



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

STATE AGENCY: Office of the State Treasurer
Department of Water
Resources

AMENDMENT

MULTI-COUNTY: Trindel Insurance Fund

A written comment period has been established commencing on **November 2, 2012** and closing on **December 17, 2012**. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **December 17, 2012**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

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

TITLE 2. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend Title 2 of the California Code of Regulations (CCR) § 599.500, subdivision (s), subdivisions (t) through (v); § 599.501, subdivision (a); § 599.502, subdivision (f), paragraph (6)(E), subdivision (g), paragraph (4); § 599.508, subdivision (a), paragraphs (3) through (10) and add § 599.502, subdivision (g), paragraph (5). The proposed regulations further clarify definitions and rules regarding enrollments in basic and supplemental plans and also specify that supplemental plans can be offered by the same or different carriers than what is offered for a basic plan. The regulations would remove the constraint on the Health Benefits Program by not requiring a supplemental plan for every basic plan.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing November 2, 2012 and closing at 5:00 p.m. December 17, 2012. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via Fax at (916) 795-4607; via E-mail at Regulation.Coordinator@calpers.ca.gov or mailed to the following address:

Ryan Digman, Regulations Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-0963

III. PUBLIC HEARING

Pursuant to Government Code (GC) § 11346.8, the Board has not scheduled a public hearing on this matter. However, if an interested person, or his or her duly authorized representative, submits in writing to the CalPERS Regulations Coordinator a request for a public hearing at least 15 days prior to the close of the written comment period, December 3, 2012, a public hearing shall be scheduled before the CalPERS Pension & Health Benefits Committee. Notice of the time, date, and place of the hearing will be provided to every person who has filed a request for notice with CalPERS.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and the room can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulations Coordinator.

V. AUTHORITY AND REFERENCE

The Board has authority to take regulatory action under GC § 22794 and § 22796.

Reference citation: GC § 22760, § 22775, § 22777, § 22800, § 22803, § 22819, § 22830, § 22831, § 22832, § 22834, § 22837, § 22842, § 22843, § 22844, § 22846, § 22850, § 22853, and § 22860.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In January 2011, the Board endorsed the Health Benefits Purchasing Review (HBPR) project to develop three- to five-year strategies and initiatives to ensure the continuation and sustainability of the CalPERS Health Benefits Program. The HBPR project was launched to evaluate health plan benefit design and purchasing strategies in order to ensure that the CalPERS Health Benefits Program meets the future needs of members and employers.

In March 2011, the HBPR project began work with a comprehensive analysis of the healthcare marketplace. A market scan was conducted to take a closer look at several items including provisions of the federal Affordable Care Act, comparisons of nationwide health benefits, best practices, market trends, cost drivers, and legal constraints. Highlights of the market scan were presented to the Pension and Health Benefits Committee in July 2011.

In March 2012, staff presented, and the Board supported, 21 initiatives related to influencing health-care delivery, improving health outcomes, and delivering

sustainable programs, one of which was Options for Medicare Supplemental Plans. Approximately 7,000 members over the age of 65 are in a Basic plan and not eligible for Medicare because they or their spouse do not have enough qualifying hours to have premium-free Medicare Part A or because they were exempted under Social Security. These members cost the program more being in a basic plan than if they were in Medicare where claims are reimbursed at 80 percent by the federal government. This initiative seeks to develop alternatives and recommend a strategy to reduce costs of coverage for the members enrolled in supplemental plans. Having maximum flexibility in the administration of the Medicare plans would allow CalPERS to offer Medicare-eligible retirees more diverse plan options that best meet their needs while reducing administrative costs associated with maintaining a supplemental equivalent for each basic plan option.

CalPERS has evaluated and determined that the proposed regulations are not inconsistent nor incompatible with existing State regulations. There are no other comparable existing State regulations pursuant to GC § 11346.5, subdivision (a), paragraphs (3)(D).

There is no existing, comparable federal regulation or statute.

PRENOTICE CONSULTATION WITH THE PUBLIC

To better understand member and employer priorities and preferences, surveys were administered by CalPERS from July through September 2011. Additionally, as part of the HBPR project, a communication plan was developed to allow stakeholders to provide input on important factors related to health care based on their expertise. To gain additional insight, CalPERS management met with numerous stakeholders between September and November 2011, including labor, employer, retiree and provider groups, the California Health Benefit Exchange, and health plan industry experts. The survey conclusions were presented to the Health Benefits Committee in September 2011 and presentations were made to the Board in December 2011.

The HBPR project resulted in the development of 21 initiatives that were presented to, and approved by, the Board in March 2012. From July 2011 through June 2012, CalPERS staff presented the initiatives to constituent groups, which included labor, and retiree, and employer groups. From March through June 2012, staff presented plans to the constituent groups to propose regulations for Options for Medicare Supplemental Plans. At the May 2012 Pension and Health Benefits Committee meeting, which is open to the public, the

proposed regulations for Options for Medicare Supplemental Plans were approved by the Board.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to the California Public Employees' Retirement Law.

VIII. DISCLOSURES REGARDING THE PROPOSED RULEMAKING ACTION

The Board has made the following initial determinations:

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** This regulation package will not impose any mandates on local agencies and school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action may result in an estimated potential one-time cost avoidance of \$2,037,431 to the State.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impose costs on any local agency or school district.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action may result in an estimated potential one-time cost avoidance to local agencies of \$748,320.
- E. **COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** There are no costs or savings in federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses including the ability of businesses in California to compete with businesses in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **RESULTS OF THE ECONOMIC IMPACT ANALYSIS:** The proposed regulatory action 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.

CalPERS believes the adoption of this regulation benefits the health and welfare of California residents by ensuring program integrity and sustainability of the CalPERS health benefits program which covers more than 1.3 million active and retired state, local government, and school employees, and their family members. Adoption of this regulation also benefits the state's environment by reducing premium costs by leveraging opportunities to be part of a larger pool of enrollees and by reducing administrative costs associated with maintaining a supplemental equivalent for each basic plan option. In addition, Medicare-eligible retirees will have flexibility to participate in more innovative and diverse plan options that best meet their health needs.

- I. EFFECT ON HOUSING COSTS: The proposed regulatory action has no effect on housing costs.
- J. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GC § 17500 THROUGH § 17630: There are no costs to any local agency or school district which must be reimbursed in accordance with GC § 17500 through § 17630.

IX. CONSIDERATION OF ALTERNATIVES

In accordance with GC § 11346.3, subdivision (a), paragraphs (A) through (D), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or provision of law.

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

X. CONTACT PERSON

Please direct inquiries concerning the substance of the proposed rulemaking action to:

Pat Sherard, BPPP Legislative Coordinator
California Public Employees' Retirement System
P.O. Box 720724
Sacramento, CA 94229-0724
Telephone: (916) 795-0885
Fax: (916) 795-4680
E-mail: pat.sherard@calpers.ca.gov

Please direct requests concerning processing of this rulemaking action to the CalPERS Regulations Coordinator, at the address shown in Section II.

XI. AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The entire rulemaking file is available for public inspection by contacting the Regulations Coordinator at the address shown in Section II. To date, the file consists of this notice, the Initial Statement of Reasons (ISOR) and the text of the proposed regulations. A copy of the proposed text and the ISOR is available at no charge by written request to the CalPERS Regulations Coordinator, at the address and phone number listed in Section II. The Final Statement of Reasons can be obtained once it has been prepared.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at www.calpers.ca.gov.

XII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, on its own motion or at the recommendation of any interested person, amend the proposed text of the regulations after the public comment period ends.

If the Board amends its regulatory action, a comparison of the original proposed text and the amendments will be prepared for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept notified of the results of the regulatory action.

XIII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting the CalPERS Regulations Coordinator at the address shown in Section II.

TITLE 4. CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY

The California Pollution Control Financing Authority (CPCFA and the “Authority”), organized and operating pursuant to Sections 44500 through 44563 of the California Health and Safety Code, proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

Proposed Regulatory Action

The Authority proposes to amend Sections 8070, 8071, 8072, 8078, and 8078.2 of Title 4 of the California Code of Regulations concerning the administration of the California Capital Access Program for Small Businesses (the “Program” and CalCAP). These regulations were readopted on an emergency basis in June 2012. The current rulemaking action would make these changes permanent.

Authority and Reference

Authority: Sections 44520(a) and 44559.5(f) of the Act authorize the Authority to adopt necessary regulations relating to the California Capital Access Loan Program (CalCAP) established by the Act.

Reference: Sections 44559–44559.12 of the Health and Safety Code. These amended regulations implement, interpret, and make specific Sections of the Act by amending Sections 8070, 8071, 8072, 8078 and 8078.2 of Title 4, Division 11, Article 7 of the California Code of Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Capital Access Loan Program and authorizes the Authority to contract with specified financial institutions to make loans to eligible small businesses that are having trouble obtaining capital. (Health and Safety Code, § 44559.2.)

Under existing law, borrowers and lenders must pay a fee on CalCAP loans to the lender’s loss reserve account. (Health and Safety Code, § 44559.3.) The Authority matches the fees paid by the lender to the Loss Reserve Account at 150 percent or 200 percent, depending on the funding source. (Health and Safety Code, § 44559.4(d).) The funds held in the lender’s loss reserve account are the sole property of the Authority and are used to cover losses on any loan that the lender has enrolled in CalCAP. (Health and Safety Code, § 44559.5.)

The proposed amendments allow CalCAP the flexibility to include additional programs in conjunction with the Federal State Small Business Credit Initiative (SSBCI). The allocation of funds from U.S. Treasury allows CalCAP to expand and administer various programs, all under the CalCAP umbrella. These amendments are necessary to clarify the differences between the current program and the Collateral Support Program. There are clear guidelines established by the Small Business Jobs Act (H.R. 5297, Public Law No. 111–240) that are clarified with the amendments.

By including rules for a Collateral Support Program within the current CalCAP regulations, the Program will be able to assist more borrowers throughout California. This Collateral Support Program will make financing for certain types of loans more easily available to small businesses and will allow those businesses to continue to expand and remain viable during these difficult economic times.

The proposed amendments to the current regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California.

The proposed amendments to the CalCAP Regulations are consistent and compatible with the existing state statute and regulations, and the objective is as follows:

Section 8070(b). Early Stage Loan was removed from regulation because it no longer applies to the Program. The definition of Contribution was added to clarify what deposits can be made into Loss Reserve Accounts and how these Contributions differ from Matching Contributions.

Section 8070(f). The definition of “Independent Contributor” has been simplified by including language to allow Contributions as defined in Section 8070(b). This added language allows all acceptable deposits eligible for any program to be deposited into the lenders’ Loss Reserve Accounts.

Section 8070(i). Language has been added to help clarify the definition of a Loss Reserve Account and how these accounts can be used as they pertain to CalCAP. Contributions deposited to Loss Reserve Accounts may be made from State, Local or Federal funding sources and the regulations must clearly reference the section that addresses Federal funds.

Section 8070(v). Changing the definition of “Standards” does not limit Independent Contributors to assisting businesses based on their geographical location or the type of business. Instead, Standards now means any approved criteria used by Independent Contributors that assists borrowers through the Program.

Section 8071(c). An Early Stage Loan no longer applies to the Program; therefore it is no longer necessary to define in regulations. “Early Stage Loan” has also been removed from Section 8070(b) as referenced above.

Section 8072(c)(15). The word “Matching” has been removed from the explanation of Contributions made by the Independent Contributor. Contributions are not required to be a matching amount if that has been established in a contract between CPCFA and the agency acting as an Independent Contributor.

Section 8072(c)(20). The Participating Financial Institution must certify that the Borrower has no interest in the Fees and Contributions made to the Loss Reserve Account. This applies to all Contributions, whether they are matching or not.

Section 8072(h). The word “Matching” has been removed from the explanation of transfers once a Qualified Loan is enrolled. Contributions transferred into the Loss Reserve Account are not required to be matching.

Section 8078(a)(5). To be consistent with changes made in Section 8072(c)(15), “matching” has been removed from the explanation of what the Independent Contributor’s funds will be used for. CalCAP statute allows Independent Contributors to deposit funds for uses deemed appropriate by CPCFA.

Section 8078(e). In order to remain consistent with Section 8078(a)(5) and the CalCAP statute, “matching” has been removed from this section. An Independent Contributor is not subject to the maximums set forth in the CalCAP statute.

Section 8078.2(a). The State Small Business Credit Initiative (SSBCI) is governed by the Small Business Jobs Act which allows Federal funding to be used for purposes other than those defined in the Health and Safety Code. Contributions made to a lender’s Loss Reserve Account are not required to be a matching amount and can be any amount allowable by the SSBCI when those funds are used. The additional language makes it clear that when Federal SSBCI funds are used, the Small Business Jobs Act governs as allowed by CPCFA statute.

Section 8078.2(g). The word “lender” has been changed to “Participating Financial Institution” to keep the regulations consistent throughout and use a defined term for clarification. The language “unless another amount is allowed by the Small Business Jobs Act” was added to this section to explain that when Federal funds are used, the amount of the contribution to the Loss Reserve Account can be established by SSBCI.

Section 8078.2(h). Adding this language “unless another amount is allowed by the Small Business Jobs Act” is consistent with the language in Section 8078.2(g). Also, SSBCI is permitted to set amounts according to the Small Business Jobs Act.

Section 8078.2(i). The United States Treasury, under the Small Business Jobs Act, allows the Authority to assess fees upon the Borrower. The language added to this section places the authorization of assessing fees into CalCAP regulation. In addition, the added language in this section clarifies the types of deposits into the Loss Reserve Accounts when SSBCI funds are used. Section 8078.2 of the CalCAP regulations refers to the Federal aspects of CalCAP and it was necessary to clarify the difference between other funding sources in the Program. In the emergency regulations that were adopted in June 2012, Section 8078.2 had the information from this section split into two separate regulations sections which were 8078.2(i) and 8078.2(j). These two sections have been combined into one section in order to streamline the explanation of the fees assessed by the Authority and the types of contributions being made into Loss Reserve Accounts.

Section 8078.2(j). CalCAP will pay claims for collateral support in the manner consistent with the requirements of the Small Business Jobs Act when SSBCI funds were used for enrollment, therefore an explanation of this practice was necessary in the regulations. This was initially section 8078.2(k) when the emergency regulations were adopted, but the section letter changed to (j) with the grouping of the two sections above into one.

Disclosures Regarding the Proposed Action: The Executive Director of the Authority has made the following determinations regarding the effect of the Amended Capital Access Regulations.

Mandate on local agencies or 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 section 17561: None.

Other non-discretionary cost or savings imposed on local agencies: None.

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

Significant effect on housing costs: None.

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

Small Business: The amended CalCAP Regulations will not have an adverse impact on small business in California. The proposed regulations will not significantly affect small businesses because they do not impose additional costs on small businesses.

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in

other states: The Authority has made an initial determination that the amended CalCAP 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.

Results of the Economic Impact Analysis

Assessment regarding effect on jobs/businesses: The amended CalCAP Regulations will not have a significant effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California.

Benefits of the health and welfare of California residents, worker safety, and the state’s environment: The proposed amendments to the CalCAP Regulations will assist California small businesses that may have difficulty obtaining capital. The Collateral Support Program will allow more borrowers access to the type of loans they need to start or grow their businesses.

Consideration of Alternatives

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the amended CalCAP Regulations considered by the Authority or that have otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the amended CalCAP Regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Authority invites interested persons to present statements with respect to alternatives to the amended CalCAP Regulations during the written comment period.

Agency Contact Person

Written comments, inquiries and any questions regarding the substance of the amended CalCAP Regulations shall be submitted or directed to:

Jillian Franzoia, Staff Services Analyst
 California Pollution Control Financing Authority
 915 Capitol Mall, Room 457
 Sacramento, California 95814
 Telephone: (916) 653-3993
 Fax: (916) 657-4821
 Email: jfranzoia@treasurer.ca.gov

Or:

Nancee Trombley, Treasury Program Manager I
 California Pollution Control Financing Authority
 915 Capitol Mall, Room 457
 Sacramento, California 95814
 Telephone: (916) 651-8663
 Fax: (916) 657-4821
 Email: ntrombley@treasurer.ca.gov

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments relevant to the amended CalCAP Regulations to the Authority. The written comment period on the amended CalCAP Regulations ends at **5:00 p.m on December 17, 2012**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority.

In the event that substantive changes are made to the amended CalCAP Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified amended CalCAP Regulations for fifteen (15) calendar days after the date on which such amended CalCAP Regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

Availability of Initial Statement of Reasons and Text of the Proposed Regulations

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority’s office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the amended CalCAP Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority’s website located at <http://www.treasurer.ca.gov/cpcf/index.asp>.

Public Hearing

CalCAP does not intend to conduct a Public Hearing on the matter of these regulations, unless requested. Any interested person may submit a written request for

a public hearing no later than 15 days prior to the close of the written comment period.

Availability of Changed or Modified Text

After the written comment period ends and following a public hearing, if any is requested pursuant to Section 11346.8 of the Government Code, the Authority may adopt the amended CalCAP Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that 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 fifteen (15) calendar days before the Authority adopts the proposed amended CalCAP Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

Availability of Final Statement of Reasons

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website at <http://www.treasurer.ca.gov/cpcfai/index.asp>.

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

SMALL EMPLOYER HEALTH INSURANCE

Date: October 23, 2012
CDI File No. REG-2011-00028

SUBJECT OF RULEMAKING

The California Department of Insurance ("Department") proposes to adopt California Code of Regulations Sections 2233.1, 2233.2, 2233.3, 2233.4, and 2233.5 pertaining to the wrapping of small employer health insurance policies, after considering comments from the public.

PUBLIC HEARING

The Department of Insurance (Department) will hold a public hearing to provide all interested persons an opportunity to present written or oral statements regarding the regulations, as follows:

Date and Time: **Monday, December 17, 2012 at 10:00 a.m.** The hearing will end when all testimony has been given or 4:00 p.m., whichever is earlier.

Location: **California Department of Insurance
Hearing Room, 22nd Floor
45 Fremont Street
San Francisco, CA 94105**

CONTACT PERSONS

Any questions regarding this notice should be directed to:

Cathleen S. Chapman, Attorney
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105
Telephone: (415) 538-4458
Facsimile: (415) 904-5896
chapmanc@insurance.ca.gov

The backup contact person for these inquiries is:

Bruce Hinze, Assistant Chief Counsel
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105
Telephone: (415) 538-4392
Facsimile: (415) 904-5896
hinzeb@insurance.ca.gov

WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department via electronic or U.S. mail, personal delivery or facsimile. Comments shall be transmitted to Cathleen Chapman (see above contact information) by one method only.

The written comment period closes at **5:00 p.m. on December 17, 2012**. Any materials *received* after that time will not be considered.

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons

with sight or hearing impairments are requested to notify the contact person(s) for the hearing in order to make special arrangements, if necessary.

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret, and make specific the provisions of Insurance Code Sections 10700(b), 10705, 10705.1, 10706.5, 10713, 10714, 10715, 10716, 10717, and 106. Insurance Code Sections 10704 as well as *CalFarm Insurance Company v. Deukmejian* (1989) 48 Cal.3d 805 and *20th Century Insurance Company v. Garamendi* (1994) 8 Cal. 4th 216, provide the authority for this rulemaking.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Small Employer Health Insurance Reform Act, Chapter 1128, Statutes 1992 (A.B. 1672), commencing with Insurance Code Section 10700, created several requirements regarding small employer health insurance. Section 10705(b)(1) mandates that each insurer “fairly and affirmatively offer, market, and sell all of the carrier’s benefit plan designs that are sold to, offered through, or sponsored by, small employers or associations that include small employers to all small employers in each geographic region in which the carrier makes coverage available or provides benefits.”

Despite that provision, many insurers prohibit the sale of certain health insurance policies to small employers who combine (or “wrap”) such policies with self-funded Health Reimbursement Arrangements or other employer-sponsored methods for reimbursing employees for all or part of their out-of-pocket medical expenses. Medical expenses include policy deductibles, co-payments, and coinsurance. The insurers say they restrict wrapping because claims data show higher utilization of covered benefits by employees who have wrap plans provided by their employers.

The proposed regulations balance the non-discrimination and guaranteed issue requirements of A.B. 1672 against the concern that wrapping may increase medical claims costs and premiums for all small employers, even those that do not wrap. Under modified community rating as embodied in A.B. 1672, if some small employers wrap, increased medical claims costs would be passed on to all small employers.

The policy objectives of this rulemaking are to ensure that all small employers have access to every health insurance policy available to small employers in their geographical region, and the small employers that choose to provide wrap plans or other methods for reducing their employees’ cost-sharing under those poli-

cies pay health insurance premiums that are directly proportional to the higher claims costs caused by them.

In addition, the proposed regulations enhance openness and transparency in business and government by requiring that insurers provide actuarial information to the Department, and that the information be publicly available.

Proposed Regulations

Section 2233.1 (Definitions)

This section provides the definitions used in Section 2233.2 through 2233.5. It defines “BPD,” “HRA,” “restrict wrapping,” and “wrapping.”

Section 2233.2 (Restrictions on Wrapping)

This section is proposed to be added to permit insurers to restrict wrapping and require insurers that do to (a) set forth the wrapping restrictions in the benefit plan design and (b) comply with section 2233.3 through 2233.5.

Section 2233.3 (Supporting Data)

This section is proposed to be added to require insurers that propose to charge higher premium rates for a policy that does not restrict wrapping than for a policy that restricts wrapping to provide data to the Department showing the extent of expected increased claims payments resulting from wrapping and that the higher premium rate accurately reflects the extent of these expected increased claims payments.

It also provides that insurers that restrict wrapping must provide actuarial data to the Department showing that wrapping increases claims payments and the extent of the increase in claims payments.

Section 2233.4 (Information to Be Made Public)

This section requires that all information submitted by insurers to the Department in connection with these proposed regulations, as well as all portions of benefit plan designs addressing wrapping, be available to the public. It further states that the Department will rely only on public information in considering a submission made pursuant to these regulations.

Section 2233.5 (Discrimination in Issuance of Small Employer Health Insurance Policies Prohibited)

This section requires that every benefit plan design that places restrictions on wrapping must also provide a wrapping option with any differential in premium rates supported with actuarial data described in section 2233.3. It will become operational 90 days after the effective date of these regulations.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The proposed regulations are not inconsistent or incompatible with any existing state regulations.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO ANY STATE AGENCY, LOCAL AGENCY OR SCHOOL DISTRICT OR IN FEDERAL FUNDING

The Department has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The department has made an initial determination that the proposed adoption of the regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are insurance companies.

The Department expects the proposed regulations will create a relatively insignificant cost impact on insurers. The full economic impact analysis provides additional detail.

The Department has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.

- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

POTENTIAL COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR ENTITIES/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.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department is required to assess any impact the proposed regulations may have on the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, the expansion of businesses currently doing business within the State of California, and the benefits of the proposed regulations to the health and welfare of California residents, worker safety, and the state's environment.

Neither the proposed amendments nor the alternatives set forth in the Initial Statement of Reasons will have a significant effect on possible changes in employment, including the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. These determinations were made by evaluating the changes in personal income, or Gross Domestic Product (GDP) that could result from this action. Employment, business formation and changes in both components are captured in state GDP and similar national measures of output.

Also, CDI has evaluated whether the proposed amendments impair the ability of California businesses to compete with businesses in other states, whether the regulations impact insurers or other businesses or industries and whether they affect the ability of California insurers to compete with insurers in other states. CDI concluded that the proposed amendments will have an insignificant economic impact.

CDI has also determined that the proposed regulations will be beneficial to the health and welfare of California residents by ensuring that employees of small employers and their beneficiaries have a wider range of health insurance options. The regulations are not expected to affect worker safety and the state's environment.

The full text of the Department's assessment is set forth in the Economic Impact Assessment, a copy of which is included in the rulemaking record.

FINDING OF NECESSITY FOR APPLICATION
TO BUSINESS

The Department finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

IMPACT ON HOUSING COSTS

The proposed regulations will have no significant effect on housing costs.

REASONABLE ALTERNATIVES

The Department must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, 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.

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

IMPACT ON SMALL BUSINESS

The Department has determined that the proposed regulations will affect small business as small employers are expected to benefit from them.

The regulations also will affect insurance companies; however, they are not small businesses pursuant to California Government Code section 11342.610(b)(2).

TEXT OF REGULATIONS AND STATEMENTS
OF REASONS

The Department has prepared an Initial Statement of Reasons (Initial Statement) that sets forth the reasons for the proposed action. Upon request, the Initial Statement will be made available for inspection and copying. Requests for the Initial Statement or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the Final Statement of Reasons (Final Statement) will be made available for inspection and copying once it has been prepared. Requests for the Final Statement should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed regulations, the state-

ments of reasons, the information upon which the proposed action is based, and supplemental information, including reports, documentation and other materials related to the proposed action contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, which includes the informative digest of the proposed regulations, as well as a copy of the proposed regulation text, will automatically be sent to all persons on the Department's mailing list.

WEB SITE POSTINGS

Documents concerning this proceeding are available on the Department of Insurance's Web site. To access them, go to <http://www.insurance.ca.gov>. Find at the right side of the page the heading "QUICK LINKS." The first item in this column under this heading is "Online Services"; on the drop-down menu for this item, select "Search for Proposed Regulations." When the "Search for Proposed Regulations" screen appears, you can choose to view all proposed regulations or search by keyword.

To browse "Currently Proposed Regulations," click on the "Currently Proposed Regulations" button near the top of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "Wrapping of Small Employer Health Insurance Policies" link, and click it. Links to the documents associated with these regulations will then be displayed.

To search by key word, enter "REG-2011-00028" (the Department of Insurance's regulation file number for these regulations) in the search field. Alternatively, search by using a keyword ("wrapping," for example, or "small employer health insurance"). Then, click on the "Submit" button to display links to the various filing documents.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those that have originally been made available but are sufficiently related to the action proposed, the full text of the regulations will be available to the public for at least 15 days prior to the date of adoption.

Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

COMMENTS FROM DEPARTMENT OF
MANAGED HEALTH CARE

Insurance Code Section 10704 requires the Department to provide the director of the Department of Managed Health Care (DMHC) a copy of proposed regulations related to small employer health insurance prior to the public comment period. Under that statute, the director has 30 days to provide written comments to the Department. Those comments become part of the rule-making record.

The Department complied with this requirement by sending a copy of these regulations to DMHC on April 26, 2012; however, DMHC has not provided comments for the Department to include in this notice.

**TITLE 15. BOARD OF STATE AND
COMMUNITY CORRECTIONS**

NOTICE OF PROPOSED AMENDMENT TO
TITLE 15, MINIMUM STANDARDS FOR
JUVENILE FACILITIES, CALIFORNIA CODE OF
REGULATIONS, BY THE BOARD OF STATE
AND COMMUNITY CORRECTIONS

Pursuant to Welfare and Institutions Code Sections 210 and 885, the Board of State and Community Corrections (BSCC) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the BSCC to amend and adopt the regulations contained in Title 15, Division 1, Subchapter 5, California Code of Regulations (known as the Minimum Standards for Juvenile Facilities), after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The BSCC will hold the following public hearings:

Wednesday, December 5, 2012

1:00 p.m.

San Diego County Probation Department
9444 Balboa Ave Suite 500
San Diego, CA 92123

Wednesday, December 19, 2012

10:00 a.m.

Board of State and Community Corrections
660 Bercut Drive
Sacramento CA 95811

Both locations are wheelchair accessible. At the hearings, any person may present statements or arguments,

orally or in writing, relevant to the proposed action described in the Informative Digest. The BSCC requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The hearing will remain open only as long as persons in attendance are presenting testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the BSCC. The written comment period closes at **5:00 p.m. on December 17, 2012**. The BSCC will consider only comments received at BSCC offices by that time. Submit comments to:

Allison Ganter, Field Representative
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
allison.ganter@bscc.ca.gov

AUTHORITY AND REFERENCE

Welfare and Institutions Code Sections 210 and 885 authorize the CSA to adopt and amend the proposed regulations, which would implement, interpret, or make specific Sections 210 and 885 of the Welfare and Institutions Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Summary of Existing Laws

Welfare and Institutions Code Sections 210 and 885 authorize the BSCC to establish standards for local juvenile detention facilities.

Summary of Existing Regulations

Existing standards which prescribe requirements for the operation of local juvenile detention facilities are contained in Title 15 — Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 5 of the California Code of Regulations (CCR).

Summary of Effects

The proposed action would update Title 15, Division 1, Chapter 1, Subchapter 5 CCR and replace “Corrections Standards Authority” with “Board of State and Community Corrections,” reflecting legislative change. Nonsubstantive grammatical corrections are made throughout, and definitions have been added, deleted or modified to provide clarity and consistency.

Several terms throughout the regulations have been replaced or deleted to reflect current and more appropri-

ate language. For instance, the terms “minor” and “child” have been replaced with “youth.” Proposed revisions will also require that policy and procedure is “implemented” in addition to developed by facility administrators and will also require site-specific policies for several regulations when there are multiple facilities in one system.

Other revisions include aligning regulation with current statutory requirements and updating regulations to reflect evidence-based and best juvenile detention and juvenile justice practices.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain regulations for local juvenile detention facilities in conformance with sound correctional practices and to ensure the safe and secure detention of youth.

Proposed revisions reflect current best practices in juvenile justice and detention and are intended to enhance the quality of juvenile detention facilities throughout the state. Specific benefits include clear and detailed regulations that will provide facility administrators with guidance to protect the health and safety of residents and staff of such facilities. Proposed revisions will continue to provide improvements to local juvenile detention systems, ultimately ensuring the public’s health and safety.

The proposed regulation revisions are not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The BSCC 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.

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

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

Significant effect on housing costs: None.

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The BSCC concludes that it is unlikely that adoption of these regulations will (1) create or eliminate jobs within California, (2) create new businesses, (3) eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action:

These regulations will benefit the residents and staff of juvenile detention facilities, by providing clear guidance related to the safe and secure operation of such facilities. Proposed revisions reflect current best practices intended to improve operations. Ensuring safe, secure and humane juvenile detention facilities will continue to benefit the health, safety and welfare of California’s residents.

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

Business report: These regulations do not require a report to be made; they do not apply to businesses.

Small Business Determination:

The BSCC has determined that the proposed regulations will have no effect on small businesses. These proposed regulations affect the operations and programs for Juvenile Detention Facilities.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the BSCC must determine that no reasonable alternative considered by the agency 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.

The BSCC invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Allison E. Ganter, Field Representative
600 Bercut Drive
Sacramento, CA 95814
(916) 445-5073
allison.ganter@bscc.ca.gov

Toni Gardner
600 Bercut Drive
Sacramento, CA 95814
(916) 445-5073
toni.gardner@bscc.ca.gov

Questions on the substance of the proposed regulation may be directed to Ms. Ganter or Ms. Gardner.

Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which this rulemaking is based to Allison Ganter at the above address.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the BSCC's office at the above address.

AVAILABILITY OF MODIFIED TEXT

If the BSCC makes modifications that 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 BSCC adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the BSCC web site at: <http://www.bscc.ca.gov/programs-and-services/fso/services>. Those persons who do not have access to the Internet may submit a written request to Allison Ganter at the above address.

AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in strikeout and underline can be accessed through our website at: <http://www.bscc.ca.gov/programs-and-services/fso/services>. Those persons who do not have

access to the Internet may submit a written request to Allison Ganter at the above address.

TITLE 19. OFFICE OF THE STATE FIRE MARSHAL

The State Fire Marshal (SFM) is providing notice to adopt proposed regulations related to the inspection, testing and service of portable fire extinguishers as described below after considering all comments, objections or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

The SFM will accept written comments regarding this proposed regulatory action for at least 45 days beginning November 2, 2012 until 5:00 p.m. on December 17, 2012.

Comments may be submitted to the SFM via:

- Email: diane.arend@fire.ca.gov; or
- Fax: (916) 445-8459; or
- US Mail (**postmarked no later than December 17, 2012**):

Office of the State Fire Marshal
P.O. Box 944246
Sacramento, CA 94244-2460
Attn: Diane Arend,
Senior Deputy State Fire Marshal

PUBLIC HEARING

The SFM has not scheduled a public hearing on this proposed action. However, the SFM will hold a public hearing if a written request is received from any interested party or their authorized representative no later than 15 days prior to the end of the 45-day written comment period, pursuant to Government Code Section 11346.8.

AUTHORITY & REFERENCE

The SFM is proposing this regulatory action pursuant to Health and Safety Code Section: 13160 with reference to 13160, Health and Safety Code.

INFORMATIVE DIGEST — POLICY STATEMENT OVERVIEW

The SFM is proposing to amend various sections of California Code of Regulations (CCR), Title 19, Chapter 3, Fire Extinguishers, Sections 557.4, 557.5, 557.8, 557.13, 557.23, 561.2, 567, 567.8, 573, 574.4, 575.1,

575.3, 575.6, 575.8, 575.13, 575.16, 577.2, 578.6, 591.6, 592.1, 592.2, 593.1, 594.3, 594.4, 594.5, 595.5 and 596 related to the inspection, testing and service of portable fire extinguishers. Amendments consist of maintenance for electronic monitoring, extinguisher cabinets and water mist portable fire extinguishers; updating language to be consistent with national standards, updating reference standards for testing portable fire extinguishers; and editorial corrections.

ANTICIPATED BENEFITS

The regulatory changes are anticipated to benefit consumers by: exempting pressurized-water and vehicle-mounted fire extinguishers from being disassembled during annual maintenance with a cost savings of approximately \$8–10 dollars per fire extinguisher annually; clarifying and allowing when re-use of anti-freeze and the agent of loaded stream fire extinguishers can occur; allowing more public and private entities to perform annual maintenance on their own fire extinguishers resulting in cost savings for annual maintenance dependent on the number of fire extinguishers they own; and the elimination of the requirement of a verification of service collar on all Carbon Dioxide fire extinguishers which eliminates removal of the valve assembly and internal examination when re-charging the extinguisher, resulting in a cost savings to the consumer of approximately \$10–15 dollars per extinguisher.

These regulatory changes will bring CCR, Title 19, Chapter 3, in line with national standard, NFPA Standard 10 Portable Fire Extinguisher 2010 Edition.

The existing adopted standards currently in Title 19 regulations are out of date.

We are proposing to adopt by reference the most current UL test standards:

- UL 711, Standard for Fire Extinguishers, Rating and Fire Testing 7th Edition, 2009;
- UL Subject 711A, Fire Test Method for Portable Hand-Held Extinguishers Intended For Use on Residential Cooking Equipment July 21, 2005;
- UL 154, Standard for Carbon Dioxide Fire Extinguishers, 9th Edition, 2009;
- UL 299, Standard for Dry Chemical Fire Extinguishers, 10th Edition, 2009;
- UL Subject 299D, Dry Chemical Fire Extinguishers for Residential Cooking, July 9, 2010 as amended;
- UL 626, Standard for Water Fire Extinguishers, 8th Edition, 2007;
- UL 8, Standard for Water Based Agent Fire Extinguishers, 6th Edition, 2005;

UL 2129 and Standard for Halocarbon Clean Agent Fire Extinguishers 2nd Edition, 2005.

These updated adopted references are the current standards that all portable fire extinguishers are designed, tested and manufactured to and are consistent and compatible with existing state regulations.

Further, the SFM consulted with the SFM Fire Extinguisher Advisory Committee for recommendations and analysis of the proposed amendments and they concur with the proposal.

CHANGED OR MODIFIED SECTIONS

Section 557.4 “D” Definitions is being proposed to be amended to more clearly define a Dry Chemical Closed Recovery System.

Section 557.5 “E” Definitions is being proposed to be amended to add a definition of Electronic Monitoring and Fire Extinguisher Cabinet.

Section 557.8 “H” Definitions is being proposed to be amended to more clearly define Halon Closed Recovery System.

Section 557.13 “M” Definitions is being proposed to be amended to add a definition of Master Gauge.

Section 557.23 “W” Definitions is being proposed to be amended to add a definition of Water Mist Fire Extinguisher.

Section 561.2 is being proposed to be amended to update the editions of the currently adopted national test standards and to add and amend additional national test standards used to test and label portable fire extinguishers.

Section 567 is being proposed to be amended to direct technician to the fire extinguisher nameplate for specific requirements to the placement and selection of fire extinguishers containing halogenated agent. Also, indicating the placement of wheeled fire extinguishers.

Section 567.8 is being proposed to be amended to delete the temperature requirements for placement and selection of fire extinguishers by using the manufacturer’s specifications.

Section 573 is being proposed to be amended to add specific requirements for the placement of detailed warning signs concerning fire extinguisher use, and the selection of fire extinguishers used for the protection of Commercial Cooking Operations.

Section 574.4 is being proposed to be amended to change terminology from Halon to halogenated, which is the broader category of agents.

Section 575.1 is being proposed to be amended to change terminology from Halon to halogenated, which is the broader category of agents.

Section 575.3 is being proposed to be amended to clearly identify which fire extinguishers are not required to be internally examined annually and to add

additional fire extinguishers. This section also clarifies the items required to be removed or examined on the fire extinguisher during the annual internal examination.

Section 575.6 is being proposed to be amended to update the edition of the national test standard used for Halon closed recovery systems and to move the requirement to 561.2 Fire Test and Performance Standards. It also will require the recovery system to be listed.

Section 575.8 is being proposed to be amended to delete the obsolete solid-type AFFF and FFFP fire extinguisher requirements.

Section 575.13 is being proposed to add loaded stream fire extinguishers and amended to clearly identify the requirements for internal maintenance of anti-freeze and loaded stream fire extinguishers.

Section 575.16 is being proposed to be amended to add the requirements for the water mist fire extinguishers.

Section 577.2 is being proposed to be amended to identify additional obsolete fire extinguishers which cannot be serviced.

Section 578.6 is being proposed to be amended to change terminology from Halon to halogenated, which is the broader category of agents.

Section 591.6 is being proposed to be amended to clearly identify when a fire extinguisher, which has been exposed to heat and flames, has to be examined.

Section 592.1 is being proposed to be amended to update the section with current federal regulations.

Section 592.2 is being proposed to be amended to include the requirement for hydrostatic testing of high-pressure and low-pressure accessory hoses used on wheeled extinguishers and to add the requirements for hydrostatic testing of accessory hoses on wheeled fire extinguishers.

Section 593.1 is being proposed to be amended to direct service technicians to the proper D.O.T. reference for hydrostatic testing of fire extinguishers.

Section 594.3 is being proposed to be amended to require a master gauge to test all system gauges for accuracy and also requires a log of the test.

Section 594.4 is being proposed to be amended to direct service technicians to the proper D.O.T. reference for hydrostatic testing of fire extinguishers and to clarify that all hoses be must removed during tests. This will also amend the terminology from Halon to halogenated, which is the broader category of agents as well as stipulate that gases cannot be used as the sole medium for testing.

Section 594.5 is being proposed to be amended to require the hydrostatic test log be maintained for thirteen years.

Section 595.5 is being proposed to be amended to clarify what type of maintenance a Type L can perform

and to include an exception for the experience requirements for the license.

Section 596 is being proposed to be amended to remove the requirement for the verification of service collar on carbon dioxide extinguishers.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following initial determinations:

1. Mandate on local agencies and school districts: **None.**

2. Cost or savings to any other State agency: **None.**

3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Sections 17500–17630: **None.**

4. Other non-discretionary cost or savings imposed upon local agencies: **None.**

5. Cost or savings in federal funding to the State: **None.**

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

7. Cost impact on representative private persons or directly affected businesses: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action are provided as follows:

▶ Specific section that has an economic impact to portable fire extinguisher service companies: **594.3(a)(5)**. By adding the requirement for a master gauge to test all system gauges for accuracy, the economic impact will be a one-time expenditure of approximately \$100 dollars to about 425 service companies. The master gauge is used to ensure that the gauges being used are accurate, which will prevent a possible safety hazard when servicing fire extinguishers.

▶ Specific section that has an economic impact on consumers: **577.2(12)**. If consumers happen to possess a fire extinguisher that falls into the obsolete category, they will need to replace it with one that currently meets California standards at a cost of \$40–\$60; however, the majority of these fire extinguishers have already been removed from service.

8. Significant effect on housing costs: **None.**

RESULT OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not:

- a) create or eliminate jobs within California;
- b) create new businesses or eliminate existing businesses within California; or
- c) affect the expansion of businesses currently doing business within California.

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

- ▶ the benefits of the regulations to the health and welfare of California residents, worker safety and the State's environment.

These regulations will update and improve minimum non-building standards and requirements for the prevention of fire and for the protection of life and property against fire and panic, which will provide increased protection of public health and safety, worker safety, and the environment.

SMALL BUSINESS EFFECTS

The SFM has made the initial determination that the amendments to these regulations will have no substantial effect to small businesses and the SFM has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. The \$100.00 cost for the Master Gauge is a one-time expense to the fire extinguisher service companies.

CONSIDERATION OF ALTERNATIVES

The SFM has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the SFM would be more effective in carrying out the purpose for which the action is proposed, or would be as effective or 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.

The SFM invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON(S)

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations or other information upon which the rulemaking is based may be directed to:

- Office of the State Fire Marshal:

Diane Arend, Senior Deputy SFM,
Regulations Coordinator
(916) 324-9592
diane.arend@fire.ca.gov

James Parsegian, Supervising Deputy SFM,
Fire Extinguisher Program
(916) 445-8415
James.parsegian@fire.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Office of the State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, shown above. As of the date this notice is published in the Notice Register the SFM's rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons for the proposed action. The full text of the regulations, along with the Final Statement of Reasons (FSOR) upon which the changes are based is available from the contact person as shown above. Copies may be obtained through the contact at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day comment period, the SFM may adopt the proposed regulations substantially as described in this notice. However, if modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes indicated — shall be made available to the public for at least 15 days before the SFM adopts, amends, or repeals the regulations as revised. Requests for copies of any modified regulations should be sent to the contact person at the address indicated above. The SFM will accept written comments on the modified regulations for 15 days after the date on which they are made available. **NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons (FSOR) may be obtained by contacting the contact person at the above address.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons (ISOR) and the text of proposed regulations, highlighted in underline and strikeout, may be accessed through the SFM web-site at <http://osfm.fire.ca.gov>.

**TITLE 25. DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT**

(MOBILEHOME PARKS, SPECIAL OCCUPANCY
PARKS AND MANUFACTURED HOUSING)

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD), proposes to amend existing regulations and adopt new regulations governing Mobilehome and Special Occupancy Parks and Manufactured Housing.

PUBLIC HEARING

**HCD HAS NOT SCHEDULED A PUBLIC
HEARING ON THIS PROPOSED ACTION.**

HCD will hold a public hearing if a written request is received from any interested person or his/her authorized representative no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8.

The public hearing facilities will be accessible to individuals with disabilities. Please notify the contact person on this notice at least 10 working days prior to the public hearing if additional services are needed.

If Paratransit services are needed, please contact it directly at (916) 429-2744/ TDD (916) 429-2568. Sacramento Regional Transit will have public transit available the day of the public hearing. For possible routes contact Sacramento Regional Transit at (916) 321-BUSS (2877); for hearing impaired (916) 483-HEAR (4327), or on-line at www.sacrt.com.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received by HCD at this office no later than 5:00 p.m. on **December 17, 2012**, in order to be considered. Written comments may be submitted by mail, e-mail, or facsimile as follows:

By mail to: Department of Housing and
Community Development
Division of Codes and Standards
P. O. Box 1407
Sacramento, CA 95812-1407
ATTN: Mobilehome and Special
Occupancy Parks Programs

By e-mail to: parksregs@hcd.ca.gov

By facsimile to: (916) 327-4712
ATTN: Ruth Ibarra

PERMANENT ADOPTION OF REGULATIONS

Following the public comment period, HCD may adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15 days prior to its adoption from the contact person(s) designated in this Notice, and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

AUTHORITY AND REFERENCE

Health and Safety Code (HSC) section 18300 grants HCD the authority to adopt regulations governing mobilehome parks, HSC section 18865 grants HCD the authority to adopt regulations governing special occupancy parks, HSC section 18015 grants HCD the authority to adopt regulations for manufactured housing and HSC 18029 grants HCD the authority to adopt regulations for alterations and conversions of mobilehomes and manufactured housing. These regulations implement and interpret HSC sections 18000 through 18153 (Manufactured Housing Act), 18200 through 18700 (Mobilehome Parks Act), and 18860 through 18874 (Special Occupancy Parks Act). The actual text of these statutes is available on the official California Legislative information website at: <http://www.leginfo.ca.gov>.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Summary of Existing Laws

The Manufactured Housing Act is contained in the HSC section 18000, et seq. Specifically, Chapters 3 and 4 establish requirements for enforcement and stan-

dards. The Mobilehome Parks Act (MPA) and the Special Occupancy Parks Act (SOPA) contained in HSC section 18200, et seq. and section 18860, et seq. were enacted for the benefit of mobilehome and special occupancy park operators, residents and users to assure their health, safety and general welfare, to provide them a decent living environment, and to protect the investments in their manufactured homes, mobilehomes, multi-family manufactured homes (MH-unit), and recreational vehicles.

Summary of Existing Regulations

Uniform statewide standards were developed to assure owners, operators, residents, and users of mobilehome and special occupancy parks, protection from risks to their health and safety. The Manufactured Housing Program standards govern the construction, alteration and inspection of mobilehomes and manufactured homes to ensure the safety of the occupants and their guests. Current regulations now require amendments to meet the needs of the regulated public.

Summary of Effect of Proposed Regulatory Action

The purpose of these changes is to update the existing regulations for mobilehome parks, special occupancy parks, and manufactured housing.

The California Code of Regulations (CCR), Title 25 sections affected by this rulemaking (see “Sections Affected,” below), and the specific purpose for each adoption, amendment, or repeal contained in the proposed regulations, are set forth in the Initial Statement of Reasons for this regulatory action. Other non-regulatory editorial amendments also have been made throughout the amended chapters. These proposed actions will enhance the clarity and applicability of the current regulations.

The issues include amending the definitions, the reference to the applicable building code for one- and two-family dwellings, including manufactured home installations and their accessory structures from the California “Building” Code to the California “Residential” Code, clarification of local plan approvals, extension procedures for permits, clarification of resident and park management responsibility within parks, electrical plan clarification, commercial modular installation allowances, adjustment to footing tables to reflect the soil allowance of the California Residential Code, and limiting the use of fuel-burning appliances in cabanas.

Additionally, amendments to the regulations relating to manufactured housing include provisions for permit extension to mirror the process within mobilehome parks, and the removal of antiquated, outdated references and the updating to current references for the alteration, addition or conversion of a mobile/manufactured home.

Statement Regarding Inconsistency or Incompatibility with Existing State Regulations

HCD finds that these proposed regulations are not inconsistent or incompatible with existing state regulations.

SECTIONS AFFECTED

Following are the specific sections of Chapters 2, 2.2, and 3 affected by this proposed action:

- Add Chapter 2, sections 1142 and 1336.4, Chapter 2.2, section 2142, and Chapter 3, section 4041.5
- Amend Chapter 2, sections 1002, 1018, 1020.9, 1034, 1038, 1048, 1102, 1180, 1317, 1320, 1333, 1335.5, 1336.2, 1422, 1438, 1462, 1606, and 1750.
- Amend Chapter 2.2, sections 2002, 2018, 2020.9, 2034, 2038, 2048, 2102, 2112, 2317, 2327, 2328, 2422, 2438, 2496, and 2750.
- Amend Chapter 3, sections 4011, 4040, and 4050.

POLICY STATEMENT OVERVIEW:

The Mobilehome and Special Occupancy Parks Programs within HCD are responsible for adopting and enforcing preemptive state regulations for the construction, use, maintenance, and occupancy of privately-owned mobilehome and special occupancy parks within California. In addition, the Manufactured Housing Program within HCD administers the construction, alteration and conversion of commercial modular, special purpose commercial modular and multifamily manufactured homes, and monitors their design and construction through third-party agencies.

HCD is proposing to amend regulations relating to the Mobilehome Parks Act, Special Occupancy Parks Act, and the Manufactured Housing Program.

SMALL BUSINESS IMPACT STATEMENT

Small businesses are not affected by these regulations. The proposed regulations are only to clarify the existing regulations. Additionally, the proposed regulations are a benefit to small business owners by allowing a permit to be extended and not requiring the added expense of purchasing another permit for the same work.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7

(commencing with Section 17500) of Division 4 of the Government Code: NONE.

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

Costs or savings in federal funding to the state: NONE.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

HCD has made an initial determination that the proposed amendments and adoptions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. In fact, the proposed regulations are a benefit to businesses by allowing a permit to be extended and not requiring the added expense of purchasing another permit for the same work.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Health and Welfare Benefits for California Residents, Worker Safety and the State's Environment

HCD proposes to amend existing and add new regulatory language to provide clear and concise statewide preemptive standards. There is no cost involved in the implementation of these changes. Their adoption will not only provide the benefit of providing the regulated public with improved health and safety standards due to the use of updated, clear and concise statewide standards, but will help standardize the application of codes used for MH, mobilehome, MFMH and CM units and mobilehome parks in California.

HCD proposes to modify or replace existing regulatory language to provide clear and concise statewide preemptive standards. HCD has determined that implementing these proposed regulations will not only provide the regulated public with improved health and safety due to the use of updated, clear and concise statewide building standards, but will help standardize the building codes used for MH, mobilehome, MFMH and CM units constructed for use in California. The proposed amendments will allow any *new* MH, mobilehome, MFMH and CM units manufactured prior to September 1, 2008, to meet the WUI standards. These units typically meet the roofing and siding requirements of WUI standards, therefore would only need to meet the requirement to move the eave fence.

HCD has determined that these proposed regulations are necessary to maintain consistency with the health and safety requirements throughout California for the protection of California manufactured home residents.

HCD has determined that these proposed regulations present no benefits to worker safety or the state's environment.

Assessment of Job/Business Creation Or Elimination

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

ALTERNATIVES STATEMENT

HCD must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, 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 DOCUMENTS AND CONTACT PERSON

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location or from the contact people listed below:

Department of Housing and Community
Development
Division of Codes and Standards
1800 Third Street, Room 260
Sacramento, CA 95814
Fax (916) 327-4712

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on HCD's website at the following address:

**[http://www.hcd.ca.gov/codes/announcements/
publicnotices.html](http://www.hcd.ca.gov/codes/announcements/publicnotices.html)**

Questions regarding the regulatory process may be directed to:

Ruth Ibarra,
Associate Governmental Program Analyst
Telephone Number: (916) 327-2796
Fax: (916) 327-4712
E-mail: ribarra@hcd.ca.gov

Clarification regarding the substance of this regulatory proposal may be directed to:

Brad Harward, Manufactured Housing Programs
Manager
Telephone Number: (916) 324-4907
Fax: (916) 327-4712
E-mail: bharward@hcd.ca.gov

Written comments may be submitted by any of the following methods:

By mail to: Department of Housing and
Community Development
Division of Codes and Standards
P. O. Box 1407
Sacramento, CA 95812-1407
ATTN: Mobilehome and Special
Occupancy Parks Programs

By e-mail to: parksregs@hcd.ca.gov

By facsimile to: (916) 327-4712
ATTN: Brad Harward

GENERAL PUBLIC INTEREST

BOARD OF PHARMACY

**NOTICE OF EXTENSION OF WRITTEN
COMMENT PERIOD
CALIFORNIA STATE BOARD OF PHARMACY**

The California State Board of Pharmacy published a Notice of Proposed Action in the October 19, 2012, edition of the California Regulatory Notice Register (Register 2012, No. 42-Z) concerning Partial Fill of Schedule II Controlled Substance Prescriptions; Unprofessional Conduct; and Criteria for Rehabilitation. The original comment period deadline was December 3, 2012.

The board is hereby extending the written comment deadline to December 10, 2012.

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

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

The backup contact person is:

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

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

DEPARTMENT OF FISH AND GAME

Department of Fish and Game —
Public Interest Notice
For Publication November 2, 2012
PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
American Peregrine Falcon Monitoring in California

The Department of Fish and Game (Department) received a proposal on October 12, 2012, from Peter Sharpe, Institute for Wildlife Studies, Avalon, California, requesting authorization to take the American peregrine falcon (*Falco peregrinus anatum*) (falcon), Fully Protected bird, for research purposes consistent with the protection and recovery of this species. The purpose of this research is to assess the status of the falcon on the Channel Islands. Future research may include statewide population assessment and conservation activities, similar to the Channel Islands study.

The applicant is in the process of obtaining the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities include surveying and monitoring territories, including the broadcast of recorded vocalizations; marking with leg bands; taking blood samples for DNA and contaminant analysis; collecting eggshell fragments, addled eggs, prey remains, and feathers for analysis; and nest enhancement. Work in the future may also include additional field techniques as approved by the Department. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take

of Fully Protected birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after December 3, 2012, for an initial and renewable term of four years. Contact: Wildlife Branch, 1812 9th Street, Sacramento, CA 95811, Attn.: Carie Battistone.

DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public Interest
Notice
For Publication November 2, 2012
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Grant Lake Enhancement Project
(2080–2012–014–04)
San Luis Obispo County

The Department of Fish and Game (Department) received a notice on October 10, 2012, that the Natural Resources Conservation Service (NRCS) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project would allow the landowner to deepen approximately 4.65 acres of a seasonally ponding lake bed (Grant Lake) and build 1,800 feet of fence around the enhanced pond. The proposed project will occur in San Luis Obispo, California.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (Service File No. 08EVEN00–2012–F–0375)(BO) and incidental take statement (ITS) to the NRCS on August 27, 2012, which considered the effects of the project on the state and federal threatened California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, the NRCS is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed project. If the Department determines the BO and ITS are consistent with CESA for the proposed project, the NRCS will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the project.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS

Gray Wolf
(*Canis lupus*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its October 3, 2012, meeting in Sacramento, California, accepted for consideration the petition submitted to list the Gray Wolf (*Canis lupus*) as an endangered species. A single, migrating wolf entered California from Oregon in 2012 and is the only member of his species currently alive in the state. His elimination, from any cause, will result in the extirpation of the species within the state. Imminent human threats to his survival include: illegal take, vehicle collisions, and exposure to diseases from domestic animals. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Game shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the October 3, 2012, Commission meeting, are on file and available for public review from Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
NOVEMBER 2, 2012

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish

at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial

appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
<u>Allyl chloride</u> Delisted October 29, 1999	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
<i>p</i> -Aminoazobenzene	60-09-3	January 1, 1990
<i>ortho</i> -Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
<i>ortho</i> -Anisidine	90-04-0	July 1, 1987
<i>ortho</i> -Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Benthiavalicarb–isopropyl	177406–68–7	July 1, 2008
Benz[a]anthracene	56–55–3	July 1, 1987
Benzene	71–43–2	February 27, 1987
Benzidine [and its salts]	92–87–5	February 27, 1987
Benzidine–based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205–99–2	July 1, 1987
Benzo[j]fluoranthene	205–82–3	July 1, 1987
Benzo[k]fluoranthene	207–08–9	July 1, 1987
Benzofuran	271–89–6	October 1, 1990
Benzophenone	119–61–9	June 22, 2012
Benzo[a]pyrene	50–32–8	July 1, 1987
Benzotrichloride	98–07–7	July 1, 1987
Benzyl chloride	100–44–7	January 1, 1990
Benzyl violet 4B	1694–09–3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2–Bis(bromomethyl)–1,3–propanediol	3296–90–0	May 1, 1996
Bis(2–chloroethyl)ether	111–44–4	April 1, 1988
N,N–Bis(2–chloroethyl)–2–naphthylamine (Chlornapazine)	494–03–1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154–93–8	July 1, 1987
Bis(chloromethyl)ether	542–88–1	February 27, 1987
Bis(2–chloro–1–methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam–refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541–45–4	May 31, 2002
Bromochloroacetic acid	5589–96–8	April 6, 2010
Bromodichloromethane	75–27–4	January 1, 1990
Bromoethane	74–96–4	December 22, 2000
Bromoform	75–25–2	April 1, 1991
1,3–Butadiene	106–99–0	April 1, 1988
1,4–Butanediol dimethanesulfonate (Busulfan)	55–98–1	February 27, 1987
Butylated hydroxyanisole	25013–16–5	January 1, 1990
beta–Butyrolactone	3068–88–0	July 1, 1987
Cacodylic acid	75–60–5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331–39–5	October 1, 1994
Captafol	2425–06–1	October 1, 1988
Captan	133–06–2	January 1, 1990
Carbaryl	63–25–2	February 5, 2010
Carbazole	86–74–8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333–86–4	February 21, 2003
Carbon tetrachloride	56–23–5	October 1, 1987
Carbon–black extracts	—	January 1, 1990
N–Carboxymethyl–N–nitrosourea	60391–92–6	January 25, 2002
Catechol	120–80–9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305–03–3	February 27, 1987
Chloramphenicol	56–75–7	October 1, 1989
Chlordane	57–74–9	July 1, 1988
Chlordecone (Kepone)	143–50–0	January 1, 1988
Chlordimeform	6164–98–3	January 1, 1989

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
<i>p</i> -Chloroaniline	106-47-8	October 1, 1994
<i>p</i> -Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
<i>p</i> -Chloro- <i>o</i> -toluidine	95-69-2	January 1, 1990
<i>p</i> -Chloro- <i>o</i> -toluidine, strong acid salts of	—	May 15, 1998
5-Chloro- <i>o</i> -toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coconut oil diethanolamine condensate (cocamide diethanolamine)	68603-42-9	June 22, 2012
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
<i>para</i> -Cresidine	120-71-8	January 1, 1988
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclopenta[<i>cd</i>]pyrene	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998

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D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
<i>p</i> -Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988
Dienestrol	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988

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Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,3-Dinitropyrene	75321-20-9	November 2, 2012
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988

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Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine	151-56-4	January 1, 1988
Etoposide	33419-42-0	November 4, 2011
Etoposide in combination with cisplatin and bleomycin	—	November 4, 2011
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glasswool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996

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Isoprene	78-79-5	May 1, 1996
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyridin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011
Methyl iodide	74-88-4	April 1, 1988
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
<u>alpha-Methyl styrene (alpha-Methylstyrene)</u>	<u>98-83-9</u>	<u>November 2, 2012</u>
Methylthiouracil	56-04-2	October 1, 1989

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Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furalazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro- <i>o</i> -anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990

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4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
o-Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o-Phenylphenate, sodium	132-27-4	January 1, 1990
o-Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Pirmicarb	23103-98-2	July 1, 2008
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989

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Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Pirimicarb	23103-98-2	July 1, 2008
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
Saccharin <u>Delisted April 6, 2001</u>	81-07-2	October 1, 1989
Saccharin, sodium <u>Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4'-Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
<u>para-Toluidine Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>)	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4 DP (dichloroprop)	developmental	120-36-5	April 27, 1999
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl-tert-butyl ether	male	637-92-3	December 18, 2009

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Methanol	developmental	67-56-1	March 16, 2012
Metham sodium	developmental	137-42-8	May 15, 1998
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental	74-87-3	March 10, 2000
	male		August 7, 2009
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
α -Methyl styrene	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide)	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylphosphine	developmental	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/ retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental	108-88-3	January 1, 1991
	female		August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: November 2, 2012

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

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

**NOTICE TO INTERESTED PARTIES
November 2, 2012**

**CHEMICALS LISTED EFFECTIVE
NOVEMBER 2, 2012
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER**

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is adding *α-methyl styrene (alpha-methylstyrene)* (CAS No. 98-83-9) and *1,3-dinitropyrene* (CAS No. 75321-20-9) to the list of chemicals known to the State of California to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹). The listing of these two chemicals is effective **November 2, 2012**.

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

The basis for the listing of *α-methyl styrene (alpha-methylstyrene)* and *1,3-dinitropyrene* was described in a public notice published in the September 14, 2012, issue of the *California Regulatory Notice Register* (Register 2012, No. 37-Z). The title of the notice was "Notice of Intent to List Chemicals by the Labor Code Mechanism". The publication of the notice initiated a

public comment period that closed on October 15, 2012. No public comments were received.

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

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ²
α-Methyl styrene (alpha-Methylstyrene)	98-83-9	cancer	LC
1,3-Dinitropyrene	75321-20-9	cancer	LC

**OAL REGULATORY
DETERMINATION**

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

MEMORANDUM

TO: Secretary of State Archives
 FROM: Kathleen Eddy, Senior Counsel
 Office of Administrative Law
 DATE: October 29, 2012
 RE: 2012 Office of Administrative Law
 Determination No. 10

On October 16, 2012, the Office of Administrative Law filed with the Secretary of State 2012 Office of Administrative Law Determination No. 10. Page 2 of 2012 Office of Administrative Law Determination No. 10 is incomplete. Attached is the correct 2012 Office of Administrative Law Determination No. 10.

Please attach this memorandum and the corrected 2012 Office of Administrative Law Determination No. 10 to the file originally filed on October 16, 2012.

Thank you for your help. If you have any questions, please call me at 916-323-7465.

OFFICE OF ADMINISTRATIVE LAW

Date: October 16, 2012
 To: Ricky Gray
 From: Chapter Two Compliance Unit

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

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

Subject: **2012 OAL DETERMINATION NO. 10(S)**
(CTU2012-0731-01)
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation Operational Plan No. 222, titled “Security Housing Unit (SHU)”

On September 14, 2012, the Office of Administrative Law (OAL) received the documents to complete your petition asking for a determination as to whether Operational Plan No. 222 (OP # 222), titled “Security Housing Unit (SHU)” constitutes an underground regulation. OP #222 contains guidelines and procedures for the multiple missions within the SHU. Specifically, your petition challenges section 405 titled “CDCR Form 1882B ASU/SHU Double Celling Review.” You provided only three pages of the 13 pages of OP #222, including the pages with section 405. OP #222 was issued by California State Prison — Corcoran in October of 2011. A copy of the pages you provided is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemp-

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

² Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

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

tions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . . .
 The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by California State Prison — Corcoran, and applies solely to the inmates of California State Prison—Corcoran. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

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

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

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

- (A) The challenged rule has been superseded.
- (B) The challenged rule is contained in a California statute.
- (C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
- (D) The challenged rule has expired by its own terms.

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

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

/s/
Debra M. Cornez
Director

/s/
Kathleen Eddy
Senior Counsel

Copy: Matthew Cate
Tim Lockwood

Exhibit A

CALIFORNIA DEPARTMENT OF CORRECTIONS
& REHABILITATION
California State Prison — Corcoran
Corcoran, California 93212–8800

October 2011

I. PLAN NUMBER AND TITLE

Operational Procedure No.: 222
Operational Procedure Title: Security Housing Unit (SHU)

II. PURPOSE AND OBJECTIVES

- A. The procedure establishes specific operational guidelines for the approved program within the Security Housing Units (SHU) in Facilities IV–A and IV–B, as mandated by the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, Rules and Regulations and Departmental Operations Manual (DOM).
- B. The objective of this procedure is to establish an Operational Procedure (OP) that clearly delineates the multiple missions within the IV–A/IV–B SHU. To achieve this goal, the Mental Health Services Delivery System (MHSDS) procedures have been interfaced into this plan to ensure the overall function of the SHU.

III. REFERENCES

CCR, Title 15 and DOM.

IV. APPROVAL AND REVIEW

This OP will be reviewed and/or revised annually during the month of October. This updated plan will be submitted to the Warden for approval.

V. RESPONSIBILITY

- A. The Warden has the overall responsibility for this OP.

- B. The Chief Deputy Warden — Operations and the Associate Warden — SHU are responsible for the administrative operation of this procedure.
- C. The Facility Captains assigned to IV–A/IV–B are responsible for full compliance within their respective facilities.

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CHAPTER / SECTION	TITLE	PAGE
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Chapter 300	Classification Responsibilities	7
Section 301	Procedures to be Followed During Classification	7
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Section 402	CDCR 114A, Inmate Segregation Record	9
Section 403	CDCR Form 114A–1, Inmate Segregation Profile	12

Sec. 403 CDCR Form 114A–1, Inmate Segregation Profile

On the date of an inmate’s arrival to CSP–COR for SHU placement, a review of the inmate’s central file will be conducted by one of the Sergeants assigned to SHU and or the Watch Commander if the inmate is received during First Watch.

The reviewing supervisor will complete a CDCR 114A–1 for each inmate received and ensure every box and section is completed. The Facility Captain will make random reviews of CDCR 114A–1s to ensure compliance. These files are to be updated every 90 days by the First Watch assigned unit officer.

Sec. 404 CDCR Form 1882, Initial Housing Review

This form is to be completed by Lieutenant or Sergeant on all inmates being housed in SHU. The Facility

Sergeant/Lieutenant or higher-ranking staff will review the incoming central files of all inmates transferring to the SHU to ensure proper placement and housing assignment. The completed CDCR 1882 will be distributed as indicated on the form.

Sec. 405 CDCR Form 1882B ASU/SHU Double Cell Review

- A. Unless approved for single cell assignment, or other administrative concerns are determined, an inmate in SHU is expected to share a cell with another inmate. The process for double cell housing in SHU may be initiated by staff recommendation or by inmate request. The documentation for the process shall be the CDCR 1882B. All sections of this form shall be complete prior to physically placing two inmates into a SHU cell together.
- B. Approval of double cell assignments shall be based upon ICC action, an interview with each inmate candidate, consideration of each inmate’s signature affirming compatibility, and an evaluation of the inmate’s safety concerns.
- C. The housing of SHU and ASU (Expired MERD) inmates together is permitted. ASU inmates may be placed on double cell status with a compatible SHU inmate.
- D. Each inmate candidate who agrees to the assignment is expected to sign the CDCR 1882B to indicate compatibility. If an inmate refuses to sign the agreement, then this shall also be documented in the designated section of the form and will be considered a refusal of the Double Cell housing assignment. All ASU/SHU inmates, upon being double cell approved by ICC, shall be required to take a cellmate. Refusal shall result in a CDCR 115, Rule Violation Report, being issued and the inmate will be charged with Title 15, CCR Section 3005 (c), for the specific act of Delaying, Obstructing a Peace Officer in the Performance of Assigned Duties/Refusal to Accept Assigned Housing, a Division “D” Offense.
- E. A staff member at the level of Correctional Officer or CCI or above shall complete Parts 1 and 2 by identifying the initiator of the request, interviewing each inmate and having the inmates sign to indicate that their placement in the same cell is a compatible assignment. The staff member performing this function shall also provide his or her printed name and signature as the staff witness.
- F. The staff witness shall forward the CDCR 1882B to a Correctional Lieutenant, or above. The approving Lieutenant or higher shall be

responsible for considering each inmates case factors and deciding to approve or disapprove the proposed cell assignment.

- G. An approving authority may determine there is no information available to indicate that the inmates are incompatible, but there are other circumstances, which lead the evaluator to believe that approving the assignment would be contrary to legitimate penological interests or may threaten institutional safety and security. In these cases this information will be documented on a CDCR 128B and forwarded to the respective Facility Captain prior to the end of the shift.
- H. When evaluating compatibility, the approving authority shall consider each inmates background, and make a discretionary decision based on the following:
 - ▶ Enemy and victimization history
 - ▶ Prison gang or disruptive group history
 - ▶ Criminal influence demonstrated over other inmates
 - ▶ Vulnerability of the inmate due to medical or mental conditions and treatments
 - ▶ Prior housing due to safety concerns
 - ▶ Reason(s) for SHU placement
 - ▶ Age and social/ethnic background

CHAPTER 500 — SECURITY

Sec. 501 Searches

Cell Searches/Inspection of SHU

- A. Prior to an inmate’s placement in a cell or departure from the unit, a search of the cell will be conducted. During all cell searches, the universal precaution policy will be followed. When a cell move occurs, both inmates entering and exiting the cells will undergo an unclothed body search, and a search of all property. All cell searches will be recorded in the building search log and the inmates CDCR 114A, in addition the Exhibit “B” will be updated to reflect any damage to the cell caused by the inmate (i.e., cutting, caulking).

Cell Light	Cell Light Switch
Cell Windows	Cell Door/Food Port
Cell Sink	Cell Toilet
Mattresses	Pillows
All Walls and Floors	

B. Rubber Mallet Security Checks

1. Rubber Mallets assigned to the housing units will be utilized during cell searches to insure the integrity of the physical structure and operation aspects of all items within the cell and the outer structure of the building.

The inspection will include:

Cell lights	Cell Door/Food Port
Cell Windows	Cell Toilet Structural Integrity
Cell Sink Integrity	All Walls and Floors

2. The mallet utilized for the interior of the cell will be stored in each facility control booth. The mallets utilized for the exterior of the building windows will be stored in Complex Control when not in use.

**ADMINISTRATIVE SEGREGATION
UNIT/SECURITY HOUSING UNIT DOUBLE
CELL REVIEW**

Name of Inmate (Last, First, MI)	CDC Number	Housing
Name of Inmate (Last, First, MI)	CDC Number	Housing

The above-listed inmates are being processed for occupancy of the same cell.

1. The request is being initiated per:

- Administrative assignment by staff.
- Request from one or both inmates to be assigned to the same cell.

2. During the interview with:

Staff Witness Printed Name _____
Signature _____

- Both inmates stated agreement to the cell assignment and signed below to indicate compatibility.
Signature of Inmate _____
Signature of Inmate _____
- Both inmates stated agreement, but one or both refused to sign the acknowledgment of compatibility.
- One or both inmates refused the cell assignment.

3. After a review of the inmates' statements and the case factors in each inmate's C-file, it has been determined that:

- There is no information available to indicate that the inmates are incompatible.
- There is information which leads to the belief that the assignment of these inmates to the same cell is contrary to legitimate penological interests, or may threaten institution security or the safety of others.

4. Based on this evaluation, the double cell occupancy request is:

- APPROVED
- DISAPPROVED

<p align="center">APPROVING AUTHORITY</p> <p>Signature: _____</p> <p>Printed Name: _____</p> <p>Title: _____</p> <hr/> <p>DATE: _____</p>
--

<p>ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS</p>
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**CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM**

OFFICE OF ADMINISTRATIVE LAW
ACCEPTANCE OF PETITION TO REVIEW
ALLEGED UNDERGROUND REGULATIONS

(Pursuant to title 1, section 270, of the
California Code of Regulations)

The Office of Administrative Law has accepted the following petition for consideration. Please send your comments to:

Kathleen Eddy, Senior Counsel
Office of Administrative Law
300 Capitol Mall, Ste. 1250
Sacramento, CA 95814

A copy of your comment must also be sent to the petitioner and the agency contact person.

Petitioner:

Keith Bishop
23311 Via Dorado
Trabuco Canyon, California 92679

Agency contact:

Anne Stausboll, Chief Executive Officer
Public Employees' Retirement System
400 Q Street
Sacramento, California 95811

Please note the following timelines:

Publication of Petition in Notice Register:
November 2, 2012

Deadline for Public Comment: December 3, 2012

Deadline for Agency Response: December 17,
2012

Deadline for Petitioner Rebuttal: No later than 15
days after receipt of the agency's response

Deadline for OAL Decision: March 4, 2013

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

Keith Paul Bishop
23311 Via Dorado
Trabuco Canyon, CA 92679
(949) 338-1729
KBISHOP@POST.HARVARD.EDU

August 18, 2012

VIA FACSIMILE 916-323-6826

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Attention: Chapter 2 Compliance Unit

Re: Request for Determination re California
Public Employees Retirement System Statement
of Investment Policy

Dear Sirs/Mesdames:

I am writing to notify you that the California Public Employees Retirement System ("CalPERS") has issued, used, enforced, or attempted to enforce an underground regulation in the form of its Statement of Policy External Investment Resource Conflict of Interest, as amended August 13, 2012 (the "**Policy**"). This letter constitutes my request for a determination pursuant to California Government Code Section 11340.5¹ and 1 CCR §260.

¹Unless otherwise indicated, all section references in this letter are to the California Government Code.

1. My contact information is set forth above.
2. The name of the agency that has issued, used, enforced, or attempted to enforce an underground regulation CalPERS.
3. A copy of the Policy is enclosed. It is also available on the CalPERS' website at:
<http://www.calpers.ca.gov/eip-docs/investments/policies/ethics/conflict-interest.pdf>
4. CalPERS has published the Policy on its website. The Policy states that it is effective immediately.
5. A determination of whether the Policy constitutes a "regulation" subject to the California Administrative Procedure Act ("APA") depends on the following:

- Whether the Policy constitutes a "regulation" as defined in Section 11342.600; and
- Whether the Policy is exempt from the APA.

Section 11342.600 defines a "regulation" as [E]very rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

The California Supreme Court has found that a regulation has two characteristics. First, it must apply generally rather than to the specific case. Second, it must "implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure."²

The Policy by its terms applies "External Investment Resources". CalPERS defines these in its Master Glossary of Terms as:

Any Consultant, External Manager or other entity which provides any investment management or investment advisory services related to the administration of CalPERS investment programs. An External Investment Resource does not include a general consultant who provides strategic planning, project management or general administrative or operational services unrelated to specific investment transactions or decisions.

The Master Glossary of Terms is available on CalPERS' website at:

<http://www.calpers.ca.gov/index.jsp?bc=/investments/policies/glossary/browse.xml&theletter=&theclass=>

² *Tidewater Marine Western, Inc. v. Victoria Bradshaw*, 14 Cal. 4th 557, 571 (1996) (emphasis added).

Because the Policy applies to a clearly defined class of persons, the first element of the Supreme Court’s criteria is met.

The Policy prescribes a system whereby External Investment Resources disclose to CalPERS those circumstances that may create actual, potential or perceived Conflicts of Interest.³ The Policy imposes specific disclosure responsibilities on External Investment Managers and sets forth the procedures to be followed by CalPERS’ staff in reviewing those disclosures. Because the Policy governs CalPERS’ procedures, the second of the Supreme Court’s criteria is met. Please note that the Policy is mandatory in its expression. Section III of the Policy defines the “responsibilities” of CalPERS investment staff and External Investment Resources. For example, Section III(B)(2) states that the External Investment Resource “must provide. . .”.

I am not aware of any exception under the APA with respect to the Policy.

6. This petition raises an issue of considerable public importance requiring prompt resolution. The Policy was very recently amended without compliance with the notice and comment procedures of the Administrative Procedure Act. The issue of conflicts of interest involving public pension funds has attracted widespread press coverage. In 2009, CalPERS was, according to *The Wall Street Journal*, “rocked” by pay to play allegations involving a former CalPERS Board member. The following year, the United States Securities and Exchange Commission (“SEC”) adopted specific “pay-to-play” rules for registered investment advisers. Unlike CalPERS, the SEC adopted its rules in compliance with the rulemaking procedures of federal Administrative Procedure Act. See Investment Advisers Act Release IA-3041, 75 Fed. Reg. 41018 (2010). SEC Chairman Mary Schapiro has noted the public importance of these rules: “These new rules will help level the playing field, allowing advisers

³ CalPERS defines a “conflict of interest” as follows: “Conflict of Interest or Conflict includes those circumstances that create an actual conflict with the External Investment Resource’s duty (consistent with fiduciary standards of care) to provide investment services that is aligned solely with the best interests of CalPERS’ plan participants and beneficiaries. A Conflict exists when an External Investment Resource knows or has reason to know that he or she, his or her spouse, or a close relative, domestic partner or other significant personal or business relationship of the External Investment Resource, has a financial or other interest that is likely to bias the External Investment Resource’s evaluation of or advice with respect to a transaction or assignment on behalf of CalPERS.” CalPERS Master Glossary of Terms.

of all sizes to compete for government contracts based on investment skill and quality of service.” Last year, CalPERS’ Board President, Rob Feckner, was quoted as saying “We have institutionalized more than a dozen new reforms and policies to guard against future wrongdoing. . .”. Unfortunately, many of these reforms, including the Policy, were adopted as underground regulations.

7. I certify that concurrently with submitting this Petition, I am faxing a copy of this petition to the following person at CalPERS:

Peter Mixon, General Counsel
California Public Employees System Legal Office
916-795-3410

If you should have any questions regarding the foregoing, please do not hesitate to contact me.
Very Truly Yours,

/s/
Keith Paul Bishop

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2012-0917-03
Board of Equalization
Hearing Procedure

The State Board of Equalization amended sections 313 and 321 of title 18 of the California Code of Regulations to implement a change made to Revenue and Taxation Code section 167 by defining the term “owner-occupied single family dwelling” for purposes of determining the burden of proof.

Title 18
California Code of Regulations
AMEND: 313, 321
Filed 10/23/2012
Effective 11/22/2012
Agency Contact:
Richard E. Bennion

(916) 445-2130

File# 2012-1008-01
BOARD OF FORESTRY AND FIRE PROTECTION
State Responsibility Fee, 2012 Emergency Regulation

This emergency rulemaking action readopts, for an additional 90 days from the date of expiration of the previous readoption of these emergency regulations, the Board of Forestry and Fire Protection's regulations concerning fire prevention fees on habitable structures in State Responsibility Areas.

Title 14
California Code of Regulations
ADOPT: 1665.1, 1665.2, 1665.3, 1665.4,
1665.5, 1665.6, 1665.7, 1665.8
Filed 10/18/2012
Effective 10/23/2012
Agency Contact: George Gentry (916) 653-8031

File# 2012-0905-02
CALIFORNIA HORSE RACING BOARD
Errors Which Invalidate Claim

This rulemaking action amends section 1656 of Title 4 of the California Code of Regulations to add circumstances which will invalidate a claim of a horse by an eligible person in a claiming race and to incorporate by reference the Agreement to Claim form, CHRB-11 (Rev. 8/00), which is used in the process of claiming a horse in a claiming race.

Title 4
California Code of Regulations
AMEND: 1656
Filed 10/17/2012
Effective 11/16/2012
Agency Contact: Erica Ward (916) 263-6025

File# 2012-0913-02
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Inmate Privilege Card Elimination

This regulatory action removes all references to the Inmate Privilege Card, which is a paper card that identifies an inmate's privilege group status. In 2011, the Department of Corrections and Rehabilitation implemented a fully automated system/software database to replace the manual paper process of identifying an inmate's privilege group. As a result, the use of the paper privilege card is no longer necessary.

Title 15
California Code of Regulations
AMEND: 3019, 3044, 3091, 3120
Filed 10/22/2012
Effective 11/21/2012
Agency Contact: Sarah Pollock (916) 445-2266

File# 2012-1004-01
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Automated Needs Assessment Tool

This regulatory action requires the administration of an automated needs assessment tool, which identifies an inmate's criminogenic needs, to be used in making decisions for placement of the inmate in a rehabilitative program. It requires that inmates be administered the tool during the reception center process and during any initial or annual review if one has not already been completed.

Title 15
California Code of Regulations
ADOPT: 3375.6 AMEND: 3000, 3375
Filed 10/17/2012
Effective 10/17/2012
Agency Contact: Sarah Pollock (916) 445-2266

File# 2012-1016-03
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Security Threat Group Pilot Program

This action adopts a pilot program implementing the Security Threat Group program which establishes an alternate strategy for addressing groups of inmates who plan organize, solicit, finance or commit unlawful acts classified as serious misconduct under existing regulations. This action is exempt from the Administrative Procedure Act pursuant to Penal Code section 5058.1.

Title 15
California Code of Regulations
ADOPT: 3999.13
Filed 10/18/2012
Effective 10/18/2012
Agency Contact: Josh Jugum (916) 445-2228

File# 2012-0924-02
DEPARTMENT OF FOOD AND AGRICULTURE
Huanglongbing Disease Interior Quarantine

This timely Certificate of Compliance makes permanent the adoption in Title 3, California Code of Regulations, of section 3439. The section established a quarantine in the Hacienda Heights area of Los Angeles and Orange County for Huanglongbing (HLB) [citrus greening disease] of approximately 93 square miles. This was based on the discovery on March 23, 2012 of the first occurrence of HLB in California. The effect of the change is to provide authority for the State to prevent the artificial spread of HLB within and from the quarantine area.

Title 3
 California Code of Regulations
 ADOPT: 3439
 Filed 10/23/2012
 Effective 10/23/2012
 Agency Contact: Stephen S. Brown (916) 654-1017

File# 2012-0925-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Huanglongbing Disease Eradication Area

This timely certificate of compliance action makes permanent the adoption of one regulation establishing a Huanglongbing (HLB) Disease Eradication Area [citrus greening disease] encompassing the entire state of California. The regulation sets forth the usual area involved, list of "hosts", specifies means and methods allowed for control of the disease, and cross-references Food and Agricultural Code section 5763 abatement authority over nursery stock which fails to comply with HLB Interior Quarantine restrictions contained in Title 3, CCR section 3439(d).

Title 3
 California Code of Regulations
 ADOPT: 3639
 Filed 10/23/2012
 Effective 10/23/2012
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2012-0914-02
 DEPARTMENT OF HUMAN RESOURCES
 Corrective Contributions and Lost Earnings

The Department of Human Resources adopted sections 599.994, 599.946, and 599.947 of title 2 of the California Code of Regulations providing for correcting processing errors that result in underfunding of DPA-administered retirement savings accounts and that the state department or agency responsible for the error is required to reimburse the DPA-administered retirement savings account for any loss resulting from the error.

Title 2
 California Code of Regulations
 ADOPT: 599.944, 599.946, 599.947
 Filed 10/22/2012
 Effective 11/21/2012
 Agency Contact: Kim Madson (916) 323-8489

File# 2012-0919-01
 DEPARTMENT OF TRANSPORTATION
 Conflict-of-Interest Code

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

Title 21
 California Code of Regulations
 AMEND: 1575
 Filed 10/18/2012
 Effective 11/19/2012
 Agency Contact: Jose Aguirre (916) 651-3522

File# 2012-0921-04
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD

Use of Forklift Trucks and Excavators for Hoisting Loads

This rulemaking by the Occupational Safety and Health Standards Board (OSHSB) makes substantive changes to Section 1593 of the Construction Safety Orders (CSO) and Section 3650 of the General Industry Standards (GISO), with regard to the use of forklift trucks and excavators for lifting loads. Specifically, this rulemaking amends Sections 1593 and 3650, to require that slings used for lifting meet the sling standards contained in Article 101 of the GISO.

Title 8
 California Code of Regulations
 AMEND: 1593, 3650
 Filed 10/23/2012
 Effective 11/22/2012
 Agency Contact: Marley Hart (916) 274-5721

File# 2012-0921-05
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD

Fueling of Helicopters Used in Logging Operations

This rulemaking by the Occupational Safety and Health Standards Board (OSHSB) makes substantive changes to Section 6325 of the Logging and Sawmill Safety Orders (LSSO), relating to fueling procedures for helicopters in the logging industry. Specifically, this rulemaking amends one section, Section 6325(e) in the LSSO, making that section consistent with Section 1905 of the Construction Safety Orders (CSO).

Title 8
 California Code of Regulations
 AMEND: 6325
 Filed 10/18/2012
 Effective 11/17/2012
 Agency Contact: Marley Hart (916) 274-5721

File# 2012-0910-01
 OFFICE OF STATEWIDE HEALTH PLANNING
 AND DEVELOPMENT

Request for Modifications Patient Data Reporting

This rulemaking action by the Office of Statewide Health Planning and Development ("OSHPD") amends section 97240 of Title 22 of the California Code of Reg-

ulations governing requests for modifications to patient data reporting. Specifically, this action amends section 97240(a) to remove the requirement that a renewal request for a previously approved modification be made sixty (60) days prior to termination of the approval period. Section 97240(a) is further amended to add language clarifying that modifications to the data reporting requirements must be approved before data to which they apply will be accepted by OSHPD and that any modifications are subject to disclosure to data users. Section 97240(b) is amended to clarify that OSHPD will apply the criteria set forth in the Health Data and Advisory Consolidation Act when considering a modification request.

Title 22
California Code of Regulations
AMEND: 97240
Filed 10/18/2012
Effective 11/17/2012
Agency Contact: Irene Ogbonna (916) 326-3937

File# 2012-0911-01
PUBLIC EMPLOYEES RETIREMENT SYSTEM
State Retirement Contribution Schedules

The Public Employees Retirement System filed this action to establish specific dates by when the state member portion and the state employer portion of retirement contributions are to be paid to the PERS retirement system.

Title 2
California Code of Regulations
ADOPT: 577, 578
Filed 10/18/2012
Effective 11/17/2012
Agency Contact: Ryan Digman (916) 795-0963

File# 2012-0906-04
SECRETARY OF STATE
Notary Disciplinary Guidelines

This regulatory action revises an incorporated by reference document, the Notary Public Disciplinary Guidelines to reflect changes in the statutes it implements, interprets and makes specific; and to clarify the process both for cases that have gone to administrative hearing and for petitions for reinstatement or reduction of penalty.

Title 2
California Code of Regulations
AMEND: 20804
Filed 10/17/2012
Effective 11/16/2012
Agency Contact: Susan Lapsley (916) 651-7837

File# 2012-0919-03
STATE ALLOCATION BOARD
Leroy F. Greene School Facility Act 1998; Career Technical Eligibility for HPI

This rulemaking amends four sections in Title 2 of the California Code of Regulations. The School Facility Program (SFP) provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. These regulations amend the SFP regulations to allow Career Technical Education Facilities Program (CTEFP) projects to request High Performance Incentive Grants, in accordance with Senate Bill 128, Chapter 622, Statutes of 2011.

Title 2
California Code of Regulations
AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.107, 1859.193, 1859.194, 1859.197
Filed 10/23/2012
Effective 10/23/2012
Agency Contact: Robert Young (916) 375-5939

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN May 30, 2012 TO
October 24, 2012**

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

Title 2
10/23/12 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.107, 1859.193, 1859.194, 1859.197
10/22/12 ADOPT: 599.944, 599.946, 599.947
10/18/12 AMEND: 1575
10/18/12 ADOPT: 577, 578
10/17/12 AMEND: 20804
10/03/12 ADOPT: 18730.1
10/02/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193
09/20/12 ADOPT: 59730
09/19/12 AMEND: 1155.250, 1155.350
09/14/12 REPEAL: 52100
09/10/12 ADOPT: 59650

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 44-Z

08/30/12 AMEND: 60000, 60010, 60300, 60310, 60323, 60325, 60330, 60400, 60550, 60560, 60600, 60610 REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200

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

08/13/12 ADOPT: 59720

08/07/12 AMEND: 18640

07/16/12 AMEND: 18215.3

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

06/28/12 AMEND: 649.32

06/19/12 AMEND: 56800

06/04/12 ADOPT: 18313.6

Title 3

10/23/12 ADOPT: 3639

10/23/12 ADOPT: 3439

09/21/12 AMEND: 3437(b) and (c)

09/18/12 AMEND: 6449.1, 6486.7

09/12/12 AMEND: 3700(c)

09/12/12 AMEND: 3435(b)

08/24/12 AMEND: 3406(b)

08/22/12 AMEND: 6800(b)

08/20/12 AMEND: 3435(b)

08/06/12 AMEND: 3435(b)

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

Title 4

10/17/12 AMEND: 1656

10/17/12 AMEND: 1656

10/16/12 ADOPT: 1581.2

10/10/12 AMEND: 1867

09/27/12 AMEND: 5000, 5170, 5200, 5230, 5370, 5500, 5540

09/12/12 ADOPT: 12391(a)(1), (3), (4), (b) & (c), 12392 AMEND: 12360

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

08/30/12 ADOPT: 1489.1

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

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

08/01/12 AMEND: 5000, 5052

07/26/12 AMEND: 8070

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

07/23/12 AMEND: 8035

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

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

06/25/12 AMEND: 1663

06/06/12 AMEND: 1843.3

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

Title 5

09/27/12 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627

09/27/12 AMEND: 3000, 3010, 3021, 3021.1, 3022, 3023, 3024, 3025, 3027, 3028, 3042, 3051.4, 3051.75, 3051.8, 3051.9, 3051.12, 3051.13, 3051.17, 3051.18, 3052, 3053, 3062, 3063, 3064, 3066, 3067, 3069, 3080, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3088.1, 3088.2, 3089, 3090, 3091, 3092, 3093, 3094, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099, 3100

09/06/12 AMEND: 1216.1

08/09/12 AMEND: 40403

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

08/09/12 AMEND: 40500

08/09/12 ADOPT: 40541

08/09/12 AMEND: 40407.1

08/08/12 ADOPT: 40540

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

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

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

Title 7

07/03/12 AMEND: 219

Title 8

10/23/12 AMEND: 1593, 3650

10/18/12 AMEND: 6325

10/02/12 ADOPT: 1613.11, 1613.12 AMEND: 1600, 1610.1, 1610.3, 1610.4, 1610.9, 1611.1, 1612.3, 1613, 1613.2, 1613.10, 1616.1, 1617.1, 1617.2, 1617.3, 1618.1, 1619.1, 4885, 4999

10/02/12 AMEND: 4297

09/25/12 AMEND: 2950, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427 REPEAL: 3428

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

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

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

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 44-Z

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

225.54, 225.60, 225.63, 225.66, 225.69, 225.72 REPEAL: 225.06

Title 9

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

Title 13, 17

09/14/12 AMEND: 2299.2, 93118.2

Title 10

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

Title 14

10/18/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
 10/03/12 AMEND: 300
 10/02/12 AMEND: 632
 09/27/12 ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6
 09/25/12 AMEND: 18660.40
 09/21/12 AMEND: 502
 09/12/12 AMEND: 18660.17, 18660.19, 18660.31
 09/07/12 AMEND: 300
 08/31/12 ADOPT: 671.8 AMEND: 671.1

Title 11

09/18/12 AMEND: 410, 411, 415, 416, 417, 420, 421, 425 REPEAL: 419, 419.1
 07/31/12 AMEND: 999.16, 999.17, 999.19, 999.22
 06/26/12 AMEND: 1005, 1007, 1008
 06/21/12 AMEND: 1005, 1007

08/14/12 AMEND: 13055
 08/02/12 ADOPT: 2231, 2301 AMEND: 2000, 2200, 2230, 2235, 2240, 2245, 2300, 2305, 2310, 2320
 07/26/12 AMEND: 18836
 07/12/12 AMEND: 790, 851.20, 851.21, 851.22, 851.25, 851.26, 851.27, 851.27.1, 851.28, 851.29, 851.30, 851.31, 851.32

Title 12

06/04/12 AMEND: 506

07/09/12 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8

Title 13

10/15/12 ADOPT: 2477.1, 2477.2, 2477.3, 2477.4, 2477.5, 2477.6, 2477.7, 2477.8, 2477.9, 2477.10, 2477.11, 2477.12, 2477.13, 2477.14, 2477.15, 2477.16, 2477.17, 2477.18, 2477.19, 2477.20, 2477.21 AMEND: 2477
 10/09/12 AMEND: 2260, 2261, 2264, 2265, 2265.1, 2266, 2266.5, 2271 REPEAL: 2258
 09/25/12 AMEND: 156.00, 156.01
 09/14/12 AMEND: 2479
 08/07/12 ADOPT: 1962.2 AMEND: 1962.1, 1962.2 (renumbered to 1962.3)
 08/07/12 ADOPT: 1961.2, 1961.3 AMEND: 1900, 1956.8, 1960.1, 1961, 1961.1, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, 2317
 08/02/12 ADOPT: 426.00
 07/30/12 AMEND: 1268, 1270.3
 07/12/12 ADOPT: 345.58, 345.73 AMEND: 345.50, 345.52, 345.56, 345.74, 345.78, 345.86, 345.88, 345.90 REPEAL: 345.54, 345.58, 345.60
 06/29/12 AMEND: 225.00, 225.03, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.35, 225.36, 225.38, 225.42, 225.45,

07/02/12 ADOPT: 602
 06/28/12 ADOPT: 17944.1, 17945.1, 17945.4, 17946, 17946.5, 17948.1, 17948.2 AMEND: 17943, 17944, 17946(a)-(h) renumber as 17945.2, 17946(i) renumber as 17945.3, 17946.5 renumber as 17945.5, 17947, 17948, 17948.5, 17949 REPEAL: 17942, 17944.2, 17944.5, 17945
 06/25/12 AMEND: 791.7
 06/06/12 ADOPT: 18950, 18951, 18952, 18953, 18954, 18955, 18955.1, 18955.2, 18955.3, 18956, 18957, 18958
 06/01/12 REPEAL: 660
 05/30/12 AMEND: 11960

Title 15

10/22/12 AMEND: 3019, 3044, 3091, 3120
 10/18/12 ADOPT: 3999.13
 10/17/12 ADOPT: 3375.6 AMEND: 3000, 3375
 10/04/12 ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358
 09/25/12 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754,

	1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757		95870, 95892, 95910, 95911, 95912, 95913, 95914, 95920, 95021
09/13/12	AMEND: 3162	08/29/12	AMEND: 100800
09/13/12	ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323	08/15/12	ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525
08/29/12	AMEND: 2606, 2635.1, 2646.1, 2733, 2740, 2743, 2744	07/26/12	AMEND: 94006
08/20/12	AMEND: 1006, 1007, 1008, 1012, 1013, 1024, 1032, 1044, 1046, 1051, 1055, 1056, 1058, 1059, 1062, 1063, 1069, 1072, 1080, 1081, 1083, 1084, 1100, 1104, 1125, 1140, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1151, 1203, 1205, 1206, 1208, 1217, 1241	06/15/12	AMEND: 6508
07/02/12	ADOPT: 3999.12	Title 18	
06/26/12	ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757	10/23/12	AMEND: 313, 321
06/26/12	ADOPT: 3079, 3079.1 AMEND: 3000, 3075.2, 3075.3	08/07/12	AMEND: 1618
06/26/12	AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2	07/27/12	AMEND: 1684
06/06/12	AMEND: 3000, 3006, 3170.1, 3172.1, 3173.2, 3315, 3323	07/10/12	AMEND: 1205, 1212, 1271
		07/10/12	AMEND: 1105, 1120, 1132, 1161
		07/10/12	AMEND: 1435, 1436
		07/10/12	AMEND: 25128.5
		Title 21	
		08/28/12	AMEND: 6640, 6680
		Title 22	
		10/18/12	AMEND: 97240
		10/15/12	ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75
Title 16		09/06/12	ADOPT: 66269.2
09/25/12	AMEND: 1514, 1525.1	08/20/12	AMEND: 87224
09/25/12	AMEND: 3340.15, 3394.6	08/13/12	AMEND: 100104, 100106, 100106.1, 100113, 100115, 100119, 100120, 100121, 100123, 100127
09/12/12	AMEND: 961 REPEAL: 933	07/12/12	AMEND: 66263.18, 66263.41, 66263.43, 66263.44, 66263.45, 66263.46
09/10/12	ADOPT: 4116, 4117, 4118, 4119	07/12/12	AMEND: 66268.40, 66268.48
09/07/12	AMEND: 4	07/09/12	AMEND: 4416
08/30/12	ADOPT: 2557, 2557.1, 2557.2, 2557.3, 2595, 2595.1, 2595.2, 2595.3	07/03/12	AMEND: 51516.1
08/29/12	ADOPT: 4146, 4148, 4149, 4149.1 AMEND: 4100, 4101	06/28/12	AMEND: 91477
08/20/12	ADOPT: 1333, 1333.1, 1333.2, 1333.3	06/21/12	AMEND: 50195, 50197, 50256, 50258, 50258.1, 50262, 50268, 50815, 51000.53
07/23/12	ADOPT: 1397.2 AMEND: 1380.4	06/12/12	AMEND: 66261.32
07/17/12	ADOPT: 1399.23, 1399.24 AMEND: 1398.4	Title 23	
07/10/12	ADOPT: 3394.25, 3394.26, 3394.27	09/06/12	ADOPT: 3959.5
06/18/12	ADOPT: 1727.2 AMEND: 1728	08/08/12	ADOPT: 3969.2
06/18/12	AMEND: 443	07/30/12	ADOPT: 2923
06/14/12	ADOPT: 302.5	07/11/12	ADOPT: 597, 597.1, 597.2, 597.3, 597.4
		07/05/12	AMEND: 570, 571, 572, 573, 574, 575, 576
Title 17		Title 25	
10/03/12	AMEND: 95201, 95202, 95203, 95204, 95205	10/10/12	AMEND: 8201, 8205, 8212
09/04/12	ADOPT: 30305.1, 30308.1, 30311.1		
08/30/12	AMEND: 95802, 95812, 95814, 95830, 95831, 95832, 95833, 95834, 95856,		

CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 44-Z

08/13/12 ADOPT: 7097 AMEND: 7054, 7056,
7058, 7060, 7062, 7062.1, 7072, 7076,
7078, 7104 REPEAL: 7064, 7066, 7074,
7078.1, 7078.2, 7078.3, 7078.4, 7078.5,
7078.6, 7078.7

06/07/12 ADOPT: 4326, 4328 AMEND: 4004,
4200, 4204, 4208

Title 27

10/10/12 AMEND: 25707

09/20/12 AMEND: 25705(b)

09/12/12 AMEND: 25403(a), 25603.3(a)

07/12/12 AMEND: 25305, 25701, 25705, 25801

06/18/12 AMEND: 25705

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09/06/12 ADOPT: 1300.74.73

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06/25/12 AMEND: 40-105.4(g)(1), 44-111.23,
44-113.2, 44-133.54(QR),
44-315.39(QR), 89-201.513

06/25/12 AMEND: 41-440, 42-716, 42-717,
44-207

06/25/12 AMEND: 40-107, 42-301, 42-302,
42-431, 42-712, 42-713, 42-716,
42-717, 42-721, 44-133, 44-307,
44-316, 82-833