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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. STATE
ALLOCATION BOARD**

NOTICE OF PROPOSED REGULATORY ACTION

**THE STATE ALLOCATION BOARD PROPOSES
AMENDMENTS TO AND ADOPTION OF
VARIOUS REGULATION SECTIONS, TITLE 2,
CALIFORNIA CODE OF REGULATIONS,
RELATING TO LEROY F. GREENE SCHOOL
FACILITIES ACT OF 1998**

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend and adopt various regulation sections contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing amendments to and adoption of various regulation sections under the authority provided by Sections 17070.35, 17072.10, 17072.13, 17074.10, and 17075.15 of the Education Code. The proposals interpret and make specific reference to Sections 17052, 17070.35, 17070.71, 17071.10, 17071.25, 17071.33, 17071.35, 17071.40, 17071.46, 17072.10, 17072.12, 17072.15, 17072.18, 17072.20(b), 17072.25, 17072.27, 17072.30, 17072.35, 17074.10, 17074.15, 17074.26, 17074.56, 17075.10, 17075.15, 17076.10, 17077.35, 17077.40, 17077.42, 17077.45, 17078.10, 17078.18, 17078.20, 17078.22, 17078.24, 17078.25, 17078.27, 17078.30, 17251, 56026, 100620, and 100820 of the Education Code, and Section 65995.7 of the Government Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Leroy F. Greene School Facility Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facility Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999. Assembly Bill 16 (Hertzberg), Chapter 33, Statutes of 2002, impacts the School Facility Program (SFP) by making modifications to existing SFP program features and creating several new programs.

There are amendments to 60 existing regulation sections. The amendments include clarifying language and non-substantive changes. However, existing Regulation Section 1859.2 provides additional specific terms essential to the regulations.

There are 40 regulation sections that are being proposed for adoption for purposes of incorporating the major provisions of Assembly Bill 16. They are as follows:

Proposed adoption of Regulation Section 1859.70.1 specifies that funding will be available for energy conservation adjustments for new construction and modernization projects.

Proposed adoption of Regulation Section 1859.71.3 provides the criteria in order for new construction projects to qualify for energy efficiency funding.

Proposed adoption of Regulation Section 1859.78.5 provides the criteria in order for modernization projects to qualify for energy efficiency funding.

Proposed adoption of Regulation Section 1859.78.6 provides the modernization grant and qualifying criteria for 50 year old or older facilities.

Proposed adoption of Regulation Section 1859.78.7 provides additional funding for specific site development work necessary for 50 year or older facilities.

Proposed adoption of Regulation Section 1859.93.1 sets forth a specified funding order for new construction projects.

Proposed adoption of Regulation Section 1859.120 instructs districts to file a specific form if seeking funding for Joint-Use.

Proposed adoption of Regulation Section 1859.121 specifies the funding availability and timeframes for submitting applications.

Proposed adoption of Regulation Section 1859.122 sets forth the eligibility criteria for a Type I Joint-Use project.

Proposed adoption of Regulation Section 1859.122.1 sets forth the eligibility criteria for a Type II Joint-Use project.

Proposed adoption of Regulation Section 1859.122.2 sets forth the eligibility criteria for a Type III Joint-Use project.

Proposed adoption of Regulation Section 1859.123 provides specific criteria for combining a Type I and Type II Joint-Use application with a new construction project.

Proposed adoption of Regulation Section 1859.124 sets forth the calculation for determining square footage eligibility necessary for a Type I, Type II or Type III Joint-Use project.

Proposed adoption of Regulation Section 1859.124.1 delineates the maximum square footage and type of facility chart for purposes of constructing a Type I, Type II or Type III Joint-Use project.

Proposed adoption of Regulation Section 1859.125 sets forth the calculation of the Joint-Use project grant based on square footage.

Proposed adoption of Regulation Section 1859.125.1 provides a calculation for a Type II Joint-Use project extra cost grant.

Proposed adoption of Regulation Section 1859.126 sets forth a specified funding order for Type I, Type II and Type III Joint-Use projects, as well as the availability of funding for these projects.

Proposed adoption of Regulation Section 1859.127 specifies the financial contribution requirement for the Joint-Use project.

Proposed adoption of Regulation Section 1859.128 stipulates who is responsible if the Joint-Use project exceeds the initial project cost.

Proposed adoption of Regulation Section 1859.129 provides specific time limit on apportionment requirements for Type I, Type II and Type III Joint-Use projects.

Proposed adoption of Regulation Section 1859.130 sets forth eligible uses for project expenditures for Joint-Use projects.

Proposed adoption of Regulation Section 1859.140 instructs districts to file a specific form if seeking a preliminary apportionment for Critically Overcrowded Schools.

Proposed adoption of Regulation Section 1859.141 specifies the funding availability and timeframes for submitting applications.

Proposed adoption of Regulation Section 1859.142 sets forth the eligibility criteria for a preliminary apportionment.

Proposed adoption of Regulation Section 1859.143 provides the calculation to determine the qualifying pupil baseline eligibility for a source school.

Proposed adoption of Regulation Section 1859.144 provides for eligibility adjustments to the source school qualifying pupil baseline under certain conditions.

Proposed adoption of Regulation Section 1859.145 sets forth the preliminary apportionment calculation.

Proposed adoption of Regulation Section 1859.145.1 provides the calculation for preliminary application requests that include site acquisition.

Proposed adoption of Regulation Section 1859.146 sets forth the calculation determining funding priorities for preliminary apportionments based on the highest pupil density level.

Proposed adoption of Regulation Section 1859.147 provides the criteria necessary for the conversion from the preliminary apportionment to the final apportionment.

Proposed adoption of Regulation Section 1859.148 provides specific timeframe requirements for preliminary apportionments.

Proposed adoption of Regulation Section 1859.148.1 specifies that a one-year extension may be requested under certain conditions.

Proposed adoption of Regulation Section 1859.149 specifies the necessary components contained in the annual progress report and that the annual progress reports must be made available to the OPSC to ensure that the project is completing the requirements of a final apportionment.

Proposed adoption of Regulation Section 1859.150 sets forth the final apportionment funding process and the circumstances by which a part or a portion of a final apportionment may be placed on an Unfunded List.

Proposed adoption of Regulation Section 1859.151 specifies that the preliminary apportionment, once it is converted to a final apportionment, is subject to the district matching share requirement.

Proposed adoption of Regulation Section 1859.152 sets forth the eligible expenditures for the final apportionment, and establishes a specific date expenditures for construction are eligible based on the construction contract.

Proposed adoption of Regulation Section 1859.153 stipulates that fund releases are not authorized for preliminary apportionments. Upon conversion from a preliminary apportionment to a final apportionment, the district may then request a fund release.

Proposed adoption of Regulation Section 1859.154 specifies that the funding will be transferred to the School Facility Program New Construction Account if the preliminary apportionment requests plus the prescribed reserve (15 percent) are less than the available funding.

Proposed adoption of Regulation Section 1859.155 sets forth the mechanism for funding preliminary apportionments or returning them unprocessed to the districts.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

ECONOMIC IMPACT

The Executive Officer of the SAB has assessed the potential for significant adverse economic impact on businesses or private persons that might result from the proposed regulatory action and the following determinations have been made relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- There will be no impact in the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses or the expansion of businesses in California.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- There will be no costs to school districts except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the state.
- There are no costs or savings to any State agency.
- The SAB has made an initial determination that there will be no impact on housing costs.

EFFECT ON SMALL BUSINESSES

It has been determined that the adoption of the regulation sections will not affect small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. These regulations only apply to school districts for purposes of funding school facility projects.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax, must be received at the OPSC no later than March 3, 2003 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones
Regulation Coordinator

Mailing Address: Office of Public School
Construction
1130 K Street, Suite 400
Sacramento, CA 95814

E-mail Address: lisa.jones@dgs.ca.gov

Fax No.: (916) 445-5526

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 322-1043. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Dennis Boydston, at (916) 322-0327.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulation should be addressed to the agency's regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

**SUBSTANTIAL CHANGES WILL REQUIRE A
NEW NOTICE**

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.opsc.dgs.ca.gov> under "Regulations," then click on "Proposed Regulations."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SAB would be more effective in carrying out the purpose of which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the Web site listed above.

**TITLE 3. DEPARTMENT OF
FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3417, subsection (b), of the regulations in Title 3 of the California Code of Regulations pertaining to Mexican Fruit Fly Interior Quarantine as an emergency action that was effective on December 12, 2002. The Department proposes to continue the regulation as

amended and to complete the amendment process by submission of a Certificate of Compliance no later than April 11, 2003.

A public hearing concerning the proposed action will be held on Monday, March 10, 2003 at 10:00 a.m., at Castle Creek Inn, 2985 Circle R Way, Escondido, California 92026. These facilities are accessible to persons with mobility impairments.

A representative of the Department of Food and Agriculture will preside the hearing. Any interested person, or his or her duly authorized representative, may appear and be heard. Persons who speak are requested to register prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9:00 a.m. to 10:00 a.m. Those registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded such opportunity after the registered persons have been heard. The hearing will continue until there are no persons present to address the Department or until 4:30 p.m.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may limit the time for each presentation in order to allow everyone wishing to speak to the opportunity to be heard.

Any person, or his or her duly authorized representative, who does not wish to speak at the hearing may present written statements to the presiding officer at the hearing, or may submit written statements on or before March 10, 2003 to the agency officer named below.

Following the public hearing and the written comment period, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

**INFORMATIVE DIGEST//POLICY
STATEMENT OVERVIEW**

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

This amendment of Section 3417(b) establishes a quarantine area of approximately 117 square miles surrounding the Valley Center area of San Diego County. The Monterey Park and South Pasadena areas of Los Angeles County, approximately 105 square miles, are also a quarantine area. The effect of the change is to provide authority for the State to regulate

movement of hosts of Mexican fruit fly from, into, and within that area under quarantine to prevent artificial spread of the fly to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3417(b) does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3417. No reimbursement is required for Section 3417 under Section 17561 of the Government Code because the Agricultural Commissioner of San Diego County requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting some California businesses, including the ability of California businesses to compete with businesses in other states. For some of those businesses located within the Valley Center area of San Diego County, there may be significant adverse economic impacts, including their ability to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. A representative person or business could incur costs of approximately \$1,902 per year in reasonable compliance with the proposed action.

ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to amend Section 3417(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

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

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulation amended by the Department differs from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3423, subsection (b), of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly Interior Quarantine as an emergency action that was effective December 12, 2002. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than April 11, 2003.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before March 3, 2003.

INFORMATIVE DIGEST//POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

Existing Section 3423 established an interior quarantine against Oriental fruit fly, provided that portions (approximately 73 square miles) of San Bernardino and Los Angeles counties surrounding the Rancho Cucamonga area and portions (58 square miles) of Los Angeles County (La Mirada area) are under quarantine for Oriental fruit fly, set forth the hosts, restricts the movement of hosts and possible

carriers of Oriental fruit fly from the area under quarantine and provided for special permits to allow movement of articles and commodities otherwise prohibited. This emergency amendment of Section 3423(b) removed the quarantine area for Oriental fruit fly surrounding the Rancho Cucamonga area of San Bernardino and Los Angeles counties. The effect of the amendment is to remove authority for the State to regulate movement of hosts and possible carriers of Oriental fruit fly within and from the Rancho Cucamonga area under quarantine because the fly has been eradicated from that area and the quarantine is no longer necessary for the protection of California's agricultural industry. The proposed action does not differ from any existing, comparable federal regulation or statute.

COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3423 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3423. No reimbursement is required for Section 3423 under Section 17561 of the Government Code because this amendment removes the portion of San Bernardino and Los Angeles counties that were in the area under quarantine from the regulation; therefore, enforcement is no longer necessary. There are no mandated costs associated with the removal of this area (Rancho Cucamonga) from the regulation.

The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

EFFECT ON BUSINESSES

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

ASSESSMENT

The Department has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY

The Department proposes to amend Section 3423(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

CONTACT

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

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AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

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

TITLE 8. AGRICULTURAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED REGULATORY ACTION TO IMPLEMENT SENATE BILL 1156 AND ASSEMBLY BILL 2596 (MANDATORY MEDIATION AND CONCILIATION)

Notice is hereby given that the Agricultural Labor Relations Board (ALRB or Board), pursuant to the authority vested in it by section 1144 of the Labor Code to make, amend, or rescind rules and regulations as may be necessary to implement, interpret, and make specific the provisions of the Agricultural Labor Relations Act (ALRA)(Labor Code sec. 1140, et seq.), proposes to adopt regulations to implement Senate Bill 1156 and Assembly Bill 2596 (creating Labor Code sections 1164 to 1164.14, as amendments to the ALRA), which became effective on January 1, 2003. The Board's regulations are codified in Title 8, California Code of Regulations, section 20100, et seq. The proposed regulations implementing Senate Bill 1156 and Assembly Bill 2596 will appear as sections 20400 to 20408 and section 20450. The proposed regulations are described below in the Informative Digest. An initial statement of reasons for adoption of these regulations, along with the text of proposed regulations, has been prepared by the ALRB and is available upon request by contacting J. Antonio Barbosa, Executive Secretary, Agricultural Labor Relations Board, 915 Capitol Mall, Third Floor, Sacramento, CA 95814, (916) 653-3741, Fax: (916) 653-8750, e-mail: jbarbosa@alrb.ca.gov. This notice, as well as the initial statement of reasons and text of the proposed regulations, also may be found on the Board's website at www.alrb.ca.gov. The final statement of reasons, once it has been prepared and submitted to the Office of Administrative Law, shall be available in the same manner as the initial statement of reasons.

The ALRB invites all interested persons to attend a public hearing on the proposed regulatory change. The hearing shall begin at 10:00 a.m. on March 4, 2003, and continue until all those present that wish to provide testimony have had the opportunity to do so. The hearing will be held at the Department of Health Services, 714 P Street, Room 102, Sacramento, California. Any person wishing to testify at the hearing is requested to notify the Executive Secretary as early as possible to facilitate the orderly scheduling of witnesses and allow sufficient time to make any special arrangements that may be necessary. The written comment period shall close at 5:00 p.m. on March 3, 2003. Written comments must be received at ALRB headquarters at the address listed above by close of the comment period or provided in person at the hearing. While not legally required, the Board requests that written comments be submitted, if possible, by February 25, 2003 in order to facilitate their thorough consideration.

ADOPTION OF PROPOSED REGULATIONS

After the public hearing closes, the Board will consider all public comment, written and oral, and decide whether to make any changes to the proposed regulation. The Board may adopt the proposed regulation if no substantial changes are made. If the Board decides to make substantial changes that are "sufficiently related" to the initial proposal, the public will be given notice of those changes and will be given at least 15 days to provide comment prior to its adoption. If the Board decides to make "major" changes to the proposal that are "not sufficiently related to" the initial proposal, a new notice of proposed action will issue allowing for a new 45-day comment period.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Chapter 4. Mandatory Mediation and Conciliation

Adopt Section 20400. Filing of Declaration Requesting Mandatory Mediation and Conciliation

This section governs the filing and contents of the declaration seeking mediation required by new Labor Code section 1164. The declaration is to be filed and served in accordance with the Board's existing filing and service regulations (sections 20160, 20164, 20166, and 20168) and shall be signed under penalty of perjury. The proposed regulation requires that the declaration contain all of the statutory prerequisites set forth in section 1164 and requires that the declaration be accompanied by any documentary or other evidence that supports the statements made in the declaration that establish those prerequisites. Where

the certification of the union as the exclusive bargaining representative issued prior to January 1, 2003, a valid declaration is dependent upon, inter alia, the employer having committed an unfair labor practice and the union having made a renewed demand to bargain at least ninety days prior to the filing of the declaration. The proposed regulation defines unfair labor practices as those where a final Board decision has issued or where there is a settlement agreement that includes an admission of liability. The proposed regulation defines "renewed demand to bargain" as one that occurred on or after January 1, 2003, based on the presumed intent of the statute that, before parties may take advantage of the new process, they must make an additional attempt at negotiations.

Adopt Section 20401. Answer to Declaration

This section provides that an answer may be filed by the other party to the bargaining relationship (or alleged bargaining relationship) within three days of service of the declaration, so as to allow an opportunity to deny any of the statements in the declaration. The proposed regulation requires that the answer be supported by any documentary or other supporting evidence. Where it is disputed that the employer engaged 25 or more agricultural employees during any calendar week in the year preceding the filing of the declaration, payroll records sufficient to support the claim must be submitted with the answer. In order to distill the issues actually in dispute, the proposed regulation provides that all statements not expressly denied shall be deemed admitted.

Adopt Section 20402. Evaluation of the Declaration and Answer

This section provides a mechanism for the Board to evaluate declarations to ensure that they meet all the statutory prerequisites. The other option would be to have this done by the mediator, but this option was rejected for several reasons. Most importantly, the Board is in a better position to perform the evaluation, as it depends on various factual matters, such as the date and existence of certifications and the status of unfair labor practice decisions, that may be answered by resort to the Board's official records. Moreover, the evaluation may require determinations, such as whether a named employer is a successor to the bargaining obligation, that are within the primary jurisdiction of the Board. In addition, placing this burden on the mediator would increase the cost of the process to the parties, place additional time constraints on the mediation process, and decrease mediator availability for the mediation process itself.

This section also provides that if no answer is filed or the answer admits the truth of all factual prerequisites the Board will immediately refer the matter to mediation and request a list of mediators

from the California State Mediation and Conciliation Service. Where material issues are in dispute, the Board will attempt to resolve the dispute based on the filings and/or upon investigation. Where the Board determines that an evidentiary hearing is necessary to resolve disputed factual issues, it may schedule a hearing in accordance with the expedited procedures provided in this regulation.

Adopt Section 20403. Selection of Mediator

This section reiterates the statutory requirement that the parties select a mediator from a list of nine provided by the California State Mediation and Conciliation Service within seven days of receiving the list. The proposed regulation provides that the parties may instead mutually designate a mediator from a list of qualified mediators maintained by the Service.

Adopt Section 20404. Disqualification of Mediator

This section is designed to provide a mechanism for the disqualification of mediators on the grounds of bias, prejudice, or interest in the outcome of the proceeding. The proposal requires the mediator to disqualify himself or herself if he or she has knowledge of any fact that by reason of bias or prejudice makes it appear probable that a fair and impartial mediation cannot be held. There also is a process whereby a party may formally request that the mediator disqualify himself or herself. If the mediator disqualifies himself or herself, the proposal provides for immediate communication to the Executive Secretary so that the matter may be referred to the Mediation and Conciliation Service for provision of a new list of mediators. If the mediator refuses to disqualify himself or herself, he or she is required to rule in writing or on the record, stating the grounds for the ruling. The party requesting the disqualification may include the refusal to disqualify as a ground for appeal of the mediator's report pursuant to Labor Code section 1164.3, subdivision (e), which allows review on the basis of corruption or where the rights of the petitioning party were substantially prejudiced by the misconduct of the mediator.

Adopt Section 20405. Notice of Mediation

This section provides that the mediator shall appoint a time and place for the mediation and cause notice thereof to be served personally or by registered or certified mail on the parties to the mediation not less than fifteen (15) days before the mediation. The proposed regulation also provides that mediation shall commence within thirty (30) days of the selection of the mediator, or as soon as practical. The latter

provision is designed to provide a target for expedited commencement of mediation, while acknowledging that the availability of the selected mediator may not allow commencement within thirty days.

Adopt Section 20406. Discovery

This section provides for pre-mediation discovery, as well as Board-supplied subpoenas for compelling testimony and production of documents during the mediation. Within fifteen days of the Board order directing the parties to mediation, either party would have the right to demand from the other party a list of witnesses intended to be called and a list of documents intended to be introduced. The responding party would have ten days from receipt of the request to comply. The time limits may be waived by mutual agreement of the parties if approved by the mediator. The failure to list a witness or document would not bar the testimony or introduction of evidence if good cause is shown, which is deemed to include bona fide rebuttal evidence. The proposed regulation also states that discovery requests shall be considered untimely if submitted prior to the identification of issues required by section 20407 (see below).

The subpoena provisions of the regulation are modeled on the Board's existing regulations (Title 8, Cal. Code Regs., sec. 20250). Subpoenas would be issued by the Board and would be provided by the Board on an ex parte basis prior to the first mediation session. Thereafter, requests for subpoenas would be made to the mediator. Subpoena duces tecum would require an accompanying declaration under penalty of perjury stating the materiality of the matters or things sought, as well as a statement that the party or witness has the desired materials in his or her possession or control. The proposed regulation also provides a process for revocation of subpoenas, upon motion to the mediator within five days of service of the subpoena. The mediator shall revoke the subpoena in whole or in part if the evidence required to be produced does not relate to any matter in question or does not describe with sufficient particularity the evidence required to be produced or the testimony or records sought are privileged or otherwise protected or if the subpoena is otherwise invalid. Upon the failure of a party to comply with a ruling by the mediator, the mediator may request that the Board apply for a court order enforcing the subpoena.

In addition to the enforcement of subpoenas via court enforcement, the proposed regulation provides that the mediator may enforce discovery obligations by drawing adverse inferences or imposing terms, conditions, or sanctions upon a party.

Adopt Section 20407. The Mediation and Conciliation Process

This section provides a general outline for the mediation process itself, leaving as much discretion in the mediator and the parties as possible while ensuring due process.

The proposal clarifies that the 30-day mediation periods provided by Labor Code section 1164, subdivision (c) shall commence with the first mediation session, run for thirty consecutive calendar days, and shall not include any pre-mediation conferences. The proposal further provides that pre-mediation conferences may be scheduled at the discretion of the mediator. The proposal also provides that 30-day time limits may be waived by mutual agreement of the parties and with the approval of the mediator. This is designed to allow the parties to continue with the mediation process if it appears it would be fruitful. The proposed regulation requires that no later than seven days after receipt of a Board order directing the parties to mandatory mediation and conciliation, and prior to any discovery requests, the parties are required to identify for the mediator the issues in dispute and not in dispute, identify standards proposed to resolve the disputed issues, and provide agreed upon contract language for those matters not in dispute. This is intended to provide a basis for the mediator to rule on discovery requests, to provide both parties with notice of the issues to be addressed in the mediation, and to make the mediation process more efficient.

The proposal provides that the mediator shall preside at the mediation and exercise all powers relating to the conduct of the mediation, including ruling on the admission of evidence and on questions of procedure. The parties would have the right to be represented by counsel or other representative, to present evidence, and to examine and cross-examine witnesses under oath, though the rules of evidence and rules of judicial procedure need not be observed. In the event mediation fails to result in a voluntary agreement, all evidence upon which the mediator is to rely in writing his or her report will have been preserved in an official record through the use of a court reporting service or, with the consent of both parties and the approval of the mediator, by a stipulated record. The report shall cite evidence in the record that supports the mediator's findings and conclusions. The proposed regulation specifies that the mediator retains the discretion to go off the record at any time to clarify or resolve issues informally. Further, any communications taking place off the record are subject to the confidentiality protections pertaining to mediation that are provided by Evidence Code section 1119, subdivisions (a) and (c), and shall not be the basis for any findings and conclusions in the mediator's report.

The proposed regulation states that in determining the issues in dispute the mediator may consider factors commonly applied in similar proceedings. The regulation also includes a list of illustrative standards, such as the financial condition of the employer and its ability to meet the costs of the contract, contracts in similar agricultural operations, wages, benefits and term and conditions of employment in comparable firms or industries in geographical areas with similar economic conditions, and the cost of living.

Adopt Section 20408. Board Review of the Mediator's Report

This section clarifies the process for seeking Board review of a mediator's report pursuant to Labor Code section 1164.3, including the incorporation by reference of the Board's regular filing and service regulations. The proposed regulation requires that the party petitioning for review specify the particular provisions of the report for which review is sought, specify the grounds authorizing review, and cite portions of the record that support the petition. The proposal further provides that where the grounds for review are among those set forth in subdivision (e) of section 1164.3 (corruption, fraud, or substantial prejudice due to misconduct of the mediator), the petitioning party may attach declarations that describe pertinent events that took place off the record, if necessary to establish the grounds for review stated in the petition. This latter provision is in recognition that claims based on these grounds by their nature may involve off the record conduct. For this reason, the proposed regulation also allows the Board, where the grounds for review are pursuant to subdivision (e) and there are material facts in dispute that are outside the official record, to order an expedited evidentiary hearing to resolve the dispute.

Adopt Chapter 4.5. Submission of Collective Bargaining Agreements

Adopt Section 20450. Submission of Collective Bargaining Agreements

This section requires certified labor organizations and agricultural employers to submit to the Board a copy of the full text of any collective bargaining agreements to which they have agreed, where the effective date of the agreement is on or after the effective date of the regulation. This proposal is designed to serve two purposes: 1) to facilitate the calculation of bargaining makewhole awards pursuant to Labor Code section 1160.3 and 2) to facilitate the administration of the mandatory mediation and conciliation process provided by Labor Code sections 1164 through 1164.14 by establishing a bank of contracts that may be utilized by mediators for comparative purposes in fashioning their reports.

RULEMAKING FILE

Pursuant to Government Code sections 11346.5 and 11347.3, the Board shall maintain a rulemaking file containing all materials considered in the rulemaking process.

The file currently contains:

1. A copy of this notice
2. A copy of the Initial Statement of Reasons
3. Text of the Proposed Regulations

As other materials are received, such as written comments, studies, reports, etc., they will be added to the rulemaking file. The file is available for inspection at the headquarters office of the ALRB, 915 Capitol Mall, Third Floor, Sacramento, CA, during normal business hours.

ALTERNATIVES TO PROPOSED ACTION

The Administrative Procedure Act requires that the Board, in taking any regulatory action, determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

LOCAL MANDATE STATEMENT

The proposed regulatory changes would not impose any mandate on local agencies or school districts.

IMPACT STATEMENTS

- A. Estimated fiscal impact on local government or school districts: None.
- B. The proposed changes would result in no cost or savings to any state agency, or cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code, nor impose other nondiscretionary cost or savings on local agencies or effect cost or savings in federal funding.
- C. Fiscal effect on private persons or businesses directly affected: No increase in costs beyond the costs of mediation that the parties must bear pursuant to the statutes being implemented.
- D. The proposed changes would have no effect on small business because, to the extent that small businesses are not exempt from the statutes being implemented, the proposed changes would serve only to facilitate the mediation process provided by the statutes, i.e., they would impose no additional burdens.
- E. The proposed changes would have no significant, statewide adverse economic impact directly affecting business, including the ability of California

businesses to compete with businesses in other states, as they would serve only to facilitate the mediation process provided by the statutes being implemented.

- F. The proposed changes would have no effect on the creation or elimination of jobs within the State of California, no effect on the creation of new businesses or the elimination of existing businesses within the State of California, and no effect on the expansion of businesses currently doing business within the State of California.
- G. The ALRB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. The proposed changes would have no effect on housing costs.

INQUIRIES

Any inquiries concerning any aspect of the proposed regulatory action noticed herein should be directed to J. Antonio Barbosa, Executive Secretary, Agricultural Labor Relations Board, 915 Capitol Mall, Third Floor, Sacramento, CA 95814, (916) 653-3741, Fax: (916) 653-8750, e-mail: jbarbosa@alrb.ca.gov or Joseph A. Wender, Jr., Senior Board Counsel, same address and fax number as above, (916) 651-7620, e-mail: jwender@alrb.ca.gov. Questions concerning the substance of the proposed amendments may be directed to Mr. Wender.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (the department) proposes to adopt Section 120.01, and amend Sections 120.00, 120.02, and 120.04 regarding the Notice of Completion and Proof of Enrollment Certificates, in Article 2.5 (Driving Under the Influence), Chapter 1, Division 1, of Title 13, California Code of Regulations.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 P.M., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested person or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 P.M. on March 3, 2003, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulations.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code section 1651 and 13353.45, in order to implement, interpret or make specific Vehicle Code sections 13352, 13352.4, 13352.5, 13353.4 and 13353.7

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code Section 13353.45 requires the department, in cooperation with the Department of Alcohol and Drug Programs, to develop notice of completion certificates for DUI Programs and to develop, implement, and maintain a system for safeguarding the completion certificates against misuse.

This proposal would adopt Section 120.01 in Article 2.5, Chapter 1, Division 1, Title 13, California Code of Regulations to specify the requirements for acquiring and use of the proof of enrollment certificate. This proposal also amends Sections 120.00, 120.02, and 120.04 of Article 2.5, Chapter 1, Division 1, Title 13, California Code of Regulations to reflect process requirement changes, and revisions to forms and certificates required to provide proof of completion and enrollment in a DUI program.

DOCUMENTS INCORPORATED BY REFERENCE

The following forms are incorporated by reference throughout Section 120.00, 120.01, 120.02, and 120.04. These forms are not published in the California Code of Regulations, because it would be impractical and cumbersome to publish these documents in the Code of Regulations:

- DL 101R (Rev. 10/2001) DL 804 (New 4/2002)
- DL 101S (Rev. 11/2001) DL 107 (Rev. 5/2000)
- ADM 518A (New 5/2002) DL 101 (Rev. 12/2000)

The forms are available to the public.

FISCAL IMPACT STATEMENT

- Cost Or Savings To Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.

- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonably compliance with the proposed action. Any additional costs required are to be borne by those individuals electing to participate in a Driving Under the Influence Program.
- Effect on Housing Costs: None.

DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- The proposed regulatory action has no effect that would have a significant statewide economic impact on businesses, including the ability of California businesses to compete with businesses in other states. This regulatory action will increase the fee for forms required to be purchased from the department. This increase is proposed to cover the department's cost of producing the forms. A cost analysis can be obtained from the department through the contact person identified below.
- The adoption of this regulation will neither create nor eliminate jobs or businesses in the state of California, will not result in the elimination of existing businesses, and will neither reduce nor expand businesses currently doing business in the state of California.
- The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- The proposed regulatory action will not affect small businesses since additional costs incurred by the enactment of this regulation are designed to be recouped by the business from the participant.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries relevant to the proposed action and questions on the substance of the proposed regulations should be directed to the department representative, Ann Myrick, Department of Motor Vehicles, P.O. Box 932382, Mail Station E-244, Sacramento, California 94232-3820; telephone number (916) 657-8857, or amyrick@dmv.ca.gov. In the absence of the department representative, inquiries may be directed to the Regulations Coordinator, Deborah Baity, at (916) 657-5690 or dbaity@dmv.ca.gov. The fax number for the Regulations Branch is (916) 657-1204.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an initial statement of reasons for the proposed action, and has available all the information upon which the proposal is based. The express terms of the proposed action are written in plain English and are available from the contact person named in this notice. The contact person identified in this notice shall make available to the public upon request the express terms of the proposed action using underline or italics to indicate additions to, and strikeout to indicate deletions from, the California Code of Regulations. The contact person identified in this notice shall also make available to the public upon request the initial statement of reasons and final statement of reasons once it has been prepared and submitted to the Office of Administrative Law, and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (Initial Statement of Reasons, and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the full modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED ACTION

REVERSE VENDING MACHINE COMMINGLED RATE REGULATIONS

**TITLE 14. NATURAL RESOURCES
DIVISION 2. DEPARTMENT
OF CONSERVATION**

CHAPTER 5. DIVISION OF RECYCLING

NOTICE IS HEREBY GIVEN that the Department of Conservation (Department), Division of Recycling (Division) proposes to adopt amendments to the California Code of Regulations (CCR). Commencing with Subchapter 12, Chapter 5, Division 2, Title 14 of the CCR, the Division will propose permanent regulations, after the consideration of all comments, objections or recommendations. The proposed amendments are as follows:

SUBCHAPTER 12. DOR REQUIREMENTS

Article 1. DOR Determinations and Calculations

§ 2930. COMMINGLED RATE

Amended Subsection 2930 (b) is necessary to add “reverse vending machines” to state that reverse vending machines will be excluded from the commingled rate calculations for recycling centers.

Amended Subsection 2930 (c) is necessary to clarify the method to calculate a commingled rate per pound for reverse vending machines.

New Subsection 2930 (d) is renumbered from Section 2930(c) due to the addition of new Section 2930(c).

INFORMATION IS AVAILABLE UPON REQUEST

Copies of the express terms of the proposed action, the initial statement of reasons, the RVM commingled rate study completed by the Department, and all of the information upon which this proposal is based are available upon request. The rulemaking file is available to the public for review during normal business hours at the Division of Recycling, 801 “K” Street, 18th Floor, Sacramento, California. Please contact the agency contact person, Eloisa Hernandez, at (916) 327-2757. General or substance questions regarding this file may also be directed to Karen Denz. The backup agency contact person for this rulemaking file is Karen Denz, who may be contacted at (916) 322-1899. Any technical inquiries shall be referred to the appropriate staff to ensure a prompt response.

SUBMITTING WRITTEN COMMENTS

The written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendment to the Department. Written comments, which offer a recommendation and/or objection, or support the proposed amendment, should indicate the amended section to which the comment or comments are directed. Written comments should be sent to the Department and received before the close of the public comment period, no later than 5:00 p.m. on March 3, 2003. Additionally, we request that written comments reference a subsection or section of the proposed action. Written comments received by the Department after the close of the public comment period will not be responded to in the rulemaking file. Submit your written comments to: Eloisa Hernandez, Proposed Reverse Vending Machine Commingled Rate Permanent Regulations, Department of Conservation, Division of Recycling, 801 "K" St., MS 18-58, Sacramento, CA 95814. During the 45-day comment period, written comments may also be E-mailed to: DORRegulations@consvr.ca.gov, or faxed to (916) 327-2144.

PUBLIC HEARING SCHEDULED

The hearing will be begin promptly at 10:00 a.m. and will adjourn immediately after hearing the last public comment by those individuals present. The conference room is wheelchair accessible. The public hearing to record public comments on the proposed amended regulations is scheduled for:

March 3, 2003 at 10:00 a.m.
The Renaissance Tower
20th Floor Conference Room
801 "K" Street
Sacramento, CA 95814

SUBSTANTIAL REVISIONS
WILL REQUIRE A RENOTICE

Following the public hearing, the Department will adopt the regulations without further notice. However, if the Department chooses to substantially alter or revise the proposed regulatory action, a revised notice, called a renote, and the amended version of the proposed text of the regulations will be made available to the public for another public comment period for fifteen (15) days prior to its adoption. Those persons who testified at the public hearing, submitted written comments at the public hearing, whose comments were received by the Department during the public comment period, or who requested notification from the Department of the availability of changes to the text of the proposed regulations, will be sent any renotes.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Under the existing law, the California Beverage Container Recycling and Litter Reduction Act (Act) encourages recycling of specific beverage containers and reduces litter of these beverage containers along the State's highways. Under this Act, the Department, through the Division of Recycling (Division), is responsible for administering the Act and protecting the integrity of the California Beverage Container Recycling Fund (Fund).

On May 7, 2002, the Department received a petition from TOMRA Pacific, Incorporated, pursuant to Government Code § 11340.6, requesting that the Department undertake a rulemaking proceeding to amend the current commingled rate regulations. TOMRA Pacific, Incorporated operates reverse vending machines (RVMS) and has requested a separate statewide commingled rate calculation for RVMS. The Director granted the petition for this rulemaking.

The amendments to (CCR) § 2930 will clarify the provisions to calculate a separate commingled rate for RVMS to ensure payment of the most accurate commingled rate feasible. The Department of Conservation has concluded a study and determined that the ratio of CRV to non-CRV beverage containers is higher for RVMS than the ratio in staffed recycling centers, and therefore a separate commingled rate is warranted for RVMS.

AUTHORITY

These regulations are submitted pursuant to the Department's authority under Public Resources Code Sections, 14530.5 (b) and 14536.

REFERENCE

Public Resources Code Sections, 14506.7 and 14549.5

DISCLOSURES REGARDING THE
PROPOSED ACTION

Mandate on local agencies and school districts: The Department has determined that adoption of these proposed regulations do not impose any new mandates on local agencies or local school districts.

Cost or savings to any state agency: No savings or additional expenses to state agencies are identified because the implementation of statute is financed by the beverage container recycling program itself.

Costs to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: The Department has determined that the adoption of these proposed regulations do not impose any additional cost obligations on local agencies or on local school districts.

Other non-discretionary cost or savings imposed upon local agencies: No other non-discretionary costs or savings to local agencies have been identified.

Cost or savings in federal funding to the State: No costs or savings in federal funding to the state have been identified.

Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: The Department has determined that no significant impact to California businesses will result from the adoption of this proposed regulatory language.

These proposed regulations serve to clarify and make specific existing statutory requirements.

Potential cost impact on private persons or directly affected businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This proposed regulation does not mandate actions upon private persons or businesses, but rather clarifies existing statutory mandates.

Creation or elimination of jobs in California: The Department has determined that the adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new nor eliminate existing businesses within California;
- Expand businesses currently doing business in California.

Significant effect on housing costs: The Department has determined that the adoption of these regulations will have no significant effect on housing costs.

Effects on small businesses: The Department has determined that the adoption of these proposed regulations will not affect small businesses. These proposed regulations serve to clarify and make specific existing requirements contained in statute. These proposed regulations do not mandate actions upon private persons or businesses, but rather clarifies existing statutory mandates.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative that it considers or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The Department has not identified any adverse impacts resulting from these proposed regulations.

FINAL STATEMENT OF REASONS

A copy of the final statement of reasons may be obtained, when it becomes available, from the agency contact person or backup contact person identified in this notice.

ACCESSING INFORMATION REGARDING THIS FILE ON THE DEPARTMENT OF CONSERVATION WEBSITE

The text of the proposed regulations, the Notice of Proposed Action, the Initial Statement of Reasons and the Final Statement of Reasons, when available for review, will be on the Department of Conservation website at: www.consrv.ca.gov.

TITLE 14, 27. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF PROPOSED RULEMAKING

TITLE 14.	NATURAL RESOURCES
DIVISION 7.	CALIFORNIA WASTE MANAGEMENT BOARD
CHAPTER 3.	MINIMUM STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL
ARTICLE 5.95.	CONSTRUCTION AND DEMOLITION AND INERT DEBRIS DISPOSAL REGULATORY REQUIREMENTS

TITLE 14.	NATURAL RESOURCES
DIVISION 7.	CALIFORNIA WASTE MANAGEMENT BOARD
CHAPTER 5.	ENFORCEMENT OF SOLID WASTE STANDARDS AND ADMINISTRATION OF SOLID WASTE FACILITY PERMITS; LOAN GUARANTEES
ARTICLE 3.2.	REPORTS OF FACILITY INFORMATION

TITLE 27.	ENVIRONMENTAL PROTECTION
DIVISION 2.	SOLID WASTE
SUBDIVISION 1.	CONSOLIDATED REGULATIONS FOR TREATMENT, STORAGE, PROCESSING OR DISPOSAL OF SOLID WASTE

CHAPTER 4. DOCUMENTATION AND REPORTING FOR REGULATORY TIERS, PERMITS, WDRS AND PLANS

SUBCHAPTER 3. DEVELOPMENT OF WASTE DISCHARGE REQUIREMENTS (WDRS) AND SOLID WASTE FACILITY PERMITS

ARTICLE 2. CIWMB—APPLICANT REQUIREMENTS

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to add Article 5.95, commencing with section 17387 and to add to Chapter 5, Article 3.2, Section 18223.6 and to amend Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Article 2, Section 21570. The proposed regulations are intended to establish regulations for construction and demolition and inert debris disposal and to amend existing regulations to accommodate the establishment of the regulations.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking begins on January 17, 2003 and ends at 5:00 p.m. on March 3, 2003.** The CIWMB will also accept written comments during the public hearing described below. Please submit your written comments to:

Allison Spreadborough
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025
Sacramento, CA 95812-4025
Phone: (916) 341-6803
FAX: (916) 341-7617
e-mail: aspreadb@ciwmb.ca.gov

PUBLIC HEARING

CIWMB staff will conduct a public hearing at the Joe Serna, Jr. Cal/EPA Building, 2nd Floor Central Valley Auditorium, 1001 I Street, Sacramento, CA on **April 7, 2003**. The hearing will begin at 9:30 a.m. and conclude after all testimony is given. The CIWMB requests that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The Central Valley Auditorium is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act) [AB 939 (Sher), Stats. 1989, c. 1095] and Public Resources Code (PRC) Section 40000 et seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC Section 40502 requires the CIWMB to adopt rules and regulations to implement this Act. PRC Section 43020 requires the CIWMB to adopt and revise regulations, which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal.

The CIWMB has determined that the disposal of solid waste and recyclable materials resulting from construction, remodeling, repair, demolition, or deconstruction of buildings can pose a threat to public health, safety, and the environment. The CIWMB is establishing these regulations to provide for the safe disposal of these materials.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that the disposal of construction and demolition debris and inert debris can pose a threat to public health, safety, or the environment, and, therefore, sites disposing of these materials should be regulated.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Section 11342.580 and 11346.2(a)(1). The proposed final regulations are considered non-technical and are written to be easily understood by those parties that will use them.

AUTHORITY AND REFERENCES

PRC Sections 40502, 43020, and 43021 provide authority for these regulations. The purpose of the proposed regulations is to implement, interpret, and make specific PRC Sections 40053, 43020, and 43021.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements.

LOCAL MANDATE AND FISCAL DETERMINATIONS

CIWMB staff has determined that the proposed regulations impose a mandate on local agencies that serve as CIWMB certified local enforcement agencies. These agencies will incur costs resulting from regulatory permitting and inspection requirements. These agencies are authorized by PRC Sections 43213 and 44006(c) to charge a fee to recover the costs of performing these services.

CIWMB staff has determined that the proposed regulations do not impose: 1) a mandate on local school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630; 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The CIWMB has identified only a handful of facilities that would potentially be subject to application of the proposed regulations. These facilities are considered small businesses. Due to the capital investment required, few small businesses establish and operate solid waste disposal operations or facilities. As such these regulations will not significantly affect small businesses.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff analyzed the economic impact of the proposed action. The CIWMB has identified approximately 49 inert debris engineered fill operations, two inert debris (Type A) disposal facilities and two CDI debris disposal facilities that could potentially be subject to the regulations within six months of their effect date. The economic analysis indicates an initial cost to these businesses of \$2,043 for Notification tier and up to \$10,000 for Registration and Full permit tier. Annual ongoing costs could range from \$600 to \$5,000 depending on the tier placement.

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB or that has otherwise been identified and brought to the attention of the CIWMB 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. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

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

Allison Spreadborough
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6803
FAX: (916) 319-7617
e-mail: aspreadb@ciwmb.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Michael Bledsoe
California Integrated Waste Management Board
Legal Office
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6058
FAX: (916) 341-7291
e-mail: mbledsoe@ciwmb.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file, and all information upon which the proposed regulations are based, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Allison Spreadborough at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/CDMater>.

Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may call the contact persons named above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

The CIWMB may adopt the proposed regulations substantially as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will mail any modified text to all persons who testify at a public hearing if one is held; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 28. DEPARTMENT OF
MANAGED HEALTH CARE**

**NOTICE OF INTENT TO ADOPT
REGULATIONS REGARDING RETENTION
OF DEPARTMENT RECORDS SECTION 1009**

NOTICE IS HEREBY GIVEN

The Director of the Department of Managed Health Care (Director) proposes to amend regulations under the Knox-Keene Health Care Service Plan Act of 1975 (Knox-Keene Act) relating to the retention of records as referred to in Government Code section 14740, et seq., the “State Records Management Act”, by adding section 1009 in title 28, California Code of Regulations (regulations). Before undertaking the action, the Director will consider all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Managed Care’s (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

**WRITTEN COMMENT PERIOD/
CONTACT PERSON**

Notice is also given that any interested person, or his or her authorized representative, may present statements or arguments relevant to the proposed action by a written communication addressed to, and received by, Lyn Amor Macaraeg, Legal Analyst, on or before 5 p.m., **March 3, 2003**. If this day is a Saturday,

Sunday or state holiday, the comment period will close at 5 p.m. on the next business day. Comments may also be submitted to Ms. Macaraeg by facsimile (916/322-6459) or e-mail at lmacaraeg@dmhc.ca.gov before the close of the comment period.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Director proposes adding section 1009 in title 28, California Code of Regulations to clarify the requirements and procedures for the retention and destruction of Department records.

The Department has determined that members of the public are not generally aware of the requirement in Government Code section 14750 for each agency to establish and maintain a program for the economical and efficient management of the records and information collection practice of the agency. Additionally, record retention schedules are not readily accessible to members of the public. This results in frustration for the public and the Department in attempting to determine the availability of a particular record. Section 1009 will provide the public with an easily accessible method of determining what the Department’s record retention periods are.

AUTHORITY

Health and Safety Code section 1344 grants the Director authority to adopt, amend, and rescind such rules, forms, and orders as are necessary to carry out the provisions of the Knox-Keene Act. Government Code section 14750 requires each agency to establish and maintain a program for the economical and efficient management of the records and information collection practice of the agency.

REFERENCE

The Director proposes these revisions to the regulations to implement, interpret, or make specific sections 14741, 14745, 14746, 14750, 14755, 14756 of the Government Code, and section 1344 of the Health and Safety Code.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulations. A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Director will accept written, faxed or e-mailed comments on the modified regulation(s) for 15 days after the date on which they are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF STATEMENT OF REASONS,
TEXT OF PROPOSED REGULATION(S)

A statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. As required by the Administrative Procedure Act, the Department of Managed Health Care, Office of Legal Services maintains the rulemaking file. At the present time, the rulemaking file consists of the text of the regulation, the initial statement of reasons, and the notice. The rulemaking file is available for public inspection at the Department of Managed Health Care, Office of Legal Services, 980 Ninth Street, Suite 500, Sacramento, California, 95814.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout may be accessed at the Department's website at <http://www.dmhc.ca.gov/library/regulations/>.

ALTERNATIVES CONSIDERED

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the above action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period.

FISCAL IMPACT

- Mandate on local agencies and school districts: None
- Cost or Savings to any State Agency: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- No other non-discretionary cost or savings are imposed on local agencies.
- The Department is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.

DETERMINATIONS

The Director has determined that the proposed regulatory action:

- Does not affect small businesses. Health care service plans are not considered a small business under Government Code section 11342.610(a).
- Does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- Does not significantly affect (1) the creation or elimination of jobs within the State of California; (2) the creation of new businesses or the elimination of existing businesses within the State of California; (3) the expansion of businesses currently doing business within the State of California.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained through the contact person(s) designated below.

CONTACT PERSON

Comments or substantive inquiries concerning these proposed regulation changes may be directed to Curtis Leavitt, Assistant Chief Counsel, Office of Legal Services, Department of Managed Health Care, 980 Ninth Street, Suite 500, Sacramento, California 95814. Mr. Leavitt may be contacted at (916) 322-6727. The backup contact person is Lyn Amor Macaraeg, Legal Analyst, Department of Managed Health Care, Office of Legal Services, 980 Ninth Street, Suite 500, Sacramento, California 95814. Ms. Macaraeg may be contacted at (916) 322-6727.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
HEALTH SERVICES**

**WILL ADOPT CHANGES TO THE MIRL AND
PIRL WITHIN THE STATE PLAN**

This notice is being given to provide information of public interest with respect to the Maximum Inpatient Reimbursement Limitation (MIRL) and the Peer Grouping Inpatient Limitation (PIRL). Since the

Boren Amendment has been repealed due to the Balanced Budget Act of 1997 there is no federal requirement to continue the MIRL or PIRL. However, DHS will continue its reconciliation process in order to realize anticipated cost efficiencies for fiscal periods prior to the effective date of this SPA.

PUBLIC REVIEW

The changes discussed above are available for public review at local county welfare offices throughout the State. In addition, copies of this notice or the State Plan Amendment listed may be requested and comments may be sent by writing to Harvey Makishima, Hospital Recoupment Unit, Department of Health Services, 714 P Street, Room 1592, Sacramento, CA 95814. Any written statements or arguments must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, California 94234-7320, within 45 days from publication date of the "Notice of Emergency Rulemaking". The date for a public hearing, if one is scheduled, will be published in the California Administrative Notice Register after the regulations have been approved by the Office of Administrative Law.

DEPARTMENT OF FISH AND GAME

PUBLIC INTEREST NOTICE

**CESA CONSISTENCY DETERMINATION FOR
Rolling Hills Ranch Subarea III Project
San Diego County**

The Department of Fish and Game ("Department") received notice on December 20, 2002 that McMillin Rolling Hills Ranch, LLC proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of the construction of the final phase of a master-planned development (neighborhoods 9 through 12). The activities will permanently impact wetlands, Waters of the United States, and grasslands on the 606-acre project site.

The U.S. Fish and Wildlife Service, on November 27, 2002, issued to the U.S. Army Corps of Engineers ("Corps"), a no jeopardy federal biological opinion (FWS-SDG-1071.4) which considers the Federally threatened and State endangered Otay tarplant (*Deinandra conjugens*) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the Corps is requesting a determination on whether biological opinion FWS-SDG-1071.4 is con-

sistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, the Corps will not be required to obtain an incidental take permit for the proposed project.

**DEPARTMENT OF TOXIC
SUBSTANCES CONTROL**

**CALIFORNIA REGULATORY REGISTER
NOTICE ACTION DESCRIPTION FOR AN
EMERGENCY RESPONSE INCIDENT
OPERATIONS, POLYCHLORINATED
BIPHENYL (PCB) WASTE OPERATIONS, AND
CONSOLIDATION OPERATIONS VARIANCE
ISSUED BY THE STATEWIDE COMPLIANCE
DIVISION, TRANSPORTATION SECTION,
FOR TURLOCK IRRIGATION DISTRICT**

On December 19, 2002, the Department of Toxic Substances Control (DTSC), granted a regulatory exemption variance to Turlock Irrigation District, a registered transporter of hazardous waste, to conduct emergency response incident operations, PCB waste operations, and consolidation operations authorized under sections 66263.43, 66263.44, and 66263.45 of the California Code of Regulations, Title 22. The variance permits the grantee to transport emergency response hazardous waste, PCB waste, and automotive oil filters to a designated central collection facility. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C. The hazardous waste must then be manifested to an authorized facility.

CEQA EXEMPTION

The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on December 31, 2003. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**FISH AND GAME COMMISSION
NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

**(Continuation of California Notice Register 2002,
No. 51-Z, and Meeting of December 6, 2002.)**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the

authority vested by Sections 7071, 7852.2, 7858 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific Sections 7071, 7852.2, 7857, 7858, 8585.5, and 8587.1 of said Code, proposes to amend Sections 150.02 and 150.04, Title 14, California Code of Regulations, regarding Permits to Commercially Take Deeper Nearshore Fish Species.

UPDATED INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In May of 2002, the Commission established control dates for nine species of nearshore fish stocks that serve to notify commercial fishermen that if they have not participated in this component of the nearshore fishery prior to 1999, they may not qualify for participation in a fishery for these species under a future restricted access program. These species include black rockfish, blue rockfish, brown rockfish, calico rockfish, copper rockfish, monkeyface eel, olive rockfish, quillback rockfish and treefish, which are the nearshore species for which a Nearshore Fishery Permit is not required. This action demonstrated a willingness by the Commission to proceed with restricting access to this resource.

The Commission is proposing to adopt regulations which would establish a Deeper Nearshore **Species Fishery** permit specifically to cover **the eight rockfish species of this group in order** to prevent additional fishing effort **on these resources which may occur as a result of displacement from the shallow component of the nearshore fishery, or from closure of shelf rockfish fisheries. This permit would not be required for the commercial take of monkeyface eel.** In order to qualify for initial issuance of this permit, the Commission will select from a range of aggregate landings between 0–500 pounds of these **rockfish** species landed between January 1, 1994 and December 31, 1999.

The Commission will also select a fee for the permit from a range of \$125–\$1200. Additionally, the regulations also provide permit appeal and renewal processes for the deeper nearshore fishery permit, including provisions for late applicants.

Additional changes are proposed which make minor modifications to existing regulatory language that establishes a control date for a gear endorsement program for these species.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, CA, on February 7, 2003 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is

requested, but not required, that written comments be submitted on or before January 31, 2003 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than February 7, 2003, at the hearing in Sacramento, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Fred Wendell, Department of Fish and Game, Marine Region, Nearshore Ecosystem Coordinator, (831) 649-2893, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION

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

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

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

states. Each nearshore fishery permittee, buyer or processor is considered a business. The proposed regulations are not expected to have a significant statewide adverse economic impact on businesses. By requiring an aggregate total of between 0 and 500 pounds landed between 1994–1999 some unknown number of fishermen may be excluded from the fishery at this time. However, as stated above, this regulatory action is considered a “first cut” to address the issue of excess fishing capacity and the long-term viability of the deeper water nearshore fish species. If the development of a formal restricted access program is deemed to have the potential for adverse economic impact, the matter will be addressed at the time those regulations are considered by the Commission.

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

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

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

PROPOSITION 65

**STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986**

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
JANUARY 17, 2003**

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

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER**

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990
Acrylamide	79061	January 1, 1990
Acrylonitrile	107131	July 1, 1987
Actinomycin D	50760	October 1, 1989
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972608	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309002	July 1, 1988
Allyl chloride	107051	January 1, 1990
<u>Delisted October 29, 1999</u>	<u>117793</u>	<u>October 1, 1989</u>
2-Aminoanthraquinone	117793	October 1, 1989
p-Aminoazobenzene	60093	January 1, 1990
ortho-Aminoazotoluene	97563	July 1, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
4-Aminobiphenyl (4-aminodiphenyl)	92671	February 27, 1987	Bromoform	75252	April 1, 1991
1-Amino-2,4-dibromo- anthraquinone	81492	August 26, 1997	1,3-Butadiene	106990	April 1, 1988
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989	1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987
2-Aminofluorene	153786	January 29, 1999	Butylated hydroxyanisole	25013165	January 1, 1990
1-Amino-2-methylanth- raquinone	82280	October 1, 1989	beta-Butyrolactone	3068880	July 1, 1987
2-Amino-5-(5-nitro-2-furyl)-1,3,4- thiadiazole	712685	July 1, 1987	Cacodylic acid	75605	May 1, 1996
4-Amino-2-nitrophenol	119346	January 29, 1999	Cadmium and cadmium compounds	—	October 1, 1987
Amitrole	61825	July 1, 1987	Caffeic acid	331395	October 1, 1994
Analgesic mixtures containing phenacetin	—	February 27, 1987	Captafol	2425061	October 1, 1988
Aniline	62533	January 1, 1990	Captan	133062	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998	Carbazole	86748	May 1, 1996
ortho-Anisidine	90040	July 1, 1987	Carbon tetrachloride	56235	October 1, 1987
ortho-Anisidine hydro- chloride	134292	July 1, 1987	Carbon-black extracts	—	January 1, 1990
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990	N-Carboxymethyl-N- nitrosourea	60391926	January 25, 2002
Aramite	140578	July 1, 1987	Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Arsenic (inorganic arsenic compounds)	—	February 27, 1987	Certain combined chemotherapy for lymphomas	—	February 27, 1987
Asbestos	1332214	February 27, 1987	Chlorambucil	305033	February 27, 1987
Auramine	492808	July 1, 1987	Chloramphenicol	56757	October 1, 1989
Azacitidine	320672	January 1, 1992	Chlordane	57749	July 1, 1988
Azaserine	115026	July 1, 1987	Chlordecone (Kepone)	143500	January 1, 1988
Azathioprine	446866	February 27, 1987	Chlordimeform	6164983	January 1, 1989
Azobenzene	103333	January 1, 1990	Chlorendic acid	115286	July 1, 1989
Benz[a]anthracene	56553	July 1, 1987	Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989
Benzene	71432	February 27, 1987	p-Chloroaniline	106478	October 1, 1994
Benzidine [and its salts]	92875	February 27, 1987	p-Chloroaniline hydrochloride	20265967	May 15, 1998
Benzidine-based dyes	—	October 1, 1992	Chlorodibromomethane Delisted October 29, 1999	124481	January 1, 1990
Benzo[b]fluoranthene	205992	July 1, 1987	Chloroethane (Ethyl chloride)	75003	July 1, 1990
Benzo[j]fluoranthene	205823	July 1, 1987	1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU)	13010474	January 1, 1988
Benzo[k]fluoranthene	207089	July 1, 1987	(Lomustine)	13909096	October 1, 1988
Benzofuran	271896	October 1, 1990	1-(2-Chloroethyl)-3-(4- methylcyclohexyl)-1- nitrosourea (Methyl- CCNU)	67663	October 1, 1987
Benzo[a]pyrene	50328	July 1, 1987	Chloroform	67663	October 1, 1987
Benzotrichloride	98077	July 1, 1987	Chloromethyl methyl ether (technical grade)	107302	February 27, 1987
Benzyl chloride	100447	January 1, 1990	3-Chloro-2-methylpropene	563473	July 1, 1989
Benzyl violet 4B	1694093	July 1, 1987	1-Chloro-4-nitrobenzene	100005	October 29, 1999
Beryllium and beryllium compounds	—	October 1, 1987	4-Chloro-ortho-phenylenedia- mine	95830	January 1, 1988
Betel quid with tobacco	—	January 1, 1990	p-Chloro-o-toluidine	95692	January 1, 1990
2,2-Bis(bromomethyl)-1,3- propanediol	3296900	May 1, 1996	p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
Bis(2-chloroethyl)ether	111444	April 1, 1988	5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
N,N-Bis(2-chloroethyl)-2- naphthylamine (Chlor- napazine)	494031	February 27, 1987	Chloroprene	126998	June 2, 2000
Bischloroethyl nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987	Chloroethalonil	1897456	January 1, 1989
Bis(chloromethyl)ether	542881	February 27, 1987	Chlorotrianisene	569573	September 1, 1996
Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999	Chlorozotocin	54749905	January 1, 1992
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990	Chromium (hexavalent compounds)	—	February 27, 1987
Bracken fern	—	January 1, 1990			
Bromate	15541454	May 31, 2002			
Bromodichloromethane	75274	January 1, 1990			
Bromoethane	74964	December 22, 2000			

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Chrysene	218019	January 1, 1990	2,3-Dibromo-1-propanol	96139	October 1, 1994
C.I. Acid Red 114	6459945	July 1, 1992	Dichloroacetic acid	79436	May 1, 1996
C.I. Basic Red 9 monohydrochloride	569619	July 1, 1989	p-Dichlorobenzene	106467	January 1, 1989
C.I. Direct Blue 15	2429745	August 26, 1997	3,3'-Dichlorobenzidine	91941	October 1, 1987
C.I. Direct Blue 218	28407376	August 26, 1997	3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998
C.I. Solvent Yellow 14	842079	May 15, 1998	1,4-Dichloro-2-butene	764410	January 1, 1990
Ciclosporin (Cyclosporin A; Cyclosporine)	59865133 79217600	January 1, 1992	3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868	January 1, 1988
Cidofovir	113852372	January 29, 1999	1,1-Dichloroethane	75343	January 1, 1990
Cinnamyl anthranilate	87296	July 1, 1989	Dichloromethane (Methylene chloride)	75092	April 1, 1988
Cisplatin	15663271	October 1, 1988	1,2-Dichloropropane	78875	January 1, 1990
Citrus Red No. 2	6358538	October 1, 1989	1,3-Dichloropropene	542756	January 1, 1989
Clofibrate	637070	September 1, 1996	Dieldrin	60571	July 1, 1988
Cobalt metal powder	7440484	July 1, 1992	Dienestrol	84173	January 1, 1990
Cobalt [III] oxide	1307966	July 1, 1992	Diepoxybutane	1464535	January 1, 1988
Cobalt sulfate heptahydrate	10026241	June 2, 2000	Diesel engine exhaust	—	October 1, 1990
Coke oven emissions	—	February 27, 1987	Di(2-ethylhexyl)phthalate	117817	January 1, 1988
Conjugated estrogens	—	February 27, 1987	1,2-Diethylhydrazine	1615801	January 1, 1988
Creosotes	—	October 1, 1988	Diethyl sulfate	64675	January 1, 1988
para-Cresidine	120718	January 1, 1988	Diethylstilbestrol (DES)	56531	February 27, 1987
Cupferron	135206	January 1, 1988	Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989
Cycasin	14901087	January 1, 1988	Dihydrosafrole	94586	January 1, 1988
Cyclophosphamide (anhydrous)	50180	February 27, 1987	Diisopropyl sulfate	2973106	April 1, 1993
Cyclophosphamide (hydrated)	6055192	February 27, 1987	3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988
Cytombena	21739913	May 15, 1998	3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990
D&C Orange No. 17	3468631	July 1, 1990	Dimethyl sulfate	77781	January 1, 1988
D&C Red No. 8	2092560	October 1, 1990	4-Dimethylaminoazo- benzene	60117	January 1, 1988
D&C Red No. 9	5160021	July 1, 1990	trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988
D&C Red No. 19	81889	July 1, 1990	7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990
Dacarbazine	4342034	January 1, 1988	3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988
Daminozide	1596845	January 1, 1990	3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992
Dantron (Chryszin; 1,8-Dihydroxyanthraqui- none)	117102	January 1, 1992	Dimethylcarbonyl chloride	79447	January 1, 1988
Daunomycin	20830813	January 1, 1988	1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989
DDD (Dichlorodiphenyldichloro- ethane)	72548	January 1, 1989	1,2-Dimethylhydrazine	540738	January 1, 1988
DDE (Dichlorodiphenyldichloro- ethylene)	72559	January 1, 1989	Dimethylvinylchloride	513371	July 1, 1989
DDT (Dichlorodiphenyltrichloro- ethane)	50293	October 1, 1987	3,7-Dinitrofluoranthene	105735715	August 26, 1997
DDVP (Dichlorvos)	62737	January 1, 1989	3,9-Dinitrofluoranthene	22506532	August 26, 1997
N,N'-Diacylbenzidine	613354	October 1, 1989	1,6-Dinitropyrene	42397648	October 1, 1990
2,4-Diaminoanisole	615054	October 1, 1990	1,8-Dinitropyrene	42397659	October 1, 1990
2,4-Diaminoanisole sulfate	39156417	January 1, 1988	Dinitrotoluene mixture, 2,4-/2,6- 2,4-Dinitrotoluene	121142	May 1, 1996
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988	2,6-Dinitrotoluene	606202	July 1, 1988
2,4-Diaminotoluene	95807	January 1, 1988	Di-n-propyl isocinchomer- onate (MGK Repellent 326)	136458	May 1, 1996
Diaminotoluene (mixed)	—	January 1, 1990	1,4-Dioxane	123911	January 1, 1988
Dibenz[a,h]acridine	226368	January 1, 1988	Diphenylhydantoin (Pheny- toin)	57410	January 1, 1988
Dibenz[a,j]acridine	224420	January 1, 1988	Diphenylhydantoin (Phenytoin), sodium salt	630933	January 1, 1988
Dibenz[a,h]anthracene	53703	January 1, 1988			
7H-Dibenzo[c,g]carbazole	194592	January 1, 1988			
Dibenzo[a,e]pyrene	192654	January 1, 1988			
Dibenzo[a,h]pyrene	189640	January 1, 1988			
Dibenzo[a,i]pyrene	189559	January 1, 1988			
Dibenzo[a,l]pyrene	191300	January 1, 1988			
1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987			

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Direct Black 38 (technical grade)	1937377	January 1, 1988	Hexachlorodibenzo-dioxin	34465468	April 1, 1988
Direct Blue 6 (technical grade)	2602462	January 1, 1988	Hexachloroethane	67721	July 1, 1990
Direct Brown 95 (technical grade)	16071866	October 1, 1988	Hexamethylphosphoramide	680319	January 1, 1988
Disperse Blue 1	2475458	October 1, 1990	Hydrazine	302012	January 1, 1988
Diuron	330541	May 31, 2002	Hydrazine sulfate	10034932	January 1, 1988
Epichlorohydrin	106898	October 1, 1987	Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988
Erionite	12510428	October 1, 1988	Indeno [1,2,3-cd]pyrene	193395	January 1, 1988
Estradiol 17B	50282	January 1, 1988	Indium phosphide	22398807	February 27, 2001
Estragole	140670	October 29, 1999	IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990
Estrone	53167	January 1, 1988	Iprodione	36734197	May 1, 1996
Estropipate	7280377	August 26, 1997	Iron dextran complex	9004664	January 1, 1988
Ethinylestradiol	57636	January 1, 1988	Isobutyl nitrite	542563	May 1, 1996
Ethoprop	13194484	February 27, 2001	Isoprene	78795	May 1, 1996
Ethyl acrylate	140885	July 1, 1989	Isosafrole	120581	October 1, 1989
Ethyl methanesulfonate	62500	January 1, 1988	Isoxaflutole	141112290	December 22, 2000
Ethyl-4,4'-dichlorobenzilate	510156	January 1, 1990	Lactofen	77501634	January 1, 1989
Ethylene dibromide	106934	July 1, 1987	Lasiocarpine	303344	April 1, 1988
Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987	Lead acetate	301042	January 1, 1988
Ethylene oxide	75218	July 1, 1987	Lead and lead compounds	—	October 1, 1992
Ethylene thiourea	96457	January 1, 1988	Lead phosphate	7446277	April 1, 1988
Ethyleneimine	151564	January 1, 1988	Lead subacetate	1335326	October 1, 1989
Fenoxycarb	72490018	June 2, 2000	Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Folpet	133073	January 1, 1989	Lynestrenol	52766	February 27, 2001
Formaldehyde (gas)	50000	January 1, 1988	Mancozeb	8018017	January 1, 1990
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570750	January 1, 1988	Maneb	12427382	January 1, 1990
Furan	110009	October 1, 1993	Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990
Furazolidone	67458	January 1, 1990	Medroxyprogesterone acetate	71589	January 1, 1990
Furmecycloz	60568050	January 1, 1990	MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994
Fusarin C	79748815	July 1, 1995	MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	7500040	October 1, 1994
Ganciclovir sodium	82410320	August 26, 1997	Melphalan	148823	February 27, 1987
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990	Merphalan	531760	April 1, 1988
Gemfibrozil	25812300	December 22, 2000	Mestranol	72333	April 1, 1988
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990	Metham sodium	137428	November 6, 1998
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730114	January 1, 1990	8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730103	January 1, 1990	5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988
Glycidaldehyde	765344	January 1, 1988	2-Methylaziridine (Propyleneimine)	75558	January 1, 1988
Glycidol	556525	July 1, 1990	Methylazoxymethanol	590965	April 1, 1988
Griseofulvin	126078	January 1, 1990	Methylazoxymethanol acetate	592621	April 1, 1988
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568028	January 1, 1988	Methyl carbamate	598550	May 15, 1998
HC Blue 1	2784943	July 1, 1989	3-Methylcholanthrene	56495	January 1, 1990
Heptachlor	76448	July 1, 1988	5-Methylchrysene	3697243	April 1, 1988
Heptachlor epoxide	1024573	July 1, 1988	4,4'-Methylene bis (2-chloroaniline)	101144	July 1, 1987
Hexachlorobenzene	118741	October 1, 1987			
Hexachlorocyclohexane (technical grade)	—	October 1, 1987			

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4,4'-Methylene bis(N,N-dimethyl)benzenamine	101611	October 1, 1989	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988
4,4'-Methylene bis(2-methylaniline)	838880	April 1, 1988	Nitrogen mustard N-oxide	126852	April 1, 1988
4,4'-Methylenedianiline	101779	January 1, 1988	Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988
4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988	Nitromethane	75525	May 1, 1997
Methyleugenol	93152	November 16, 2001	2-Nitropropane	79469	January 1, 1988
Methylhydrazine and its salts	—	July 1, 1992	1-Nitropyrene	5522430	October 1, 1990
Methyl iodide	74884	April 1, 1988	4-Nitropyrene	57835924	October 1, 1990
Methylmercury compounds	—	May 1, 1996	N-Nitrosodi-n-butylamine	924163	October 1, 1987
Methyl methanesulfonate	66273	April 1, 1988	N-Nitrosodiethanolamine	1116547	January 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129157	April 1, 1988	N-Nitrosodiethylamine	55185	October 1, 1987
N-Methyl-N'-nitro-N-nitrosoguanidine	70257	April 1, 1988	N-Nitrosodimethylamine	62759	October 1, 1987
N-Methylolacrylamide	924425	July 1, 1990	p-Nitrosodiphenylamine	156105	January 1, 1988
Methylthiouracil	56042	October 1, 1989	N-Nitrosodiphenylamine	86306	April 1, 1988
Metiram	9006422	January 1, 1990	N-Nitrosodi-n-propylamine	621647	January 1, 1988
Metronidazole	443481	January 1, 1988	N-Nitroso-N-ethylurea	759739	October 1, 1987
Michler's ketone	90948	January 1, 1988	3-(N-Nitrosomethylamino)propionitrile	60153493	April 1, 1990
Mirex	2385855	January 1, 1988	4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091914	April 1, 1990
Mitomycin C	50077	April 1, 1988	N-Nitrosomethylethylamine	10595956	October 1, 1989
Monocrotaline	315220	April 1, 1988	N-Nitroso-N-methylurea	684935	October 1, 1987
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxalolidinone	139913	April 1, 1988	N-Nitroso-N-methylurethane	615532	April 1, 1988
Mustard Gas	505602	February 27, 1987	N-Nitrosomethylvinylamine	4549400	January 1, 1988
MX (3-chloro-4-dichloromethyl-5-hydroxy-2(5H)-furanone)	77439760	December 22, 2000	N-Nitrosomorpholine	59892	January 1, 1988
Nafenopin	3771195	April 1, 1988	N-Nitrososonicotinine	16543558	January 1, 1988
Nalidixic acid	389082	May 15, 1998	N-Nitrosopiperidine	100754	January 1, 1988
Naphthalene	91203	April 19, 2002	N-Nitrosopyrrolidine	930552	October 1, 1987
1-Naphthylamine	134327	October 1, 1989	N-Nitrososarcosine	13256229	January 1, 1988
2-Naphthylamine	91598	February 27, 1987	o-Nitrotoluene	88722	May 15, 1998
Nickel and certain nickel compounds	—	October 1, 1989	Norethisterone (Norethindrone)	68224	October 1, 1989
Nickel carbonyl	13463393	October 1, 1987	Norethynodrel	68235	February 27, 2001
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Ochratoxin A	303479	July 1, 1990
Nickel subsulfide	12035722	October 1, 1987	Oil Orange SS	2646175	April 1, 1988
Niridazole	61574	April 1, 1988	Oral contraceptives, combined	—	October 1, 1989
Nitrotriacetic acid	139139	January 1, 1988	Oral contraceptives, sequential	—	October 1, 1989
Nitrotriacetic acid, tri-sodium salt monohydrate	18662538	April 1, 1989	Oxadiazon	19666309	July 1, 1991
5-Nitroacenaphthene	602879	April 1, 1988	Oxazepam	604751	October 1, 1994
5-Nitro-o-anisidine	99592	October 1, 1989	Oxymetholone	434071	January 1, 1988
o-Nitroanisole	91236	October 1, 1992	Oxythioquinox	2439012	August 20, 1999
Nitrobenzene	98953	August 26, 1997	Palygorskite fibers (>5µm in length)	12174117	December 28, 1999
4-Nitrobiphenyl	92933	April 1, 1988	Panfuran S	794934	January 1, 1988
6-Nitrochrysene	7496028	October 1, 1990	Pentachlorophenol	87865	January 1, 1990
Nitrofen (technical grade)	1836755	January 1, 1988	Phenacetin	62442	October 1, 1989
2-Nitrofluorene	607578	October 1, 1990	Phenazopyridine	94780	January 1, 1988
Nitrofurazone	59870	January 1, 1990	Phenazopyridine hydrochloride	136403	January 1, 1988
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555840	April 1, 1988	Phenesterin	3546109	July 1, 1989
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531828	April 1, 1988	Phenobarbital	50066	January 1, 1990
Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988	Phenolphthalein	77098	May 15, 1998
			Phenoxybenzamine	59961	April 1, 1988
			Phenoxybenzamine hydrochloride	63923	April 1, 1988
			o-Phenylenediamine and its salts	95545	May 15, 1998
			Phenyl glycidyl ether	122601	October 1, 1990

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Phenylhydrazine and its salts	—	July 1, 1992	Tetrachloroethylene		
o-Phenylphenate, sodium	132274	January 1, 1990	(Perchloroethylene)	127184	April 1, 1988
o-Phenylphenol	90437	August 4, 2000	p-a,a,a-Tetrachloro-		
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650235	October 1, 1994	toluene	5216251	January 1, 1990
Polybrominated biphenyls	—	January 1, 1988	Tetrafluoroethylene	116143	May 1, 1997
Polychlorinated biphenyls	—	October 1, 1989	Tetranitromethane	509148	July 1, 1990
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988	Thioacetamide	62555	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992	4,4'-Thiodianiline	139651	April 1, 1988
Polychlorinated dibenzofurans	—	October 1, 1992	Thiodicarb	59669260	August 20, 1999
Polygeenan	53973981	January 1, 1988	Thiourea	62566	January 1, 1988
Ponceau MX	3761533	April 1, 1988	Thorium dioxide	1314201	February 27, 1987
Ponceau 3R	3564098	April 1, 1988	Tobacco, oral use of smokeless products	—	April 1, 1988
Potassium bromate	7758012	January 1, 1990	Tobacco smoke	—	April 1, 1988
Primidone	125337	August 20, 1999	Toluene diisocyanate	26471625	October 1, 1989
Procarbazine	671169	January 1, 1988	ortho-Toluidine	95534	January 1, 1988
Procarbazine hydrochloride	366701	January 1, 1988	ortho-Toluidine hydrochloride	636215	January 1, 1988
Procymidone	32809168	October 1, 1994	para-Toluidine		
Progesterone	57830	January 1, 1988	Delisted October 29, 1999	406490	January 1, 1990
Pronamide	23950585	May 1, 1996	Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Propachlor	1918167	February 27, 2001	Treosulfan	299752	February 27, 1987
1,3-Propane sultone	1120714	January 1, 1988	Trichloromethine (Trimustine hydrochloride)	817094	January 1, 1992
Propargite	2312358	October 1, 1994	Trichloroethylene	79016	April 1, 1988
beta-Propiolactone	57578	January 1, 1988	2,4,6-Trichlorophenol	88062	January 1, 1988
Propylene oxide	75569	October 1, 1988	1,2,3-Trichloropropane	96184	October 1, 1992
Propylthiouracil	51525	January 1, 1988	Trimethyl phosphate	512561	May 1, 1996
Pyridine	110861	May 17, 2002	2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Quinoline and its strong acid salts	—	October 24, 1997	Triphenyltin hydroxide	76879	July 1, 1992
Radionuclides	—	July 1, 1989	Tris(aziridinyl)-para-benzoquinone (Triaziquone)	68768	October 1, 1989
Reserpine	50555	October 1, 1989	Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Residual (heavy) fuel oils	—	October 1, 1990	Tris(2-chloroethyl) phosphate	115968	April 1, 1992
<u>Saccharin</u>			Tris(2,3-dibromopropyl)phosphate	126727	January 1, 1988
Delisted April 6, 2001	81072	October 1, 1989	Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
<u>Saccharin, sodium</u>			Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Delisted January 17, 2003	428449	January 1, 1988	Trypan blue (commercial grade)	72571	October 1, 1989
Safrole	94597	January 1, 1988	Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Salicylazosulfapyridine	599791	May 15, 1998	Uracil mustard	66751	April 1, 1988
Selenium sulfide	7446346	October 1, 1989	Urethane (Ethyl carbamate)	51796	January 1, 1988
Shale-oils	68308349	April 1, 1990	Vinclozolin	50471448	August 20, 1999
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988	Vinyl bromide	593602	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987	Vinyl chloride	75014	February 27, 1987
Spironolactone	52017	May 1, 1997	4-Vinylcyclohexene	100403	May 1, 1996
Stanozolol	10418038	May 1, 1997	4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Sterigmatocystin	10048132	April 1, 1988	Vinyl fluoride	75025	May 1, 1997
Streptozotocin (streptozocin)	18883664	January 1, 1988	Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
Styrene oxide	96093	October 1, 1988	2,6-Xylidine (2,6-Dimethylaniline)	87627	January 1, 1991
Sulfallate	95067	January 1, 1988	Zileuton	111406872	December 22, 2000
Talc containing asbestiform fibers	—	April 1, 1990	Zineb		
Tamoxifen and its salts	10540291	September 1, 1996	Delisted October 29, 1999	42422677	January 1, 1990
Terrazole	2593159	October 1, 1994			
Testosterone and its esters	58220	April 1, 1988			
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746016	January 1, 1988			
1,1,2,2-Tetrachloroethane	79345	July 1, 1990			

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 3-Z

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
				1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990
				Chlorsulfuron	developmental, female, male	64902723	May 14, 1999
Acetazolamide	developmental	59665	August 20, 1999	Cidofovir	developmental, female, male	113852372	January 29, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990	Cladribine	developmental	4291638	September 1, 1996
Actinomycin D	developmental	50760	October 1, 1992	Clarithromycin	developmental	81103119	May 1, 1997
All-trans retinoic acid	developmental	302794	January 1, 1989	Clobetasol propionate	developmental, female	25122467	May 15, 1998
Alprazolam	developmental	28981977	July 1, 1990	Clomiphene citrate	developmental	50419	April 1, 1990
Altretamine	developmental, male	645056	August 20, 1999	Clorazepate dipotassium	developmental	57109907	October 1, 1992
Amantadine hydrochloride	developmental	665667	February 27, 2001	Cocaine	developmental, female	50362	July 1, 1989
Amikacin sulfate	developmental	39831555	July 1, 1990	Codeine phosphate	developmental	52288	May 15, 1998
Aminoglutethimide	developmental	125848	July 1, 1990	Colchicine	developmental, male	64868	October 1, 1992
Aminoglycosides	developmental	—	October 1, 1992	Conjugated estrogens	developmental	—	April 1, 1990
Aminopterin	developmental, female	54626	July 1, 1987	Cyanazine	developmental	21725462	April 1, 1990
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997	Cycloate	developmental	1134232	March 19, 1999
Amitraz	developmental	33089611	March 30, 1999	Cyclohexanot	male	108930	November 6, 1998
Amoxapine	developmental	14028445	May 15, 1998	<u>Delisted January 25, 2002</u>			
Anabolic steroids	female, male	—	April 1, 1990	Cycloheximide	developmental	66819	January 1, 1989
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992	Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989
Anisindione	developmental	117373	October 1, 1992	Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989
Arsenic (inorganic oxides)	developmental	—	May 1, 1997	Cyhexatin	developmental	13121705	January 1, 1989
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990	Cytarabine	developmental	147944	January 1, 1989
Atenolol	developmental	29122687	August 26, 1997	Dacarbazine	developmental	4342034	January 29, 1999
Auranofin	developmental	34031328	January 29, 1999	Danazol	developmental	17230885	April 1, 1990
Azathioprine	developmental	446866	September 1, 1996	Daurorubicin hydrochloride	developmental	23541506	July 1, 1990
Barbiturates	developmental	—	October 1, 1992	2,4-D butyric acid	developmental, male	94826	June 18, 1999
Beclomethasone dipropionate	developmental	5534098	May 15, 1998	o,p' -DDT	developmental, female, male	789026	May 15, 1998
Benomyl	developmental, male	17804352	July 1, 1991	p,p' -DDT	developmental, female, male	50293	May 15, 1998
Benzene	developmental, male	71432	December 26, 1997	2,4-DP (dichloroprop)	developmental	120365	April 27, 1999
Benzodiazepines	developmental	—	October 1, 1992	<u>Delisted January 25, 2002</u>			
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990	Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990	Diazepam	developmental	439145	January 1, 1992
Bromacil lithium salt	developmental, male	53404196	May 18, 1999 January 17, 2003	Diazoxide	developmental	364987	February 27, 2001
Bromoxynil	developmental	1689845	October 1, 1990	1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987
Bromoxynil octanoate	developmental	1689992	May 18, 1999	Dichlorophene	developmental	97234	April 27, 1999
Butabarbital sodium	developmental	143817	October 1, 1992	Dichlorophenamide	developmental	120978	February 27, 2001
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989	Diclofop methyl	developmental	51338273	March 5, 1999
Cadmium	developmental, male	—	May 1, 1997	Dicumarol	developmental	66762	October 1, 1992
Carbamazepine	developmental	298464	January 29, 1999	Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Carbon disulfide	developmental, female, male	75150	July 1, 1989	Diflunisal	developmental, female	22494424	January 29, 1999
Carbon monoxide	developmental	630080	July 1, 1989	Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
Carboplatin	developmental	41575944	July 1, 1990	Diltiazem hydrochloride	developmental	33286225	February 27, 2001
Chenodiol	developmental	474259	April 1, 1990	m-Dinitrobenzene	male	99650	July 1, 1990
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998	o-Dinitrobenzene	male	528290	July 1, 1990
Chlorambucil	developmental	305033	January 1, 1989	p-Dinitrobenzene	male	100254	July 1, 1990
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987	2,4-Dinitrotoluene	male	121142	August 20, 1999
Chlordecone (Kepone)	developmental	143500	January 1, 1989	2,6-Dinitrotoluene	male	606202	August 20, 1999
Chlordiazepoxide	developmental	58253	January 1, 1992	Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992	Dinocap	developmental	39300453	April 1, 1990
				Dinoseb	developmental, male	88857	January 1, 1989
				Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987
				Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999
				Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999
				Doxycycline (internal use)	developmental	564250	July 1, 1990
				Doxycycline calcium (internal use)	developmental	94088854	January 1, 1992
				Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 3-Z

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991	Mebendazole	developmental	31431397	August 20, 1999
Endrin	developmental	72208	May 15, 1998	Medroxyprogesterone acetate	developmental	71589	April 1, 1990
Epichlorohydrin	male	106898	September 1, 1996	Megestrol acetate	developmental	595335	January 1, 1991
Ergotamine tartrate	developmental	379793	April 1, 1990	Melphalan	developmental	148823	July 1, 1990
Etoposide	developmental	7280377	August 26, 1997	Menotropins	developmental	9002680	April 1, 1990
Ethionamide	developmental	536334	August 26, 1997	Meprobamate	developmental	57534	January 1, 1992
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987	Mercaptopurine	developmental	6112761	July 1, 1990
Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999	Mercury and mercury compounds	developmental	—	July 1, 1990
Ethylene dibromide	developmental, male	106934	May 15, 1998	Methacycline hydrochloride	developmental	3963959	January 1, 1991
Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989	Metham sodium	developmental	137428	May 15, 1998
Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989	Methazole	developmental	20354261	December 1, 1999
Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993	Methimazole	developmental	60560	July 1, 1990
Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993	Methotrexate	developmental	59052	January 1, 1989
Ethylene oxide	female	75218	February 27, 1987	Methotrexate sodium	developmental	15475566	April 1, 1990
Ethylene thiourea	developmental	96457	January 1, 1993	Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993
Etodolac	developmental, female	41340254	August 20, 1999	Methyl chloride	developmental	74873	March 10, 2000
Etoposide	developmental	33419420	July 1, 1990	Methyl mercury	developmental	—	July 1, 1987
Etretinate	developmental	54350480	July 1, 1987	N-Methylpyrrolidone	developmental	872504	June 15, 2001
Fenoxaprop ethyl	developmental	66441234	March 26, 1999	Methyltestosterone	developmental	58184	April 1, 1990
Filgrastim	developmental	121181531	February 27, 2001	Metiram	developmental	9006422	March 30, 1999
Fluazifop butyl	developmental	69806504	November 6, 1998	Midazolam hydrochloride	developmental	59467968	July 1, 1990
Flunisolide	developmental, female	3385033	May 15, 1998	Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992
Fluorouracil	developmental	51218	January 1, 1989	Misoprostol	developmental	59122462	April 1, 1990
Fluoxymesterone	developmental	76437	April 1, 1990	Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990
Flurazepam hydrochloride	developmental	1172185	October 1, 1992	Myclobutanol	developmental, male	88671890	April 16, 1999
Flurbiprofen	developmental, female	5104494	August 20, 1999	Nabam	developmental	142596	March 30, 1999
Flutamide	developmental	13311847	July 1, 1990	Nafarelin acetate	developmental	86220420	April 1, 1990
Fluticasone propionate	developmental	80474142	May 15, 1998	Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992
Fluvalinate	developmental	69409945	November 6, 1998	Netilmicin sulfate	developmental	56391572	July 1, 1990
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Nickel carbonyl	developmental	13463393	September 1, 1996
Gemfibrozil	female, male	25812300	August 20, 1999	Nicotine	developmental	54115	April 1, 1990
Goserefin acetate	developmental, female, male	65807025	August 26, 1997	Nifedipine	developmental, female, male	21829254	January 29, 1999
Halazepam	developmental	23092173	July 1, 1990	Nimodipine	developmental	66085594	April 24, 2001
Halobetasol propionate	developmental	66852548	August 20, 1999	Nitrapyrin	developmental	1929824	March 30, 1999
Haloperidol	developmental, female	52868	January 29, 1999	Nitrofurantoin	developmental, male	67209	April 1, 1991
Halothane	developmental	151677	September 1, 1996	Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Heptachlor	developmental	76448	August 20, 1999	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Hexachlorobenzene	developmental	118741	January 1, 1989	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Hexamethylphosphoramide	male	680319	October 1, 1994	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Histrelin acetate	developmental	—	May 15, 1998	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Hydramethylnon	developmental, male	67485294	March 5, 1999	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
Hydroxyurea	developmental	127071	May 1, 1997	Norgestrel	developmental	6533002	April 1, 1990
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Oxadiazon	developmental	19666309	May 15, 1998
Ifosfamide	developmental	3778732	July 1, 1990	Oxazepam	developmental	604751	October 1, 1992
Iodine-131	developmental	10043660	January 1, 1989	Oxydemeton methyl	developmental, female, male	301122	November 6, 1998
Isotretinoin	developmental	4759482	July 1, 1987	Oxymetholone	developmental	434071	May 1, 1997
Lead	developmental, female, male	—	February 27, 1987	Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Leuprolide acetate	developmental, female, male	74381536	August 26, 1997	Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Levodopa	developmental	59927	January 29, 1999	Paclitaxel	developmental, female, male	33069624	August 26, 1997
Levonorgestrel implants	female	797637	May 15, 1998	Paramethadione	developmental	115673	July 1, 1990
Linuron	developmental	330552	March 19, 1999	Penicillamine	developmental	52675	January 1, 1991
Lithium carbonate	developmental	554132	January 1, 1991	Pentobarbital sodium	developmental	57330	July 1, 1990
Lithium citrate	developmental	919164	January 1, 1991	Pentostatin	developmental	53910251	September 1, 1996
Lorazepam	developmental	846491	July 1, 1990	Phenacemide	developmental	63989	July 1, 1990
Lovastatin	developmental	75330755	October 1, 1992	Phenprocoumon	developmental	435972	October 1, 1992
				Pimozide	developmental, female	2062784	August 20, 1999

Chemical	Type of Reproductive Toxicity	CAS No.	Date Listed
Pipobroman	developmental	54911	July 1, 1990
Plicamycin	developmental	18378897	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128030	March 30, 1999
Pravastatin sodium	developmental	81131706	March 3, 2000
Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Procabazine hydrochloride	developmental	366701	July 1, 1990
Propargite	developmental	2312358	June 15, 1999
Propylthiouracil	developmental	51525	July 1, 1990
Pyrimethamine	developmental	58140	January 29, 1999
Quazepam	developmental	36735225	August 26, 1997
Quizalofop-ethyl	male	76578148	December 24, 1999
Resmethrin	developmental	10453868	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791045	April 1, 1990
	male	36791045	February 27, 2001
Rifampin	developmental, female	13292461	February 27, 2001
Secobarbital sodium	developmental	309433	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128041	March 30 1999
Sodium fluoroacetate	male	62748	November 6, 1998
Streptomycin sulfate	developmental	3810740	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo- paradoxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
		37273840	
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994

Chemical	Type of Reproductive Toxicity	CAS No.	Date Listed
Urofollitropin	developmental	26995915	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: January 17, 2003

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

**NOTICE TO INTERESTED PARTIES
January 17, 2003**

**CHEMICAL DELISTED EFFECTIVE
January 17, 2003
FROM THE LIST OF CHEMICALS AS KNOWN
TO THE STATE OF CALIFORNIA TO
CAUSE CANCER**

**CHEMICAL LISTED EFFECTIVE
January 17, 2003
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE REPRODUCTIVE TOXICITY**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is removing *sodium saccharin* from the list of chemicals known to the State to cause cancer and adding a new endpoint, male reproductive toxicity, for *bromacil lithium salt*, a chemical on the list of chemicals known to the State to cause reproductive toxicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The listing for male reproductive toxicity of *bromacil lithium salt* and the delisting of sodium saccharin are effective **January 17, 2003**.

Bromacil lithium salt (CAS # 53404-19-6) was previously listed as a chemical known to the State to cause developmental toxicity on May 18, 1999, under the authoritative bodies provision of Proposition 65. It was formally identified by U.S. Environmental Protection Agency (U.S. EPA) as causing developmental toxicity. Subsequent to the listing of the chemical, OEHHA found that there was no substantial evidence that the criteria identified in Title 22, California Code of Regulations, Section 12306(g) (22 CCR § 12306(g)) has been satisfied. This finding was the consequence of the Court of Appeal decision

restricting the review of evidence by OEHHA of authoritative bodies listing [Third District Court of Appeal, *Western Crop Protection Association et al. v. Gray Davis et al.* (Case No. CO29727, May 9, 2000 as modified on denial of rehearing, June 8, 2000).] As required by regulation, *bromacil lithium salt* was referred to the Developmental and Reproductive Toxicant (DART) Identification Committee for a determination as to whether the chemical should continue to be included on the list of chemicals known to the state to cause reproductive toxicity (22 CCR § 12306(j)). At the December 4, 2002 meeting, the DART Identification Committee determined that *bromacil lithium salt* should remain on the list of chemicals as known to the State to cause developmental toxicity and should also be listed for male reproductive toxicity.

Sodium saccharin (CAS No. 128-44-9) was considered by the “state’s qualified experts” (the Carcinogen Identification Committee) for removal from the list of chemicals known to the State to cause cancer at a public meeting held on December 17, 2002. *Sodium saccharin* was first added to the list of chemicals known to the State to cause cancer on January 1, 1988, as a result of actions taken by the “state’s qualified experts” (the former Scientific Advisory Panel) at a December 11, 1987 public meeting. The Carcinogen Identification Committee determined that sodium saccharin is no longer clearly shown through scientifically valid testing according to generally accepted principles to cause cancer and should be removed from the list of chemicals known to the State to cause cancer.

The reader is directed to the *Notice to Interested Parties* published in the September 20, 2002 issue of the *California Regulatory Notice Register* (Register 02, No. 38-Z) for the supporting documentation which the DART Identification Committee relied upon in its reconsideration of listing bromacil lithium salt. The reader is directed to another *Notice to Interested Parties* published in the October 11, 2002 issue of the *California Regulatory Notice Register* (Register 02, No. 41-Z) for the supporting documentation which the Carcinogen Identification Committee relied upon in its reconsideration of listing sodium saccharin.

A complete, updated chemical list is published elsewhere in this issue of the *California Regulatory Notice Register*.

In summary, in addition to the current listing as known to the State to cause developmental toxicity, bromacil lithium salt, is added to the Proposition 65 chemical list as ***known to the State to cause male reproductive toxicity***:

Reproductive toxicity

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ¹	Effective Listing Date
Bromacil lithium salt	53404-19-6	Developmental Male reproductive toxicity	AB SQE	May 18, 1999 December 20, 2002

¹ Listing mechanism:

AB—“authoritative bodies” mechanism (22 CCR 12306)

SQE—“state’s qualified experts” mechanisms

(22 CCR 12305(b)(1))

**RULEMAKING PETITION
DECISIONS**

AIR RESOURCES BOARD

January 6, 2003

Mr. James Loop, P.E.
1723 G Street
Sacramento, California 95814

Dear Mr. Loop:

Thank you for your December 4, 2002, comment letter on the vapor-recovery rulemaking considered by the Air Resources Board (ARB or Board) at its December 12, 2002 public hearing. To the December 4 letter you attached an October 21, 2002 letter, which you had earlier sent ARB staff before the October 25, 2002 opening of the rulemaking-comment period.

Both letters comment on the pressure testing of vapor recovery systems for gasoline dispensing facilities (GDF) and on TP-201.3, a test procedure that is incorporated by reference in title 17, California Code of Regulations, section 94011. In your letters you express concern that, as written, TP-201.3, Test Procedure Determination of 2 Inch WC Static Pressure Performance of Vapor Recovery Systems of Dispensing Facilities, is technically inadequate to assess vapor-recovery-system performance and that the test procedure should be replaced because it is incompatible with the vapor recovery program as amended to achieve Enhanced Vapor Recovery (EVR).

ARB periodically adopts and amends the requirements for vapor recovery systems and certification and test procedures for those systems pursuant to the authority granted in Health & Safety Code sections 39600, 39601, 39607, and 41954.

Because neither the EVR provisions related to pressure management/measure nor TP-201.3 were proposed for amendment in the rulemaking considered at the December 12 hearing, the ARB is considering your comment letters as petitions to amend TP-201.3 under Government Code section 11340.6. Interested persons may obtain copies of these petitions by

contacting Mr. Ranjit Bhullar at (916) 327-8528 or rbhullar@arb.ca.gov. The ARB's response to the petitions as required under Government Code section 11340.7 follows:

EVR has established new, lower limits for underground storage tank vapor pressure for vapor recovery systems. The lower system pressure limits should help to minimize the importance and need for testing for fugitive emissions for EVR systems. ARB acknowledges that there are shortcomings with the existing TP-201.3 and we are currently working towards developing and eventually adopting a test procedure that would replace it. TP-201.3 does contain biases that may allow for a leaky station to pass the test under certain conditions, yet we are confident that the new EVR pressure limits will result in minimal fugitive emissions for Phase II systems until a viable alternative test procedure is developed. For these reasons your petitions are denied.

If you have further questions about the development of a new proposed test procedure for measuring the pressure performance of vapor recovery systems at GDFs, please contact Gary Zimmerman at (916) 322-2886 or gzimmer@arb.ca.gov.

If you have questions about the treatment of your letters as petitions under Government Code sections 11340.6 and 11340.7, please contact Senior Staff Counsel Diane Moritz Johnston at (916) 323-9609.

Sincerely,

Michael P. Kenny
Executive Officer

cc: Ranjit Bhullar, Monitoring and Lab Division
Gary Zimmerman, Monitoring and Lab Division
Diane Moritz Johnston, Office of Legal Affairs

DEPARTMENT OF CORRECTIONS

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Division 3, Department of Corrections

PETITIONER

Egunleti Adelabu (Mavis J. Thomas); Annette G. Battles; Berta Brown; R.D. Brown; Elsie Cassell; Betty Ann Combs; Suzie Frechou; Leticia Garcia; Maria E. Garcia; J.P. Geyer; James Hunter; Frank Lee Johnson; Frank Johnson, Sr.; LaMonica Johnson; Peggy Johnson; Bruce B. Kennedy; Diane C. Kennedy; Julie Laws; Lynn Lee Love; Gregg Moeller; Narhr; Boone T. Nguyen; Original Signature Illegible;

Yoriko Pertsoni; Daniel Rose; Patricia Smallwood; Tiffeny Thomas; Debra Villabla; A.R. Woly; Bruce Young.

AUTHORITY

Under authority established in Penal Code (PC) Section 5058 the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, PO Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

The petition for adoption of the regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections "delete" and "rewrite" regulations contained in the California Code of Regulations (CCR), Title 15, Division 3, Subchapter 2, Article 7, § 3174(e)(2) which specifies that family visits will not be permitted for inmates who have been sentenced to life, designated Close A or Close B custody, condemned, assigned to a reception center, assigned to an Administrative Segregation (Ad. Seg.) or Security Housing (SHU) unit, designated "C" status, guilty of one or more Division A or B offenses within the last twelve months, or guilty of narcotics trafficking while incarcerated. As "rewritten," the regulation would stipulate that family visits for the described classes of inmates would be permitted on a "case by case" basis. Petitioner states that the regulation as currently written serves no reasonable penological interest and punishes several classes of inmates in direct conflict to the Department's stated recognition of the value of visiting as a method of maintaining family relationships.

DEPARTMENT DECISION

The Director of Corrections denies the petition to delete this existing regulation or amend the rule to provide any class of inmates described in § 3174(e), case-by-case consideration for family visiting privileges. Absent new statute, case law, or changes in the policies of other public agencies which would compel the regulatory changes requested, the Department

lacks the legal or discretionary authority to voluntarily make the changes requested. Moreover, a number of the named classes, and specifically those under close custody, assigned to Ad. Seg. or SHU, designed C status or guilty of certain offenses, already receive "case by case" reconsideration for family visiting once their status changes.

The rules at issue were promulgated in 1995 and have survived court challenges and prior Administrative Procedure Act petitions. In these challenges an appellate court upheld the penological basis of the rules: "The protection of the safety of the public—particularly those family members who would be visiting these inmates in an unsupervised setting—is a legitimate interest that state prison officials may consider when determining which inmates may participate in the family visiting program."

Regarding inmates condemned or sentenced to life, the Department of Corrections does not establish such sentences and it has no ability to compel the Board of Prison Terms, a separate organizational entity of the Youth and Adult Corrections Agency, to establish parole dates. Nor can the Department be party to deletion of this rule in order to circumvent the Board's authority over the establishment of parole dates for specific inmates. As articulated by the Governor as recently as last year, expanding eligibility for unsupervised overnight visits would create a serious inconsistency in the current security practices enforced for life prisoners.

All of the remaining "classes of inmates" covered by this regulation are not necessarily denied Family Visiting opportunities on a permanent basis. Their eligibility for such visits depends on institutional assignment, conduct, time frames, positive programming, rules violation clarifications and other such factors evaluated by classification committees on a case-by-case basis in accordance with other regulations contained in the Director's Rules. Therefore, these inmates already receive "case by case" consideration for restoration of family visiting privileges, if otherwise eligible.

Finally, the value of visiting as a means of maintaining family relationships has actually been reaffirmed recently with the revision of inmate visiting regulations, consistent with legislation chaptered in this session (AB 2133). The following language is the Department's preferred text: "The value of visiting is recognized and encouraged as a means for an inmate to establish and maintain meaningful family and community relationships." It is anticipated that this rule will be adopted by the end of this calendar year. The Department believes that the inmate exceptions to family visiting contained in § 3174(e) are legitimate

and warranted as discussed above and do not represent a repudiation or inconsistency in policy as the petitioner suggests.

Therefore, for the reasons cited and pending other action by the Governor, Legislature or Courts the Department disagrees with the need for the regulatory change. Accordingly, the petition is denied.

DEPARTMENT OF DEVELOPMENTAL SERVICES

DECISION ON PETITION TO AMEND REGULATIONS

The Department of Developmental Services (DDS) submits the following Decision in response to a Petition to Amend Title 17, California Code of Regulations, Division 2, Chapter 3, and Subchapter 2 by deleting Section 54322, Subsection (d) (10).

PETITIONERS

Jean Wolfkind

REGULATIONS SECTION AFFECTED

Title 17, Section 54322, Subsection (d) (10)

AUTHORITY

Sections 11152, Government Code, Sections 4405, 4631, 4648(a), 4689.1 and 4791 (i), Welfare and Institutions Code.

DECISION

The language of Title 17, Section 54322, Subsection (d) (10) is adequately worded to forewarn vendors and prospective vendors that vendorization does not guarantee them referrals or placement of developmentally disabled persons. Because placement of developmentally disabled persons are made by regional centers to meet the needs and preferences of developmentally disabled persons and their families, as outlined in the Individual Program Plan, regional centers cannot guarantee referral or placement to any vendor or prospective vendor. For this reason DDS declines Petitioner's request to delete Title 17, Section 54322, Subsection (d) (10).

REASONS FOR DEPARTMENT'S DETERMINATION

In order to safeguard that the Individual Program Plan, and provision of services, including placement, by the regional center, remains centered on the developmentally disabled person's needs and preferences, regional center must maintain the discretion to refer and place individuals among available vendors who provide appropriate cost-effective service.

CONTACT PERSON

Comments and inquiries concerning the Decision may be directed to:

Attention: Sergio J. Diaz
Senior Staff Counsel
Department of Developmental Services
Office of Legal Affairs
1600 Ninth Street, Room 240, MS 2-14
Sacramento, California 95814
Phone: (916) 654-2842
FAX: (916) 654-1716

If Mr. Diaz is unavailable, comments and inquiries concerning the Decision may be directed to:

Attention: Catherine Ewing
Chief Counsel
Department of Developmental Services
Office of Legal Affairs
1600 Ninth Street, Room 240, MS 2-14
Sacramento, California 95814
Phone: (916) 654-3405
FAX: (916) 654-1716

AVAILABILITY OF PETITIONS

Copies of the Petitions to amend the regulations, along with all other public records, reports, documentation or other material related to the Decision will be contained in the Petition file and will be available for inspection and copying from the contact person at the above address. In addition, the Decision and other materials for this petition may be viewed over the internet at www.dds.ca.gov.

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.

**CONTRACTORS STATE LICENSE BOARD
Contractors Fees**

This emergency regulatory action adopts specified fees.

Title 16
California Code of Regulations
ADOPT: 811

Filed 12/31/02
Effective 01/01/03
Agency Contact: Andrea Steele (916) 255-4074

**DEPARTMENT OF FISH AND GAME
Cowcod Conservation Areas**

Amends ocean commercial fishing in the Cowcod Conservation Areas in southern California to slightly increase the CCA's boundaries in order to conform and be in compliance with new federal CCA's boundaries. It is exempt from APA review per Fish and Game Code section 7652(d)

Title 14
California Code of Regulations
AMEND: 150.06(a)
Filed 12/31/02
Effective 12/31/02
Agency Contact: LB Boydston (916) 653-6281

**DEPARTMENT OF INDUSTRIAL RELATIONS
Occupational Injury & Illness Recording
Requirements**

The regulatory action deals with hearing loss criteria for records of occupational injury and illness. The regulations become effective January 1, 2003 pursuant to Government Code section 11343.4, subdivision (c).

Title 8
California Code of Regulations
AMEND: 14300.10, 14300.12, 14300.29
Filed 12/30/02
Effective 01/01/03
Agency Contact:
Robert Nakamura (415) 703-5160

**DEPARTMENT OF INSURANCE
Workers' Compensation Rates**

The Department of Insurance is amending the captioned sections pertaining to action [RH020221520] amending the Uniform Statistical Reporting Plan—1995 referred to in section 2318.6, and the Experience Rating Plan—1995 referred to in sections 2353.1 and 2354. These amendments are exempt from review by the Office of Administrative Law pursuant to Government Code section 11340.9(g) as they pertain to establishing or fixing rates, prices, or tariffs.

Title 10
California Code of Regulations
AMEND: 2318.6, 2353.1, and 2354.
Filed 12/31/02
Effective 01/01/03
Agency Contact: Larry C. White (415) 538-4423

DEPARTMENT OF INSURANCE

Holocaust Victim Insurance Relief Act of 1999

This readopted emergency rulemaking adopts procedures for insurance companies doing business in California to comply with the reporting requirements of the Holocaust Victim Insurance Relief Act of 1999.

Title 10
California Code of Regulations
ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.5
Filed 12/26/02
Effective 12/26/02
Agency Contact: Leslie Tick (415) 538-4190

DEPARTMENT OF REHABILITATION

Excluded services and other goods and services

This emergency regulatory action defines “construction,” “permanent fixture,” and “real property” and makes other related amendments for purposes of clarifying that construction shall not be provided as a vocational rehabilitation service for individuals.

Title 9
California Code of Regulations
ADOPT: 7149.1 AMEND: 7174
Filed 12/26/02
Effective 12/26/02
Agency Contact: Juanita Loyola (916) 263-8972

DIVISION OF WORKERS COMPENSATION

Workers’ Compensation—Audit

This regulatory action amends provisions concerning audits performed pursuant to Labor Code section 129 and 129.5, to conform to recent statutory changes.

Title 8
California Code of Regulations
ADOPT: 10114.1, 10114.2, 10114.3, 10114.4, 101002, 10103.2, 10106.1, 10107.1, 10111.2, 10113.1, 10113.2, 10113.3, 10113.4, 10113.5, 10113.6 AMEND: 10104, 10105, 10106.5, 10108, 10109, 10113, 10114, 10115.1 REPEAL: 10115.3
Filed 12/30/02
Effective 01/01/03
Agency Contact:
Destie Overpeck (415) 703-4659

FISH AND GAME COMMISSION

North Coast Semaphore Grass

This action changes the status of North Coast semaphore grass (*Pleuropogon hoverianus*) in California from “rare” to “threatened”.

Title 14
California Code of Regulations
AMEND: 670.2
Filed 12/30/02
Effective 01/29/03
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Orcutt’s Hazardia

This rulemaking lists the plant Orcutt’s hazardia (*Hazardia orcuttii*) as a threatened species.

Title 14
California Code of Regulations
AMEND: 670.2
Filed 12/26/02
Effective 01/25/03
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Seasonal Closure For CGS

This regulatory action amends the commercial season for rockfish to conform to recent Federal requirements.

Title 14
California Code of Regulations
AMEND: 150.06, 150.16
Filed 12/30/02
Effective 01/01/03
Agency Contact: John M. Duffy (916) 653-4899

FISH AND GAME COMMISSION

Cumulative Trip Limits For Cabezon, Greenlings and Sheephead

This emergency regulatory action curtails catch levels in the fisheries for cabezon, greenlings and California sheephead.

Title 14
California Code of Regulations
AMEND: 150.16
Filed 12/30/02
Effective 01/01/03
Agency Contact: John M. Duffy (916) 653-4899

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN AUGUST 21, 2002
TO DECEMBER 25, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation’s 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.

CALIFORNIA REGULATORY NOTICE REGISTER 2003, VOLUME NO. 3-Z

Title 1

10/29/02 AMEND: 1, 100

Title 2

12/19/02 ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210, 1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.218, 1859.219, 1859.220,

12/17/02 ADOPT: 599.723.2

12/10/02 ADOPT: 58700

11/26/02 AMEND: 57.1

11/18/02 AMEND: 589, 589.3, 589.4, 589.5, 589.9

11/14/02 AMEND: 2271

11/04/02 ADOPT: 549.95

11/04/02 ADOPT: 1859.70.1, 1859.71.3, 1859.78.5, 1859.78.6, 1859.78.7, 1859.93.1, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.128, 1859.129, 1859.130, 1859.140, 1859.141, 1859

10/31/02 ADOPT: 18531.7

10/31/02 AMEND: 51000

10/24/02 ADOPT: 2351

10/09/02 AMEND: 18539.2

10/04/02 AMEND: 1859.81, 1859.91

10/04/02 ADOPT: 18544

09/16/02 AMEND: 1859.79, 1859.79.3, 1859.81.1, 1859.83, 1859.107

09/12/02 AMEND: 18110, 18401, 18404.1, 18451, 18540, 18705.4, 18997

09/09/02 AMEND: 1859.92, 1859.104, 1859.105, 1859.107

Title 3

12/24/02 ADOPT: 1392.12

12/12/02 AMEND: 3417(b)

12/12/02 AMEND: 3423(b)

12/12/02 AMEND: 3417(b)

12/10/02 AMEND: 3700(b)

12/05/02 AMEND: 6550

12/03/02 AMEND: 6622

12/02/02 AMEND: 3423(b)

12/02/02 AMEND: 1392.1, 1392.2, 1392.4, 1392.9.1

11/12/02 ADOPT: 4600, 4601, 4602, 4603

11/07/02 AMEND: 6000, 6710

11/01/02 AMEND: 3417(b)

10/28/02 AMEND: 3604(b)

10/24/02 AMEND: 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.32, 1430.45, 1430.50, 1430.51

10/17/02 ADOPT: 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3663.5

10/09/02 AMEND: 1380.19(h), 1420.10, 1442.7 REPEAL: 1420.9, 1442.10

09/19/02 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784

09/10/02 AMEND: 3700(c)

09/09/02 AMEND: 6414

08/30/02 AMEND: 3423(b)

08/29/02 AMEND: 1408.3

Title 4

12/12/02 ADOPT: 12100, 12101, 12104, 12105, 12120, 12122, 12124, 12126, 12128, 12130, 12132, 12140, 12142

12/05/02 ADOPT: 12309, 12310 AMEND: 12300, 12301, 12302, 12303, 12305

10/15/02 ADOPT: 1867

10/07/02 ADOPT: 12300, 12301, 12302, 12303, 12304, 12305, 12306, 12307, 12308

09/12/02 ADOPT: 8110, 8111, 8112, 8113, 8114, 8115, 8116, 8117, 8118, 8119, 8120, 8121, 8122, 8123, 8124, 8125

09/03/02 AMEND: 1107

Title 5

12/23/02 AMEND: 80054.5, 80020.4.1

12/10/02 ADOPT: 11983.5

12/09/02 AMEND: 80054

12/05/02 AMEND: 30950, 30951, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959

10/21/02 AMEND: 18301

10/17/02 ADOPT: 80434 AMEND: 80001

09/30/02 AMEND: 42356

09/30/02 AMEND: 42933

Title 8

12/19/02 AMEND: 5221, 5223,

12/03/02 AMEND: 4794, 4848, 4850

12/02/02 AMEND: 3441(a)

11/18/02 ADOPT: 2980, 2981, 2982, 2983

10/01/02 AMEND: 3457(b)

09/25/02 AMEND: 451, 527

09/19/02 AMEND: 14004, 14005

09/12/02 AMEND: 1671.2

09/09/02 ADOPT: 13635.1, 13655, 13656, 13657, 13658, 13659 AMEND: 13630, 13631, 13632, 13633, 13634, 13635, 13637, 13638, 13639, 13640, 13641, 13642, 13643, 13644, 13645, 13646, 13647, 13648, 13649, 13650, 13651, 13652, 13653, 13654

09/03/02 ADOPT: 20299

08/26/02 ADOPT: 340.40, 340.41, 340.42, 340.43, 340.44, 340.45, 340.46, 340.47, 340.48, 340.49, 340.50, 340.51, 340.52

Title 9

11/26/02 ADOPT: 9526, 9531 AMEND: 9500, 9505, 9515, 9530, 9535

Title 10

12/16/02 ADOPT: 1422, 1423
 12/12/02 AMEND: 2632.8
 12/12/02 ADOPT: 2699.6606, 2699.6711, 2699.6631, 2699.6717 AMEND: 2699.6500, 2699.6600, 2699.6605, 2699.6607, 2699.6611, 2699.6613, 2699.6617, 2699.6623, 2699.6625, 2699.6629, 2699.6631, 2699.6700, 2699.6703, 2699.6705, 2699.6709, 2699.6800, 2699.6801, 2699.680
 12/05/02 AMEND: 2632.13(c)
 11/22/02 ADOPT: 2689.1, 2689.2, 2689.3, 2689.4, 2689.5, 2689.6, 2689.7, 2689.8, 2689.9, 2689.10, 2689.11, 2689.12, 2689.13, 2689.14, 2689.15, 2689.16, 2689.17, 2689.18, 2689.19, 2689.20, 2689.21, 2689.22, 2689.23, 2689.24,
 11/19/02 ADOPT: 2542, 2542.1, 2542.2, 2542.3, 2542.4, 2542.5, 2542.6, 2542.7, and 2542.8
 11/18/02 ADOPT: 2187.4
 11/14/02 AMEND: 5002
 11/07/02 ADOPT: 2193, 2193.1, 2193.2 2193.3
 11/04/02 ADOPT: 2698.99
 10/31/02 ADOPT: 2632.13
 10/16/02 ADOPT: 2660 AMEND: 2646.2, 2648.4, 2651.1, 2652.5, 2655.1, 2655.5, 2655.6, 2655.10, 2656.1, 2656.2, 2656.3, 2656.4, 2657.2, 2658.1, 2659.1, 2661.3, 2697.3
 09/25/02 ADOPT: 2698.90, 2698.91
 09/25/02 AMEND: 250.9.1(a), 250.12(a), 250.51, 350.60(a), 260.001, 260.100.1, 260.100.3, 260.102.4(b), 260.102.8(b), 260.102.16, 260.103, 260.105.28 260.105.33, 260.111, 260.112, 260.113, 260.121, 260.131, 260.140.71.2, 260.140.87(e), 260.140.110.2, 260.140.11
 09/19/02 AMEND: 2851, 2851.1
 08/30/02 AMEND: 5101
 08/29/02 AMEND: 2698.200, 2698.201, 2698.301, 2698.302
 08/28/02 AMEND: 2698.73
 08/28/02 ADOPT: 2278, 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5
 08/27/02 AMEND: 2632.5(d)(11)

Title 11

12/04/02 ADOPT: 977.52 AMEND: 977.20, 977.43, 977.44, 977.45, 977.50, 977.51
 12/03/02 AMEND: 1001, 1010 REPEAL: 1009
 11/26/02 AMEND: 1005
 10/10/02 ADOPT: 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448,

449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 48

10/07/02 ADOPT: 1012 AMEND: 1001, 1004, 1005, PAM D-13 REPEAL: former 1005
 09/18/02 ADOPT: 61.8
 08/29/02 AMEND: 3000, 3001, 3003, 3007, 3008
 08/27/02 AMEND: 1070, 1082

Title 13

12/24/02 AMEND: 2261, 2262, 2262.4, 2262.5, 2262.6, 2262.9, 2265, 2266.5, 2269, 2271, 2272, 2296
 11/25/02 AMEND: 810, 811, 812, 813, 814, 815, 816, 817, 818
 11/04/02 ADOPT: 225.00, 225.03, 225.06, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.27, 226.30, 225.33, 225.36, 225.39, 225.41, 225.45, 225.48, 225.51, 225.54, 225.57, 225.60, 225.63, 225.66, 225.69, 225.72, and related forms
 10/18/02 AMEND: 1956.8
 09/16/02 AMEND: 1960.1, 1960.5, 1961, 1962,

Title 13, 17

09/12/02 ADOPT: 1969, 60060.1, 60060.2, 60060.3, 60060.4, 60060.5, 60060.6, 60060.7

Title 14

12/19/02 AMEND: 11900 and 11901
 12/19/02 AMEND: 11900
 12/18/02 ADOPT: 3704.1
 12/05/02 AMEND: 18419
 12/03/02 AMEND: 2200, 2320, 2500
 11/25/02 AMEND: 912.7, 932.7, 952.7
 11/25/02 AMEND: 895.1, 929.1, [949.1, 969.1], 929.2, [949.2, 969.2], 929.3, [949.3, 969.3], 929.4, [949.4, 969.4] REPEAL: 929.5, [949.5, 969.5], 1037.5(a), 1052
 11/21/02 AMEND: 1038(f)
 11/21/02 AMEND: 791.7, 870.15, 870.17, 870.19, 870.21 and incorporated by reference form FG-OSPR -1972
 11/18/02 AMEND: 932.9, 952.9
 11/18/02 AMEND: 2090, 2105, 2420, 2425, 2530 and 2690 renumbered to 2850
 11/14/02 AMEND: 895.1, 912.7, 913.1, 913.2, 932.7, 933.1, 933.2, 952.7, 953.1, 953.2
 11/07/02 ADOPT: 749.2
 11/07/02 AMEND: 7.50(b)(5)(E), 7.50(b)(156)(H)
 10/28/02 ADOPT: 4971
 10/28/02 AMEND: 1058.5
 10/24/02 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9

10/21/02 AMEND: 163, 163.5, 164
 10/15/02 AMEND: 2030
 10/09/02 ADOPT: 819.06, 819.07 AMEND:
 815.03, 815.05, 817.02, 817.03, 818.02,
 818.03, 819, 819.01, 819.02.8, 19.03,
 819.04, 819.05
 10/09/02 AMEND: 502, 507(c)
 10/08/02 AMEND: 2135
 10/03/02 ADOPT: 3810, 3811, 3812, 3813, 3814,
 3815, 3816, 3817
 10/03/02 AMEND: 3502
 10/01/02 ADOPT: 3940, 3941, 3942, 3943, 3944,
 3945, 3946, 3947, 3948
 10/01/02 AMEND: 3650, 3652, 3653, 3655, 3656,
 3658
 09/30/02 AMEND: 17400, 17402, 17402.5
 09/30/02 AMEND: 3901, 3909, 3910
 09/19/02 AMEND: 3626, 3627, 3628
 09/18/02 AMEND: 300(a) REPEAL: 502.1
 09/12/02 ADOPT: 105.5 REPEAL: 195
 09/12/02 AMEND: 120.3
 09/09/02 AMEND: 550, 551, 552
 09/09/02 ADOPT: 712
 09/04/02 ADOPT: 104.1
 08/28/02 ADOPT: 786.7, 786.8 AMEND: 786.0,
 786.1, 786.2, 786.3, 786.4, 786.5, 786.6
 08/26/02 ADOPT: 18090.0, 18090.1, 18090.2,
 18090.3 18091.1, 18092.0, 18093.0,
 18093.1, 18094.0 AMEND: 18011
 08/21/02 AMEND: 7.50 (b)(212)

Title 15

12/10/02 ADOPT: 3371.1
 10/04/02 AMEND: 3025, 3315
 09/30/02 AMEND: 3006
 08/27/02 ADOPT: 3375.5 AMEND: 3000, 3375,
 3375.1, 3375.2, 3375.3, 3375.4, 3377

Title 16

12/24/02 AMEND: 1399.25, 1399.26, 1399.27,
 1399.28, 1399.29
 12/24/02 REPEAL: 1382.1
 12/23/02 REPEAL: 1387, 1387.3, and 1387.5
 12/23/02 AMEND: 1399.10, 1399.12
 12/23/02 ADOPT: 1398.52 AMEND: 1398.37
 12/19/02 AMEND: 1398.3, 1398.20, 1398.21.1,
 1398.28, 1398.42, 1398.47, 1399.12,
 1399.20, 1399.21, 1399.22, 1399.52
 12/16/02 ADOPT: 1937.17 AMEND: 1996, 1996.2
 12/16/02 ADOPT: 1435.15 AMEND: 1435,
 1435.2, 1435.3, 1435.5, 1435.6
 12/12/02 AMEND: 2310(a)(b)
 12/09/02 ADOPT: 2414 AMEND: 2411, 2418
 12/03/02 AMEND: 1690, 1691 REPEAL: 1680,
 1681, 1682
 10/23/02 ADOPT: 1777, 1777.1, 1777.2, 1777.3,
 1777.4, 1777.5, 1778, 1778.1, 1778.2,
 1778.3

10/08/02 AMEND: 308
 10/02/02 ADOPT: 306.3
 09/24/02 AMEND: 1999.5
 09/23/02 AMEND: 306.2
 09/13/02 AMEND: 1811
 09/11/02 ADOPT: 1706.5, Article 5, Article 6,
 Article 7, Article 8, Article 10, Article
 10.1. AMEND: 1703, 1704, 1705, 1706,
 1706.1, 1707.1, 1707.3, 1708.2, 1708.3,
 1708.4, 1709, 1710, 1715.6, 1716, 1716.1,
 1716.2, 1717, 1717.1, 1717.2, 1717.4,
 1718, 1718.1, 171
 09/10/02 AMEND: 1305, 1306, 1328
 09/10/02 AMEND: 331-12.2(e)
 09/09/02 AMEND: 438

Title 17

12/19/02 AMEND: 57332
 12/05/02 AMEND: 58420
 12/02/02 AMEND: 6508
 11/12/02 AMEND: 94006
 10/29/02 AMEND: 54000, 54001
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11/18/02 AMEND: 69103
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