



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:** QuadState Local Governments Authority

A written comment period has been established commencing on October 2, 2015, and closing on November 16, 2015. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than November 16, 2015. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

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

**AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## **TITLE 2. OFFICE OF ADMINISTRATIVE LAW**

### **NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE OFFICE OF ADMINISTRATIVE LAW**

NOTICE IS HEREBY GIVEN that the Office of Administrative Law, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its Conflict-of-Interest Code. All inquiries should be directed to the contact listed below.

The Office of Administrative Law proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

The Conflict-of-Interest Code of the Office of Administrative Law designates positions in Disclosure Category 1 which are required to file statements of economic interests and provides additional information regarding consultants and Disclosure Categories 1 and 2. Changes to the Conflict-of-Interest Code of the Office of Administrative Law include: updating the names of designated positions in Disclosure Category 1, deleting a discontinued position from Disclosure Category 1, adding Staff Services Manager II as a designated position in Disclosure Category 2, and technical changes intended to make the disclosure category requirements more clear.

Authority: Government Code section 87306.

Reference: Government Code sections 87300-87302, 87306

The proposed amendment, explanation of the reasons, and all the information upon which the proposal is based, can be obtained from the agency's contact and is available on the agency's intranet site.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than December 2, 2015, or at the conclusion of the public hearing, if requested, whichever comes later, to the contact listed below. At this time, no public hearing is scheduled. Any person may request a public hearing no later than November 17, 2015.

The Office of Administrative Law has determined that the proposed amendments:

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

The Office of Administrative Law must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Craig Tarpenning, Assistant Chief Counsel, (916) 323-6808, [ctarpenning@oal.ca.gov](mailto:ctarpenning@oal.ca.gov).

#### **Mailing**

Address: Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
Attn: Craig Tarpenning

## **TITLE 2. STATE ALLOCATION BOARD**

### **THE STATE ALLOCATION BOARD PROPOSES TO AMEND VARIOUS REGULATION SECTIONS, ALONG WITH AN ASSOCIATED FORM, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998**

REGULATION SECTIONS PROPOSED FOR AMENDMENT: 1859.2, 1859.70.4, 1859.107, 1859.164.2, 1859.190, 1859.195, AND 1859.198.

FORM PROPOSED FOR AMENDMENT AND INCORPORATED BY REFERENCE:

*Application for Funding*, Form SAB 50-04, (Revised 02/15), referenced in Regulation Section 1859.2.

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced Regulation Sections, including an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not sched-

uled. 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, OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

#### AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Sections 17070.35, 17078.64, 17078.72(k), 17078.72(l), and 101012 of the Education Code, and makes specific reference Sections 17070.35, 17070.63, 17070.965, 17074.15, 17074.16, 17074.56, 17078.53, 17078.58, 17078.72, 17078.73, 101012(a)(4), and 101012(a)(8) of the Education Code.

#### INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities 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 Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its February 24, 2015 meeting, adopted proposed regulatory amendments to the SFP Regulations that would align the SFP regulations with changes to the High Performance Incentive (HPI) grants and Career Technical Education Facilities Program (CTEFP) as a result of Senate Bill (SB) 896, Chapter 39, Statutes of 2014.

#### Background and Problem Being Resolved

The proposed regulatory amendments remove the statutory authority for the SAB to make apportionments and/or approve HPI grants and CTEFP funding on or after January 1, 2015. It should be noted, however, that a project on the Unfunded List (Lack of AB 55 Loans) will retain the HPI and CTEFP bond authority as long as the SAB approved it on or before December 31, 2014.

SB 869, Chapter 39, Statutes of 2014, also provides that by January 1, 2015, the remaining or unallocated HPI [\$32,454,279] and CTEFP bond authority [\$650,113.53] will be transferred to the New Construc-

tion and Modernization categories on a 50/50 basis: 50 percent to the New Construction Account and 50 percent to the Modernization Account. In addition, the statute stipulates that for any HPI or CTEFP bond authority returning to these programs on or after January 1, 2015, the SAB shall determine the percentage of the rescinded amount to be used for New Construction and Modernization purposes [construction-ready projects]. The proposed regulatory amendments continue to promote the stimulation of the economy and support the creation of jobs.

Due to the amount of proposed regulatory text and the associated form, this information is not attached and may be reviewed on OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc). Copies of the proposed regulatory text and form will be mailed to any person requesting this information by using OPSC contact information set forth below under "Submission of Comments, Documents and Additional Information" (page 6). The proposed regulations amend the SFP Regulations under the CCR, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

#### Anticipated Benefits of the Proposed Regulations

The proposed regulatory amendments benefit school districts and the State of California by transferring HPI grants and CTEFP bond authority to the New Construction and Modernization categories to fund school construction projects, which include health and safety projects. These regulatory amendments benefit the State of California as they assist in increasing the State's infrastructure investment resulting in a positive impact to the State's economy and support job creation. In addition, these regulations will have a positive impact to various business, manufacturing, and construction-related industries such as architecture, engineering, trades (carpenters, masons, electricians, roofers, etc.), and municipalities.

The proposed regulatory amendments help carry out the Legislative intent of SB 869, Chapter 39, Statutes of 2014. Therefore, the proposed regulatory amendments are determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of these regulatory amendments will have a positive impact on public health and safety, on the State's economy, and support job creation.

#### Summary of the proposed regulatory amendments is as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed regulatory amendments incorporate specific Education Code sections that imple-

ment the provisions contained in SB 869, which in turn, updates the revision date of the Form SAB 50–04.

Existing Regulation Section 1859.70.4 sets aside \$100 million and sets forth criteria for school districts for the costs of design and materials in new construction and modernization projects that save energy and water, maximize natural lighting and indoor air quality, use recycled and low-toxin materials, use better acoustics to promote learning, and apply other high-performance improvements. The proposed regulatory amendments set forth enacting language that is consistent with the law (SB 869, Chapter 39, Statutes of 2014).

Existing Regulation Section 1859.107 provides for the withdrawal and resubmittal of applications in order to benefit from changes in the law or regulations. This Section also specifies how eligibility/funding applications will be processed based upon the date of submittal, specified funding adjustments, and criteria for the amendment, withdrawal, or resubmittal of eligibility/funding applications. The proposed regulatory amendment sets forth enacting language that is consistent with the law (SB 869, Chapter 39, Statutes of 2014).

Existing Regulation Section 1859.164.2 sets forth criteria for the release of funds to charter school applicants from Preliminary Charter School Apportionments. This Section also provides for the advance releases of funds for specified design costs and site acquisition costs for qualified charter schools that maintain financial soundness. The proposed amendments provide additional regulatory references that are necessary to maintain the accuracy of this Section.

Existing Regulation Section 1859.190 sets forth general filing submittal instructions and specifies that CTEFP modernization projects do not affect the Modernization Eligibility of that facility pursuant to Regulation Section 1859.60. The proposed regulatory amendments set forth enacting language that is consistent with the law (SB 869, Chapter 39, Statutes of 2014).

Existing Regulation Section 1859.195 delineates the specific dollar amounts to be apportioned and how those dollars will be distributed for the first and second six-month funding cycles for CTEFP applications. The proposed regulatory amendments set forth enacting language that is consistent with the law (SB 869, Chapter 39, Statutes of 2014).

Existing Regulation Section 1859.198 provides that applicants are subject to time limits on apportionment as outlined in Education Code and substantial progress requirements as specified in regulation. This Section also sets forth the use of returned funds to the CTEFP (from rescissions or reduced to costs incurred) to be made available for subsequent funding cycles. The proposed regulatory amendments set forth enacting language that is consistent with the law (SB 869, Chapter 39, Statutes of 2014).

Existing Form SAB 50–04, *Application for Funding*, is submitted by school districts to apply for state funding for new construction or modernization projects. The proposed regulatory amendments set forth enacting language that is consistent with the law (SB 869, Chapter 39, Statutes of 2014).

*Statutory Authority and Implementation*

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

*Determination of Inconsistency or Incompatibility with Existing State Regulations*

The proposed regulatory amendments remove the statutory authority for the SAB to make apportionments and/or approve HPI grants and CTEFP funding on or after January 1, 2015. It should be noted, however, that a project on the Unfunded List (Lack of AB 55 Loans) will retain the HPI and CTEFP bond authority as long as the SAB approved it on or before December 31, 2014.

SB 869, Chapter 39, Statutes of 2014, also provides that by January 1, 2015, the remaining or unallocated HPI [\$32,454,279] and CTEFP bond authority [\$650,113.53] will be transferred to the New Construction and Modernization categories on a 50/50 basis: 50 percent to the New Construction Account and 50 percent to the Modernization Account. In addition, the statute stipulates that for any HPI or CTEFP bond authority returning to these programs on or after January 1, 2015, the SAB shall determine the percentage of the rescinded amount to be used for New Construction and Modernization purposes [construction-ready projects]. The proposed regulatory amendments continue to promote the stimulation of the economy and support the creation of jobs.

The proposed regulatory amendments help carry out the Legislative intent of SB 869, Chapter 39, Statutes of 2014. Proceeding with the implementation of these reg-

ulatory amendments will have a positive impact on public health and safety, on the State's economy, and support job creation.

After conducting a review, OPSC, on behalf of the SAB, has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendments are within the SAB's authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

#### 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 school districts to incur additional costs in order to comply with the proposed regulations.

#### DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations 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.
- 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.
- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, 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.
- The proposed regulations create no costs or savings to any state agency beyond those required by law.

- The SAB has made an initial determination that there will be no impact on housing costs.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

##### Impact to Businesses and Jobs in California

There is a positive economic impact to California business assigned to these regulatory amendments. With HPI grants and CTEFP bond authority being transferred to the New Construction and Modernization categories, the funds/bond authority will be used to make apportionments for school construction projects, which include health and safety. Once the funds have been released, school districts can begin construction, which means they have entered into contracts and work can begin. These regulations affect various business, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, which continue to promote the stimulation of the economy and support job creation.

Therefore, the proposed regulations will have a positive impact on the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulations will result in the elimination of existing businesses or jobs within California.

##### Benefits to Public Health and Welfare, Worker's Safety, and the State's Environment

- There is a health and safety impact assigned to these regulatory amendments. Health and safety projects are considered priority projects by the SAB. This means that when funds become available for apportionment, these projects are first in line to receive the funding.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects and although these proposed regulations do not directly impact worker's safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training.
- These regulations will have a positive impact to various business, manufacturing, and construction-related industries such as architecture, engineering, trades (carpenters, masons, electricians, roofers, etc.), and municipalities, and support the creation of an unspecified number of jobs.
- There is no impact to the State's environment from the proposed regulations.

### EFFECT ON SMALL BUSINESSES

It has been determined that the amendments to the regulation sections will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulations only apply to school districts for purposes of funding school facility projects, the demand on the manufacturing and construction–related industries could potentially stimulate the creation of small businesses in these areas.

### 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 OPSC no later than November 16, 2015 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, Regulations Coordinator

#### Mailing

Address: Office of Public School Construction  
707 Third Street, 6th Floor  
West Sacramento, CA 95605

#### E–mail

Address: [lisa.jones@dgs.ca.gov](mailto:lisa.jones@dgs.ca.gov)  
Fax No.: (916) 375–6721

### AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 376–1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376–1646.

### 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 regulations should be addressed to the agency’s regulations 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 OPSC during normal working hours. Items 1 through 3 are also available on OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under “Resources,” then click on “Laws and Regulations,” then click on “SFP Pending Regulatory Changes.”

### 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 its attention would be

more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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 regulations coordinator named in this notice or may be accessed on the Web site listed above.

**TITLE 2. STATE ALLOCATION BOARD**

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.76, 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 the above-referenced 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, OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Section 17070.35 of the Education Code, and makes specific reference Sections 17070.35, 17072.12, and 17072.35 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities 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 Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its May 27, 2015 meeting, adopted a proposed regulatory amendment to the SFP Regulations to extend for one year the additional grant to school districts for new construction general site development costs. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

Bond Funds Impacted

The following four State school bonds were authorized by the Legislature and approved by the State’s electorate for purposes of school facility construction:

- Class Size Reduction Kindergarten–University Public Education Facilities Bond Act of 1998 (Proposition 1A)
- Kindergarten–University Public Education Facilities Bond Act of 2002 (Proposition 47)
- Kindergarten–University Public Education Facilities Bond Act of 2004 (Proposition 55)
- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D)

Background and Problem Being Resolved

The SAB adopted the additional grant for general site development costs at its June 28, 2006 meeting. The proposed regulation was approved by the OAL and filed with the Secretary of State on September 5, 2006. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

As first implemented, the additional grant for general site development costs was to be suspended “no later than January 1, 2008” unless extended by the SAB. The following is a sequence of events extending the additional grant for general site development:

- **First One-Year Extension:** The SAB, at its December 12, 2007 meeting, approved emergency regulations extending the suspension date to “no later than January 1, 2009,” which was approved by the OAL and filed with the Secretary of State on March 3, 2008.
- **Second One-Year Extension:** The SAB, at its February 25, 2009 meeting, approved extending the suspension date to “no later than January 1, 2010,” which was approved by the OAL and filed with the Secretary of State on September 18, 2009.
- **Third One-Year Extension:** The SAB, at its November 4, 2009 meeting, approved extending the suspension date to “no later than January 1, 2011,” which was approved by the OAL and filed with the Secretary of State on April 8, 2010.
- **Fourth One-Year Extension:** The SAB, at its June 23, 2010 meeting, approved extending the suspension date to “no later than January 1, 2012,” which was approved by the OAL and filed with the Secretary of State on April 27, 2011.
- **Fifth Two-Year Extension:** The SAB, at its July 12, 2011 meeting, approved extending the suspension date to “no later than January 1, 2014,” which was approved by the OAL and filed with the Secretary of State on December 28, 2011.
- **Sixth One-Year Extension:** The SAB, at its May 22, 2013 meeting, approved extending the suspension date to “no later than January 1, 2015,” which was approved by the OAL, filed with the Secretary of State on October 30, 2013, and took effect January 1, 2014, due to Senate Bill (SB) 1099, Chapter 295, Statutes of 2012.
- **Seventh One-Year Extension:** The SAB, at its August 20, 2014 meeting, approved extending the suspension date to “no later than January 1, 2016,” which was approved by the OAL, filed with the Secretary of State on February 9, 2015, and took effect on April 1, 2015, due to SB 1099, Chapter 295, Statutes of 2012.

The proposed regulatory amendment continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development, (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects.

Attached to this Notice is the specific regulatory language of the proposed regulatory action. You may also review the proposed regulatory language on OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc). Copies of the amended regulatory text will be mailed to any person requesting this information by using OPSC contact information set forth on page 7. The proposed regulations amend the SFP Regulations under the CCR, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

*Financial Impact*

From its inception in 2006 through May 27, 2015, 472 school facility projects have received the general site development additional grant, averaging \$545,415 per eligible project in State bond cost. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

The SAB is currently providing unfunded project approvals for the Charter School Facilities Program (CSFP), Facility Hardship, and Overcrowding Relief Grant (ORG) Program until other sources of New Construction funding such as SFP project rescissions or fund transfers have occurred.

The bond funds apportioned to date for the general site development grant are:

	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	TOTAL
# of Projects	127	141	71	69	19	11	23	4	7	472
Total \$ Allocated (in millions)	\$62.3	\$71.6	\$46.3	\$42.3	\$8.9	\$5.1	\$16.8	\$1.3	\$2.9	\$257.5

As indicated above, the SAB is providing unfunded approvals for CSFP, Facility Hardship, and ORG projects. Facility Hardship/Rehabilitation projects are health and safety projects that could be eligible for the general site development grant. Health and safety proj-

ects are presented to the SAB on an on-going basis. There are no ORG projects eligible for the general site development grant in the next 12 months.

Eligible Charter School projects receive Preliminary Apportionments as unfunded approvals from bond au-

thority under the CSFP. The preliminary apportionment for a CSFP project must be converted within a four-year period to an adjusted grant apportionment (New Construction) meeting all the SFP criteria, unless a single one-year extension is granted. Between November 2014 and May 2015, 14 CSFP projects have been awarded preliminary apportionments. Historically, these projects do not convert within the first year as specific agency (DSA, CDE) approvals are required to be in place prior to conversion and these approvals do take time. Currently, there are 11 CSFP projects that could be eligible for the general site development grant within the next 12 months, totaling approximately \$4.28 million.

#### Anticipated Benefits of the Proposed Regulation

Extending the SFP general site development grant for another year will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements. Failure to implement this regulation may require reducing the scope of work for some school projects.

The State of California benefits from this regulation as it assists in increasing the State's infrastructure investment resulting in a positive impact to the State's economy as well as help to support job creation. This regulation will have a positive impact to various businesses, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, along with the creation of an unknown amount of [temporary] jobs.

There is a public health and safety impact assigned to this regulation. School site occupants, especially young children, will have less risk of injury and safer ingress and egress when driveways and walkways are wide, level, and extensive, when finish grading is thorough, when play facilities are of high quality on safe ground cover material, and athletic fields are well-designed with safe playing surfaces, adequate protective fences, and appropriate walkways.

The proposed regulatory amendment is therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of this regulatory amendment will have a positive impact on public health and safety at K-12 public schools because school site occupants will have less risk of injury for the reasons noted above.

#### Summary of the proposed regulatory amendment is as follows:

Existing Regulation Section 1859.76 provides new construction additional grants for specific types and amounts of site development costs. It provides that the additional grant for general site development costs shall be suspended "no later than January 1, 2016" unless extended by the SAB. The proposed amendment extends the suspension of the additional grant for general site development costs until "no later than January 1, 2017."

#### Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

#### Determination of Inconsistency or Incompatibility with Existing State Regulations

The proposed regulatory amendment continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects.

School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is required.

After conducting a review, OPSC, on behalf of the SAB, has concluded that this is the only regulation on this subject area, and therefore, the proposed regulation is neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendment is within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

**IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The Executive Officer of the SAB has determined that the proposed regulation does 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 school districts or charter schools to incur additional costs in order to comply with the proposed regulation.

**DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION**

The Executive Officer of the SAB has made the following initial determinations 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.
- 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.
- The proposed regulation creates no costs to any local agency, school district, or charter school requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, 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.
- The proposed regulation creates no costs or savings to any state agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

*Impact to Businesses and Jobs in California*

There is a positive economic impact to California business by extending for one year the SFP general site development grant. This will provide the funds to school districts building new construction projects to contract with businesses and suppliers for necessary landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, thus supporting jobs in these construction-related industries. The proposed regulation:

- Continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects;
- Extends this additional grant until “no later than January 1, 2017”;
- Adds an average \$545,415 per eligible project in State bond funds to the SFP new construction funding model, which includes the pupil grant base amount and other additional grants;
- Creates an unknown amount of (temporary) jobs in landscaping, concrete, asphalt, finishing, playground and athletic field equipment, and other construction trades, along with stimulating the economy; and
- Could potentially create savings for a school district to utilize towards another high-priority capital outlay project.

Further, by extending the SFP general site development grant for another year, it will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements because school districts will be able to more fully afford them. Failure to implement this regulation may require reducing the scope of work for some school projects.

This regulation affects various business, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, which continues to promote the stimulation of the economy and helps to support job creation.

Therefore, the proposed regulation will have a positive impact on the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulation will result in the elimination of existing businesses or jobs within California.

Benefits to Public Health and Welfare, Worker's Safety, and the State's Environment

- There is a health and safety impact assigned to this regulatory amendment. School site occupants, especially young children, will have less risk of injury and safer ingress and egress when driveways and walkways are wide, level, and extensive, when finish grading is thorough, when play facilities are of high quality on safe ground cover material, and athletic fields are well-designed with safe playing surfaces, adequate protective fences, and appropriate walkways.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker's safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site
- Extending the SFP general site development grant for another year will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements. Failure to implement this regulation may require reducing the scope of work for some school projects.
- This regulation will have a positive impact to various business, manufacturing, and construction-related industries such as architecture, engineering, trades (carpenters, masons, electricians, roofers, etc.) and municipalities, and supports the creation of an unspecified number of jobs.
- There is no impact to the State's environment from the proposed regulation.

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulation will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulation only applies to school districts and charter schools for purposes of funding school facility projects, the demand on the manufacturing and construction-related industries could potentially stimulate the creation of small businesses in these areas.

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 OPSC no later than November 16, 2015 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, Regulations Coordinator

Mailing

Address: Office of Public School Construction  
707 Third Street, 6th Floor  
West Sacramento, CA 95605

E-mail

Address: [lisa.jones@dgs.ca.gov](mailto:lisa.jones@dgs.ca.gov)  
Fax No.: (916) 375-6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 376-1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376-1646.

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 regulations should be addressed to the agency's regulations 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.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

#### **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 its attention would be more effective in carrying out the purpose for which the

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

#### **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 regulations coordinator named in this notice or may be accessed on the Web site listed above.

### **TITLE 2. STATE ALLOCATION BOARD**

#### **THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.70.4, 1859.93, 1859.93.1, AND 1859.190, 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 the above-referenced 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, OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

#### **AUTHORITY AND REFERENCE CITATIONS**

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Sections 17070.35, 17078.72(k), and 101012 of the Education Code, and makes specific reference Sections 17070.35, 17070.965, 17072.25, 17074.15, 17075.15, 17078.72, 17078.73, 101012(a)(4), and 101012(a)(8) of the Education Code.

#### **INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT**

The Leroy F. Greene School Facilities 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 Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its April 15, 2015 meeting, adopted proposed regulatory amendments to the SFP Regulations that establish and delineate the process for the allocation of returning High Performance Incentive (HPI) grants and Career Technical Education Facilities Program (CTEFP) bond authority to the SFP on or after January 1, 2015. These proposed regulatory amendments are a result of Senate Bill (SB) 896, Chapter 39, Statutes of 2014.

#### Background and Problem Being Resolved

The statute stipulates that the SAB shall determine, on or after January 1, 2015, the percentage by which returning HPI grants and CTEFP bond authority will be distributed to the New Construction and Modernization Accounts. The proposed regulations also address the prioritization of Facility Hardship applications (health and safety projects and includes rehabilitation projects) in determining the distribution of returning bond authority. The proposed regulatory amendments specify the process by which any returning HPI grants and CTEFP projects shall first be allocated to Facility Hardship projects (health and safety projects and includes rehabilitation projects) in order of receipt. The process also delineates that should all of the Facility Hardship projects be funded, or if there are no Facility Hardship projects to fund, the returning funds will be divided on a 50/50 basis between the SFP New Construction and Modernization Accounts to fund new construction and modernization projects in order of receipt. These proposed regulations could also address some of the 182 projects on the Unfunded List (Lack of Authority) totaling approximately \$375 million by providing unfunded approvals for placement on the Unfunded List (Lack of AB 55 Loans). These proposed regulatory amendments continue to promote the stimulation of the economy and support the creation of jobs.

The proposed regulatory text is attached behind this Notice of Proposed Regulatory Action and may be reviewed on OPSC Web site at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc). Copies of the proposed regulatory text will be mailed to any person requesting this information by using OPSC contact information set forth below under "Submission of Comments, Documents and Additional Information" (page 6). The proposed regulations amend the SFP Regulations under the CCR, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Reg-

ulations relating to the Leroy F. Greene School Facilities Act of 1998.

#### Anticipated Benefits of the Proposed Regulations

The proposed regulatory amendments benefit school districts and the State of California by redirecting returning HPI grants and CTEFP bond authority to Facility Hardship projects (health and safety projects and includes rehabilitation projects). These regulatory amendments benefit school districts in that health and safety projects (including financial hardship projects) are prioritized to receive funds first and once these projects have been addressed, non-health and safety projects are next in line for funding. As stated above, there are 182 projects on the Unfunded List (Lack of Authority) totaling approximately \$375 million that could receive funding. In addition, the State of California benefits from these regulations as they assist in increasing the State's infrastructure investment resulting in a positive impact to the State's economy as well as help to support job creation. These regulations will have a positive impact to various business, manufacturing, and construction-related industries such as architecture, engineering, trades (carpenters, masons, electricians, roofers, etc.), and municipalities.

The proposed regulatory amendments help carry out the Legislative intent of SB 869, Chapter 39, Statutes of 2014. Therefore, the proposed regulatory amendments are determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of these regulatory amendments will have a positive impact on public health and safety, on the State's economy, and help to support job creation.

#### Summary of the proposed regulatory amendments are as follows:

Existing Regulation Section 1859.70.4 sets aside \$100 million and sets forth criteria for school districts for the costs of design and materials in new construction and modernization projects that save energy and water, maximize natural lighting and indoor air quality, use recycled and low-toxin materials, use better acoustics to promote learning, and apply other high performance improvements. The proposed regulatory amendments: 1) delete new language that is no longer applicable to this Section; and 2) sets forth how remaining HPI bond authority will be distributed to new construction and modernization health and safety projects, non-health and safety projects, and includes financial hardship projects.

Existing Regulation Section 1859.93 sets forth a specified funding order for modernization projects. The proposed regulatory amendments: 1) delete language that is no longer applicable to this Section; and 2) specify the new funding order for health and safety projects

[rehabilitation projects] and non-health and safety modernization projects.

Existing Regulation Section 1859.93.1 sets forth a specified funding order for new construction projects. The proposed regulatory amendments: 1) delete language that is no longer applicable to this Section; and 2) specify the new funding order for health and safety projects [facility hardship projects] and non-health and safety new construction projects; and 3) make minor lettering changes due to the addition of the new regulatory language, which are considered non-substantive changes.

Existing Regulation Section 1859.190 sets forth general filing submittal instructions and specifies that CTEFP modernization projects do not affect the Modernization Eligibility of that facility pursuant to Regulation Section 1859.60. The proposed regulatory amendments: 1) delete new language that is no longer applicable to this Section; and 2) set forth how remaining CTEFP bond authority will be distributed to new construction and modernization health and safety projects, non-health and safety projects, and includes financial hardship projects.

Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Determination of Inconsistency or Incompatibility with Existing State Regulations

The statute stipulates that the SAB shall determine the percentage by which returning HPI grants and CTEFP bond authority will be distributed to the New Construction and Modernization Accounts. The proposed regulations also address the prioritization of Facility Hardship applications (health and safety projects and includes rehabilitation projects) in determining the

distribution of returning bond authority. The proposed regulatory amendments specify the process by which any returning HPI grants and CTEFP projects shall first be allocated to Facility Hardship projects (health and safety projects and includes rehabilitation projects) in order of receipt. The process also delineates that should all of the Facility Hardship projects be funded, or if there are no Facility Hardship projects to fund, the returning funds will be divided on a 50/50 basis between the SFP New Construction and Modernization Accounts to fund new construction and modernization projects in order of receipt. There are 182 projects on the Unfunded List (Lack of Authority) totaling approximately \$375 million that could be impacted through these regulations. These proposed regulatory amendments continue to promote the stimulation of the economy and support the creation of jobs.

The proposed regulatory amendments help carry out the Legislative intent of SB 869, Chapter 39, Statutes of 2014. Proceeding with the implementation of these regulatory amendments will have a positive impact on public health and safety, on the State’s economy, and help support job creation.

After conducting a review, OPSC, on behalf of the SAB, has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendments are within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

**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 school districts to incur additional costs in order to comply with the proposed regulations.

**DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION**

The Executive Officer of the SAB has made the following initial determinations 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.

- 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.
- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, 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.
- The proposed regulations create no costs or savings to any state agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

##### *Impact to Businesses and Jobs in California*

There is a positive economic impact to California business assigned to these regulatory amendments. With HPI grants and CTEFP bond authority returning to the SFP, specifically the New Construction and Modernization categories, the funds/bond authority will be used to make apportionments for school construction projects, which include health and safety projects and could address the 182 projects on the Unfunded List (Lack of Authority) totaling approximately \$375 million by providing unfunded approvals for placement on the Unfunded List (Lack of AB 55 Loans). Once the funds have been released, school districts can begin construction, which means they have entered into contracts and work can begin. These regulations affect various business, manufacturing, and construction–related industries such as architecture, engineering, trades and municipalities, which continue to promote the stimulation of the economy and help to support job creation.

Therefore, the proposed regulations will have a positive impact on the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulations will result in the elimination of existing businesses or jobs within California.

##### *Benefits to Public Health and Welfare, Worker’s Safety, and the State’s Environment*

- There is a health and safety impact assigned to these regulatory amendments. Health and safety projects are considered priority projects by the

SAB and have been included in determining the distribution of returning bond authority. This means that when funds become available for apportionment, these projects are first in line to receive the funding.

- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects and although these proposed regulations do not directly impact worker’s safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code–compliant and safer for use by pupils, staff, and other occupants on the site.
- These regulations will have a positive impact to various business, manufacturing, and construction–related industries such as architecture, engineering, trades (carpenters, masons, electricians, roofers, etc.), and municipalities, and support the creation of an unspecified number of jobs.
- There is no impact to the State’s environment from the proposed regulations.

#### EFFECT ON SMALL BUSINESSES

It has been determined that the amendments to the regulation sections will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulations only apply to school districts for purposes of funding school facility projects, the demand on the manufacturing and construction–related industries could potentially stimulate the creation of small businesses in these areas.

#### 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 OPSC no later than November 16, 2015 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, re-

quests 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, Regulations Coordinator  
Mailing Address: Office of Public School Construction  
707 Third Street, 6th Floor  
West Sacramento, CA 95605  
E-mail Address: [lisa.jones@dgs.ca.gov](mailto:lisa.jones@dgs.ca.gov)  
Fax No. (916) 375-6721

#### AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 376-1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376-1646.

#### 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 regulations should be addressed to the agency's regulations 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 OPSC during normal working hours. Items 1 through 3 are also available on OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

#### 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 its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

#### 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 regulations coordinator named in this notice or may be accessed on the Web site listed above.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture amended subsection 3439(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Huanglongbing (HLB) Disease Interior Quarantine as an emergency action that was effective on July 21, 2015. 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 January 19, 2016.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

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.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on November 16, 2015. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
 916.654.1017  
 916.654.1018 (FAX)

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.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate the pest (FAC Section 5761).

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the

probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

The specific anticipated benefits of the amendment of this regulation are:

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. The adoption of this regulation benefits the citrus industries (nursery and fruit) and the environment by establishing eradication authority enabling the removal of HLB infested host material from the environment. By removing the sources of HLB inoculums it is more biologically feasible to confine HLB's devastating impacts to the smallest area possible.

FAC Section 401.5 states, "The department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state." The adoption of this regulation is one step to mitigate the spread of HLB through its vector, ACP. This prevents the ACP from naturally spreading HLB and increases the chances of successfully containing the disease to the smallest area possible.

All eradication activities are conducted by the Department. Except for curry plants, any other host material infected with HLB will die as there is no cure. Homeowners and others will benefit by having this host material removed at no cost to them.

The California consumers benefit as the fruit from host trees infected with HLB is inedible. Confining the HLB infestation to the smallest area possible ensures citrus fruits and other host fruits are available for consumption and at reasonable prices.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency which can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

There is no existing, comparable federal regulation or statute.

#### AMENDED TEXT

This regular rulemaking action expands the quarantine area for HLB in the San Gabriel area of Los Angeles County by approximately 87 miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against HLB within this additional area. The total area which would be under regulation is now approximately 180 square miles.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no other non-discretionary costs or savings to local agencies or school districts.

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

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

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

Significant effect on housing costs: None.

#### *Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits that the amendment of this regulation would have pertaining to California worker safety. The Department believes the amendment of this regulation benefits the general health and welfare of California residents by ensuring the availability of citrus for consumption at reasonable prices and protecting the economic benefits the estimated \$2.19 billion per year citrus industry brings to the State's economy. This regulation benefits over 99 percent of the citrus industries (nursery and fruit) that are located outside the quarantine area. The amendment of this regulation helps protect this economic engine and food source which benefits the general health and welfare of California residents. This does not count the many thousands of backyard gardeners all over California who produce large quantities of fruit for their own use, and support the traditions, especially in the Asian culture, that many families have for citrus fruit. The amendment of this regulation also promotes the economic well-being of agriculturally dependent rural California communities and reduces the potential adverse environmental impacts caused by HLB [Gov. Code Sec. 11346.3(b)].

#### ALTERNATIVES CONSIDERED

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

#### AUTHORITY

The Department proposes to amend Section 3439(b) pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code of California.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, pro-

posed actions, location of the rulemaking files, and request for a public hearing may be directed to: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 220, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sara.khalid@cdfa.ca.gov](mailto:sara.khalid@cdfa.ca.gov). In her absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site ([www.cdfa.ca.gov/cdfa/pendingregs](http://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 actions, 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 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, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted 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 adoption. 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 4. CALIFORNIA HORSE RACING BOARD

#### DIVISION 4, CALIFORNIA CODE OF REGULATIONS NOTICE OF PROPOSAL TO AMEND RULE 1658. VESTING OF TITLE TO CLAIMED HORSE

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

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1658, Vesting of Title to Claimed Horse. The proposed amendment would require the stewards to void a claim if the racing veterinarian or official veterinarian determines the horse will be placed on the Veterinarian's List as "bled." The proposed amendment also provides a definition of "bled."

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, November 19, 2015**, or as soon after that as business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on November 16, 2015**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6026  
Fax: (916) 263-6022  
E-Mail: [haroldc@chr.ca.gov](mailto:haroldc@chr.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

Business and Professions Code sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific section 19562, Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in

California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this State.

The Board proposes to amend Rule 1658, Vesting of Title to Claimed Horse, to provide that a claim will be voided by the stewards if the racing veterinarian or the official veterinarian determines that the horse will be placed on the Veterinarian's List as "bled." Subsection 1658(b)(2) has been amended to add "bled" as a condition that will cause a claim to be voided. If a horse finishes a race with evidence of bleeding from the nostrils, it is evidence that it suffers from exercise-induced pulmonary hemorrhage (EIPH). Just as horses may have preexisting unsoundness issues with regards to lameness, they also may have preexisting conditions with regards to their respiratory tracts. Two issues race-track veterinarians routinely deal with are soundness health and respiratory health. Exercise-induced pulmonary hemorrhage occurs in horses that engage in intense exercise or race at high speeds. Blood enters the air passages of a horse's lung, due to fractured lung capillaries, which may lead to the impairment of lung function. Over time, the damage from repeated episodes of EIPH can set up a cycle that increases with severity of bleeding. Blood itself causes irritation and inflammation in the lung; this process leads to lung scarring and a weakening of the blood vessels. Mild EIPH may have only minimal effect on performance, but severe bleeding could impair exercise performance by decreasing oxygen uptake in the lung. In extreme cases the horse can break down on the track, which puts the health and safety of the jockey at risk. Horses with severe EIPH develop nosebleeds (epistaxis), while horses with less severe cases may not show any overt signs of the condition. One way to determine the presence and severity of EIPH is through a flexible endoscope examination. Observation of blood in the trachea or large bronchi of horses shortly after racing or strenuous exercise can provide a conclusive diagnosis of EIPH, and reveal a problem that has not yet become apparent with bleeding at the nostrils.

A claiming race provides an opportunity to unload a horse that has been found to have EIPH, but has not yet developed epistaxis. Such an action does not address the health of the horse; rather, it passes the issue to the new owner. Potential claimants cannot examine the horse before putting in a claim, so it may not be easy to find out whether a horse has previously bled. Claiming a horse that displays epistaxis penalizes the new owner, as the horse will be ineligible to race as provided under Rule 1845, Authorized Bleeder Medication. Rule 1845 provides that if the official veterinarian observes a horse bleeding externally from one or both nostrils during or after a race, and determines such bleeding is a direct result of EIPH, the horse shall be ineligible to race for periods of time ranging from 14 days if a first incident, to being barred from racing for lifetime if the bleeding is the fourth observed incident within a 365-day period. The claimant has no way of knowing if the horse has previously been placed on the Veterinarian's List due to external bleeding as a result of EIPH. To protect the interests of the horse and claimant, the Board has determined it is necessary to amend subsection 1658(b) to add "bled" as a condition that will cause a claim to be voided.

A new subsection 1658(b)(2)(A) defines "bled" as the racing or official veterinarian observing a horse bleeding from one or both nostrils during or after the race, and determining that the bleeding is a direct result of exercise induced pulmonary hemorrhage (EIPH). The Board has determined that it is necessary to amend Rule 1658 to add a definition of "bled" so that prospective claimants and racing officials will have clarity in understanding how the EIPH must display itself before a claim may be voided. There must be clear evidence of the condition, demonstrated by bleeding from one or both nostrils, before the stewards will void a claim.

**Claiming Race:** A claiming race is a horse race in which each horse entered is made available for purchase, or claiming, at a fixed price, which a buyer must agree to pay before the race is run. Claiming races allow lesser quality horses to compete equally, as not all horses are competitive at the top or mid levels of racing. Horses are entered for a price at which the owner or trainer feels is reasonable to lose it. A claiming race is a venue through which a new owner may buy his first horse. It is also a venue where others claim (at bargain prices) horses they believe can compete at higher levels. Claiming races can also be used by owners and trainers to rid themselves of horses whose performance is not what they expect, so the terms "*Caveat Emptor*" or "*Buyer Beware*" apply. The claimant does not get to examine the horse prior to putting in a claim, and the horse actually belongs to a successful claimant from the time the field is dispatched. Under traditional claiming races,

if anything happens to the horse during or immediately after the race, the claimant still must take ownership, regardless of its condition; this is true in many racing states. However, in 2012 the Board amended Rule 1658 to provide that if a claimed horse is placed on the Veterinarian's List as unsound or lame, the stewards shall void the claim and return the horse to its original owner. The amendment was meant to protect the health of the horse by discouraging owners and trainers from attempting to run unsound horses in claiming races, and to encourage new owners, as well as experienced horsemen, to claim more California horses.

#### POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The Board proposes to amend Rule 1658, Vesting of Title to Claimed Horse, to provide that a claim will be voided by the stewards if the racing veterinarian or the official veterinarian determines that the horse will be placed on the Veterinarian's List as "bled." Subsection 1658(b)(2) has been amended to add "bled" as a condition that will cause a claim to be voided. A new subsection 1658(b)(2)(A) defines "bled" as the racing or official veterinarian observing a horse bleeding from one or both nostrils during or after the race, and determining that the bleeding is a direct result of exercise induced pulmonary hemorrhage (EIPH).

The proposed amendment to Rule 1658 is necessary to ensure the integrity of horse racing and the protection of the public. The proposed amendment will have the benefit of assuring potential claimants and horse-racing fans alike that California's claiming races will not be venues wherein trainers and owners attempt to rid themselves of unsound horses. The proposed amendment will have the benefit of promoting fairness in that claimants will be less likely to find they have claimed horses that are not fit to continue racing. In addition, the proposed amendment will help to protect the health and safety of horse and rider, as horses with a history of bleeding due to EIPH will no longer be passed from one claiming race to another at increasingly lower values. The proposed amendment will not have an impact with regards to protecting the environment, the promotion of social equality or transparency in government. The proposed amendment will have an impact with regards to transparency in the business of claiming races, as it will promote the entrance of horses fit to continue racing, and discourage the dumping of unsound horses.

#### CONSISTENCY EVALUATION

Consistency with Existing State Regulations: During the process of developing the proposed amendment, the

Board has conducted an evaluation for any other possible related regulations and has determined that Rule 1658 is the only regulation dealing with this subject area (Vesting of Title to Claimed Horse). Therefore the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendment of Rule 1658 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The proposed amendment addresses California claiming races by promoting the entrance of sound race horses while discouraging the running of unsound horses. The assurance of sound horses running in claiming races will help attract current and prospective owners to California's horse racing industry.

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

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

Significant effect on housing costs: none.

#### RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment of Rule 1658 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment will have the benefit of assuring potential claimants and horse-racing fans alike that California's claiming races will not be venues wherein trainers and owners attempt to rid themselves of unsound horses. The proposed amendment will have the benefit of promoting fairness in that claimants will be less likely to find they have claimed horses that are not fit to continue racing. In addition, the proposed amendment will help to protect the health and safety of horse and rider, as horses with a history of bleeding due

to EIPH will no longer be passed from one claiming race to another at increasingly lower values. The proposed amendment will not have an impact with regards to protecting the environment, the promotion of social equality or transparency in government. The proposed amendment will have an impact with regards to transparency in the business of claiming races, as it will promote the entrance of horses fit to continue racing, and discourage the dumping of unsound horses.

Effect on small businesses: none. The proposal to amendment of Rule 1658 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSON

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

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6026  
E-mail: [haroldc@chr.ca.gov](mailto:haroldc@chr.ca.gov)

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

Andrea Ogden, Regulations Manager  
Telephone: (916) 263-6033  
E-mail: [andreao@chr.ca.gov](mailto:andreao@chr.ca.gov)

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

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

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

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

#### BOARD WEB ACCESS

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

**TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

**General Industry Safety Orders  
Section 4307**

**Exception for Portable Power-Driven Circular Saw Blade Guarding (Horcher)**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

**PUBLIC HEARING**

The Board will hold a public hearing starting at 10:00 a.m. on **November 19, 2015**, in the **Council Chambers of the Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

**WRITTEN COMMENT PERIOD**

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **October 2, 2015** and closes at 5:00 p.m. on **November 19, 2015**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

- By mail to Sarah Money, Occupational Safety and Health Standards Board,  
2520 Venture Oaks Way, Suite 350,  
Sacramento, CA 95833;
- or
- By fax at (916) 274-5743;
- or
- By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

**AUTHORITY AND REFERENCE**

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

The Occupational Safety and Health Standards Board (Board) notes the need to address a Federal OSHA guarding specification which is lacking in Title 8. Federal OSHA construction standard Section 1926.304(d) provides specific portable power-driven saw blade guarding requirements for circular saws. The federal standard requires a minimum arc of saw teeth exposure to allow a safe engagement of the saw blade with the piece to be cut. The proposed amendment adds the federal language to Section 4307(a) and (b) of the General Industry Orders (GISO) to provide the minimum arc of blade exposure for the upper and lower blade guard allowing the base plate to move freely and the saw blade to safely contact and retract from the work piece to be cut.

The proposed amendments ensure that California is at least as effective as the federal standard for guarding portable, power-driven circular saw blades. This proposed regulation adopts the federal language essentially verbatim to clarify existing instructions for the proper operation and use of circular saw blade guards.

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues. The Board proposes to adopt a regulation which is the same as the federal regulation except for editorial and format differences.

The proposed regulation is substantially the same as the Federal OSHA standard. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting a standard substantially the same as a federal standard; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to:

1. Identify any clear and compelling reasons for California to deviate from the federal standard;
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking;

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. The proposal is part of a system of occupational safety and health regulations. The consistency and compatibility

of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

#### DOCUMENT RELIED UPON

1. 29 CFR, Part 1926, Safety and Health Regulations for Construction, Subpart I, Tools — Hand and Power, Section 1926.304, Woodworking tools.

[https://www.osha.gov/pls/oshaweb/owadisp.show\\_document?p\\_table=STANDARDS&p\\_id=10692](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10692)

This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

#### COST ESTIMATES OF PROPOSED ACTION

A cost estimate of the proposed action cannot be provided as this amendment does not require the purchase of new equipment or a retrofit of existing equipment. This federal requirement has been in effect for decades and saws produced meet the federal requirement.

#### DETERMINATION OF MANDATE

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

#### SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated since portable power-driven saws have been manufactured and sold for decades in compliance with federal and industry provisions for the minimum arc required to permit the base to be tilted and to allow proper contact and retraction from the work piece.

#### CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer), and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

#### AVAILABILITY OF TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

#### AVAILABILITY OF THE MEMORANDUM TO THE STANDARDS BOARD MEMBERS

Upon its completion, copies of the Memorandum may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulation in an underline/strikeout format and the Notice of Proposed Action can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

**TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

**General Industry Safety Orders  
Section 4412**

**Pulp, Paper and Paperboard Mills — Conveyor  
Warning Sign (Horcher)**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

**PUBLIC HEARING**

The Board will hold a public hearing starting at 10:00 a.m. on **November 19, 2015**, in the **Council Chambers of the Costa Mesa City Hall at 77 Fair Drive, Costa Mesa, CA 92626**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

**WRITTEN COMMENT PERIOD**

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **October 2, 2015**, and closes at 5:00 p.m. on **November 19, 2015**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

- By mail to Sarah Money, Occupational Safety and Health Standards Board,  
2520 Venture Oaks Way, Suite 350,  
Sacramento, CA 95833;
- or
- By fax at (916) 274-5743;
- or
- By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

**AUTHORITY AND REFERENCE**

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated regulations addressing Updating OSHA Standards Based on National Consensus Standards on June 13, 2013, as 29 Code of Federal Regulations, Part 1910, Section 1910.261(c)(15)(iv). The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 78, No. 114, pages 35559–35567, June 13, 2013, as the justification for the Board’s proposed rulemaking action. The Board proposes to adopt a regulation which is the same as the federal regulation except for editorial and format differences.

The proposed regulation would require signage for conveyors that cross over walkways and roadways to alert employees to the overhead hazard. The Board determined, as a result of a review of the referenced portion of the Federal Register, that Title 8 did not have an equivalent standard to the Federal 1910.261(c)(15)(iv). The proposed regulation would adopt the signage provisions into the Conveyor standard in the Pulp, Paper and Paperboard Mills Article within Group 8 of the General Industry Safety Orders.

The proposed regulation is substantially the same as the final rule promulgated by Federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting a standard substantially the same as a federal standard; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to:

- 1) Identify any clear and compelling reasons for California to deviate from the federal standard;
- 2) Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and,
- 3) Solicit comments on the proposed effective date.

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This

proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirements of the federal government and Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

#### DOCUMENTS RELIED UPON

1. Federal Register, Vol. 78, No. 114, pp. 35559 – 35567, June 13, 2013
2. United States Census, Industry Snapshot, Pulp, Paper, and Paperboard Mills (NAICS 3221) Key Industry Statistics — California

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

#### DOCUMENTS INCORPORATED BY REFERENCE

1. USAS Z35.1–1968, USA Standard Specifications for Accident Prevention Signs
2. ANSI Z535.2–2011, Environment and Facility Safety Signs

These documents are too cumbersome or impractical to publish in Title 8 and may include copyrighted items. Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

#### COST ESTIMATES OF PROPOSED ACTION

Based on the 2012 census for California, there are 14 establishments within the Pulp, Paper and Paperboard Mill in operation. Conveyors which cross above walkways and roadways within these facilities would require signage for each direction of traffic per crossing. Signage costs would range from \$8.00 to \$40.00 per sign. The number of conveyor crossings would depend on the length of the conveyor and the configuration of the conveyor. The total cost of the signage would be \$800.00 per company. In California, the average salary within Pulp, Paper and Paperboard Mills is \$78,520 per year or \$37.75 per hour. A total of 6 hours of labor is expected to complete the purchase and installation of the

signage. The total cost of the installation of the signage would be \$1,026.00 per establishment. The total cost is \$14,371.00 for all establishments in California.

#### DETERMINATION OF MANDATE

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

#### SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment may affect small businesses. The proposed amendment imposes a one-time minor cost upon small businesses in California.

#### CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

#### AVAILABILITY OF TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at its office 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, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

AVAILABILITY OF THE MEMORANDUM TO  
THE STANDARDS BOARD MEMBERS

Upon its completion, copies of the Memorandum may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in an underline/strikeout format, and the Notice of Proposed Action can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

**TITLE 15. DEPARTMENT OF  
CORRECTIONS AND REHABILITATION**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Sections 5058 and 5058.3, in order to implement, interpret and make specific PC Section 5054, proposes to adopt subsections 3375.1(a)(4)(A) through 3375.1(a)(4)(D) and amend subsection 3377(d) of the California Code of Regulations (CCR), Title 15, Division 3, concerning Level IV 180-degree design and 270-degree design housing criteria of inmates.

PUBLIC HEARING

**Date and Time:** November 20, 2015 —  
10:00 a.m. to 11:00 a.m.  
**Place:** Department of Corrections and  
Rehabilitation  
Kern Room  
1515 S Street — North Building  
Sacramento, CA 95811  
**Purpose:** To receive comments about this  
action.

PUBLIC COMMENT PERIOD

The public comment period will close **November 20, 2015 at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR,

Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation  
P.O. Box 942883, Sacramento, CA 94283-0001  
Telephone (916) 445-2269**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Laura Lomonaco, Correctional Counselor II  
Regulation and Policy Management Branch  
Telephone (916) 445-2217**

Questions regarding the substance of the proposed regulatory action should be directed to:

**C. MacDonald, Captain  
Classification Services Unit  
California Department of Corrections  
and Rehabilitation  
(916) 445-1810**

AUTHORITY AND REFERENCE

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 provides that an Emergency adoption, amendment, or repeal of a regulation by the Director shall be conducted pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

In this regulatory action, the Secretary proposes to adopt and amend regulatory provisions pertaining to the housing of Level IV inmates incarcerated in CDCR. Level IV housing includes 180–design and 270–design facilities for general population (GP) inmates. The Level IV 180–design is considered the most secure for GP housing and the 270–design facility is considered less secure.

This current practice has proven effective in that inmates have been properly housed and/or placed in programs in accordance with individual case factors. However, in 2014 it was determined that this statewide practice met regulatory criteria, and had not been codified in accordance with the Administrative Procedure Act. This proposed action will establish governing authority in order to standardize criteria for Level IV housing decisions.

The proposed regulations further the efforts of the Department to provide clarification to inmates and staff that Level IV housing decisions are based upon regulations that have the force of law and are applied consistently throughout CDCR prison facilities.

This action provides the following:

- Adopts subsections 3375.1(a)(4)(A) through 3375.1(a)(4)(D) and amends subsection 3377(d) into CCR, under Chapter 1, Article 10 concerning Classification.
- Provides a specific list of offenses or disciplinary issues which can result in an inmate being housed in a more secure environment on a Level IV 180–design facility. In contrast, it allows for inmates that are programming in a positive manner to be housed in a less secure environment of a Level IV 270–design facility.
- Provides a criteria and direction to CDCR staff for housing of inmates in a Level IV 180–design or Level IV 270–design according to specific case factors, which will ensure consistency throughout the CDCR.
- Provides a definition of Level IV 180–design housing and Level IV 270–design housing.

FORMS INCORPORATED BY REFERENCE

No forms incorporated.

BENEFITS ANTICIPATED BY THE  
PROPOSED REGULATIONS

The proposed regulatory action will benefit the protection of and safety of CDCR staff and inmates by

establishing governing authority and providing specific criteria for determining appropriate housing of Level IV inmates and will continue to maintain the safety and security of the public, institutions, staff, and inmates by making 180–Design/270–Design housing determinations based upon an inmate’s behavior in conjunction with case factors. This will allow CDCR staff to manage the Level IV inmate population by separating inmates who continue to refuse to program, from those who are more amenable to increased programming opportunity, which will assist in the reduction of the inmate population.

The Department has determined this will ensure consistent and fair application on a statewide basis, and provide clarity to staff, inmates and their families on the Level IV housing process. The proposed regulations also provide a definition of Level IV 180–design housing and Level IV 270–design housing, so members of the staff, public and inmates are aware of the different structural designs.

EVALUATION OF  
CONSISTENCY/COMPATIBILITY WITH  
EXISTING LAWS/REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. The Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded these are the only regulations that concern Level IV 180–design and 270–design housing within the CCR, Title 15, and Division 3.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- **Cost to any local agency or school district that is required to be reimbursed:** *none.*
- **Cost or savings to any state agency:** *none.*
- **Other nondiscretionary cost or savings imposed on local agencies:** *none.*
- **Cost or savings in federal funding to the State:** *none.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS 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 reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES

The Department has determined 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 Department has determined that the proposed regulations will not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on the health of California residents or the state's environment, because the proposed regulations relate strictly to the internal management of CDCR institutions.

The Department has determined the proposed regulations will have a positive impact on California residents and inmates, by housing inmates who continue to refuse to program separately from those who are more amenable to increased programming opportunity, and assist in the reduction of inmates.

CONSIDERATION OF ALTERNATIVES

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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text, and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

**TITLE 16. CALIFORNIA BOARD OF ACCOUNTANCY**

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (CBA) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at The Hilton Pasadena, 168 South Los Robles Avenue, Pasadena, CA 91101 at 1:30 p.m., on November 19, 2015. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the CBA at its office not later than 5:00 p.m. on November 16, 2015 or must be received by the CBA at the hearing. The CBA, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010 and 5076 of the Business and Professions Code (BPC), and to implement, interpret or make specific Section 5076 of said Code, the CBA is considering changes to Division 1 of Title 16 of Section 42 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST**

A. Informative Digest  
Current law in CCR Title 16, section 42 excludes firms, which as their highest level of work perform only compilations where no report is issued.

The regulatory proposal is as follows:

1. Amend Section 42 in Title 16 of the California Code of Regulations.  
This proposal would amend the services that are excluded from peer review to include firms that, as their highest level of work, only perform preparation engagements (with or without disclaimer reports).

B. Policy Statement Overview/Anticipated Benefits of Proposal

This regulatory proposal would clarify what services are excluded from peer review. Amending the language will benefit firms by providing clarity regarding whether they are subject to the peer review requirement in California.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the CBA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

**INCORPORATION BY REFERENCE**

None.

**FISCAL IMPACT ESTIMATES**

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

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:

None.

Business Impact:

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

**AND**

The following studies/relevant data were relied upon in making the above determination.

Firms as their highest level of work that perform only preparation engagements (with or without disclaimer reports) would have a cost savings as a result of being excluded from the peer review process.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The CBA has determined that the proposed regulations would affect small businesses. The cost savings as a result of being excluded from the peer review process would be a benefit to many small businesses that as the highest level of work only perform preparation engagements (with or without disclaimer reports).

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

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

This regulatory proposal does not affect health and welfare of California residents because it has nothing to do with health and welfare.

This regulatory proposal does not affect worker safety because it has nothing to do with worker safety.

This regulatory proposal does not affect the state's environment because it has nothing to do with the environment.

As stated above under the Informative Digest, the proposed regulation would benefit CPA firms and licensees by clarifying what services are excluded from peer review.

CONSIDERATION OF ALTERNATIVES

The CBA must determine that no reasonable alternative it considered would be more effective in carrying

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the CBA at 2000 Evergreen St., Ste. 250, Sacramento, California, 95815.

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

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

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

CONTACT PERSON

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

Name: Pat Billingsley  
 Address: 2000 Evergreen St., Ste. 250  
 Sacramento, CA 95815  
 Telephone No.: 916-561-1782  
 Fax No.: 916-263-3678  
 E-Mail Address: [pat.billingsley@cba.ca.gov](mailto:pat.billingsley@cba.ca.gov)

The backup contact person is:

Name: Matthew Stanley  
Address: 2000 Evergreen St., Ste. 250  
Sacramento, CA 95815  
Telephone No.: 916-561-1792  
Fax No.: 916-263-3678  
E-Mail Address: [matthew.stanley@cba.ca.gov](mailto:matthew.stanley@cba.ca.gov)

Website Access: Materials regarding this proposal can be found at [http://www.dca.ca.gov/cab/laws\\_and\\_rules/pubpart.shtml](http://www.dca.ca.gov/cab/laws_and_rules/pubpart.shtml).

## **TITLE 16. CALIFORNIA ARCHITECTS BOARD**

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

**Department of Consumer Affairs  
2420 Del Paso Road, Sequoia Room  
Sacramento, California 95834  
Monday, November 16, 2015  
2:00 p.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on November 16, 2015 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 5526 and 5550 of the Business and Professions Code (BPC), and to implement, interpret or make specific section 5550 of said Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations (CCR) as follows:

### **INFORMATIVE DIGEST**

Section 5526 of the BPC authorizes the Board to adopt, amend, modify, or repeal rules and regulations as

are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Section 5550 authorizes the Board to require an application to become eligible for examination.

### **Amend Title 16 CCR Section 118.5 — Examination Transfer Credit**

The National Council of Architectural Registration Boards (NCARB) announced a new version of the Architect Registration Examination (ARE) (ARE 5.0) that will begin to be offered no earlier than October 1, 2016. The current version (ARE 4.0) will continue to be offered until June 30, 2018; candidates may choose to transition from ARE 4.0 to ARE 5.0 until June 30, 2018. Subsequently, NCARB released a credit model that details the credit transition of ARE divisions from ARE 4.0 to ARE 5.0.

Existing regulations specify acceptable ARE credit for those candidates who have taken and passed divisions of the ARE in other jurisdictions and subsequently become California licensure candidates. This proposed change will specify in regulation that candidates who transfer to California from another jurisdiction and have passed portions of the ARE will retain transitional credit in accordance with sections 119.7 and 119.8.

### **Policy Statement Overview/Anticipated Benefits of Proposal**

This action will specify in regulation that candidates who transfer to California from another jurisdiction and have passed portions of the ARE will retain transitional credit in accordance with sections 119.7 and 119.8. This benefits incoming architectural candidates by allowing them to retain transitional examination credit passed in other jurisdictions.

### **Add Title 16 CCR Section 119.8 — ARE 4.0 to ARE 5.0**

NCARB announced ARE 5.0 will begin to be offered no earlier than October 1, 2016. ARE 4.0 will continue to be offered until June 30, 2018; candidates may choose to transition from ARE 4.0 to ARE 5.0 until June 30, 2018. Subsequently NCARB released a credit model that details the credit transition of ARE divisions from ARE 4.0 to ARE 5.0.

Existing regulations specify the transition plan for previous divisions of the ARE to the current divisions and how candidates will receive transitional credit. This proposed adoption requires candidates made eligible on and after October 1, 2016 to take ARE 5.0 and permits already eligible candidates to continue taking ARE 4.0 through June 30, 2018. In addition, the proposed language outlines the transition plan effective October 1, 2016 for candidates who transition from ARE 4.0 to ARE 5.0, and clarifies that candidates may not transition from ARE 5.0 to ARE 4.0.

Policy Statement Overview/Anticipated Benefits of Proposal

This proposed adoption requires candidates made eligible on and after October 1, 2016 to take ARE 5.0 and permits current candidates to continue taking ARE 4.0 through June 30, 2018. In addition, the proposed language outlines the transition plan effective October 1, 2016 for candidates who transition from ARE 4.0 to ARE 5.0 and clarifies that candidates may not transition from ARE 5.0 to ARE 4.0. This proposal will ensure candidates for licensure meet the professional standards for examination as well as clarify the method of transitioning examinations.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board has conducted a search of similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Material Relied Upon:

- ARE 5.0: Credit Model
- ARE 5.0: Test Specification
- ARE 5.0: Frequently Asked Questions

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

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

The following studies/relevant data were relied upon in making the above determination: N/A

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

Effect on Small Business: The Board has determined that the proposed regulations would not affect small

businesses as they only affect applicants pursuing an architect license.

RESULT OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

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

Benefits of Regulation: Candidates will be able to receive credit for the new ARE version and transitional credit for prior ARE versions.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by telephoning the contact person listed below.

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

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

is available for public inspection by contacting the person named below.

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

**CONTACT PERSON**

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

Name: Timothy Rodda  
Address: 2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Telephone No.: (916) 575-7217  
Fax No.: (916) 575-7283  
E-Mail Address: [timothy.rodde@dca.ca.gov](mailto:timothy.rodde@dca.ca.gov)

The backup contact person is:

Name: Marccus Reinhardt  
Address: 2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Telephone No.: (916) 575-7212  
Fax No.: (916) 575-7283  
E-Mail Address: [marccus.reinhardt@dca.ca.gov](mailto:marccus.reinhardt@dca.ca.gov)

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

**TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

**SAFER CONSUMER PRODUCTS:  
CANDIDATE CHEMICAL LIST AMENDMENT  
Department Reference Number: R-2014-02  
OAL Notice File Number: Z-2015-0922-08**

**NOTICE IS HEREBY GIVEN** that the Department of Toxic Substances Control (DTSC) proposes to amend California Code of Regulations, title 22, division 4.5, sections 69502.2(a)(1)(C), 69502.2(a)(1)(F), and 69502.2(a)(1)(G) of chapter 55. This proposed amendment pertains to identification of Candidate Chemicals under the Safer Consumer Products regulations, approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on August 28, 2013 (effective date: 10/01/2013; OAL reference number Z-2012-0717-04).

**PUBLIC HEARING**

DTSC will hold a public hearing on the proposed regulation on Monday, November 16, 2015 at the Cal/EPA Building, 2nd Floor, 1001 "I" Street, Sacramento in the Klamath Training Room, at which time any person(s) may present statements or arguments, orally or in writing, relevant to this proposal described in the Informative Digest. The public hearing will convene at 1:00 p.m. PST and will remain open until 3:00 p.m. PST or until no attendees present testimony, whichever occurs first.

Representatives of DTSC will preside at the hearing. DTSC requests persons who wish to speak to please register before the hearing. Pre-hearing registration is conducted at the location of the hearing from 12:30 p.m. PST until the hearing commences. Registered persons will be heard in the order of their registration. Anyone else wishing to speak at the hearing will have an opportunity after all registered persons have been heard.

All visitors are required to sign in prior to attending any meeting at the Visitor and Environmental Services Center located just inside and to the left of the building's public entrance. Please allow adequate time to sign in and receive a visitor badge before the public hearing begins.

**NOTICE PERTAINING TO ACCESSIBILITY AND REASONABLE ACCOMMODATION**

All documents related to this regulation can be made available in alternate format (*i.e.* Braille, large print, etc.) or in another language, as requested, in accordance with State and Federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability related reasonable accommodations and/or translator/interpreter needs, upon request. Please contact the staff person below as soon as possible, but no later than 10 business days prior to the scheduled hearing for assistance:

Ms. Lisa Quagliaroli  
Safer Products and Workplaces Program  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, California 95812-0806  
Email: [Lisa.quagliaroli@dtsc.ca.gov](mailto:Lisa.quagliaroli@dtsc.ca.gov)  
Phone number: (916) 445-3077

TTY/TDD Speech-to-Speech users may dial 711 for the California Relay Service

**WRITTEN COMMENT PERIOD**

Any interested person(s) or their authorized representative(s) may submit written comments relevant to

the proposed regulatory action to DTSC in either electronic or hard-copy formats.

Written comments may be submitted electronically through the Safer Consumer Products Information Management System (CalSAFER) at: <https://calsafers.dtsc.ca.gov/>.

Please direct hard-copy written comments to:

Ms. Jackie Buttle, Regulations Coordinator  
Office of Planning and Environmental Analysis  
Department of Toxic Substances Control  
P.O. Box 806  
Sacramento, CA 95812-0806  
Fax Number: (916) 255-3757  
Phone (Ms. Buttle): (916) 255-3730

The written comment period will close at 11:59 p.m. PST on Monday, November 16, 2015. Only comments received at the DTSC office by that date and time will be considered.

#### AUTHORITY AND REFERENCE

##### Authority

These regulations are being adopted under the following authorities:

Health and Safety Code (HSC) section 25252 authorizes and requires DTSC to adopt regulations to establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered a Chemical of Concern. This section also directs DTSC to reference and use available information from various sources, but does not limit DTSC to use only this information.

HSC section 25253 authorizes and requires DTSC to adopt regulations that establish a process for evaluating Chemicals of Concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern.

HSC section 58012 (added by Gov. Reorg. Plan No. 1, §146, eff. July 17, 1991) grants DTSC authority to adopt regulations to execute its duties.

##### Reference

These regulations implement, interpret, or make specific the following statutes:

HSC sections 25252 and 25257.1

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Policy Statement Overview

DTSC proposes to amend the Safer Consumer Products regulations to correct or update citations for three

lists included in 22 CCR section 69505.2 that are the basis of the Safer Consumer Products Candidate Chemicals List.

##### Proposed Regulation

The proposed regulation would:

- Amend section 69502.2(a)(1)(C) of chapter 55, division 4.5 of Title 22, California Code of Regulations to correct the citation for the chemicals identified by the European Union as endocrine disruptors on the Candidate List of Substances of Very High Concern;
- Amend section 69502.2(a)(1)(F) of chapter 55, division 4.5 of Title 22, California Code of Regulations to update the reference to the most recent version of the United States Department of Health and Human Services, Public Health Service, National Toxicology Program's Report on Carcinogens; and
- Amend section 69502.2(a)(1)(G) of chapter 55, division 4.5 of Title 22, California Code of Regulations to correct the citation for the chemicals identified by the European Union as persistent, bioaccumulative, and toxic (PBT), or very persistent and very bioaccumulative (vPvB) on the Candidate List of Substances of Very High Concern.

The proposed amendments will result in three additions to the current Candidate Chemical list.

##### Benefits

The broad objective of the Safer Consumer Products regulations is a comprehensive, state-level effort to find safer alternatives to hazardous chemicals. The use of fewer hazardous chemicals reduces the potential for adverse impacts to the people of California and the environment.

HSC section 25252 requires DTSC to reference and use — to the maximum extent feasible — available information from other nations, governments, and authoritative bodies that have undertaken similar chemical prioritizations processes, so as to leverage the work and costs already incurred by those entities. By basing the Candidate Chemicals list on externally produced information, DTSC maximized benefits for the state's economy while minimizing program implementation costs. The proposed amendments to sections 69502.2(a)(1)(C), (F), and (G) leverage the European Union's work on the Candidate List of Substances of Very High Concern for Authorization, as well as the National Toxicology Program's work on the biennial Report on Carcinogens.

Ensuring that authoritative lists used to identify Candidate Chemicals are current and cited correctly minimizes potential confusion as to which chemicals may be identified by DTSC as a Chemical of Concern in a

Priority Product. DTSC's actions to ensure accurate, reliable information will encourage manufacturers to use the Candidate Chemicals list to identify potentially hazardous ingredients in their products, avoid regrettable substitutions, and proactively improve the safety of the products sold to California's consumers.

Summary of Existing Statutes and Regulations

HSC section 25253 authorized and required DTSC to adopt regulations that established a process for evaluating Chemicals of Concern in consumer products, and their potential alternatives, to determine how best to limit exposure or to reduce the level of hazard posed by a chemical of concern. HSC section 25252 required DTSC to reference and use — to the maximum extent feasible — available information from other nations, governments, and authoritative bodies that have undertaken similar chemical prioritizations processes, so as to leverage the work and costs already incurred by those entities. Based on this requirement, DTSC defined the Candidate Chemical List as Candidate Chemicals that exhibit specific hazard traits and/or environmental or toxicological endpoints and are included in one or more of the 23 authoritative organizations' lists cited in sections 69502.2(a)(1) and (2) of Title 22 of the CCR that are the basis of the Safer Consumer Products regulations.

Relation to Existing State Regulations

DTSC evaluated the proposed regulations for any inconsistency or incompatibility with existing state regulations and has found that these are the only regulations concerning the identification of Candidate Chemicals under the Safer Consumer Products program. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE  
PROPOSED ACTION

MANDATES ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS

DTSC determined that the proposed changes to these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO STATE OR LOCAL  
AGENCIES, OR SCHOOL DISTRICTS SUBJECT  
TO REIMBURSEMENT

DTSC determined that the proposed changes to these regulations will not result in costs or savings for any state or local agency, or school district that is required to be reimbursed pursuant to part 7 of division 4, com-

mencing with section 17500 of the Government Code, or other nondiscretionary costs or savings imposed on local agencies.

COST OR SAVINGS IN FEDERAL FUNDING  
TO THE STATE

DTSC determined that the proposed changes to these regulations will not result in any decrease in federal funds to California. By relying on externally produced information, DTSC maximized benefits for the state's economy while minimizing program implementation costs.

DETERMINATION OF NO SIGNIFICANT  
STATEWIDE ECONOMIC IMPACT

These regulations do not impose new responsibilities for businesses; therefore, DTSC has determined that the proposed changes to these regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE  
PERSONS OR BUSINESSES

These regulations do not impose new responsibilities for private persons or businesses; therefore, DTSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

DTSC determined that the proposed changes to these regulations will not impact small businesses because the regulations do not impose new responsibilities for small businesses.

EFFECT ON HOUSING COSTS

DTSC determined that the proposed changes to the regulations will not impact housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

DTSC has determined that this proposed regulation will not create or eliminate California jobs, nor will it result in the creation of new or elimination of existing California businesses or affect the expansion of businesses currently doing business within the state. Ensuring that authoritative lists used to identify Candidate Chemicals are current and cited correctly minimizes potential confusion as to which chemicals may be identified by DTSC as a Chemical of Concern in a Priority Product. DTSC's actions to ensure accurate, reliable information will encourage manufacturers to use the Candidate Chemicals list to identify potentially hazardous ingredients in their products, avoid regrettable substitutions, and proactively improve the safety of the products sold to California's consumers, therefore benefiting the health and welfare of California residents, worker safety, and the state's environment.

CONSIDERATION OF ALTERNATIVES

Per Gov. Code section 11346.5(a)(13), DTSC must determine that no reasonable alternatives considered or that have otherwise been identified and brought to our attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposed action; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

DISCLOSURE REGARDING REASONABLE ALTERNATIVES

This action will have no adverse economic or fiscal impacts because it does not impose regulatory requirements on businesses or individuals. Since there are no impacts, there are no alternatives which would have fewer impacts to businesses or individuals or be more effective in carrying out the purpose of these regulation changes. Taking no action was not considered a viable alternative for this proposed regulatory action due to the critical nature of correcting and updating citations in the Safer Consumer Products regulations.

OTHER APPLICABLE REQUIREMENTS PRESCRIBED BY STATUTE

EXTERNAL SCIENTIFIC PEER REVIEW

Under the provisions of HSC section 57004, DTSC completed an external scientific peer review prior to the adoption of the Safer Consumer Products regulations in October 2013 (the peer review reports may be viewed at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/SCPA.cfm>). In general, the peer reviewers concluded that the use of lists compiled by reliable, authoritative governmental organizations allowed the Safer Consumer Products program to rapidly generate a comprehensive list of Candidate Chemicals while avoiding costly duplication of effort.

DTSC determined that further external scientific peer review is not necessary for this rulemaking, as the proposed amendments do not establish new regulatory levels or standards that would warrant additional peer review; they only correct and update citations to authoritative lists that were adopted following the 2013 Safer Consumer Products peer review.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

DTSC has found this rulemaking project to be exempt under CEQA (Public Resources Code section 21000, et seq.). This rulemaking meets the general rule

exemption available under 14 CCR section 15061(b)(3). A draft Notice of Exemption (NOE) is available for review with this rulemaking file and will be filed with the State Clearinghouse when the regulations are adopted.

CALIFORNIA ENVIRONMENTAL POLICY COUNCIL REVIEW

Under the provisions of HSC section 25252.5, the California Environmental Policy Council (CEPC) reviewed the Safer Consumer Products regulations prior to their adoption in October, 2013 (the CEPC Resolution may be viewed at: <http://www.calepa.ca.gov/cepc/>). Per HSC section 25252.5(f), the CEPC determined that the proposed regulations would not have any significant adverse impact on public health or the environment and could be adopted by DTSC without undergoing a multimedia life cycle evaluation.

DTSC determined that further review by the CEPC is not warranted for this rulemaking because the proposed amendments only correct or update citations to authoritative lists that were adopted following the 2013 CEPC review.

CONTACTS

Inquiries regarding technical aspects of the proposed regulation or CEQA documents may be directed to Lisa Quagliaroli of DTSC at 916-445-3077. However, such oral inquiries are not part of the rulemaking record. If Ms. Quagliaroli is unavailable, you may also contact the regulations coordinator as a backup, Jackie Buttle at 916-255-3730.

A 45-day public comment period for this rulemaking file, as described above, will commence on October 2, 2015 and close on November 16, 2015 at 11:59 p.m. PST. During this time, DTSC will accept statements, arguments, or contentions and/or supporting documents regarding this rulemaking that must be submitted in writing, or may be presented orally or in writing at the public hearing. Comments must be received by the deadline in order for them to be considered before DTSC adopts, amends, or repeals these regulations.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND INITIAL STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons, the text of the proposed regulation, all the information upon which the proposal is based, and the express terms of the proposed regulation are posted to DTSC's website at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/CC-List-Amendment.cfm>.

Copies of these documents may also be obtained from Jackie Buttle, Regulations Coordinator in the Of-

Office of Environmental Planning and Analysis, as specified above. After the close of the 45-day comment period, DTSC may adopt the proposed regulation. If changes are made to the regulation text, the modified full text will be made available for comment for at least 15 days, prior to adoption. Only persons who specifically request copies of the modified text, attend the public hearing, provide written or oral comments at the hearing, or submit written comments to our office, will be sent a copy of the modified text if substantive changes are made.

Once DTSC finalizes the regulation text, DTSC will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials, as required by Government Code section 11346.9. A copy of the Final Statement of Reasons along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations will be posted on DTSC's website at:

<http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/CC-List-Amendment.cfm>.

To be included in this regulation package's mailing list and to receive updates of this rulemaking, please visit

<http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm>

and subscribe to the applicable electronic mailing list or e-mail the Safer Consumer Products program at [SaferConsumerProducts@dtsc.ca.gov](mailto:SaferConsumerProducts@dtsc.ca.gov).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**Project:** Rock Creek Upper Pool Safe Harbor Agreement  
**Location:** Shasta County  
**Applicant:** Pacific Gas & Electric Company

**Background**

Pacific Gas & Electric Company (Applicant) proposes to translocate Shasta crayfish (*Pacifastacus fortis*; hereinafter Covered Species) from Crystal Lake Reservoir and reintroduce the Covered Species to protected waters (i.e., devoid of exotic predators and competitors) on Applicant's property (Project), with the intent of creating a long-term sustainable population of the Covered Species, ultimately assisting in the recovery of the species. The Project is located along Rock

Creek, approximately one mile northeast of the town of Cassel in Shasta County, California, and one mile southeast of Crystal Lake Reservoir. The Project area consists of 1) the hydrologically isolated upper pool of Rock Creek (Upper Pool), 2) downstream portions of Rock Creek to the California Department of Fish and Wildlife's (CDFW) Crystal Lake Hatchery (Hatchery) water diversion, and 3) a 200-foot buffer from the ordinary high water mark of Rock Creek on the Applicant's property (collectively and hereinafter the Enrolled Property).

The Upper Pool of Rock Creek is isolated from other portions of Rock Creek resulting from lack of surface flow upstream and downstream. Predators, competitors, and potential sources of diseases and pathogens (i.e., signal crayfish (*P. leniusculus*)) are absent from the Upper Pool attributable to physical movement barriers both upstream and downstream of the Enrolled Property. These conditions make the Upper Pool an ideal location for reintroduction of the Covered Species. Baseline condition of the Upper Pool is approximately 2,300 square feet (0.053 acres) of unoccupied Covered Species habitat.

The Enrolled Property includes a residential structure, residential garage, powerhouse, power lines and associated support structures (i.e., poles or towers), water intake structure and pipe, access roads, and harvestable timber. Routine construction, operations, and maintenance (O&M) activities include, but are not limited to, patrols; inspections; pole, tower and line maintenance; substation and power house maintenance; outage repair; equipment installation, maintenance, or replacement; water diversion/conveyance maintenance; communication line maintenance; and access road maintenance. The Applicant proposes to install an in-line flow meter and an associated data logger in the diversion pipe downstream of the diversion in the future.

The water diversion from Rock Creek includes water supply to the Hat Creek Powerhouse No. 2 (not for generation) and the Applicant's residence. Land management includes performing vegetation management to manage invasive plants, reduce fire-fuel loading, and provide safe access for construction and O&M activities. Land management also includes the Applicant's timber management operations including harvesting trees, wildfire protection, enhancing forest health, and reducing forest insects and disease. Timber harvest operations and forest fuels management projects may include commercial logging operations for which heavy equipment is used.

After the Covered Species is reintroduced to the Upper Pool, the Applicant's aforementioned activities may

have the potential to incidentally take<sup>1</sup> Covered Species. The Covered Species is designated as an endangered species pursuant to both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (a)(1)(B).)

Because the Project, future land and water use, and management practices are expected to result in take of a species designated as endangered under the federal ESA, the Service issued a safe harbor agreement (SHA) and a federal 10(a)(1)(A) enhancement of survival permit (Service file No. TE72833B-0) for the Project. The federal SHA and associated federal 10(a)(1)(A) enhancement of survival permit describe the Project and require the Applicant to comply with terms of the SHA, and set forth measures to avoid and minimize impacts to Covered Species.

The Project is expected to result in a net conservation benefit to the Covered Species over the 28-year duration of the SHA by promoting Upper Pool to serve as a refuge while giving assurances to the Applicant that no additional future regulatory restrictions will be imposed as a result of their conservation actions. Since it is likely that the Upper Pool will remain free of predators and competitors, CDFW and the U.S. Fish and Wildlife Service (Service) expect the reintroduced Covered Species to rapidly establish and stabilize.

On August 17, 2015, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2089.22 that the federal SHA and its related federal 10(a)(1)(A) enhancement of survival permit are consistent with CESA with respect to the Project. (Cal. Reg. Notice Register 2015, No. 35-Z, p.1484.)

### Determination

CDFW has determined that the SHA, including the federal 10(a)(1)(A) enhancement of survival permit, is consistent with CESA as to the Project and the anticipated incidental take of the Covered Species because the conservation, avoidance and minimization measures contained in the SHA and its related federal 10(a)(1)(A) enhancement of survival permit meet the conditions set forth in Fish and Game Code section 2089.6 for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of the Covered Species will be incidental to an otherwise law-

ful activity; (2) implementation of the SHA is reasonably expected to provide a net conservation benefit to the Covered Species; (3) the Project will not jeopardize the continued existence of the Covered Species; (4) the Applicant has agreed, to the maximum extent practicable, to avoid or minimize any incidental take authorized by the SHA, including returning to baseline conditions; (5) CDFW has established or approved a monitoring program; (6) CDFW has determined that sufficient funding is ensured to complete baseline surveys on the property and that there is sufficient funding to carry out management actions and for monitoring for the duration of the SHA; and (7) implementation of the SHA is not in conflict with a CDFW-approved conservation or recovery program for the Covered Species.

### Avoidance and Minimization Measures

The avoidance and minimization measures in the SHA include, but are not limited to, the following:

- Applicant shall minimize or avoid wading or using heavy equipment in aquatic habitat (i.e., in-water lava substrate) where the Covered Species have been reintroduced in order to minimize in-water activities and disturbances. If the Applicant cannot avoid in-water disturbance, the Applicant will contact a Service representative to determine what, if any, site-specific protection measures will be implemented. Although not a condition of the SHA, CDFW requests notification as well.
- Applicant shall implement measures to control erosion and sedimentation if land-disturbing or land-clearing activities are needed along Rock Creek. Applicant shall implement control measures to minimize erosion and sediment mobilization when maintenance work is completed.
- Applicant shall manage invasive plants including yellow starthistle. Applicant shall maintain adequate aquatic buffer zones for maximum protection of aquatic habitats. If Applicant uses herbicides to control yellow starthistle, or other noxious weeds, at locations where residues of the herbicide may enter Rock Creek, either directly or by runoff, Applicant shall develop and implement protection measures for Covered Species.
- Applicant shall implement measures to prevent the spill of deleterious materials into Rock Creek. Applicant shall not store hazardous materials near Rock Creek in the Enrolled Property. Applicant shall not perform fueling or equipment service in the channel or within the active floodplain.

<sup>1</sup> Pursuant to Fish and Wildlife Code section 86, "‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also Environmental Protection Information Center v. California Department of Forestry and Fire Protection (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Wildlife Code section 2081, subdivision (b), "‘take’ . . . means to catch, capture or kill").

- Applicant shall notify the Service if in-stream activities occur within the Enrolled Property where Covered Species are likely to be present. Although not a condition of the SHA, CDFW requests notification as well.

Monitoring and Reporting Measures

The Shasta Crayfish Technical Review Committee<sup>2</sup> (TRC) will conduct monitoring on the Enrolled Property, and provide funding to support monitoring efforts at no expense to the Applicant. TRC will monitor, at a minimum, annually in the first five years after reintroduction, then once every five years. Monitoring will consist of the following elements: an assessment of the amount of habitat available; counts of all Covered Species encountered by sex, size, and location; and counts of all non-native crayfish (if any), which will be captured and removed.

The TRC will provide a report of monitoring results to the Applicant, the Service, and CDFW. In years following the first year of monitoring, reports will include comparisons to previous years' data.

Financial Assurances

The TRC will bear the expense for reintroduction, restoration, enhancement, and monitoring activities within the Enrolled Property; therefore, the Applicant is not required to provide funding. However, through Federal Energy Regulatory Commission (FERC) licenses, the Applicant has established Covered Species management funds to cover the cost of license-required monitoring and non-native crayfish removal. Any funds not used for license-required monitoring and nonnative crayfish removal have been used for other TRC-approved Covered Species activities, which often have included actions specified in the Shasta Crayfish Recovery Plan (Service 1998). The TRC has agreed to allocate funds not needed for FERC license-required monitoring to fund monitoring and reporting for the Enrolled Property for this Project. If at some future time management funds are no longer available, the TRC and/or Service will seek funding from Service sources or from other parties.

Incidental Take Authorization

Pursuant to Fish and Game Code section 2089.22, if a federal SHA is approved pursuant to applicable provisions of federal law and that SHA includes species that are both federal and state listed, no further approval under the state SHA Program (Fish & G. Code, § 2089.2 et seq.) is required for incidental take of those species,

provided the Applicant implements the Project and future land and water use and management practices as described in the approved federal SHA. Additionally, the Applicant must adhere to all measures contained in the approved federal SHA, and comply with other conditions described in the federal 10(a)(1)(A) enhancement of survival permit. If there are any substantive changes to the federal SHA or if the Service amends or replaces the federal 10(a)(1)(A) enhancement of survival permit, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, §§ 2081.1, 2081, subs. (b) and (c).)

Literature Cited

U.S. Fish and Wildlife Service (Service). 1998. Recovery Plan for the Shasta Crayfish (*Pacifastacus fortis*). U.S. Fish and Wildlife Service, Portland, Oregon. 153 pp.

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

**Agreement and Covenant Not to Sue between  
DTSC and  
Porsche Cars North America, Inc.  
30-Day Public Comment Period:  
through November 2nd, 2015**

Para información en español, por favor comuníquese con Jesus Cruz al número (916) 255-3315.

WHAT IS BEING PROPOSED: The California Department of Toxic Substances Control (DTSC) invites public comment on the Prospective Purchaser Agreement and Covenant Not to Sue ("Agreement") between DTSC and Porsche Cars North America, Inc. (Porsche) which addresses the Dominguez Hills Golf Course Site, 19220 through 19888 (even number side) of South Main Street, Carson, CA (the "Site"), an approximately 53-acre parcel identified as Los Angeles County Assessor Parcel Numbers 7336-009-006, 7336-009-008 and 7336-009-009.

DTSC, pursuant to its authority under Health and Safety Code sections 25300 et seq., 58009 and 58010, proposes to enter into the Agreement with Porsche regarding the Site. The purpose of the Agreement is to settle and resolve the potential liability of Porsche for existing contamination at the Site which would otherwise result from Porsche becoming the ground lessee, potential property owner, and operator of the Site. The execution of the Agreement and the actions undertaken by Porsche in accordance with the Agreement would not constitute an admission of liability by Porsche.

Under the Agreement, DTSC and Porsche covenant not to sue each other. DTSC agrees not to sue Porsche

<sup>2</sup> The Shasta Crayfish Technical Committee was established in 2003 and includes representatives from the U. S. Fish and Wildlife Service, the California Department of Fish and Wildlife, the State Water Resources Control Board, Spring Rivers Ecological LLC, academia, and PG&E; it has also included representatives from the California Department of Parks and Recreation.

for claims relating to existing contamination at the Site and arising from Porsche's lease, ownership or possession of the Site, subject to certain conditions and reservations. Porsche covenants not to sue DTSC for claims including reimbursement from the Hazardous Waste Control Account, Hazardous Substance Account, or Hazardous Substance Cleanup Fund, claims under sections 107 or 113 of CERCLA or section 7003 of RCRA, or any other claims arising out of response activities at the Site.

The Site was operated from approximately 1948 until 1960 as a landfill that accepted waste acids and other liquid industrial wastes. The Site was subsequently developed and operated as a public golf course from 1963 until 2012. Hazardous substances currently exist in soil, soil gas and groundwater at the Site including total petroleum hydrocarbon, volatile organic compounds, semi-volatile organic compounds, arsenic, cadmium, lead, benzene, naphthalene, tetrochloroethene, and vinyl chloride.

The current owner of the Site, Watson Land Company, and its affiliate, Watson Partners, L.P. (collectively, "Watson") is a responsible party and has agreed to investigate and remediate hazardous substances at the Site. Watson has completed a Remedial Investigation Report Phase I, approved by DTSC in August 2012, a Remedial Action Plan ("RAP"), approved in November 2012, a Remedial Design and Implementation Plan ("RDIP"), which was conditionally approved by DTSC in February 2013, and the Regulated Surface, which was approved in July 2013. Watson has begun implementation of the selected remedial option in the RDIP as part of Site redevelopment. Porsche and Watson have insured through their agreements that necessary action is taken to remediate the Site and remain in compliance with applicable laws, regulations and DTSC agreements.

The Site is being developed as a 53-acre driving experience center, comprised of a driving skills course and an approximately 50,000 square-foot operations building with an adjacent parking lot with 245 parking stalls. Installation of a large-scale driver skills training and entertainment complex is an innovative use of a former landfill property, which is often difficult to place into productive use.

Redevelopment of the Site will expedite its remediation. Removal of existing improvements and structures allows for access to areas that were previously not available for remediation. Undertaking a large scale redevelopment of the Site allows for a comprehensive investigation and remediation of the Site at a single time. The remedial design selected provides for a comprehensive cover on the Site using existing cover soil where possible, enhancing existing cover with suitable additional soil and using a geomembrane as necessary

to achieve desired permeability metrics. The existing soil on Site has been reused on Site, reducing the impacts of redevelopment even further. Redevelopment includes the installation of elements of a Landfill Gas ("LFG") collection and monitoring system, with the ability to add elements and locations as needed to address additional LFG in the future. To ensure protection for future users, the Site will be subject to a land use restriction prohibiting residential, school, daycare and hospital use. Development activities on the Site are subject to a Soil Management Plan and an Excavation Management Plan to ensure that workers' contact with contamination on Site is minimized. Taken together, this comprehensive remediation of the entire Site at one time offers a unique opportunity to improve the environmental condition of a contaminated property, improve the economic benefit of the Site and improve the conditions in an area with continued environmental challenges.

**Why This Notice and How You Can Participate:** A copy of the Agreement is available at the County of Los Angeles Public Library in Carson, which is located at 151 E. Carson St., Carson, CA 90745. Call (310) 830-0901 for library hours.

The documents are also available at the DTSC file room at 5796 Corporate Avenue, Cypress, CA 90630. Monday-Friday, 8 a.m. to 5 p.m., contact Jone Barrio, phone: (714) 484-5337, or visit the DTSC EnviroStor website at: <http://www.envirostor.dtsc.ca.gov/public/>.

**Where To Send Comments:** Comments concerning the Response Plan may be submitted in writing to Daniel Zogaib, Project Manager (PM) at DTSC, 5796 Corporate Avenue, Cypress California 90630, e-mail [daniel.zogaib@dtsc.ca.gov](mailto:daniel.zogaib@dtsc.ca.gov). All comments must be postmarked or e-mailed by November 2nd, 2015.

For more information, please contact Daniel Zogaib at (714) 484-5483 or Stacey Lear, Public Participation Specialist at DTSC, at [stacey.lear@dtsc.ca.gov](mailto:stacey.lear@dtsc.ca.gov) or (714) 484-5354.

For media inquiries, contact Sandy Nax, (916) 327-6114. For more information about DTSC, please visit [www.dtsc.ca.gov](http://www.dtsc.ca.gov).

## DEPARTMENT OF TOXIC SUBSTANCES CONTROL

### AAD DISTRIBUTION AND DRY CLEANING SERVICES, INC.

#### PROPOSED CONSENT DECREE (SETTLEMENT AGREEMENT)

**30-Day Public Comment Period:  
October 2 through November 2, 2015**

**WHAT IS BEING PROPOSED:** The California Department of Toxic Substances Control ("DTSC") in-

vites the public to review and comment on a Fourth Settlement and [Proposed] Consent Decree (“proposed Consent Decree”) regarding the former AAD Distribution and Dry Cleaning Services, Inc. (“AAD”) facility located at 2306 East 38th Street in Vernon, California (“Site”) as authorized by the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9601 et seq. On September 3, 2015, DTSC lodged the proposed Consent Decree in *California Department of Toxic Substances Control v. Allen’s Formal Wear, Inc., et al.*, Case No. CV13-05069-GHK (JCGx), with the United States District Court for the Central District of California. The proposed Consent Decree resolves claims against Anz Laundry, Inc.; Clean Wear, Inc.; Clearwoods Dry Cleaning Inc.; Flair Cleaners, Inc.; One Dollar (\$1) Quality Cleaners; Mike Angelo, an individual; Gigi Angelo, an individual; Dede Miller, an individual; Sunilchandra Patel, an individual; Prudential Overall Supply; R.K.W., Inc.; Royal Airline Linen Inc.; Stoan Enterprises, Inc.; and Village East Cleaners for their contributions to contamination at the Site as a result of sending hazardous waste to the AAD facility.

Investigations conducted at the Site have detected the presence of perchloroethylene (“PCE”) in the soil beneath the Site. The Site remains contaminated with hazardous substances, including PCE, and remains the source of threatened releases of hazardous substances into the environment. Although DTSC has not selected a final remedy for the Site, the PCE contamination at, beneath, and/or from the Site requires further action by DTSC.

**WHERE DO I GET MORE INFORMATION:**  
Copies of the proposed Consent Decree and other Site-

related documents are available by contacting the DTSC Project Manager listed below; online at the DTSC EnviroStor website [https://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=19000031](https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19000031) on the Community Involvement tab; or at the DTSC Regional Records Office, File Room, 9211 Oakdale Avenue, Chatsworth, CA 91311, Phone: Glenn Castillo (818) 717-6522.

**WHERE TO SEND COMMENTS:** Comments concerning the proposed Consent Decree should include “AAD Fourth CD Comment” in the subject line of your e-mail or letter. All comments must be post-marked or e-mailed by November 2, 2015, and submitted to:

Lori Parnass  
DTSC Project Manager  
9211 Oakdale Avenue  
Chatsworth, California 91311-6505  
[Lori.Parnass@dtsc.ca.gov](mailto:Lori.Parnass@dtsc.ca.gov)  
(818) 717-6597

For more information, contact:

Mary Sue Maurer  
Public Participation Specialist  
[Mary.Maurer@dtsc.ca.gov](mailto:Mary.Maurer@dtsc.ca.gov)  
(818) 717-6566

For media inquiries, contact:

Sandy Nax  
Public Information Officer  
[Sandy.Nax@dtsc.ca.gov](mailto:Sandy.Nax@dtsc.ca.gov)  
(916) 327-6114

# Aviso Público

La misión de DTSC es proteger a las personas y el medioambiente de California de los efectos de sustancias tóxicas por medio de la restauración de recursos contaminados, cumplimiento, reglamento y prevención de la contaminación.

## AAD DISTRIBUTION AND DRY CLEANING SERVICES, INC.

### DECRETO DE CONSENTIMIENTO PROPUESTO (ACUERDO DE CONCILIACIÓN)

Periodo de Comentarios Públicos de 30 Días: 2 de octubre hasta 2 de noviembre del 2015

**LO QUE SE PROPONE:** El Departamento de Control de Sustancias Tóxicas ("DTSC" por sus siglas en inglés) de California invita al público a revisar y comentar sobre una Cuarta Conciliación y [propuesto] Decreto de Consentimiento ("Decreto de Consentimiento" propuesto) con respecto a la antigua instalación de AAD Distribution And Dry Cleaning Services, Inc. ("AAD") ubicada en 2306 East 38th Street en Vernon, California (el "Sitio") según lo autorizado por la Ley de Respuesta, Compensación y Responsabilidad Ambiental Inclusiva ("CERCLA"), 42 USC § 9601 y ss. El 3 de septiembre del 2015, DTSC presentó la propuesta de Decreto de Consentimiento en *California Department of Toxic Substances Control v. Allen's, Formal Wear Inc., et al.*, Caso No. CV13-05069-GHK (JCGx), ante el Tribunal de Distrito de Estados Unidos para el Distrito Central de California. El Decreto de Consentimiento propuesto resuelve reclamaciones contra Anz Laundry, Inc.; Clean Wear, Inc.; Clearwoods Dry Cleaning Inc.; Flair Cleaners, Inc.; One Dolllar (\$1) Quality Cleaners; Mike Angelo, un individuo; Gigi Angelo, un individuo; Dede Miller, un individuo; Sunilchandra Patel, un individuo; Prudential Overall Supply; R.K.W., Inc.; Royal Airline Linen Inc.; Stoan Enterprises, Inc.; y Village East Cleaners por su contribución a la contaminación en el Sitio, como resultado del envío de residuos peligrosos a la instalación de AAD.

Las investigaciones realizadas en el sitio han detectado la presencia de percloroetileno ("PCE") en el suelo debajo del sitio. El Sitio sigue contaminado con sustancias peligrosas, incluyendo PCE, y sigue siendo la fuente de liberaciones amenazadas de sustancias peligrosas al medio ambiente. Aunque DTSC no ha seleccionado un remedio final para el Sitio, la contaminación de PCE en, debajo, y/o del Sitio requiere nuevas medidas por el DTSC.

**DÓNDE PUEDO OBTENER MÁS INFORMACIÓN:** Copias del Decreto de Consentimiento propuesto y otros documentos relacionados con el Sitio están disponibles comunicándose con el Gerente de Proyecto de DTSC enumerados a continuación; por Internet en el sitio web del DTSC EnviroStor [https://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=19000031](https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=19000031) en la pestaña de Participación Comunitaria; o en la DTSC Regional Records Office, Sala de Archivos, 9211 Oakdale Avenue, Chatsworth, CA 91311, Telefóneee a: Glenn Castillo (818) desde 717-6522.

**DÓNDE ENVIAR COMENTARIOS:** Los comentarios respecto al proyecto del Decreto de Consentimiento deben incluir "AAD Fourth CD Comment" [Comentario al DC cuarto] en la línea de asunto de su correo electrónico o carta. Todos los comentarios deben enviarse por correo o por correo electrónico para el 2 de noviembre de 2015, y presentados a:

Lori Parnass  
DTSC Project Manager  
9211 Oakdale Avenue  
Chatsworth, California 91311-6505  
[Lori.Parnass@dtsc.ca.gov](mailto:Lori.Parnass@dtsc.ca.gov)  
(818) 717-6597

Para más información, contacte:  
Mary Sue Maurer  
Especialista de Participación  
Pública  
[Mary.Maurer@dtsc.ca.gov](mailto:Mary.Maurer@dtsc.ca.gov)  
(818) 717-6566

Para preguntas de los medios,  
contacte a:  
Sandy Nax  
Oficial de Información Pública  
[Sandy.Nax@dtsc.ca.gov](mailto:Sandy.Nax@dtsc.ca.gov)  
(916) 327-6114



**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

PROPOSITION 65  
TITLE 27, CALIFORNIA CODE OF  
REGULATIONS

**EXTENSION OF PUBLIC COMMENT PERIOD  
CONCERNING THE PRE-REGULATORY  
WORKSHOP FOR POTENTIAL  
REGULATORY AMENDMENT  
SECTION 25821, LEVEL OF EXPOSURE TO  
CHEMICALS CAUSING  
REPRODUCTIVE TOXICITY**

On August 28, 2015, the Office of Environmental Health Hazard Assessment (OEHHA) published a notice announcing a public comment period through November 2, 2015, concerning a pre-regulatory proposal. OEHHA is considering a regulatory amendment to clarify that the reasonably anticipated rate of intake or exposure to a listed chemical must be calculated as the arithmetic mean of daily intake or exposure for product users.

OEHHA received a request from the California Chamber of Commerce to extend the public comment period. **OEHHA hereby extends the public comment period to 5:00 p.m., Tuesday, November 17, 2015.**

Interested parties may submit their ideas on the conceptual regulation in writing to:

Monet Vela  
Office of Environmental Health Hazard Assessment  
1001 I Street  
Sacramento, CA 95812  
Or via e-mail to [P65Public.Comments@  
oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov)

Please indicate "Pre-reg Level of Exposure" in the subject line.

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

PROPOSITION 65  
TITLE 27, CALIFORNIA CODE OF  
REGULATIONS

**EXTENSION OF PUBLIC COMMENT PERIOD  
CONCERNING THE PRE-REGULATORY  
WORKSHOP FOR POTENTIAL  
NEW REGULATION**

**Naturally-Occurring Background Levels for  
Certain Chemicals Found in Unprocessed Foods**

SECTION 25501.1

On August 28, 2015, the Office of Environmental Health Hazard Assessment (OEHHA) published a notice announcing a public comment period through October 28, 2015, concerning a pre-regulatory proposal. OEHHA is considering adopting a regulation that would establish background levels for certain ubiquitous chemicals, such as lead, that are naturally present in unprocessed foods.

OEHHA received a request from the California Chamber of Commerce to extend the public comment period. **OEHHA hereby extends the public comment period to 5:00 p.m., Thursday, November 12, 2015.**

Interested parties may submit their ideas on the conceptual regulation in writing to:

Monet Vela  
Office of Environmental Health Hazard Assessment  
1001 I Street  
Sacramento, CA 95812  
Or via e-mail to [P65Public.Comments@  
oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov)

Please indicate "Pre-reg Lead and Arsenic Regulation" in the subject line.

**OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

PROPOSITION 65  
TITLE 27, CALIFORNIA CODE OF  
REGULATIONS

**EXTENSION OF PUBLIC COMMENT PERIOD  
CONCERNING THE PRE-REGULATORY  
WORKSHOP FOR POTENTIAL  
REGULATORY AMENDMENT  
SECTION 25821, LEVEL OF EXPOSURE TO  
CHEMICALS CAUSING REPRODUCTIVE  
TOXICITY**

On August 28, 2015, the Office of Environmental Health Hazard Assessment (OEHHA) published a no-

notice announcing a public comment period through November 2, 2015, concerning a pre-regulatory proposal. OEHHA is considering a regulatory amendment concerning the calculation of the concentration of listed chemicals in foods.

OEHHA received a request from the California Chamber of Commerce to extend the public comment period. **OEHHA hereby extends the public comment period to 5:00 p.m., Tuesday, November 17, 2015.**

Interested parties may submit their ideas on the conceptual regulation in writing to:

Monet Vela  
Office of Environmental Health Hazard Assessment  
1001 I Street  
Sacramento, CA 95812  
Or via e-mail to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov)

Please indicate “Pre-reg Lots and Batches” in the subject line.

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF INTENT TO LIST TOPIRAMATE**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list topiramate as known to the state to cause reproductive toxicity (developmental endpoint) under the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup>. This action is being proposed under the “Formally Required to Be Labeled or Identified” listing mechanism<sup>2</sup>.

Chemical	CASNo.	Toxicological Endpoint	Reference
Topiramate	97240-79-4	Developmental toxicity	FDA (2015) FDA (2014a,b)

**Background on listing via the formally required to be labeled or identified mechanism:** A chemical must

<sup>1</sup> Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

<sup>2</sup> See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25902.

be listed under Proposition 65<sup>3</sup> and its implementing regulations (Section 25902<sup>4</sup>) when a state or federal agency has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

OEHHA is the lead agency for Proposition 65 implementation, and evaluates whether listing under Proposition 65 is required pursuant to the definitions set out in Section 25902. According to Section 25902(b):

- “[F]ormally required’ means that a mandatory instruction, order, condition, or similar command, has been issued in accordance with established policies and procedures of an agency of the state or federal government to a person or legal entity outside of the agency. The action of such agency may be directed at one or more persons or legal entities and may include formal requirements of general application;”
- “[L]abeled’ means that a warning message about the carcinogenicity or reproductive toxicity of a chemical is printed, stamped, written, or in any other manner placed upon the container in which the chemical is present or its outer or inner packaging including any material inserted with, attached to, or otherwise accompanying such a chemical;”
- “[I]dentified’ means that a required message about the carcinogenicity or reproductive toxicity of the chemical is to be disclosed in any manner to a person or legal entity other than the person or legal entity who is required to make such disclosure”; and
- “As causing reproductive toxicity” means: “For chemicals that cause reproductive toxicity, the required label or identification uses any words or phrases intended to communicate a risk of reproductive harm to men or women or both, or a risk of birth defects or other developmental harm.”

**OEHHA’s determination:** *Topiramate* has been identified and labeled to communicate a risk of reproductive harm (developmental toxicity endpoint) (FDA, 2015; 2014a; b) in accordance with formal requirements by the US Food and Drug Administration (FDA). The FDA-approved labels indicate that uses of *topiramate* during pregnancy can cause cleft lip and/or palate. Topamax, QUDEXY XR, and QSYMIA are trade names of drugs that are composed of or include topiramate.

Language from FDA-approved product labels which meets the requirements of Section 25902 is quoted below:

<sup>3</sup> See Health and Safety Code section 25249.8(b).

<sup>4</sup> All referenced regulatory sections are from Title 27 of the Cal. Code of Regulations.

*Topiramate*

**Reproductive Toxicity (Developmental Endpoint)**

1. FDA-approved label Reference ID 3723186 (FDA, 2015)

Under HIGHLIGHTS OF PRESCRIBING INFORMATION. WARNINGS AND PRECAUTIONS:

“Fetal toxicity: Topiramate use during pregnancy can cause cleft lip and/or palate (5.7).”

Under WARNINGS AND PRECAUTIONS:

**“5.7 Fetal Toxicity.** Topiramate can cause fetal harm when administered to a pregnant woman. Data from pregnancy registries indicate that infants exposed to topiramate *in utero* have an increased risk for cleft lip and/or cleft palate (oral clefts). When multiple species of pregnant animals received topiramate at clinically relevant doses, structural malformations, including craniofacial defects, and reduced fetal weights occurred in offspring [*see Use in Specific Populations (8.1)*].”

“Topiramate should be used during pregnancy only if the potential benefit outweighs the potential risk. If this drug is used during pregnancy, or if the patient becomes pregnant while taking this drug, the patient should be informed of the potential hazard to a fetus [*see Use in Specific Populations (8.1 and 8.9)*].”

Under USE IN SPECIFIC POPULATIONS:

**“8.1 Pregnancy.** Topiramate can cause fetal harm when administered to a pregnant woman. Data from pregnancy registries indicate that infants exposed to topiramate *in utero* have increased risk for cleft lip and/or cleft palate (oral clefts). When multiple species of pregnant animals received topiramate at clinically relevant doses, structural malformations, including craniofacial defects, and reduced fetal weights occurred in offspring. Topiramate should be used during pregnancy only if the potential benefit outweighs the potential risk. If this drug is used during pregnancy, or if the patient becomes pregnant while taking this drug, the patient should be informed of the potential hazard to the fetus [*see Use in Specific Populations (8.9)*].”

**“8.9 Women of Childbearing Potential.** Data from pregnancy registries indicate that infants exposed to topiramate *in utero* have an increased risk for cleft lip and/or cleft palate (oral clefts) [*see Warnings and Precautions (5.7) and Use in Specific Populations (8.1)*]. Consider the benefits and risks of topiramate when prescribing this drug to women of childbearing potential, particularly when topiramate is considered for a condition not usually associated with permanent injury or death. Because of the risk of oral clefts to the fetus, which occur in the first trimester of pregnancy before many women know they are pregnant, all women of childbearing po-

tential should be apprised of the potential hazard to the fetus from exposure to topiramate.”

2. FDA-approved label Reference ID 3675672 (FDA, 2014a).

Under HIGHLIGHTS OF PRESCRIBING INFORMATION. WARNINGS AND PRECAUTIONS:

“Fetal Toxicity: TOPAMAX® [topiramate] use during pregnancy can cause cleft lip and/or palate (5.7).”

Under WARNINGS AND PRECAUTIONS:

**“5.7 Fetal Toxicity.** TOPAMAX® [topiramate] can cause fetal harm when administered to a pregnant woman. Data from pregnancy registries indicate that infants exposed to topiramate *in utero* have an increased risk of cleft lip and/or cleft palate (oral clefts).

When multiple species of pregnant animals received topiramate at clinically relevant doses, structural malformations, including craniofacial defects, and reduced fetal weights occurred in offspring [*see Use in Specific Populations (8.1)*].”

“TOPAMAX® [topiramate] should be used during pregnancy only if the potential benefit outweighs the potential risk. If this drug is used during pregnancy, or if the patient becomes pregnant while taking this drug, the patient should be apprised of the potential hazard to a fetus [*see Use in Specific Populations (8.1) and (8.9)*].”

Under USE IN SPECIFIC POPULATIONS:

**“8.1 Pregnancy.** TOPAMAX® [topiramate] can cause fetal harm when administered to a pregnant woman. Data from pregnancy registries indicate that infants exposed to topiramate *in utero* have increased risk for cleft lip and/or cleft palate (oral clefts). When multiple species of pregnant animals received topiramate at clinically relevant doses, structural malformations, including craniofacial defects, and reduced fetal weights occurred in offspring. TOPAMAX® should be used during pregnancy only if the potential benefit outweighs the potential risk. If this drug is used during pregnancy, or if the patient becomes pregnant while taking this drug, the patient should be apprised of the potential hazard to the fetus [*see Use in Specific Populations (8.9)*].”

**“Human Data.** “Data from the NAAED [North American Antiepileptic Drug] Pregnancy Registry (425 prospective topiramate monotherapy-exposed pregnancies) indicate an increased risk of oral clefts in infants exposed during the first trimester of pregnancy. The prevalence of oral clefts among topiramate-exposed infants was 1.2% compared to a prevalence of 0.39% for infants exposed to a reference AED. In infants of mothers without epilepsy or treatment with other AEDs, the prevalence was 0.12%. For comparison, the

Centers for Disease Control and Prevention (CDC) reviewed available data on oral clefts in the United States and found a similar background rate of 0.17%.” “The relative risk of oral clefts in topiramate–exposed pregnancies in the NAAED Pregnancy Registry was 9.6 (95% Confidence Interval [CI] 4.0–23.0) as compared to the risk in a background population of untreated women.”

**“8.9 Women of Childbearing Potential.** Data from pregnancy registries indicate that infants exposed to TOPAMAX<sup>®</sup> [topiramate] *in utero* have an increased risk for cleft lip and/or cleft palate (oral clefts) [see *Warnings and Precautions (5.7) and Use in Specific Populations (8.1)*]. Consider the benefits and risks of TOPAMAX<sup>®</sup> when prescribing this drug to women of childbearing potential, particularly when TOPAMAX<sup>®</sup> is considered for a condition not usually associated with permanent injury or death. Because of the risk of oral clefts to the fetus, which occur in the first trimester of pregnancy before many women know they are pregnant, all women of childbearing potential should be apprised of the potential hazard to the fetus from exposure to TOPAMAX<sup>®</sup>.”

3. FDA–approved label Reference ID 3634966 (FDA, 2014b)

Under HIGHLIGHTS OF PRESCRIBING INFORMATION, WARNINGS AND PRECAUTIONS:

“Fetal Toxicity: Females of reproductive potential: Obtain negative pregnancy test before treatment and monthly thereafter; use effective contraception. Qsymia is available through a limited program under a Risk Evaluation and Mitigation Strategy (REMS) (5.1).”

Under WARNINGS AND PRECAUTIONS:

**“5.1 Fetal Toxicity.** Qsymia can cause fetal harm. Data from pregnancy registries and epidemiology studies indicate that a fetus exposed to topiramate, a component of Qsymia, in the first trimester of pregnancy has an increased risk of oral clefts (cleft lip with or without cleft palate). If Qsymia is used during pregnancy or if a patient becomes pregnant while taking Qsymia, treatment should be discontinued immediately, and the patient should be apprised of the potential hazard to a fetus. Females of reproductive potential should have a negative pregnancy test before starting Qsymia and monthly thereafter during Qsymia therapy. Females of reproductive potential should use effective contraception during Qsymia therapy [see *Use in Specific Populations (8.1) and (8.6)*].”

Under USE IN SPECIFIC POPULATIONS:

**“8.1 Pregnancy. Risk Summary.** Qsymia is contraindicated in pregnant women. The use of Qsymia can

cause fetal harm . . . Available epidemiologic data indicate an increased risk in oral clefts (cleft lip with or without cleft palate) with first trimester exposure to topiramate, a component of Qsymia. When multiple species of pregnant animals received topiramate at clinically relevant doses, structural malformations, including craniofacial defects, and reduced fetal weights occurred in offspring.

If this drug is used during pregnancy, or if a patient becomes pregnant while taking this drug, treatment should be discontinued immediately and the patient should be apprised of the potential hazard to a fetus”.

**“8.6 Females of Reproductive Potential.** Qsymia can cause fetal harm. Data from pregnancy registries and epidemiology studies indicate that a fetus exposed to topiramate, a component of Qsymia, in the first trimester of pregnancy has an increased risk of oral clefts (cleft lip with or without cleft palate).”

**Request for comments:** OEHHA is requesting comments as to whether this chemical meets the criteria set forth in the Proposition 65 regulations for listings via the formally required to be labeled or identified mechanism (Section 25902). Because this is a ministerial listing, comments should be limited to whether FDA requires that *topiramate* be labeled to communicate a risk of reproductive or developmental harm. OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by FDA when it established the labeling requirement and will not respond to such comments if they are submitted.

In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Monday, November 2, 2015.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e–mail should be addressed to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov). Please include “topiramate” in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below.

Mailing Address: Michelle Robinson  
Office of Environmental Health  
Hazard Assessment  
P.O. Box 4010, MS–12B  
Sacramento, California  
95812–4010  
Fax: (916) 323–2265  
Street Address: 1001 I Street  
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period.

If you have any questions, please contact Michelle Robinson at [Michelle.Robinson@oehha.ca.gov](mailto:Michelle.Robinson@oehha.ca.gov) or at (916) 445-6900.

**References**

Food and Drug Administration (FDA, 2015). FDA approved drug label for QUDEXY XR (topiramate), Reference ID 3723186, approved 3-30-2015. Available at [http://www.accessdata.fda.gov/drugsatfda\\_docs/label/2015/205122s001lbl.pdf](http://www.accessdata.fda.gov/drugsatfda_docs/label/2015/205122s001lbl.pdf)

Food and Drug Administration (FDA, 2014a). FDA approved drug label for TOPAMAX (topiramate), Reference ID 3675672, approved 12-18-2014. Available at [http://www.accessdata.fda.gov/drugsatfda\\_docs/label/2014/020505s055.020844s046lbl.pdf](http://www.accessdata.fda.gov/drugsatfda_docs/label/2014/020505s055.020844s046lbl.pdf)

Food and Drug Administration (FDA, 2014b). FDA approved drug label for QSYMIA (contains topiramate), Reference ID, [3634966](http://www.accessdata.fda.gov/drugsatfda_docs/label/2014/022580s010s011s012lbl.pdf), approved 9-26-2014. Available at [http://www.accessdata.fda.gov/drugsatfda\\_docs/label/2014/022580s010s011s012lbl.pdf](http://www.accessdata.fda.gov/drugsatfda_docs/label/2014/022580s010s011s012lbl.pdf)

**SUMMARY OF REGULATORY ACTIONS**

File# 2015-0811-02  
Bureau of Security and Investigative Services  
PI & ACO Assignment Fees

This rulemaking action by the Bureau of Security and Investigative Services establishes the fees required to assign alarm company operator (ACO) and private investigator (PI) licenses.

Title 16  
AMEND: 639, 641  
Filed 09/21/2015  
Effective 01/01/2016  
Agency Contact: Carl Beermann (916) 575-7072

File# 2015-0821-03  
Bureau of Security and Investigative Services  
Course of Firearm Training (Change Without Regulatory Effect)

The Department of Consumer Affairs (Department) amended section 635 of title 16 of the California Code of Regulations regarding the course of training in the carrying and usage of firearms required of applicants to obtain a firearm qualification card under Business and Professions Code section 7585. The Department removed the numeral “4” from above the “1/2 hour” listed as the length of time required for laws regarding possession and carrying of firearms under “Moral and Legal Aspects (Classroom).” The Department submitted this amendment as a change without regulatory effect pur-

suant to section 100 of title 1 of the California Code of Regulations.

Title 16  
AMEND: 635  
Filed 09/21/2015  
Agency Contact: Andrea Leiva (916) 575-7022

File# 2015-0910-01  
California Health Benefit Exchange  
Eligibility and Enrollment Process for the Individual Exchange

This emergency action was submitted for a sixth re-adopt of the regulations pursuant to Government Code section 100504(a)(6). These regulations established the Health Benefit Exchange’s policies and procedures for eligibility determination and redetermination, enrollment in qualified health plans, and termination of coverage through the Exchange in the Individual Market. In this sixth re-adopt, the regulations are amended to modify eligibility criteria, revise some enrollment periods, and revise the termination of coverage.

Title 10  
ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622  
Filed 09/17/2015  
Effective 09/17/2015  
Agency Contact: Bahara Hosseini (916) 228-8486

File# 2015-0914-04  
California State Transportation Agency  
Conflict-of-Interest Code

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

Title 21  
AMEND: 7000  
Filed 09/23/2015  
Effective 10/23/2015  
Agency Contact:  
Augustin R. Jimenez (916) 327-2820

File# 2015-0827-01C  
Department of Food and Agriculture  
Asian Citrus Psyllid Interior Quarantine

This Certificate of Compliance filing by the Department of Food and Agriculture (DFA) makes permanent the prior emergency regulatory action (OAL file no. 2015-0227-02E) that expanded the quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*) by approximately 50 square miles in Fresno County. The

amendment provided authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare, and Ventura, and a portion of Fresno, Kern, Madera, Santa Clara, San Joaquin, and San Luis Obispo counties that were already under quarantine for the ACP, totaling approximately 51,332 square miles.

Title 3  
 AMEND: 3435(b)  
 Filed 09/16/2015  
 Effective 09/16/2015  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0810-03  
 Department of Industrial Relations  
 ICD-10 Transition

Summary of Rulemaking.

This rulemaking by the Department of Industrial Relations, amends and adopts sections in Title 8 of the California Code of Regulations, for the purpose of updating the requirements regarding medical billing, forms for physicians to use to report on treatment rendered, and forms used to evaluate disability relating to industrial injury or illness.

Title 8  
 ADOPT: 14006.1 AMEND: 14003, 14007  
 Filed 09/21/2015  
 Effective 10/01/2015  
 Agency Contact: Lindsey Urbina (510) 286-0657

File# 2015-0914-03  
 Department of Motor Vehicles  
 Conflict-of-Interest Code

This is Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 13  
 AMEND: 1.00  
 Filed 09/21/2015  
 Effective 10/21/2015  
 Agency Contact: Randi Calkins (916) 657-8898

File# 2015-0916-01  
 Department of Resources Recycling and Recovery  
 Conflict-of-Interest Code

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

Title 14  
 AMEND: 18419  
 Filed 09/21/2015  
 Effective 10/21/2015  
 Agency Contact: Thomas Vallance (916) 327-0089

File# 2015-0810-04  
 Division of Workers' Compensation  
 ICD-10 Transition

This rulemaking by the Department of Industrial Relations, Division of Workers' Compensation amends and adopts sections in Title 8 of the California Code of Regulations, for the purpose of updating the requirements regarding medical billing, forms for physicians to use to report on treatment rendered, and forms used to evaluate disability relating to industrial injury or illness.

Title 8  
 ADOPT: 9785.2.1, 9785.3.1, 9785.4.1  
 AMEND: 9770, 9785, 9785.4, 9792.5.1  
 Filed 09/21/2015  
 Effective 10/01/2015  
 Agency Contact: Lindsey Urbina (510) 286-0657

File# 2015-0827-05  
 Fish and Game Commission  
 Waterfowl Regulations

In this regulatory action, the Commission amends Title 14, section 502 of the California Code of Regulations to modify the waterfowl hunting season dates and bag limits.

Title 14  
 AMEND: 502  
 Filed 09/22/2015  
 Effective 09/22/2015  
 Agency Contact: Jon Snellstrom (916) 653-4899

File# 2015-0827-03  
 Hastings College of the Law  
 Conflict-of-Interest Code

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

Title 2  
 AMEND: 54100  
 Filed 09/16/2015  
 Effective 10/16/2015  
 Agency Contact: Elise K. Traynum (415) 565-4825

File# 2015-0911-02  
 Office of Statewide Health Planning and Development  
 Conflict-of-Interest Code

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

Title 2  
 AMEND: 3501  
 Filed 09/21/2015  
 Effective 10/21/2015  
 Agency Contact: Beth Herse (916) 326-3613

File# 2015-0810-01  
 Physical Therapy Board of California  
 Stats. 2013, C. 338 Changes

This action by the Physical Therapy Board of California makes changes without regulatory effect pursuant section 100, title 1 of the California Code of Regulations. The proposed amendments primarily reflect changes necessitated by Statutes 2013, Chapter 338 (SB 198) and grammatical corrections.

Title 16  
 ADOPT: 1399.15, 1399.16 AMEND: 1398.1, 1398.3, 1398.11, 1398.13, 1398.26.5, 1398.31, 1398.37, 1398.44, 1398.47, 1398.52, 1399, 1399.12, 1399.24, 1399.94 REPEAL: 1399.15, 1399.16  
 Filed 09/21/2015  
 Agency Contact: Brooke Arneson (916) 561-8260

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN April 22, 2015 TO  
 September 23, 2015**

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

**Title 2**

09/21/15 AMEND: 35101  
 09/16/15 AMEND: 54100  
 09/14/15 AMEND: 55200  
 09/10/15 AMEND: 60000, 60010, 60510, 60550, 60560  
 09/09/15 ADOPT: 59750  
 09/08/15 AMEND: 560  
 08/13/15 AMEND: 1859.163.1  
 08/06/15 AMEND: 18420.1, 18901.1

07/30/15 REPEAL: 547.80, 547.82, 547.83, 547.84, 547.85, 547.86, 547.87  
 07/30/15 ADOPT: 599.980, 599.981, 599.982, 599.983, 599.984, 599.985, 599.986  
 AMEND: 599.980 (renumbered to 599.987), 599.981 (renumbered to 599.988), 599.982 (renumbered to 599.989), 599.985 (renumbered to 599.990), 599.986 (renumbered to 599.991), 599.987 (renumbered to 599.992), 599.988 (renumbered to 599.993), 599.990 (renumbered to 599.994), 599.992 (renumbered to 599.995), 599.993 (renumbered to 599.996), 599.994 (renumbered to 599.997), 599.995 (renumbered to 599.998)

07/16/15 AMEND: 548.42, 548.124  
 07/15/15 AMEND: 59640  
 07/15/15 AMEND: 18404.2  
 07/10/15 AMEND: 18700, 18700.1, 18700.3, 18701, 18702, 18702.2, 18702.4, 18747  
 06/22/15 ADOPT: 18700.3, 18707 AMEND: 18704 REPEAL: 18704.1, 18704.2, 18704.3, 18704.4, 18704.5, 18704.6  
 06/22/15 AMEND: 18361.7  
 06/16/15 AMEND: 39000, 39001, 39002  
 06/02/15 AMEND: 10001, 10002, 10005, 10006, 10007, 10008, 10009, 10011, 10012, 10013, 10015, 10021, 10022, 10024, 10025, 10029, 10030, 10031, 10033, 10035, 10037, 10038, 10039, 10041, 10042, 10046, 10047, 10050, 10053, 10054, 10056, 10057, 10061, 10062, 10063, 10065

05/27/15 ADOPT: 61100, 61101, 61102, 61103, 61104, 61105, 61106, 61107, 61108, 61109, 61120, 61121, 61122, 61130, 61131, 61132, 61140

05/18/15 AMEND: 18703 REPEAL: 18703.2, 18703.4, 18703.5, 18707, 18707.1, 18707.2, 18707.4, 18707.5, 18707.6, 18707.7, 18707.9, 18707.10

05/04/15 ADOPT: 1701, 1702 AMEND: 1700

04/27/15 AMEND: 18700, 18700.1, 18700.2, 18700.3, 18701, 18701.1, 18702, 18702.1, 18702.2, 18702.3, 18702.4, 18702.5, 18703.3, 18704, 18704.1, 18704.2, 18704.3, 18704.4, 18704.5, 18704.6, 18705, 18705.1, 18705.2, 18705.3, 18705.4, 18705.5, 18706, 18706.1, 18708, 18709

**Title 3**

09/16/15 AMEND: 3435(b)

**CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 40-Z**

08/27/15	AMEND: 3435	07/30/15	ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140
08/26/15	AMEND: 6502		AMEND: 70000, 71400, 71650, 75150
08/20/15	AMEND: 3435(b)	07/20/15	ADOPT: 80054.1 AMEND: 80054
08/17/15	AMEND: 2100	05/21/15	AMEND: 19810
08/14/15	ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452	05/18/15	AMEND: 19810
08/10/15	AMEND: 6148, 6148.5, 6170, 6216	<b>Title 8</b>	
08/10/15	AMEND: 3435(b)	09/21/15	ADOPT: 14006.1 AMEND: 14003, 14007
08/10/15	AMEND: 3435(b)	09/21/15	ADOPT: 9785.2.1, 9785.3.1, 9785.4.1, AMEND: 9770, 9785, 9785.4, 9792.5.1
08/06/15	AMEND: 3435(b)	09/15/15	AMEND: 3437, 3441, 3664(b)
08/04/15	AMEND: 3435(b)	08/28/15	AMEND: 3411
07/21/15	AMEND: 3439(b)	08/27/15	AMEND: 8397.4
07/08/15	AMEND: 3435(b)	08/27/15	AMEND: 1710
07/01/15	AMEND: 4603(i)	08/24/15	AMEND: 9810, 9811, 9812, 9814, 9815, 9881.1, 10139 REPEAL: 9813
06/24/15	AMEND: 3435(b)	08/20/15	AMEND: 14300.2
06/24/15	AMEND: 2751(b)	08/12/15	AMEND: 30, 30.5, 31.1, 100, 104, 105, 106, 109
06/22/15	AMEND: 3435(b)	08/10/15	AMEND: 333, 336
06/02/15	AMEND: 3591.11(a)	07/30/15	ADOPT: 5184 AMEND: 5185
05/28/15	AMEND: 3435(b)	07/06/15	AMEND: 5530, 5568, 5572, 5574, 5575, 5621, 2540.7, 2540.8
05/19/15	ADOPT: 3441	04/30/15	ADOPT: 9980, 9981, 9982, 9983 AMEND: 9990, 9992, 10208.7 REPEAL: 9994
05/13/15	AMEND: 3435(b)	04/30/15	AMEND: 4345, 4351, 4352, 4354
05/08/15	AMEND: 3435(b)	04/30/15	AMEND: 1618.1(e)
05/06/15	AMEND: 3435(b)	<b>Title 9</b>	
05/06/15	AMEND: 6400	08/31/15	AMEND: 881
04/30/15	AMEND: 3435(b)	08/26/15	AMEND: 513, 524, 530, 541, 553, 620, 620.1, 1900, 1901, 1904, 1913, 1921
04/30/15	AMEND: 3435	08/24/15	AMEND: 1810.110, 1810.214, 1810.215, 1810.218, 1810.219, 1810.223.5, 1810.224, 1810.230, 1810.236, 1810.237, 1810.239, 1810.246, 1810.252, 1810.355, 1810.380, 1810.425, 1820.110, 1820.115, 1820.200, 1830.115, 1840.100, 1840.210, 1840.302, 1840.312, 1850.210, 1850.213, 1850.505, 1850.515, 1850.520, 1850.530, 1850.535 REPEAL: 1810.214.1
<b>Title 4</b>		07/16/15	ADOPT: 3200.182, 3200.183, 3200.184, 3510.020, 3580, 3580.010, 3580.020, 3900, 3905, 3910, 3910.010, 3910.015, 3910.020, 3915, 3925, 3930, 3935
09/08/15	ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138	06/15/15	AMEND: 4210
09/08/15	ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15	06/01/15	ADOPT: 4530, 4530.1, 4530.2, 4530.3, 4530.4, 4530.5, 4530.6, 4530.7, 4530.8, 4530.9, 4530.10, 4530.11, 4530.12
08/31/15	AMEND: 1844		
08/19/15	AMEND: 1433		
07/31/15	ADOPT: 1866.1 AMEND: 1844		
07/28/15	AMEND: 10325		
07/23/15	AMEND: 1632		
07/22/15	AMEND: 400, 401, 402, 403, 404, 405, 406		
07/15/15	AMEND: 1588		
07/02/15	AMEND: 5205, 5230, 5170		
06/04/15	ADOPT: 1891.1		
05/19/15	ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138		
05/07/15	AMEND: 10325		
05/07/15	AMEND: 10315, 10322, 10325, 10327		
05/04/15	AMEND: 8035(e)-(f)		
04/27/15	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11		
<b>Title 5</b>			
09/10/15	AMEND: 19810		

**CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 40-Z**

- 05/27/15 AMEND: 7400
- Title 10**
- 09/17/15 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
- 08/19/15 AMEND: 1422.6.1, 1422.6.3, 1950.122.5.1, 1950.122.5.3
- 08/11/15 ADOPT: 80.125.10, 80.129, 80.158.10, 80.166.10, 80.4100.10, 80.4105.10, 80.4105.11, 80.4118.10, 80.4118.11, 80.4305, 80.5100, 80.5200.1, 80.5210, 80.5304.1, 80.5305, 95.600 AMEND: 80.1, 80.2, 80.3, 80.4, 80.5, 80.6, 80.7, 80.8, 80.9, 80.100, 80.125, 80.126, 80.150, 80.151, 80.152, 80.153, 80.154, 80.155, 80.156, 80.157, 80.158, 80.159, 80.160, 80.161, 80.162, 80.163, 80.164, 80.165, 80.166, 80.167, 80.168, 80.169, 80.170, 80.172, 80.173, 80.174, 80.175, 80.176, 80.177, 80.3000, 80.3001, 80.3002, 80.4000, 80.4100, 80.4101, 80.4102, 80.4103, 80.4104, 80.4105, 80.4106, 80.4107, 80.4108, 80.4109, 80.4111, 80.4113, 80.4115, 80.4117, 80.4118, 80.4119, 80.4120, 80.4121, 80.4123, 80.4124, 80.4125, 80.4126, 80.4127, 80.4200, 80.4201, 80.4300, 80.4301, 80.4302, 80.4303, 80.4304, 80.4308, 80.4309, 80.4310, 80.4311, 80.4312, 80.4313, 80.5000, 80.5200, 80.5201, 80.5300, 80.5301, 80.5302, 80.5303, 80.5304, 95.5025, 95.5030 REPEAL: 80.127, 80.171, 80.4110, 80.4112, 80.4114, 80.4037, 80.5202, 95.2, 95.3, 95.5010
- 07/29/15 AMEND: 5350, 5353, 5354, 5354.1, 5356, 5357.1, 5357.2, 5358.6, 5358.7, 5358.10 REPEAL: 5358.1
- 07/29/15 AMEND: 5350, 5357.1
- 07/27/15 ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5
- 07/06/15 ADOPT: 6850, 6852, 6854, 6856, 6858, 6860, 6862, 6864, 6866, 6868
- 06/29/15 ADOPT: 2194.18, 2194.19, 2194.20, 2194.21, 2194.22, 2194.23, 2194.24, 2194.25, 2194.26
- 06/15/15 ADOPT: 6432
- 05/26/15 ADOPT: 2563
- 05/11/15 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
- 04/27/15 REPEAL: 3530
- 04/27/15 ADOPT: 6900, 6901, 6902, 6903, 6904, 6905, 6906, 6907, 6908
- Title 11**
- 08/31/15 ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259
- 08/26/15 AMEND: 1011
- 08/17/15 AMEND: 1009
- 06/24/15 AMEND: 1005, 1007, 1008
- 06/02/15 AMEND: 999.5
- 05/13/15 AMEND: 51.14
- 05/13/15 AMEND: 51.17
- 05/13/15 AMEND: 51.22
- Title 13**
- 09/21/15 AMEND: 1.00
- 08/12/15 AMEND: 268.12, 285.06, 330.08
- 07/29/15 AMEND: 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 126.00, 127.00, 127.08 REPEAL: 126.02
- 06/19/15 ADOPT: 16.00, 16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14
- 05/29/15 ADOPT: 1153 AMEND: 1150.1, 1150.2, 1151.1, 1151.2, 1151.3, 1151.4, 1151.5, 1151.5.1, 1151.6, 1151.7, 1151.8, 1151.8.1, 1151.8.2, 1151.8.3, 1151.8.4, 1151.9, 1151.9.1, 1151.10, 1151.10.1, 1152.1, 1152.2, 1152.2.1, 1152.3, 1152.3.1, 1152.4, 1152.4.1, 1152.4.2, 1152.5, 1152.6, 1152.6.1, 1152.7, 1152.7.1 REPEAL: 1152.8
- Title 14**
- 09/22/15 AMEND: 502
- 09/21/15 AMEND: 18419
- 09/04/15 AMEND: 916.2, 936.2, 956.2
- 09/03/15 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797
- 09/03/15 ADOPT: 820.02
- 09/03/15 ADOPT: 817.04 AMEND: 790
- 08/31/15 AMEND: 4800
- 08/21/15 AMEND: 18660.5, 18660.6, 18660.21, 18660.22, 18660.23, 18660.24
- 08/04/15 AMEND: 13055
- 07/31/15 ADOPT: 662
- 07/29/15 AMEND: 27.65, 28.38
- 07/23/15 AMEND: 816.03

07/21/15	ADOPT: 18959, 18960, 18961, 18962, 18963, 18964, 18965, 18966, 18967, 18968, 18969, 18970, 18971	3269.1, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3341.5, 3342, 3343, 3344
07/13/15	AMEND: 1038, 1052.1	05/29/15 ADOPT: 8113
07/10/15	ADOPT: 748.5	05/26/15 ADOPT: 8100, 8102, 8104, 8105, 8106, 8107, 8108, 8110, 8111, 8112, 8114, 8118, 8119, 8119.1, 8120 AMEND: 8000
07/02/15	ADOPT: 8.01	05/26/15 AMEND: 2275
07/01/15	AMEND: 7.50	05/26/15 AMEND: 233
06/26/15	ADOPT: 250.1 AMEND: 311, 353, 464, 465, 475, 485 REPEAL: 355	04/30/15 AMEND: 3006, 3134.1, 3135
06/24/15	AMEND: 165	04/27/15 ADOPT: 3999.18
06/22/15	ADOPT: 364.1 AMEND: 360, 361, 362, 363, 364, 702, 708.5, 708.11, 713	04/22/15 AMEND: 3001, 3042, 3043, 3084.7, 3379, 3768.2
06/22/15	AMEND: 1665.7	
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