Standards compliance manuals developed pursuant to Public Resources Code section 25402.1, subd. (e). Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the Energy Commission makes substantive changes to the 45 Day Language Express Terms that a reasonable person could anticipate as being within the scope of this NOPA, including those described above, it will make the full text of the modified amendments available to the public at least 15 days before adoption, as required by Government Code 11346.8. (Changes outside

the scope of the NOPA must be made in new 45-day language.)

**To be notified of any modifications, you must submit written or oral comments in accordance with the instructions above, or request that you be notified of any modifications, by submitting a request, no later than November 12, 2012, to: [Joe.Loyer@energy.ca.gov](mailto:Joe.Loyer@energy.ca.gov).**

## AUTHORITY AND REFERENCE

The Energy Commission proposes to adopt the Express Terms under the authority granted by Public Resources Code Sections 25213, 25402(a)–(b), 25402.1, 25402.4, 25402.5, 25402.8 and 25910.

## INFORMATIVE DIGEST

### A. Sections Affected

The sections affected are found in Title 24, Part 1 and Title 24, Part 6, and include sections 10–102, 10–103, 120.5, and 130.4. New definitions are added to 10–102. Within section 10–103, the Energy Commission proposes to add sections 10–103A and 10–103B. Sections 120.5 and 130.4 are each amended with new requirements.

### B. Summary of Existing Laws and Regulations; Policy Overview

Public Resources Code Sections 25402 and 25402.1 were enacted in the 1970s as part of the enabling legislation establishing the Energy Commission and its basic mandates. These sections require the Energy Commission to adopt, implement, and periodically update energy efficiency standards for both residential and nonresidential buildings. In addition, Public Resources Code Section 25910 directs the Commission to adopt standards for the minimum amount of additional insulation installed in existing buildings. Senate Bill (SB) 639 (Statutes of 1993) added Section 25402.5, which expressly directs the Commission to consider both new and replacement, and both interior and exterior, lighting devices when adopting building standards. SB 5X (Statutes of 2001) added subsection (c) to Section 25402.5 to clarify and expand the Commission’s authority to adopt standards for outdoor lighting.

The Global Warming Solutions Act (Assembly Bill (AB) 32, Nuñez, Chapter 488, Statutes of 2006) has been the foundation of California’s efforts over the past five years to reduce

greenhouse gas emissions (GHG); AB 32 requires that by 2020 the state reduce its GHG emissions to the level that existed in 1990. *Improving the energy efficiency of existing residential and commercial buildings is the single most important activity to reduce greenhouse gas emissions that result from electricity and natural gas use.* The Energy Commission’s 2007 edition of the Integrated Energy Policy Report (IEPR), which is California’s official statement of the state’s energy policy, concludes that climate change is the single most important environmental and economic challenge of the century, that greenhouse gas emissions are the largest contributors to climate change, and that California’s ability to slow the rate of greenhouse gas emissions will depend first on energy efficiency.

Similarly, the California Long-Term Energy Efficiency Strategic Plan (2008) adopted by the California Public Utilities Commission (CPUC) identifies the importance of the Energy Commission’s building energy efficiency standards in reaching the State’s goal of having new homes be “zero net energy” by 2020 and of having commercial buildings be “zero net energy” buildings by 2030. (“Zero net energy” means that the buildings would be so energy efficient, and would where necessary have on-site energy production facilities (such as solar photovoltaic electricity-generating panels on rooftops), that the buildings would produce as least as much energy as they consumed from electricity and natural gas utility service.) The CPUC’s Strategic Plan also discusses the Energy Commission’s development of voluntary “Reach Standards” as a critical component of the Building Energy Efficiency Standards. In each update of the mandatory standards, the Reach Standards establish a “market pull strategy” to encourage the building industry to anticipate that additional standards improvements will be coming in the following cycle, and for a substantial portion of newly constructed buildings to build to meet higher levels of efficiency than just what the mandatory standards require. This is accomplished by the Energy Commission’s collaboration with the CPUC and with utility programs that provide incentives to builders who meet the Reach Standards. The voluntary Reach Standards appear in the State’s California Green Building Standards Code (California Code of Regulations, Title 24, Part 11) and in other agencies’ regulations and programs.

Governor Brown’s Clean Energy Jobs Plan (2010) combines existing state energy policy with economic recovery and growth goals by focusing on developing renewable energy and energy efficiency technologies and creating more than half a million green jobs. In the area of building efficiency, the Governor’s Plan calls for:

- Adopting stronger appliance standards for lighting, consumer electronics, and other products;
- Creating new efficiency standards for new buildings;
- Increasing public education and enforcement efforts so that the gains promised by California’s efficiency standards are realized;
- Adopting a plan for achieving “zero-net-energy” homes and businesses;
- Making existing buildings more efficient, especially the half of California homes that were built before the advent of modern building standards; and
- Providing information to commercial investors and homebuyers by disclosing building energy consumption prior to building sale.

The Energy Commission’s Integrated Energy Policy Report (2011) includes an energy efficiency chapter that emphasizes the zero net energy policy goals for the state’s residential and nonresidential buildings. It articulates how the Building Energy Efficiency Standards, including Reach Standards, will be updated periodically to attain the aggressive levels of energy efficiency required to make zero net energy buildings cost-effective for consumers.

Given the above, the broad objectives of this regulation are to ensure installed energy efficiency technology properly works resulting in the savings of money and energy, coupled with a decrease in pollution and greenhouse gas emissions associated with energy generation.

**C. Summary of the Proposed Regulations**

Since 2005 Building Energy Efficiency Standards (California Code Regulations, Title 24, Part 6) have required that specific equipment and controls installed in nonresidential buildings be tested according to Energy Commission adopted “acceptance testing” protocols to demonstrate their proper installation before the building is approved for occupancy. Compliance documentation must be signed by both the Field

Technician who completed the acceptance testing and the licensed person who is legally responsible for the installation under the Business and Professions Code. The current Standards do not specify qualifications or training that the Field Technician must meet to be authorized to complete the acceptance testing.

Studies and stakeholder comments provided to the Energy Commission and discussed below indicate that acceptance testing occurring in the field is currently inadequate. Because of inconsistent levels of training Field Technicians as a whole are not providing the assurances necessary that the installed systems are delivering the energy efficiencies and monetary savings expected by building owners and which are required by state law.

The proposed regulations create an independent third-party certification and training program to ensure Field Technicians and their employers acquire minimal level of training and skill to verify nonresidential lighting controls and mechanical systems comply with existing energy efficiency building standards.

These newly proposed regulations will be amended to the 2013 Standards that were adopted by the Energy Commission in May, 2012. The combined 2013 Standards update will then be considered for approval by the Building Standards Commission in December, 2012.

**COMPARABLE FEDERAL STATUTES OR REGULATIONS**

There are no federal energy standards applicable to nonfederal buildings. (The current and proposed California building standards do, however, reference federal energy standards for particular *appliances*.)

**CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS**

There is no inconsistency or incompatibility with existing state regulations.

**OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE ENERGY COMMISSION, OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS PROPOSED FOR ADOPTION**

All of the laws applicable to the proposed Standards, primarily Public Resources Code 25402 and 25402.1, are discussed above.

POTENTIAL MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Energy Commission has determined that the proposed regulatory action would not impose a new mandate on local agencies. Existing law already obligates local building departments to serve as enforcement agencies for the Standards (see Public Resources Code sections 25402(a)–(b), 25402.1). Existing law also already requires compliance with the Standards as they apply to school buildings, and all other buildings, owned by local agencies (see California Code of Regulations, Title 24, Part I, Administrative Regulations of Department of School Administration (DSA)). These proposed regulations will be administered by the California Energy Commission and will not impose any new requirements on local agencies or school districts.

ESTIMATE OF COSTS OR SAVINGS

See the Economic and Fiscal Analysis (Form 399), published simultaneously with this NOPA, for complete details. In sum:

- A. **Total Statewide costs and benefits:** The proposed regulations are estimated to deliver \$4.0 million in benefits at a cost of \$3.75 million, for a cost–effectiveness ratio of 1.07 to 1.
- B. **Cost or Savings to any state agency:** The proposed regulations are estimated to save the State Government \$40,000 at a cost of \$37,500 for a cost–effectiveness ratio of 1.07 to 1.
- C. **Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code:** None. Additional expenditures of approximately \$112,500 in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Section 17500 et seq. of the Government Code because the proposed regulation provides for savings to each affected local government which will, at a minimum, offset any additional cost with a total savings of approximately \$120,000.
- D. **Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code:** None.
- E. **Other nondiscretionary cost or savings imposed on local agencies:** No.
- F. **Cost or savings in federal funding to the state:** No.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Energy Commission has made an initial determination that the adoption of the proposed regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states, as is described in more detail below.

The basis for the Energy Commission’s findings on economic impacts is that the proposed regulations are cost effective, and therefore will have a beneficial economic impact on the owners and occupants of buildings built to comply with the Standards. Evidence for the cost effectiveness of the proposed regulations is contained in the Initial Statement of Reasons and on the Commission’s website and is summarized here.

The Energy Commission expects the costs to be charged to individuals and businesses for acceptance test provider certification to vary considerably, depending on which organization is offering the certification and for what purposes. For example, some organizations that provide extensive professional training to contractors for the design and installation of lighting and/or mechanical systems in nonresidential buildings may choose to integrate these new certification requirements into their existing training and certification programs. Other organizations may choose to provide training and certification specific to the requirements in these proposed regulations. Still other organizations may choose to provide certification testing without offering any training, under the assumption that most professionals providing these test services already have professional training that qualifies them to prove their competence, by way of a certification test, to provide the field verification services that are the subject of these proposed regulations. The Energy Commission has assumed a cost per certification that is commensurate with a 40–hour process of training for technicians (\$2,000) and an 8–hour process of training for technician supervisors (\$500). These cost estimates assume that a trainer is paid \$200 per hour, training five technicians or employers at a time, and that the certification entity is applying a 20% overhead rate to the training fees. The total first year costs of complying with these proposed regulations for all of the technicians and employers expected to become certified are expected to be approximately \$3.75 million.

The total statewide benefit from these proposed regulations is estimated conservatively at \$4 million per year, estimated by assuming that a small fraction of the total savings expected from the 2013 Standards update for nonresidential buildings is due to the proper installation of lighting and mechanical systems that are the sub-

ject of this proposed regulation for industry certification. This small fraction is derived from the expectation that: (1) at least half (50%) of the energy savings from the 2013 Standards will be from the installation of lighting controls and mechanical systems, the same systems that require verification through the acceptance testing that is the subject of these regulations, and (2) verifying that these systems are installed and operating properly will improve the realized energy efficiency of these systems by at least one percent (1%). The estimate that at least 50% of the energy savings from the 2013 Standards will come from the installation of efficient lighting controls and mechanical systems was derived from the Energy Commission’s review of the proposed updates to the Standards and detailed building energy modeling for each of these proposed updates in typical buildings across all sixteen climate zones used in the Standards development and compliance processes. The estimate that there will be at least a 1% improvement in the installation and operations of the lighting controls and mechanical systems once the acceptance test technicians are trained and certified to conduct these tests is a very conservative assumption that the certification processes included in these proposed regulations result in a workforce that is at least slightly better equipped to successfully inspect and test these systems, thereby finding problems that can be corrected to save energy.

These proposed regulations will not have an adverse statewide economic impact because the expected costs are largely one-time certification expenses, whereas the energy savings that will accrue will continue to be realized year after year. Even in the first year of implementation, the costs of these regulations will be more than offset by energy savings.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The Energy Commission has determined that energy bill savings substantially in excess of compliance costs will be received by all private persons and businesses directly affected by the proposed Standards. Initial costs for all businesses are estimated at \$500 and for individuals at \$2000 with no annual cost expected over the life (15 years) of the proposed regulations. These costs to become certified Acceptance Test Technicians and Acceptance Test Employers will enable these individuals and businesses to be qualified for inspection and testing jobs that they would otherwise not be able to obtain. The Energy Commission believes that the certification costs that will result from these proposed regulations will be offset by the income made by completing the acceptance testing jobs as required in Title 24, Part 6.

**ASSESSMENT OF THE EFFECTS OF THE PROPOSED STANDARDS ON BUSINESSES, SMALL BUSINESSES, AND JOBS AND BUSINESS EXPANSION, ELIMINATION, OR CREATION**

**A. Business Report**

The proposed regulations require that each business that applies for and gains approval to be an Acceptance Test Technician Certification Provider submit an annual report to the Energy Commission. This annual report will summarize the training and certification activities conducted by the Certification Provider over the course of the year. Requiring this annual report enables the Energy Commission to determine if each Certification Provider is adequately completing its obligations as specified in these proposed regulations. Each Certification Provider benefits from this requirement because it creates fair competition in the marketplace by requiring the same level of reporting for all Certification Providers, and these reports provide the requisite information to the Energy Commission for its determination that each Certification Provider is adequately training and certifying acceptance test technicians and their employers. This reporting requirement is only placed on businesses that choose to apply for and become Acceptance Test Technician Certification Providers. The Energy Commission preliminarily determines it is necessary for the health, safety, and welfare of the people of the state that these regulations apply to business.

**B. Small Businesses**

Small businesses that inspect and verify the operational performance of lighting controls or mechanical systems in nonresidential buildings will, under the proposed regulations, be required to gain certification of their ability to complete the Title 24, Part 6 installation inspections and acceptance testing for these systems. The costs to become certified for these small businesses is expected to be a one-time cost of approximately \$2,000 for each technician and \$500 for each employer overseeing technicians. The Energy Commission anticipates that these costs will be passed on to the building owners requiring the services of these small businesses through increased fees for these inspection services. Small businesses choosing to become certified as specified in the proposed regulations also gain an advantage in the marketplace because, once there are a sufficient number of certified acceptance test technicians in the state, building owners

complying with Title 24, Part 6 will be required to employ certified technicians to complete the lighting controls and mechanical system installation inspections and acceptance tests.

C. Results of the economic impact assessment

The Energy Commission has made a preliminary assessment on whether, and if so to what extent, the proposed Standards will affect the following:

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

Jobs will not be created or eliminated because the proposed standards create a certification program to ensure existing technicians are appropriately trained and certified by primarily existing organizations. The standards themselves are neutral as to whether people or entities enter the inspection and certification industry.

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

Businesses will not be created or eliminated because the proposed standards create a certification program to ensure existing technicians are appropriately trained and certified by primarily existing organizations. The standards themselves are neutral as to whether people or entities enter the inspection and certification industry.

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

It is possible that businesses currently providing energy efficiency compliance-related services in California will expand.

D. Benefits of the proposed standards to the health and welfare of California residents, to worker safety, and to the state's environment.

The proposed regulations will provide building owners with a high quality verification of the energy saving features of their buildings' lighting and mechanical components therefore ensuring the building owner is obtaining the benefits of their investment in various technologies. The people of California benefit as less energy is used, eliminating the need for development of additional generation and the environmental damage associated with such energy projects including greenhouse gas emissions. In addition, by developing a rigorous training and certification program the state will benefit by increasing the awareness among the building industry of the economic and environmental value of energy

efficiency that may lead to over all gains in energy efficiency in other areas of building systems.

- E. Use of Reports: The proposed regulations require that each business that applies for and gains approval to be an Acceptance Test Technician Certification Provider submit an annual report to the Energy Commission. This annual report will summarize the training and certification activities conducted by the Certification Provider over the course of the year. Requiring this annual report enables the Energy Commission to determine if each Certification Provider is adequately completing its obligations as specified in these proposed regulations. Each Certification Provider benefits from this requirement because it creates fair competition in the marketplace by requiring the same level of reporting for all Certification Providers, and these reports provide the requisite information to the Energy Commission for its determination that each Certification Provider is adequately training and certifying acceptance test technicians and their employers. This reporting requirement is only placed on businesses that choose to apply for and become Acceptance Test Technician Certification Providers.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Energy Commission has made an initial determination that the proposed Standards would have no significant effect on housing costs because the standard only applies to non-residential buildings and creates a certification program to ensure competency of test inspectors.

CONSIDERATION OF ALTERNATIVES

The Energy Commission must determine that no reasonable alternative considered by it 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 private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Energy Commission has made a preliminary determination that no reasonable alternative considered by it, 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 private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the

statutory policy or other provision of law. The information in the record indicates the proposed standards would result in little cost to small business or the state because the proposed standards enhance an already existing inspection process by including additional training and quality control. While building owners and others using the services of the certified acceptance test technicians may incur additional minimal cost due to the program, that cost will be offset by energy savings from correctly functioning and certified electrical and mechanical systems. The Energy Commission's preliminary determination is that the overall benefit to the state in reduced energy consumption and pollution associated with energy production offset the overall costs of the program.

#### AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information on which the proposed regulations are based is contained in the rulemaking file, which is available for public review at the Commission's Dockets Office, by contacting the persons named below, or on this website:

[http://www.energy.ca.gov/title24/2013standards/provider\\_cert/documents/](http://www.energy.ca.gov/title24/2013standards/provider_cert/documents/)

If the proposed regulations are adopted, then interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared by going to this website, or by making a written request to the contact person named below.

#### ENERGY COMMISSION CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Questions on procedural and administrative issues should be addressed to:

Joe Loyer  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street, MS-25  
Sacramento, CA 95814  
(916) 651-2915  
Email: [Joe.Loyer@energy.ca.gov](mailto:Joe.Loyer@energy.ca.gov)

#### CONTACT PERSON FOR SUBSTANTIVE AND TECHNICAL QUESTIONS

Martha Brook  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street, MS-37  
Sacramento, CA 95814  
(916) 654-4086  
Email: [Martha.Brook@energy.ca.gov](mailto:Martha.Brook@energy.ca.gov)

Backup:  
Justin Regnier  
CALIFORNIA ENERGY COMMISSION  
1516 Ninth Street, MS-37  
Sacramento, CA 95814  
(916) 654-4196  
[Justin.Regnier@energy.ca.gov](mailto:Justin.Regnier@energy.ca.gov)

#### PUBLIC PARTICIPATION

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to participate in this forum, please contact the Public Adviser's Office at [PublicAdviser@energy.ca.gov](mailto:PublicAdviser@energy.ca.gov) or (916) 654-4489 (toll free at (800) 822-6228).

If you have a disability and require assistance to participate, please contact Lou Quiroz at [Lou.Quiroz@energy.ca.gov](mailto:Lou.Quiroz@energy.ca.gov) or (916) 654-5146 at least five days in advance.

Media inquiries should be sent to the Media and Public Communications Office at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov) or (916) 654-4989.

#### **Remote Attendance**

You may participate in this meeting through WebEx, the Energy Commission's online meeting service. Presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

#### **To join a meeting:**

**VIA COMPUTER:** Go to <https://energy.webex.com> and enter the unique meeting number: **928 380 279**. When prompted, enter your name and the following meeting password: **cec@1516**

The "Join Conference" menu will offer you a choice of audio connections:

1. To call into the meeting: Select "I will call in" and follow the on-screen directions.
2. International Attendees: Click on the "Global call-in number" link.

3. To have WebEx call you: Enter your phone number and click "Call Me."
4. To listen over the computer: If you have a broadband connection, and a headset or a computer microphone and speakers, you may use VoIP (Internet audio) by going to the Audio menu, clicking on "Use Computer Headset," then "Call Using Computer."

VIA TELEPHONE ONLY (no visual presentation): Call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the unique meeting number: **928 380 279**. International callers may select their number from <https://energy.webex.com/energy/globalcallin.php>

VIA MOBILE ACCESS: Access to WebEx meetings is now available from your mobile device. To download an app, go to [www.webex.com/overview/mobile-meetings.html](http://www.webex.com/overview/mobile-meetings.html).

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239.

#### FINAL STATEMENT OF REASONS

If the proposed amendments are adopted, the Energy Commission will prepare a Final Statement of Reasons. This document will update the Initial Statement of Reasons and respond to public comments. This document can be obtained after the conclusion of the rulemaking by contacting Joe Loyer at (916) 654-4811 or by email at [Joe.Loyer@energy.ca.gov](mailto:Joe.Loyer@energy.ca.gov).

#### WEBSITE INFORMATION

This NOPA, the Initial Statement of Reasons, the Express Terms, any 15-day language issued subsequently, and all other relevant rulemaking documents can be accessed at the Energy Commission's website at:

[http://www.energy.ca.gov/title24/2013standards/provider\\_cert/documents/](http://www.energy.ca.gov/title24/2013standards/provider_cert/documents/)

Mail Lists: 50, 52, 53, 480 and 7434

Mailing Date: September 10, 2012

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF FOOD AND AGRICULTURE

#### NOTICE OF A REQUESTED HEARING

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) has proposed to

adopt section 1350 and amend section 1354 of Subchapter 3, Chapter 1, Division 3, of Title 3 of the California Code of Regulations. The proposal was published in the *California Regulatory Notice Register* on July 6, 2012 [Register 2012, No. 27-Z] but no hearing was scheduled. The Department has received a request for a public hearing; therefore, the hearing will be held in accordance with Government Code section 11346.8 for the proposal relating to the regulation of persons registered with the Department to engage in business in California as an egg producer or egg handler, and any registered out-of-state egg handler or producer selling eggs in California.

Food and Agricultural Code section 407 authorizes the Department to adopt such regulations that are reasonably necessary to carry out the provisions of the Food and Agricultural Code which it is authorized to administer or enforce. Sections 27521, 27531, 27533, 27541, 27573 and 27637 of the Food and Agricultural Code authorize the Department to regulate, in part, the marketing of shell eggs sold to consumers to assure that healthful and wholesome eggs of known quality are sold in the state. This proposal amends the requirements for the marketing of eggs in California by adopting section 1350 (Shell Egg Food Safety) and amending section 1354 (Marking Requirements) of Subchapter 3, Chapter 1, Division 3, of Title 3 of the California Code of Regulations, to ensure that eggs are produced in a uniform manner to ensure the quality and safety of shell eggs sold for human consumption.

#### **The Department is scheduling two hearing locations for this proposal.**

October 2, 2012

1:00 p.m.–4:00 p.m.

Department of Food and Agriculture  
1220 N Street, First Floor Auditorium  
Sacramento, CA 95814

Conference Call-In Info: 866-762-9676

Participant Code: 5493774#

October 4, 2012

1:30 p.m.–4:30 p.m.

Department of Food and Agriculture District Office  
1910 South Archibald Avenue, Suite Y  
Ontario, CA 91761

Conference Call-In Info: 866-762-9676

Participant Code: 5493774#

Please note: The Department may adjourn the hearing prior to the posted time at each hearing location if all public testimony has been received and/or no person is present that wishes to provide testimony.

**Public Comments**

Any interested person, or his or her duly authorized representative, may appear and be heard and provide written and/or oral testimony. Written comments may be faxed or emailed by 5:00 p.m., the day of each hearing [October 2, 2012 or October 4, 2012], to the contact person named in this Notice. Any person who submitted a written comment during the original 45-day public comment period ending August 20, 2012, or the additional 15-day public comment period ending September 15, 2012, remains in the Department's official rule-making file.

**Contact Persons**

Inquiries or comments concerning the substance of the proposed regulations are to be addressed to:

Tony Herrera, Program Supervisor,  
Department of Food and Agriculture,  
Egg Safety and Quality Management  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 900-5060 Fax: (916) 900-5334  
Email: tony.herrera@cdfa.ca.gov

The backup contact person is:

Nancy Grillo, Regulation/Legislation Coordinator,  
Department of Food and Agriculture,  
Animal Health and Food Safety Services,  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 900-5033 Fax: (916) 900-5332  
Email: nancy.grillo@cdfa.ca.gov

**Website Access**

Materials regarding this proposal can be found at <http://www.cdfa.ca.gov/ahfss/regulations.html>

**DEPARTMENT OF INSURANCE**

**NOTICE OF CANCELLATION OF PUBLIC  
HEARING  
AND ORDER CONTINUING PROPOSED  
ACTION**

**January 1, 2013 Workers' Compensation Claims  
Cost Benchmark  
and Pure Premium Rates**

**File No. REG-2012-00016**

**Cancellation Notice Date: September 10, 2012**

Approval of the Workers' Compensation Advisory Pure Premium Rates and proposed revisions to the In-

surance Commissioner's Regulations pertaining to the Classification of Risks, Recording and Reporting of Data, Statistical Reporting and Experience Rating to be effective January 1, 2013.

**CANCELLATION OF PUBLIC HEARING**

**The public hearing in the above-entitled matter, set for September 24, 2012 — 9:30 a.m. at the California Department of Insurance, 22nd Floor Hearing Room, 45 Fremont Street, San Francisco, California, is hereby cancelled and will be rescheduled upon further notice.**

**CONTINUANCE OF PROPOSED ACTION**

The Workers' Compensation Insurance Rating Bureau (WCIRB), the rating organization licensed to develop pure premium rates for each employee classification on behalf of its member insurers for submission to the Insurance Commissioner for issuance or approval, filed its proposed changes to pure premium rates on August 21, 2012. The WCIRB informed the Commissioner in its filing that the filing did not reflect any provision for the comprehensive workers' compensation legislation that was currently under consideration by the California Legislature in Senate Bill No. 863. To the extent that the legislation significantly impacted the cost of losses and loss adjustment expenses on policies incepting in 2013, the WCIRB would evaluate the cost impact of the legislation and submit an amended set of proposed January 1, 2013 advisory pure premium rates by the time of the public hearing on this filing.

Senate Bill No. 863 was passed by the Legislature on August 31, 2012 and enrolled and presented to the Governor on September 7, 2012. The WCIRB is evaluating the effects of Senate Bill No. 863 and was requested by the Department of Insurance to assess the impacts of specific reforms on pure premium rates before making its amended filing. The filing is incomplete and will not be amended in time for the currently scheduled hearing.

WHEREFORE, IT IS HEREBY ORDERED that the proposed action in this matter is continued until such time as the WCIRB amends its filing. Upon receipt of the amended filing, the Commissioner shall reschedule the hearing in this matter for a date and time within 60 days of the amended filing pursuant to Section 11750 of the California Insurance Code.

Dated: September 10, 2012

Dave Jones  
Insurance Commissioner

By /s/  
Christopher A. Citko  
Senior Staff Counsel

**OAL REGULATORY  
DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED  
UNDERGROUND REGULATION  
(Summary Disposition)**

**(Pursuant to Government Code Section 11340.5  
and  
Title 1, section 270, of the  
California Code of Regulations)**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

Date: September 5, 2012  
 To: Eric Eleson  
 From: Chapter Two Compliance Unit  
 Subject: **2012 OAL DETERMINATION NO. 9 (S)  
(CTU2012-0803-01)**  
 (Summary Disposition issued pursuant to  
 Gov. Code, sec. 11340.5; Cal. Code Regs.,  
 tit. 1, sec. 270(f))

Petition challenging as an underground regulation recent amendments to California Code of Regulations, title 15, section 3377.2, titled "Criteria for Assignment of Close Custody"

On August 3, 2012, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether recent amendments to California Code of Regulations, title 15, section 3377.2, titled "Criteria for Assignment of Close Custody" constitute an underground regulation.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,<sup>1</sup>

<sup>1</sup> "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an "underground regulation" as defined in California Code of Regulations, title 1, section 250:

The following definitions shall apply to the regulations contained in [chapter 2 of division 1 of title 1 of the California Code of Regulations]:

(a) "Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, *but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA* and is not subject to an express statutory exemption from adoption pursuant to the APA.

You allege the amendments to California Code of Regulations, title 15, section 3377.2 constitute an underground regulation. The amendments to section 3377.2 were submitted to OAL by the California Department of Corrections and Rehabilitation (CDCR) on June 6, 2012, as an emergency filing based upon operational necessity pursuant to Penal Code section 5058.3. The filing was deemed to be an emergency by the Legislature pursuant to Penal Code section 5058.3. The filing was reviewed by OAL attorneys for compliance with applicable law and it was approved pursuant to Government Code sections 11346.1 and 11349.6, and Penal Code section 5058.3. The regulations were filed with the Secretary of State on June 26, 2012 and became effective on July 1, 2012. The amendments you challenge, therefore, are properly adopted regulations.<sup>2</sup>

<sup>2</sup> To permanently adopt the amendments, a Certificate of Compliance indicating that CDCR has complied with Government Code sections 11346.2 to 11347.3, inclusive, must be submitted to OAL no later than December 10, 2012, or the emergency language will be repealed by operation of law on the following day. Pursuant to Government Code section 11346.4, a notice of the proposed adoption, amendment or repeal of a regulation must be mailed to, among others, every person who has filed a request for notice of regulation actions. The notice is also required to identify the period during which the agency must accept comments. As of August 30, 2012, the CDCR website shows that the notice was mailed on July 20, 2012, and the close of the comment period is September 17, 2012.

For the reason discussed above, we find that the rule challenged by your petition is not an underground regulation.<sup>3</sup>

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

Debra M. Cornez  
Director

/s/

Kathleen Eddy  
Senior Counsel

Copy: Matthew Cate  
Tim Lockwood

**SUSPENSION OF  
ACTION REGARDING  
UNDERGROUND REGULATIONS**

**OFFICE OF ADMINISTRATIVE LAW**

**SUSPENSION OF ACTION REGARDING  
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the  
California Code of Regulations)**

On July 6, 2012, The Office of Administrative Law (OAL) received a petition challenging *the Skipper's*

<sup>3</sup> The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) **The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.**

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.

[Emphasis added.]

Log issued by the Department of Fish and Game (DFG) as an alleged underground regulation.

On August 31, 2012, DFG certified to the OAL that the subject instruction had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or [mmolina@oal.ca.gov](mailto:mmolina@oal.ca.gov).

**DEPARTMENT OF FISH AND GAME**

**VIA ELECTRONIC MAIL AND UNITED  
STATES MAIL**

August 31, 2012

Kathleen Eddy  
Office of Administrative Law  
300 Capitol Ave., Suite 1250  
Sacramento, CA 95814  
[Kathleen.Eddy@oal.ca.gov](mailto:Kathleen.Eddy@oal.ca.gov)

RE: Certification Pursuant to 1 C.C.R. § 280

Dear Ms. Eddy:

As Director of the Department of Fish and Game (Department), I am writing to certify the following pursuant to section 280 of Title 1 of the California Code of Regulations:

1. On July 5, 2012, the Department received the attached petition submitted by Salvatore B. D'Anna to the Office of Administrative Law alleging that certain instructions to a Department form constitute an underground regulation pursuant to the Administrative Procedure Act;
2. The Department will not issue, use, enforce, or attempt to enforce the subject instruction; and
3. A copy of this certification was sent to petitioner by certified mail on August 31, 2012. A copy of the proof of service is attached hereto.

If you have any questions, comments, or concerns, please contact Wendy Bogdan at the Office of General Counsel (916) 654-3815.

Best Regards,

/s/

Charles H. Bonham  
Director  
California Department of Fish and Game

Attachments

cc: Salvatore B. D'Anna  
Wendy Bogdan

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

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

File# 2012-0730-02  
BOARD OF ACCOUNTANCY  
Safe Harbor

This rulemaking by the California Board of Accountancy amends the safe harbor language contained in 16 CCR section 4 by adding language to specify that a preparer of financial statements is not required to be licensed by the California Board of Accountancy. This section is further amended to add the phrase "compiled" to denote services that have not been performed by the preparer of the financial statements.

Title 16  
California Code of Regulations  
AMEND: 4  
Filed 09/07/2012  
Effective 10/07/2012  
Agency Contact: Matthew Stanley (916) 561-1792

File# 2012-0802-02  
BOARD OF BARBERING AND COSMETOLOGY  
Inspection of Examination Papers; Text & Reference Books for Students

The Board of Barbering and Cosmetology (BBC) repealed section 933 and amended section 961 of title 16 of the California Code of Regulations. The changes update BBC's regulations so that they conform to BBC's recent move from in-house examinations for licensure to national examinations. Section 933 (Inspection of Examination Papers) is being repealed as it either restates language in Business and Professions Code section 7341 or is obsolete now that BBC is using national examinations. Section 961 (Text and Reference Books for Students) is being amended to remove a provision that barbering and cosmetology schools provide a copy of the licensing examination performance criteria developed by BBC, since BBC no longer develops this criteria now that it uses the national examination.

Title 16  
California Code of Regulations  
AMEND: 961 REPEAL: 933  
Filed 09/12/2012  
Effective 10/12/2012  
Agency Contact: Kevin Flanagan (916) 575-7104

File# 2012-0726-01  
BOARD OF EDUCATION  
CAHSEE Alternative Means

This is the certification of compliance for emergency regulations proposed by the Board of Education (BOED). As of 1/1/2011, Education Code section 60852.2(b), allows eligible students with disabilities (SWDs) to take an "alternative means" high school exit examination (eligible SWDs were exempt until 1/1/2011 from taking the California High School Exit Examination (CAHSEE) in order to graduate). Education Code section 60852.2(b) authorizes BOED to extend by regulation the implementation date (1/1/2011) of the CAHSEE alternative means for the eligible SWDs for up to two years. An emergency action (OAL File No. 2010-1008-02E (filed 10/18/2010); cert approved in 2011-0215-02 C) adopted title 5, California Code of Regulations, section 1216.1, which extended the 1/1/2011 statutory deadline to 7/1/2012 for BOED to implement the CAHSEE alternative means regulations. In this submission, the BOED is seeking to extend the implementation deadline once again, from July 1, 2012 to January 1, 2013 (the statutory deadline for implementation).

Title 5  
California Code of Regulations  
AMEND: 1216.1  
Filed 09/06/2012  
Agency Contact: Cynthia Olsen (916) 319-0584

File# 2012-0822-01  
BOARD OF OCCUPATIONAL THERAPY  
Sponsored Free Health Care Events

In this regulatory action, the Board of Occupational Therapy (Board) adopts regulations pertaining to "Sponsored Free Health Care Events." These regulations implement Business and Professions Code section 901 which was enacted in Statutes of 2010, Chapter 270 (A.B. 2699). Under this legislation, California's healing arts boards are generally authorized to adopt regulations under which a health care practitioner licensed or certified and in good standing in another state, district or territory of the United States (an out-of-state practitioner) under specified circumstances may offer or provide health care services in California without obtaining California licensure. The out-of-state practitioner must provide the services on a voluntary basis and without charge to uninsured or underinsured persons, at a

sponsored health care event, and for a period of 10 calendar days or less per event. The Board implements Business and Professions Code section 901 as it relates to occupational therapists and occupational therapy assistants.

Title 16  
California Code of Regulations  
ADOPT: 4116, 4117, 4118, 4119  
Filed 09/10/2012  
Effective 09/10/2012  
Agency Contact: Heather Martin (916) 263-2294

File# 2012-0823-03  
CALIFORNIA COMMISSION ON DISABILITY ACCESS  
Conflict-of-Interest Codes

This is a Conflict-of-Interest Code filing that has been approved by FPPC and is being submitted for filing with the Secretary of State and printing only.

Title 2  
California Code of Regulations  
ADOPT: 59650  
Filed 09/10/2012  
Effective 10/10/2012  
Agency Contact: Angela Jemmott (916) 319-9972

File# 2012-0731-02  
CALIFORNIA GAMBLING CONTROL COMMISSION  
MICS II; Gambling Floor Operations & House Rules

This rulemaking action adopts new sections of Title 4 of the California Code of Regulations which specify standards which must be adopted by gambling enterprises for gambling floor operations and house rules. The rulemaking also adopts several definitions necessary to implementation of the newly adopted regulations.

Title 4  
California Code of Regulations  
ADOPT: 12391(a)(1), (3), (4), (b) & (c), 12392  
AMEND: 12360  
Filed 09/12/2012  
Effective 10/12/2012  
Agency Contact: James Allen (916) 263-4024

File# 2012-0806-04  
DEPARTMENT OF FOOD AND AGRICULTURE  
Oak Mortality Disease Control

This filing is a certificate of compliance for an emergency regulatory action which amended section 3700 of title 3 of the California Code of Regulations (Oak Mortality Disease Control) by adding eight new plants

to the associated articles (nursery stock) list and moving one plant from the associated articles list to the host plant list. The eight new plants added to the articles list include *Ilex cornuta*, *Illicium parviflorum*, *Larix kaempferi*, *Magnolia denudate*, *Mahonia nervosa*, *Molinadendron sinaloense*, *Trachelospermum jasminoides*, *Veronica spicata*. The plant moved to the host list is *Cinnamomum camphora*.

Title 3  
California Code of Regulations  
AMEND: 3700(c)  
Filed 09/12/2012  
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2012-0904-01  
DEPARTMENT OF FOOD AND AGRICULTURE  
Section 3435 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action amends section 3435(b) to expand the quarantine area for Asian Citrus Psyllid (ACP) by approximately 609 square miles by including the Desert Hot Springs area of Riverside and San Bernardino counties. The effect of this amendment will provide authority for the State to perform quarantine activities against ACP within this additional area and existing regulated areas. The total area which would be under regulation is now approximately 22,147 square miles.

Title 3  
California Code of Regulations  
AMEND: 3435(b)  
Filed 09/12/2012  
Effective 09/12/2012  
Agency Contact: Lindsay Rains (916) 654-1017

File# 2012-0828-01  
DEPARTMENT OF MANAGED HEALTH CARE  
Pervasive Developmental Disorder and Autism Coverage

This emergency regulatory action is to ensure uniform and timely application of the Knox-Keene Act related to health plan coverage for medically necessary mental health services, which include diagnosis and medically necessary behavioral health and applied behavioral analysis treatment, for health plan enrollees with pervasive developmental disorder or autism.

Title 28  
California Code of Regulations  
ADOPT: 1300.74.73  
Filed 09/06/2012  
Effective 09/06/2012  
Agency Contact: Jennifer Willis (916) 323-7528

File# 2012-0731-03  
 DEPARTMENT OF RESOURCES RECYCLING  
 AND RECOVERY  
 Electronic Waste Recycling

The amended regulations 1) give the Department of Resources, Recycling and Recovery discretion to revoke the approval or deny the renewal application of a collector or recycler of electronic waste that makes a false statement or representation in a document filed, submitted, maintained, or used for purposes of compliance with the relevant sections of, and regulations adopted pursuant to, the Public Resources Code; 2) give the Department of Resources, Recycling and Recovery discretion to deny an application for approval or renewal from an electronic waste collector or recycler that, or an individual identified in the application who, has a history of demonstrating a pattern of operation in conflict with the requirements of, and regulations adopted pursuant to, the Public Resources Code; and 3) require a person challenging a revocation, denial of application renewal, or application denial, or an electronic waste recycler challenging the denial or adjustment of an electronic waste recovery payment or electronic waste recycling payment to first exhaust all administrative remedies by filing with the Department of Resources, Recycling and Recovery a timely administrative appeal.

Title 14  
 California Code of Regulations  
 AMEND: 18660.17, 18660.19, 18660.31  
 Filed 09/12/2012  
 Agency Contact: Harlee Branch (916) 341-6056

File# 2012-0801-06  
 DEPARTMENT OF TOXIC SUBSTANCES  
 CONTROL  
 Disaster Victims Hazardous Waste Fee Exemption

This regulatory action adopts one section to exempt victims of disaster from hazardous waste disposal and generator fees imposed pursuant to sections 25174.1 and 25205.5 of the Health and Safety Code (HSC).

Title 22  
 California Code of Regulations  
 ADOPT: 66269.2  
 Filed 09/06/2012  
 Effective 10/06/2012  
 Agency Contact: Kryisia Von Burg (916) 324-2810

File# 2012-0828-02  
 FISH AND GAME COMMISSION  
 Upland Game Hunting — Sage-grouse Permits

The Fish and Game Commission submitted this emergency action to amend Title 14, section 300 of the California Code of Regulations to reduce the number of

permits allowed for the hunting of sage-grouse in Eastern Lassen County and Central Lassen County due to recent fires in the area.

Title 14  
 California Code of Regulations  
 AMEND: 300  
 Filed 09/07/2012  
 Effective 09/07/2012  
 Agency Contact: Sheri Tiemann (916) 654-9872

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

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

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

File# 2012-0731-01  
 OFFICE OF ENVIRONMENTAL HEALTH  
 HAZARD ASSESSMENT  
 Section 100 Regulation Order

The amendments to these regulations reflect that the Radiation Control Law cited in the regulations has moved from section 25800 et seq. to section 114960 et seq. of the Health and Safety Code, and that the definition for food facilities as referenced in the regulations has moved from Health and Safety Code Section 27521(a) to Health and Safety Code Section 113789.

Title 27  
 California Code of Regulations  
 AMEND: 25403(a), 25603.3(a)  
 Filed 09/12/2012  
 Agency Contact: Monet Vela (916) 323-2517

File# 2012-0725-02  
 STATE WATER RESOURCES CONTROL BOARD  
 Lahontan Region Pesticide Prohibition BPA

At a hearing on December 7, 2010, the Regional Water Quality Control Board, Lahontan Region, adopted Resolution No. R6T-2011-0102, an amendment to the Water Quality Control Plan for the Lahontan Region (Basin Plan). This Basin Plan amendment adds section 3959.5 to title 23 of the California Code of Regulations,

and this new section removes the former pesticide Water Quality Objective, establishes a Waste Discharge Prohibition for Pesticides, and provides Exemption Criteria for the use of aquatic pesticides in certain circumstances.

**Title 23**

California Code of Regulations

ADOPT: 3959.5

Filed 09/06/2012

Effective 10/06/2012

Agency Contact:

Mary Fiore-Wagner (530) 542-5425

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN April 18, 2012 TO  
September 12, 2012**

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

**Title 2**

- 09/10/12 ADOPT: 59650
- 08/30/12 AMEND: 60000, 60010, 60300, 60310, 60323, 60325, 60330, 60400, 60550, 60560, 60600, 60610 REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200
- 08/16/12 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83, 1859.104 REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3
- 08/13/12 ADOPT: 59720
- 08/07/12 AMEND: 18640
- 07/16/12 AMEND: 18215.3
- 07/09/12 ADOPT: 22620.1, 22620.2, 22620.3, 22620.4, 22620.5, 22620.6, 22620.7, 22620.8
- 06/28/12 AMEND: 649.32
- 06/19/12 AMEND: 56800
- 06/04/12 ADOPT: 18313.6
- 05/29/12 AMEND: 20811(c)
- 05/15/12 AMEND: 1859.2
- 05/10/12 AMEND: 1859.2, 1859.82
- 05/08/12 ADOPT: 559.1

- 04/30/12 ADOPT: 565.5 AMEND: 565.1, 565.2, 565.3
- 04/26/12 AMEND: 554.4
- 04/23/12 AMEND: 18705.5
- 04/23/12 AMEND: 554.3
- 04/19/12 ADOPT: 18412 AMEND: 18215, 18413

**Title 3**

- 09/12/12 AMEND: 3700(c)
- 09/12/12 AMEND: 3435(b)
- 08/24/12 AMEND: 3406(b)
- 08/22/12 AMEND: 6800(b)
- 08/20/12 AMEND: 3435(b)
- 08/06/12 AMEND: 3435(b)
- 06/19/12 ADOPT: 6970, 6972 AMEND: 6000
- 05/17/12 AMEND: 4603(i)
- 05/01/12 AMEND: 3423(b)

**Title 4**

- 09/12/12 ADOPT: 12391(a)(1), (3), (4), (b) & (c), 12392 AMEND: 12360
- 09/04/12 AMEND: 10032, 10033, 10034, 10035
- 08/30/12 ADOPT: 1489.1
- 08/29/12 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5190, 5200, 5230, 5370, 5170, 5350 REPEAL: 5133
- 08/01/12 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580
- 08/01/12 AMEND: 5000, 5052
- 07/26/12 AMEND: 8070
- 07/26/12 AMEND: 12101, 12202, 12205.1, 12218, 12218.7, 12218.8, 12222, 12225.1, 12233, 12235, 12238, 12309, 12335, 12342, 12350, 12352, 12354
- 07/23/12 AMEND: 8035
- 07/16/12 AMEND: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057
- 06/25/12 AMEND: 8070, 8071, 8072, 8078, 8078.2
- 06/25/12 AMEND: 1663
- 06/06/12 AMEND: 1843.3
- 06/01/12 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5170, 5190, 5200, 5230, 5350, 5370 REPEAL: 5133
- 05/15/12 REPEAL: 61.3
- 05/04/12 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
- 04/30/12 ADOPT: 511 AMEND: 399
- 04/26/12 AMEND: 2066
- 04/19/12 ADOPT: 10192, 10193, 10194, 10195, 10196, 10197, 10198, 10199

**Title 5**

- 09/06/12 AMEND: 1216.1
- 08/09/12 AMEND: 40403

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08/09/12 AMEND: 59400, 59402, 59404, 59406,  
59408  
08/09/12 AMEND: 40500  
08/09/12 ADOPT: 40541  
08/09/12 AMEND: 40407.1  
08/08/12 ADOPT: 40540  
08/08/12 ADOPT: 19824.1, 19841, 19851.1,  
19854.1 AMEND: 19816, 19816.1,  
19824, 19850, 19851, 19854  
07/31/12 AMEND: 19816, 19816.1, 19845.2  
06/12/12 ADOPT: 18004 AMEND: 18000, 18001,  
18002, 18003  
05/29/12 AMEND: 42600  
04/25/12 AMEND: 80028, 80301, 80442  
04/20/12 AMEND: 18013, 18054, 18111  
REPEAL: 18006, 18200, 18201, 18202,  
18203, 18205, 18206, 18207

**Title 7**

07/03/12 AMEND: 219

**Title 8**

09/05/12 AMEND: 1512, 2320.10, 2940.10  
09/04/12 AMEND: 5189, 5192(a)(3),  
5198(j)(2)(D)2., 1532.1(j)(2)(D)2.  
08/07/12 ADOPT: 3558 AMEND: 3207, 4184  
07/30/12 ADOPT: 32802, 32804 AMEND: 32380,  
32603, 32604  
05/21/12 ADOPT: 10582.5, 10770.1 AMEND:  
10770  
05/07/12 AMEND: 477  
05/07/12 AMEND: 2340.22  
05/02/12 AMEND: 20363, 20365, 20393, 20400,  
20402  
05/01/12 AMEND: 1533, 1541, 8403

**Title 9**

07/27/12 AMEND: 7141.5, 7143, 7227, 7350,  
7351, 7353.6, 7354, 7355, 7356, 7357,  
7358, 7400

**Title 10**

08/30/12 AMEND: 2468.5  
08/27/12 AMEND: 260.204.9  
08/22/12 ADOPT: 2327, 2327.1, 2327.2  
08/03/12 ADOPT: 2561.1, 2561.2  
07/19/12 AMEND: 2698.302  
07/19/12 AMEND: 2699.301  
07/19/12 AMEND: 5501, 5506  
05/31/12 AMEND: 2318.6, 2353.1, 2354  
05/09/12 AMEND: 2698.208  
04/23/12 AMEND: 2355.1, 2355.2

**Title 11**

07/31/12 AMEND: 999.16, 999.17, 999.19,  
999.22  
06/26/12 AMEND: 1005, 1007, 1008  
06/21/12 AMEND: 1005, 1007  
05/09/12 ADOPT: 1019 REPEAL: 9020

05/07/12 ADOPT: 999.24, 999.25, 999.26, 999.27,  
999.28, 999.29 AMEND: 999.10,  
999.11, 999.14, 999.16, 999.17, 999.19,  
999.20, 999.21, 999.22

**Title 12**

06/04/12 AMEND: 506

**Title 13**

08/07/12 ADOPT: 1962.2 AMEND: 1962.1,  
1962.2 (renumbered to 1962.3)  
08/07/12 ADOPT: 1961.2, 1961.3 AMEND: 1900,  
1956.8, 1960.1, 1961, 1961.1, 1965,  
1968.2, 1968.5, 1976, 1978, 2037, 2038,  
2062, 2112, 2139, 2140, 2145, 2147,  
2235, 2317  
08/02/12 ADOPT: 426.00  
07/30/12 AMEND: 1268, 1270.3  
07/12/12 ADOPT: 345.58, 345.73 AMEND:  
345.50, 345.52, 345.56, 345.74, 345.78,  
345.86, 345.88, 345.90 REPEAL:  
345.54, 345.58, 345.60  
06/29/12 AMEND: 225.00, 225.03, 225.09,  
225.12, 225.15, 225.18, 225.21, 225.24,  
225.35, 225.36, 225.38, 225.42, 225.45,  
225.54, 225.60, 225.63, 225.66, 225.69,  
225.72 REPEAL: 225.06  
04/19/12 ADOPT: 345.31, 345.32, 345.42  
AMEND: 345.02, 345.04, 345.05,  
345.06, 345.07, 345.11, 345.13, 345.15,  
345.16, 345.18, 345.20, 345.22, 345.23,  
345.24, 345.27, 345.28, 345.29, 345.30,  
345.34, 345.36 (renumbered to 345.33),  
345.38 (renumbered to 345.35), 345.39  
(renumbered to 345.36), 345.40, 345.41  
REPEAL: 345.17, 345.21, 345.25,  
345.26

**Title 14**

09/12/12 AMEND: 18660.17, 18660.19, 18660.31  
09/07/12 AMEND: 300  
08/31/12 ADOPT: 671.8 AMEND: 671.1  
08/14/12 AMEND: 13055  
08/02/12 ADOPT: 2231, 2301 AMEND: 2000,  
2200, 2230, 2235, 2240, 2245, 2300,  
2305, 2310, 2320  
07/26/12 AMEND: 18836  
07/12/12 AMEND: 790, 851.20, 851.21, 851.22,  
851.25, 851.26, 851.27, 851.27.1,  
851.28, 851.29, 851.30, 851.31, 851.32  
07/09/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4,  
1665.5, 1665.6, 1665.7, 1665.8  
07/02/12 ADOPT: 602  
06/28/12 ADOPT: 17944.1, 17945.1, 17945.4,  
17946, 17946.5, 17948.1, 17948.2  
AMEND: 17943, 17944, 17946(a)-(h)  
renumber as 17945.2, 17946(i) renumber

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	as 17945.3, 17946.5 renumber as 17945.5, 17947, 17948, 17948.5, 17949	08/30/12	ADOPT: 2557, 2557.1, 2557.2, 2557.3, 2595, 2595.1, 2595.2, 2595.3
	REPEAL: 17942, 17944.2, 17944.5, 17945	08/29/12	ADOPT: 4146, 4148, 4149, 4149.1 AMEND: 4100, 4101
06/25/12	AMEND: 791.7	08/20/12	ADOPT: 1333, 1333.1, 1333.2, 1333.3
06/06/12	ADOPT: 18950, 18951, 18952, 18953, 18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, 18958	07/23/12	ADOPT: 1397.2 AMEND: 1380.4
06/01/12	REPEAL: 660	07/17/12	ADOPT: 1399.23, 1399.24 AMEND: 1398.4
05/30/12	AMEND: 11960	07/10/12	ADOPT: 3394.25, 3394.26, 3394.27
05/29/12	AMEND: 360, 361, 362, 363, 364, 365, 708.12	06/18/12	ADOPT: 1727.2 AMEND: 1728
05/21/12	AMEND: 703	06/18/12	AMEND: 443
05/21/12	AMEND: 7.50	06/14/12	ADOPT: 302.5
05/21/12	AMEND: 705	05/25/12	ADOPT: 1399.364, 1399.375, 1399.377, 1399.381, 1399.384 AMEND: 1399.301, 1399.302, 1399.303, 1399.320, 1399.330, 1399.352.7, 1399.353, 1399.360, 1399.370, 1399.374, 1399.376 (renumbered to 1399.382), 1399.380, 1399.382 (renumbered to 1399.383), 1399.383 (renumbered to 1399.385), 1399.384 (renumbered to 1399.378), 1399.385 (renumbered to 1399.379), 1399.395 REPEAL: 1399.340, 1399.381, 1399.387, 1399.388, 1399.389, 1399.390, 1399.391
05/07/12	ADOPT: 18835, 18836, 18837, 18838, 18839	05/17/12	ADOPT: 4544, 4600, 4602, 4604, 4606, 4608, 4610, 4620, 4622 AMEND: 4422, 4440, 4446, 4470
05/01/12	AMEND: 27.80	05/14/12	AMEND: 932
05/01/12	ADOPT: 4870, 4871, 4872, 4873, 4874, 4875, 4876, 4877	05/04/12	ADOPT: 2509, 2518.8, 2524.1, 2568, 2576.8, 2579.11 AMEND: 2503, 2524.1 (renumber to 2524.5), 2563, 2579.11 (renumber to 2579.20)
05/01/12	AMEND: 791.7, 870.17	04/27/12	AMEND: 407, 428
04/30/12	AMEND: 632	04/26/12	AMEND: 3605
04/27/12	AMEND: 228, 228.5	04/23/12	AMEND: 3005
<b>Title 15</b>			
08/29/12	AMEND: 2606, 2635.1, 2646.1, 2733, 2740, 2743, 2744		
08/20/12	AMEND: 1006, 1007, 1008, 1012, 1013, 1024, 1032, 1044, 1046, 1051, 1055, 1056, 1058, 1059, 1062, 1063, 1069, 1072, 1080, 1081, 1083, 1084, 1100, 1104, 1125, 1140, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1151, 1203, 1205, 1206, 1208, 1217, 1241		
07/02/12	ADOPT: 3999.12		
06/26/12	ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757		
06/26/12	ADOPT: 3079, 3079.1 AMEND: 3000, 3075.2, 3075.3		
06/26/12	AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2		
06/06/12	AMEND: 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, 3323		
05/10/12	ADOPT: 3375.6 AMEND: 3000, 3375		
<b>Title 16</b>			
09/12/12	AMEND: 961 REPEAL: 933		
09/10/12	ADOPT: 4116, 4117, 4118, 4119		
09/07/12	AMEND: 4		
<b>Title 17</b>			
09/04/12	ADOPT: 30305.1, 30308.1, 30311.1		
08/30/12	AMEND: 95802, 95812, 95814, 95830, 95831, 95832, 95833, 95834, 95856, 95870, 95892, 95910, 95911, 95912, 95913, 95914, 95920, 95021		
08/29/12	AMEND: 100800		
08/15/12	ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525		
07/26/12	AMEND: 94006		
06/15/12	AMEND: 6508		
04/18/12	AMEND: 100607, 100608		

**Title 18**

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

**Title 21**

08/28/12 AMEND: 6640, 6680

**Title 22**

09/06/12 ADOPT: 66269.2  
 08/20/12 AMEND: 87224  
 08/13/12 AMEND: 100104, 100106, 100106.1,  
 100113, 100115, 100119, 100120,  
 100121, 100123, 100127  
 07/12/12 AMEND: 66263.18, 66263.41,  
 66263.43, 66263.44, 66263.45, 66263.46  
 07/12/12 AMEND: 66268.40, 66268.48  
 07/09/12 AMEND: 4416  
 07/03/12 AMEND: 51516.1  
 06/28/12 AMEND: 91477  
 06/21/12 AMEND: 50195, 50197, 50256, 50258,  
 50258.1, 50262, 50268, 50815, 51000.53  
 06/12/12 AMEND: 66261.32  
 05/24/12 AMEND: 90417  
 05/22/12 ADOPT: 60098, 64400.05, 64400.29,  
 64400.36, 64400.41, 64400.66,  
 64400.90, 64402.30, 64400.46 AMEND:  
 60001, 60003, 63790, 63835, 64001,  
 64211, 64212, 64213, 64252, 64254,  
 64256, 64257, 64258, 64259, 64400.45,  
 64415, 64463.1, 64463.4, 64470, 64481,  
 64530, 64531, 64533, 64534, 64534.2,  
 64534.4, 64534.6, 64534.8, 64535,  
 64535.2, 64535.4, 64536.6, 64537,

64537.2 REPEAL: 60430, 64002, 64439,  
 64468.5  
 05/17/12 AMEND: 51240, 51305, 51476  
 05/04/12 AMEND: 123000

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09/06/12 ADOPT: 3959.5  
 08/08/12 ADOPT: 3969.2  
 07/30/12 ADOPT: 2923  
 07/11/12 ADOPT: 597, 597.1, 597.2, 597.3, 597.4  
 07/05/12 AMEND: 570, 571, 572, 573, 574, 575,  
 576  
 04/23/12 ADOPT: 3979.4

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08/13/12 ADOPT: 7097 AMEND: 7054, 7056,  
 7058, 7060, 7062, 7062.1, 7072, 7076,  
 7078, 7104 REPEAL: 7064, 7066, 7074,  
 7078.1, 7078.2, 7078.3, 7078.4, 7078.5,  
 7078.6, 7078.7  
 06/07/12 ADOPT: 4326, 4328 AMEND: 4004,  
 4200, 4204, 4208

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09/12/12 AMEND: 25403(a), 25603.3(a)  
 07/12/12 AMEND: 25305, 25701, 25705, 25801  
 06/18/12 AMEND: 25705

**Title 28**

09/06/12 ADOPT: 1300.74.73

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06/25/12 AMEND: 40-105.4(g)(1), 44-111.23,  
 44-113.2, 44-133.54(QR),  
 44-315.39(QR), 89-201.513  
 06/25/12 AMEND: 41-440, 42-716, 42-717,  
 44-207  
 06/25/12 AMEND: 40-107, 42-301, 42-302,  
 42-431, 42-712, 42-713, 42-716,  
 42-717, 42-721, 44-133, 44-307,  
 44-316, 82-833  
 04/11/12 AMEND: 47-230, 47-240, 47-401