



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 (Commission), pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Alameda-Contra Costa Transit District

A written comment period has been established commencing on **November 8, 2013** and closing on **December 23, 2013**. Written comments should be directed to the Fair Political Practices Commission, Attention Cyndi Glaser, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive 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 23, 2013**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve 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 Cyndi Glaser, 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 Cyndi Glaser, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 2. VICTIM COMPENSATION
AND GOVERNMENT CLAIMS BOARD**

Title 2, §§ 649, 649.4, 649.8, 649.26, 649.29, 649.32, 649.40, 649.43, 649.62

The Victim Compensation and Government Claims Board (Board) proposes to amend the regulation described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action; however, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested individual, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on December 23, 2013. The Board will consider only comments received at the Board's office by that time. Submit written comments to:

Geoff Feusahrens, Regulations Analyst
Victim Compensation and Government Claims
Board
400 R Street, Suite 500
Sacramento, CA 95811

Comments may also be submitted by facsimile (FAX) at (916) 491-6441 or by e-mail to regulations@vcgcb.ca.gov.

AUTHORITY AND REFERENCE

Government Code sections 11400.20, 13920 and 13974 authorize the Board to adopt this proposed regulation. The proposed regulation implements, interprets and makes specific Government Code sections 13920, 13956 and 13974.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Government Code section 13950 requires the Board, through the California Victim Compensation Program (VCP), to "assist residents of the State of California in obtaining compensation for the pecuniary losses they suffer as a direct result of criminal acts." This rule-making action includes revisions to the regulations to improve the verification process for initial eligibility, as well as for income/support loss and mental health benefits. This rule-making action also defines what constitutes a lack of cooperation with the Board by mental health providers, includes several provisions to clarify regulatory language, and corrects grammatical errors.

The proposed regulations and revisions will benefit claimants and VCP staff by reducing confusion caused by unclear language in the current regulations, increasing the types of income loss and other benefits eligible for reimbursement, and by increasing the number of mental health professionals eligible to treat victims under the VCP. The improved clarity in the proposed regulations will also help ensure that claims are processed more quickly because claimants, mental health professionals, and VCP staff will have a better understanding of what verification is necessary before benefits can be granted, and what actions constitute a lack of cooperation with the VCP. Finally, the proposed provisions ensure that VCP regulations conform to the requirements of the Department of Corrections Realignment Plan.

The Board has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After performing a review of any related regulations, VCP has concluded that these are the only regulations relating to victim compensation. Therefore, these proposed regulations are neither inconsistent, nor incompatible, with existing state regulations.

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

Adoption of these regulations will not:

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

It is not anticipated that these proposed regulations will appreciably increase or decrease the number of applications VCP processes because the main purpose behind the proposals is to enhance clarity for both claimants and professionals who use VCP. The proposed regulations will not create jobs or new businesses within the mental health field because VCP has no information that victims of crime are the sole, or even the majority, of patients treated by the small number of licensed professional clinical counselors and/or interns practicing in California. However, the regulations may encourage private mental health practices to treat victims because the specialty will now be eligible for reimbursement.

Adoption of these regulations will:

- (1) provide a benefit to the health and welfare of California residents, worker safety, and the state's environment.

It is anticipated that clarifying eligibility and verification procedures in order to conform to applicable statutes will benefit the welfare of California residents and the state's environment by ensuring that contradictory regulations do not remain in effect. In addition, streamlining the processing of VCP applications will benefit the health and welfare of California residents by ensuring that eligible victims timely receive the benefits they need. There is no impact on worker safety.

Disclosures Regarding the Proposed Action. The Board 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 cost or savings imposed on local agencies: None.

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

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

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

Adoption of these regulations will not:

- (4) create or eliminate jobs within California;
- (5) create new businesses or eliminate existing businesses within California; or
- (6) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulation does not affect small businesses because the regulation only applies to individuals who apply to CalVCP.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private individuals than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Geoff Feusahrens
Victim Compensation and Government Claims
Board
400 R Street, Suite 500
Sacramento, CA 95811
Telephone: (916) 491-3863

The backup contact person inquiries concerning the proposed administrative action may be directed to:

Mary Lundeen
Victim Compensation and Government Claims
Board
400 R Street, Suite 500
Sacramento, CA 95811
Telephone: (916) 491-3751

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Geoff Feusahrens at the above address.

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation and the Initial Statement of Reasons. Copies may be obtained by contacting Geoff Feusahrens at the address or phone number listed above.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the hearing, if requested, and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If the Board makes modifications which are sufficiently related to the original proposed text, it will make the modified text available to the public at least 15 days before the Board adopts the regulation as revised. Please send requests for copies of the modified regulation to the attention of Geoff Feusahrens at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

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

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through our website at www.vcgcb.ca.gov.

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

**RULE 1658. VESTING OF TITLE TO
CLAIMED HORSE**

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1658, Vesting of Title to Claimed Horse. The proposed amendment to Rule 1658 provides that the stewards shall void a claim and return the horse to the original owner if the horse dies or is euthanized before leaving the track. This amendment minimizes confusion by clarifying that if a horse just finished the running of the race but did not make it off the track alive, the claim is still void. The proposed amendment to Rule 1658 also states that the claim shall not be voided by the stewards if the claimant elects prior to the race to claim the horse regardless of whether the racing or official veterinarian determine the horse will be placed on the Veterinarian's List as unsound or lame. The election may be entered on the form CHRB-11 (Rev. 8/13) Agreement to Claim (CHRB-11). A claimant may elect, by checking a box on the claim slip, to claim the horse regardless of whether or not it was placed on the Veterinarian's List. Rule 1656, Errors Which Invalidate Claim, incorporates by reference the form CHRB-11. The proposed amendment to Rule 1658 will necessitate an amendment to Rule 1656 to change the revision date of the form CHRB-11.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, January 16, 2014**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the pro-

posed regulatory action to the Board. The written comment period closes at **5:00 p.m., on December 23, 2013**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Erica Ward, Regulation Analyst
 California Horse Racing Board
 1010 Hurley Way, Suite 300
 Sacramento, CA 95825
 Telephone (916) 263-6025
 Fax: (916) 263-6022
 E-mail: esward@chr.ca.gov

AUTHORITY AND REFERENCE

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

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this state.

A claiming race is a race in which any of the horses entered may be purchased (claimed) out of the race by any person who is eligible to claim a horse at that meeting. Eligible persons are licensed horse owners or persons who hold "horse owner by open claim" certificates. To claim a horse, the interested party must ensure sufficient funds are on deposit with the paymaster of

purses at the track where the horse is to be claimed. In addition, the interested party must properly complete the claim form, CHR-11. The properly completed form has to be dropped into the claiming box within a specified time. The moment the gate opens the person who has claimed the horse becomes its owner. However, if the horse wins the race or earns money, the purse goes to the owner who entered it in the race. If more than one person has put in a claim for the same horse, they "shake" for it (draw lots). The person who wins the shake becomes the owner. Under Rule 1658 the stewards shall void the claim if the horse suffers a fatality during the running of the race or if the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as unsound or lame before the horse is released to the successful claimant.

Subsection 1658(b) currently provides that the stewards shall void the claim and return the horse to the original owner if the horse suffers a fatality during the running of the race. The Board proposes to amend subsection 1658(b) to add a provision that states the claim will be void if the horse dies or is euthanized before leaving the track. The purpose of the amendment is to minimize confusion by clarifying that if a horse just finished the running of the race but did not make it off the track alive, the claim is still void. The amendment prevents any misunderstanding of what constitutes "the running of the race". The proposed amendment encompasses controversial situations that may occur such as a horse fracturing its pelvis as it barely finishes the race and then dying. It is necessary to have clarifying language so all who partake in claiming races understand the rules.

Subsection 1658(c) will be amended to state that the stewards shall not void the claim if prior to the race in which the horse is claimed, the claimant elects to claim the horse regardless of whether the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as unsound or lame. This amendment is necessary to allow owners and trainers to make a designation on the claiming slip submitted before a race to have a horse transferred to their possession regardless of its post-race condition.

Subsection 1658(c) will further be amended to add provision 1658(c)(1) to state that an election made under subsection (c) shall be entered on the form CHR-11, in accordance with section 1656. Rule 1656 incorporates by reference the form CHR-11. The proposed amendment will necessitate an amendment to Rule 1656 to change the revision date of the form CHR-11. The proposed amendment is needed to inform claimants of their options and advise them what to do to make their election valid.

POLICY STATEMENT OVERVIEW OF
ANTICIPATED BENEFITS OF PROPOSAL

Currently, Rule 1658, Vesting of Title to Claimed Horse, states that title to a horse which is claimed shall be vested in the successful claimant from the time the field has been dispatched from the starting gate and the horse becomes a starter. The successful claimant becomes the owner of the horse unless the claim is voided by the stewards. The stewards shall void the claim and return the horse to the original owner if the horse suffers a fatality during the running of the race, or the racing or official veterinarian determines the horse will be placed on the Veterinarian's List as unsound or lame before the horse is released to the successful claimant.

A claiming race is a horse race in which each horse entered is made available for purchase, or claiming, at a fixed price which a buyer must agree to pay before the race is run. Claiming allows lesser quality horses to compete equally, as horses are entered for prices at which the owners or trainers feel are reasonable to lose them.

A claiming race is a venue through which a new owner may buy his first horse. It is also a venue where others claim (at bargain prices) horses they believe can compete at higher levels. However, claiming races can also be used by owners and trainers to rid themselves of horses whose performance is not what they expect, so the terms "*Caveat Emptor*" or "*Buyer Beware*" apply. The claimant does not get to examine the horse prior to putting in a claim, and the horse actually belongs to a successful claimant from the time the field is dispatched (unless there is reason to void the claim under the provisions of the rule).

The proposed amendment to Rule 1658 is intended to create an option for trainers and owners who still wish to take possession of claimed horses placed on the Veterinarian's list for unsoundness. Presently the claiming rule is controversial. On one hand, owners and trainers aspire to keep the original rule and the aspect of "*Buyer Beware*" as it is the traditional system practiced. On the other hand, there are owners and trainers who want to know the horse they have claimed has had a post-race inspection by the racing veterinarian or the official veterinarian and found to be fit for racing. These individuals also believe that others will think twice before attempting to use a claiming race to rid themselves of a horse that may be damaged. The proposed amendment of Rule 1658 will have the benefit of neutralizing such controversy by allowing an option to keep a claimed horse regardless of its soundness after a race. If no election is made on the claim slip, the claim will be voided if the horse is placed on the Veterinarian's List for unsoundness. If the horse is not alive after the race, the

claim will be voided regardless of what the claimant elected on the claim slip.

The amendment is a benefit to California as it is an incentive to keep owners and trainers from going out of state to claim a racehorse. For those in opposition of the current claiming rule, the proposed amendment will allow them to continue claiming horses in California in the manner in which they are accustomed by checking a box on the claim slip electing to take the horse in their possession regardless of the horse's soundness. Stabilizing and retaining private businesses and workers who are involved in claiming races is a benefit for the economic health of California residents and the horse racing industry. The proposed amendment also promotes fairness. The amendment allows the Board to offer two different opportunities to claimants: keeping tradition and claiming the horse regardless of whether it is placed on the Veterinarian's List as unsound or allowing the claim to be voided and returned to the original owner. Offering these choices ensures all claimants are content.

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

FORMS INCORPORATED BY REFERENCE

CHRB-11 (REV. 8/13), AGREEMENT TO CLAIM

DISCLOSURE REGARDING THE
PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendment of Rule 1658 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC
IMPACT ASSESSMENT

The results of the Board's Economic Impact Assessment as required by Government Code section 11346.3(b) are as follows:

The amendment is a benefit to California as it poses as a preventative measure to keep owners and trainers from going out of state. For those in opposition of the current claiming rule, the proposed amendment will allow them to continue claiming horses in California in the manner in which they are accustomed by checking a box on the claim slip electing to take the horse in their possession regardless of the horse's soundness. Stabilizing and retaining private businesses and workers who are involved in claiming races is a benefit for the economic health of California residents and the horse racing industry. The proposed amendment also promotes fairness. The amendment allows the Board to offer two different opportunities to claimants: keeping tradition and claiming the horse regardless of whether it is placed on the Veterinarian's List as unsound or allowing the claim to be voided and returned to the original owner. Offering these choices ensures all claimants are content.

The amendment of Rule 1658 will only impact individual owners and trainers who wish to take possession of a claimed horse placed on the Veterinarian's List for unsoundness. A total of 1,982 horses were claimed in the fiscal year of July 1, 2011 to June 30, 2012, therefore, the Board has determined that the proposed regulation will have no direct impact 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, or the expansion of businesses currently doing business within the State of California.

The proposed regulation will not impact the state's environment.

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

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1658 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

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

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board has determined

that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

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

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: esward@chr.ca.gov

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

Harold Coburn, Manager, Policy and Regulations
Telephone: (916) 263-6397
E-mail: haroldc@chr.ca.gov

AVAILABILITY OF FINAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are suffi-

ciently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Erica Ward at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

BOARD WEB ACCESS

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

TITLE 16. DENTAL BOARD OF CALIFORNIA

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

**Department of Consumer Affairs
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, California 95815
Monday, January 6, 2014
10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than **5:00 p.m. on Monday, December 23, 2013** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any

modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 1614 of the Business and Professions Code to implement, interpret, or make specific Sections 1630, 1632, and 1632.1 of the Business and Professions Code, the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 1524 (Chapter 446, Statutes of 2010) eliminated the clinical and written examination administered by the Board and replaced it with a portfolio examination of an applicant's competence to enter the practice of dentistry, to be conducted while the applicant is enrolled in a Board-approved dental school located in California. The bill required the portfolio examination to utilize uniform standards of clinical experiences and competencies as approved by the Board. The bill provided that at the end of that dental school program, the passage of a final assessment of the applicant's portfolio was required, subject to certification by his or her dean and payment of a \$350 application fee to the Board. The bill specified that the portfolio examination could not be conducted until the Board adopted regulations to implement the portfolio examination. The bill required the Board to oversee the portfolio examination and final assessment process, and required the Board to biennially review each dental school with regard to the standardization of the portfolio examination. The bill also set forth specified examination standards, including direction for the Board to consult with the Board-approved dental schools located in California to approve portfolio examination competencies and the minimum number of clinical experiences necessary for the successful completion of the portfolio examination. The bill specified that the Board would require and verify successful completion of competency examinations that were performed on a patient of record of the dental school, including, but not limited to, the following: (1) comprehensive oral diagnosis and treatment planning, (2) periodontics, (3) direct restorations, (4) indirect restorations, (5) removable prosthodontics, and (6) endodontics. On September 29, 2010, Governor Arnold Schwarzenegger signed Assembly Bill 1524 (Chapter 446, Statutes of 2010), enacting the portfolio

examination pathway to dentistry licensure in California.

The main purpose of this proposal is to implement the requirements of the Board's portfolio examination as a new pathway to dental licensure in California. Specifically, this proposal would:

- ▶ Amend § 1021 to delete provisions relating to fees for the Board's clinical and written examination that no longer exists;
- ▶ Amend §§ 1028 and 1030 to specify the portfolio examination application process and incorporate by reference applicable forms;
- ▶ Amend §§ 1032 to 1032.6 to replace existing obsolete examination regulations relating to the Board's previously administered clinical examination with the new portfolio examination requirements, as follows:
 - ▶ Amend § 1032 to specify eligibility requirements for an examinee to take the portfolio examination;
 - ▶ Amend § 1032.1 to define terms used throughout the examinations Article relevant to the portfolio examination;
 - ▶ Amend § 1032.2 to specify the requirements for clinical experience in each of the required competencies;
 - ▶ Amend § 1032.3 to specify the requirements for the portfolio, competency examination, acceptable criteria, and scoring for the oral diagnosis and treatment planning competency of the portfolio examination;
 - ▶ Amend § 1032.4 to specify the requirements for the portfolio, competency examination, acceptable criteria, and scoring for the direct restoration competency of the portfolio examination;
 - ▶ Amend § 1032.5 to specify the requirements for the portfolio, competency examination, acceptable criteria, and scoring for the indirect restoration competency of the portfolio examination;
 - ▶ Amend § 1032.6 to specify the requirements for the portfolio, competency examination, acceptable criteria, and scoring for the removable prosthodontics competency of the portfolio examination;
 - ▶ Add § 1032.7 to specify the requirements for the portfolio, competency examination, acceptable criteria, and scoring for the endodontics competency of the portfolio examination;
- ▶ Add § 1032.8 to specify the requirements for the portfolio, competency examination, acceptable criteria, and scoring for the periodontics competency of the portfolio examination;
- ▶ Add § 1032.9 to specify the requirements for portfolio competency examiner qualifications;
- ▶ Add § 1032.10 to specify the requirements for portfolio competency examiner training requirements;
- ▶ Amend § 1033 to delete existing obsolete examination regulations relating to the Board's previously administered clinical examination;
- ▶ Amend § 1033.1 to replace existing obsolete examination regulations relating to the Board's previously administered clinical examination with the general procedures and policies for the portfolio examination;
- ▶ Amend § 1034 to replace existing obsolete examination regulations relating to the Board's previously administered clinical examination with the criteria for portfolio examination grading;
- ▶ Amend § 1034.1 to make a technical amendment relating to the Western Regional Examination Board;
- ▶ Amend § 1035 to specify that the Board's examination review procedures and appeals are not applicable to the portfolio examination;
- ▶ Repeal § 1035.1 to delete an obsolete section number and title;
- ▶ Repeal § 1035.2 to delete an obsolete section number and title;
- ▶ Amend § 1036 to specify the remediation requirements for an examinee who fails to pass a portfolio competency examination after three attempts;
- ▶ Repeal § 1036.1 to delete an obsolete section number and title;
- ▶ Repeal § 1036.2 to delete an obsolete section number and title;
- ▶ Repeal § 1036.3 to delete an obsolete section number and title;
- ▶ Repeal § 1037 to delete an obsolete section number and title;
- ▶ Repeal § 1038 to delete an obsolete section number and title;
- ▶ Repeal § 1039 to delete an obsolete section number and title; and
- ▶ Incorporate by reference the following forms:

- ▶ Application for Determination of Licensure Eligibility (Portfolio) Form 33A–22P (New 08/2013)
- ▶ Application for Issuance of License Number and Registration of Place of Practice (Rev. 11–07)
- ▶ Portfolio Examination Certification of Clinical Experience Completion Form 33A–23P (New 08/13)
- ▶ Certification of Successful Completion of Remedial Education for Portfolio Competency Re–Examination Eligibility Form (New 08/13)

ANTICIPATED BENEFITS

The portfolio examination will provide an additional pathway to licensure in the State of California. Students enrolled in Board–approved dental schools located in California will benefit from the portfolio examination because it has the advantage of being integrated within the current curriculum and within the context of a treatment plan of a patient of record. This examination provides an accurate reflection of the competency areas in which a licensed dentist should be able to practice competently. The portfolio examination will have a positive impact on the dental health of California consumers because those licensed via the portfolio examination have successfully demonstrated the competencies necessary to provide qualified and competent dental healthcare. There are important benefits of using actual patients of record within the dental schools instead of simulated (manikin) patients. First, procedures are performed as part of treatment thereby eliminating circumstances fostering commercial procurement of patients, particularly the cost of such patients. Second, the safety and protection of patients is ensured because procedures are performed in the course of treatment. Third, examinees would be treated similarly at all of the dental schools in a manner that allows communication of examination logistics and results.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, the Board evaluated this regulatory proposal and it is not inconsistent or incompatible with existing state regulations. The Board is the only state entity that regulates the practice of dentistry through a licensure process in the interest of public protection; therefore, the Board is the only entity that

may implement the portfolio examination as a pathway to licensure.

INCORPORATION BY REFERENCE

The Application for Determination of Licensure Eligibility (Portfolio) Form 33A–22P (New 08/2013), Portfolio Examination Certification of Clinical Experience Completion Form 33A–23P (New 08/13), Application for Issuance of License Number and Registration of Place of Practice (Rev. 11–07), and the Certification of Successful Completion of Remedial Education for Portfolio Competency Re–Examination Eligibility (Form New 08/13) are incorporated by reference in these proposed regulations. It would be cumbersome, unduly expensive and otherwise impractical to publish the documents in the California Code of Regulations. These forms are available on the board’s Web site and from the board upon request.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made the initial determination that the proposed regulation would not have a significant, state-wide adverse economic impact directly affecting business, including the inability of California businesses to compete with businesses in other States. The Board has determined that the following types of businesses may be affected by the proposed fee increase:

- ▶ Board–approved pre–doctoral dental schools located in California that offer the Board’s portfolio examination; and,
- ▶ The Western Regional Examination Board (WREB)

Although the six (6) Board–approved pre–doctoral dental schools located in California that will offer the Board’s portfolio examination may be impacted, the Board estimates that the economic impact would be minor and absorbable. The Board does not maintain data relating to the expenses incurred by the Board–approved dental schools to administer and oversee their respective dental programs. However, the Board anticipates that the economic impact on the Board–approved dental schools will be minor and absorbable because the

portfolio examination has been designed and will be implemented to work in concert with the already established curriculum and competency testing currently being conducted within all of the schools. As a result, schools will incur minimal implementation costs to comply with this proposal's requirements.

The Board acknowledges that WREB may experience a slight decrease in the number of California candidates taking its examination. However, the Board does not anticipate this decrease to significantly impact revenue that WREB receives from its examination. Because the WREB examination is a recognized pathway to dental licensure in 35 states, the Board believes that a significant portion of its portfolio examination applicants will go on to take the WREB examination so that they may qualify for licensure in other states.

Impact on Private Person or Business:

This proposal would impact individual students at Board-approved dental schools located in California who apply for initial licensure from the Board via the portfolio examination pathway. The Board estimates that the economic impact on these individuals would be minor and absorbable. The application fee for the portfolio examination is \$350 and is payable to the Board. This fee has been established in statute and has not been changed as a result of this proposal.

The Board anticipates that the portfolio examination will be economically beneficial because: (1) students will be able to complete the portfolio examination while enrolled in school, (2) students will be able to perform competency examinations on patients of record of the school, and (3) students will be able to utilize resources readily available in the dental schools. Since the student's tuition already pays for these resources, the Board anticipates that the only real expense for a student to participate in the portfolio examination would be the \$350 portfolio examination application fee payable to the Board.

In comparison, the WREB examination fee is \$2,360 and examinees are required to provide their patients for the examination. In addition, WREB examinees may have to pay for the travel, lodging, and meals of patients so that they may be utilized, which can significantly increase the overall cost for a student to take the WREB examination.

Applicants for initial licensure are required to furnish fingerprints for criminal background checks pursuant to Business and Professions Code section 1629. Applicants will incur costs associated with furnishing fingerprints for the purpose of the Board conducting a criminal history check. The cost for an applicant to get fingerprinted via Live Scan is approximately \$63.00. Of this fee, \$49.00 goes to the Department of Justice for

conducting the background check and providing criminal record reports to the Board; an average of \$14.00 goes to the vendor for fingerprinting the individual. The vendor's fee ranges from \$5.00 to \$45.00 with the average fee being \$14.00. For those who are not able to submit fingerprints electronically via Live Scan, the fee for the Board to process "ink on cards" fingerprints is \$49. The fingerprinting fee of \$49 (\$17 FBI + \$32 DOJ) is a direct cost to be paid to the Department of Justice for the purpose of conducting a criminal history check. The Board does not determine this fee.

Impact on the Board:

The Board estimates that there are approximately 100 students in each graduating class in each of the six (6) Board-approved dental schools located in California. The Board anticipates that approximately 50% of each graduating class will choose to participate in the portfolio examination as a pathway to initial licensure because of its availability and harmony with the dental school curriculum.

Beginning in Fiscal Year (FY) 2015-2016, the Board estimates that its ongoing annual revenue related to application for the portfolio examination will be approximately \$105,000 (50 students x 6 dental schools x \$350 application fee). The Board anticipates that this revenue will cover the Board's expenses relating to the administration of the examination (e.g. administrative expenses, expenses related to Board examiners conducting a final assessment of the portfolio, expenses related to the auditing of the portfolio examination at the dental schools, etc.).

The Board anticipates that the required criminal background check of portfolio examination applicants will result in approximately one (1) applicant requiring Board action annually. If an applicant has been convicted of a crime substantially related to the practice of dentistry, the Board may deny the application. Applicants may appeal the denial through administrative adjudication. Board cases requiring administrative adjudication cost the Board an average of \$5,000 (\$3,500 Attorney General's (AG's) Expenses + \$750 Office of Administrative Hearing (OAH) Expenses + \$750 Evidence/Witness Expenses). Beginning in FY 2015-16, the Board estimates it will incur an estimated ongoing annual cost of \$5,000 for the administrative adjudication of portfolio examination application appeals.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. This proposal would impact Board-approved dental schools located in California and the WREB examination.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This determination was made because the proposed changes implement a new pathway to dental licensure and is not sufficient to create or eliminate jobs or businesses.

Benefits of Regulation:

The portfolio examination will provide an additional pathway to licensure in the State of California. Students enrolled in Board-approved dental schools located in California will benefit from the portfolio examination because it has the advantage of being integrated within the current curriculum and within the context of a treatment plan of a patient of record. This examination provides an accurate reflection of the competency areas in which a licensed dentist should be able to practice competently. The portfolio examination will have a positive impact on the dental health of California consumers because those licensed via the portfolio examination have successfully demonstrated the competencies necessary to provide qualified and competent dental healthcare.

There are important benefits of using actual patients of record within the dental schools instead of simulated (manikin) patients. First, procedures are performed as part of treatment thereby eliminating circumstances fostering commercial procurement of patients, particularly the cost of such patients. Second, the safety and protection of patients is ensured because procedures are performed in the course of treatment. Third, examinees would be treated similarly at all of the dental schools in a manner that allows communication of examination logistics and results.

This regulatory proposal does not affect worker safety because this proposal is not relative to worker safety.

This regulatory proposal does not affect the state's environment because this proposal is not relevant to the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and

equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

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

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 or by accessing the Board's website at <http://www.dbc.ca.gov/lawsregs/index.shtml>.

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

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

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

CONTACT PERSON

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

Name: Sarah Wallace, Legislative &
Regulatory Analyst
Dental Board of California

Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815

Telephone No.: (916) 263-2187

Fax No.: (916) 263-2140

E-mail Address: Sarah.Wallace@dca.ca.gov

The backup contact person is:

Name: Jennifer Thornburg, Assistant
Executive Officer
Dental Board of California

Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815

Telephone No.: (916) 263-2300

Fax No.: (916) 263-2140

E-mail Address: Jennifer.Thornburg@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Board's Web site at <http://www.dbc.ca.gov/lawsregs/index.shtml>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES INTENDS TO SUBMIT A 1915(c) HOME AND COMMUNITY-BASED SERVICES WAIVER RENEWAL TO DELIVER ADDITIONAL SERVICES IN THE ASSISTED LIVING WAIVER

This notice is to provide updated information about the Department's intent to seek approval from the Centers for Medicare & Medicaid Services (CMS) to amend the Assisted Living Waiver (ALW), a 1915(c) home and community-based services waiver.

The California Regulatory Notice Register dated July 19, 2013, stated the Department's intent to submit an amendment to add services to the ALW. DHCS also provided information to stakeholders regarding the proposed amendment on July 26, 2013.

Due to the upcoming term ending date of February 28, 2014 for the ALW, the Department will instead seek CMS's approval to incorporate the added services into

the ALW five year renewal. Since CMS requires states to submit proposals for waiver renewals no later than 90 days before the expiration of a waiver term (November 30, 2013), an amendment would not be possible. The proposal would be effective upon CMS's approval, not later than March 1, 2014.

PUBLIC REVIEW AND COMMENT

The Department's Long-Term Care Division is currently drafting the proposed waiver renewal for submittal to CMS. Once finalized (on or before November 15, 2013), the proposal will be available for download on the ALW internet home page, <http://www.dhcs.ca.gov/services/ltc/pages/alwpg.aspx>.

Written comments may be submitted to DHCS, attention Ms. Carol Hausler, at carol.hausler@dhcs.ca.gov.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY
NOVEMBER 8, 2013

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

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

| <i>Chemical</i> | <i>CASNumber</i> | <i>Date</i> |
|---|------------------|--------------------|
| A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole) | 26148-68-5 | January 1, 1990 |
| Acetaldehyde | 75-07-0 | April 1, 1988 |
| Acetamide | 60-35-5 | January 1, 1990 |
| Acetochlor | 34256-82-1 | January 1, 1989 |
| 2-Acetylaminofluorene | 53-96-3 | July 1, 1987 |
| Acifluorfen sodium | 62476-59-9 | January 1, 1990 |
| Acrylamide | 79-06-1 | January 1, 1990 |
| Acrylonitrile | 107-13-1 | July 1, 1987 |
| Actinomycin D | 50-76-0 | October 1, 1989 |
| AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide | 3688-53-7 | July 1, 1987 |
| Aflatoxins | — | January 1, 1988 |
| Alachlor | 15972-60-8 | January 1, 1989 |
| Alcoholic beverages, when associated with alcohol abuse | — | July 1, 1988 |
| Aldrin | 309-00-2 | July 1, 1988 |
| Allyl chloride <u>Delisted October 29, 1999</u> | 107-05-1 | January 1, 1990 |
| 2-Aminoanthraquinone | 117-79-3 | October 1, 1989 |
| p-Aminoazobenzene | 60-09-3 | January 1, 1990 |
| ortho-Aminoazotoluene | 97-56-3 | July 1, 1987 |
| 4-Aminobiphenyl (4-aminodiphenyl) | 92-67-1 | February 27, 1987 |
| 1-Amino-2,4-dibromoanthraquinone | 81-49-2 | August 26, 1997 |
| 3-Amino-9-ethylcarbazole hydrochloride | 6109-97-3 | July 1, 1989 |
| 2-Aminofluorene | 153-78-6 | January 29, 1999 |
| 1-Amino-2-methylanthraquinone | 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 |
| ortho-Anisidine | 90-04-0 | July 1, 1987 |
| ortho-Anisidine hydrochloride | 134-29-2 | July 1, 1987 |
| Antimony oxide (Antimony trioxide) | 1309-64-4 | October 1, 1990 |
| Anthraquinone | 84-65-1 | September 28, 2007 |
| Aramite | 140-57-8 | July 1, 1987 |
| Areca nut | — | February 3, 2006 |
| Aristolochic acids | — | July 9, 2004 |
| Arsenic (inorganic arsenic compounds) | — | February 27, 1987 |
| Asbestos | 1332-21-4 | February 27, 1987 |
| Auramine | 492-80-8 | July 1, 1987 |
| Azacitidine | 320-67-2 | January 1, 1992 |
| Azaserine | 115-02-6 | July 1, 1987 |
| Azathioprine | 446-86-6 | February 27, 1987 |
| Azobenzene | 103-33-3 | January 1, 1990 |
| Benthiavalicarb-isopropyl | 177406-68-7 | July 1, 2008 |
| Benz[a]anthracene | 56-55-3 | July 1, 1987 |
| Benzene | 71-43-2 | February 27, 1987 |
| Benzidine [and its salts] | 92-87-5 | February 27, 1987 |
| Benzidine-based dyes | — | October 1, 1992 |
| Benzo[b]fluoranthene | 205-99-2 | July 1, 1987 |

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| <i>Chemical</i> | <i>CASNumber</i> | <i>Date</i> |
|---|------------------|--------------------|
| 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 |
| Chloral | 75-87-6 | September 13, 2013 |
| Chloral hydrate | 302-17-0 | September 13, 2013 |
| Chlorambucil | 305-03-3 | February 27, 1987 |
| Chloramphenicol Delisted January 4, 2013 | 56-75-7 | October 1, 1989 |
| Chloramphenicol sodium succinate | 982-57-0 | September 27, 2013 |
| Chlordane | 57-74-9 | July 1, 1988 |
| Chlordecone (Kepone) | 143-50-0 | January 1, 1988 |
| Chlordimeform | 6164-98-3 | January 1, 1989 |
| Chlorendic acid | 115-28-6 | July 1, 1989 |

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| <i>Chemical</i> | <i>CAS Number</i> | <i>Date</i> |
|--|--------------------------|-------------------|
| 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. Disperse Yellow 3 | 2832-40-8 | February 8, 2013 |
| C.I. Solvent Yellow 14 | 842-07-9 | May 15, 1998 |
| Ciclosporin (Cyclosporin A; Cyclosporine) | 59865-13-3 79217-60-0 | January 1, 1992 |
| Cidofovir | 113852-37-2 | January 29, 1999 |
| Cinnamyl anthranilate | 87-29-6 | July 1, 1989 |
| Cisplatin | 15663-27-1 | October 1, 1988 |
| Citrus Red No. 2 | 6358-53-8 | October 1, 1989 |
| Clofibrate | 637-07-0 | September 1, 1996 |
| Clomiphene citrate | 50-41-9 | May 24, 2013 |
| Cobalt metal powder | 7440-48-4 | July 1, 1992 |
| Cobalt [II] oxide | 1307-96-6 | July 1, 1992 |
| Cobalt sulfate | 10124-43-3 | May 20, 2005 |
| Cobalt sulfate heptahydrate | 10026-24-1 | June 2, 2000 |
| Coconut oil diethanolamine condensate (cocamide diethanolamine) | 68603-42-9 | June 22, 2012 |
| Coke oven emissions | — | February 27, 1987 |
| Conjugated estrogens | — | February 27, 1987 |
| Creosotes | — | October 1, 1988 |
| <i>para</i> -Cresidine | 120-71-8 | January 1, 1988 |
| Cumene | 98-82-8 | April 6, 2010 |
| Cupferron | 135-20-6 | January 1, 1988 |
| Cycasin | 14901-08-7 | January 1, 1988 |
| Cyclopenta[<i>cd</i>]pyrene | 27208-37-3 | April 29, 2011 |
| Cyclophosphamide (anhydrous) | 50-18-0 | February 27, 1987 |
| Cyclophosphamide (hydrated) | 6055-19-2 | February 27, 1987 |
| Cytembena | 21739-91-3 | May 15, 1998 |

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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 <u>Delisted January 4, 2013</u> | 84-17-3 | January 1, 1990 |
| Diepoxybutane | 1464-53-5 | January 1, 1988 |
| Diesel engine exhaust | — | October 1, 1990 |
| Diethanolamine | 111-42-2 | June 22, 2012 |
| Di(2-ethylhexyl)phthalate | 117-81-7 | January 1, 1988 |
| 1,2-Diethylhydrazine | 1615-80-1 | January 1, 1988 |
| Diethyl sulfate | 64-67-5 | January 1, 1988 |
| Diethylstilbestrol (DES) | 56-53-1 | February 27, 1987 |
| Diglycidyl resorcinol ether (DGRE) | 101-90-6 | July 1, 1989 |

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|--|---------------------------|-------------------|
| Dihydrosafrole | 94-58-6 | January 1, 1988 |
| Diisopropyl sulfate | 2973-10-6 | April 1, 1993 |
| 3,3'-Dimethoxybenzidine (ortho-Dianisidine) | 119-90-4 | January 1, 1988 |
| 3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride) | 20325-40-0 | October 1, 1990 |
| 3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine | — | June 11, 2004 |
| 3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine | — | June 11, 2004 |
| Dimethyl sulfate | 77-78-1 | January 1, 1988 |
| 4-Dimethylaminoazobenzene | 60-11-7 | January 1, 1988 |
| trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole | 55738-54-0 | January 1, 1988 |
| 7,12-Dimethylbenz(a)anthracene | 57-97-6 | January 1, 1990 |
| 3,3'-Dimethylbenzidine (ortho-Tolidine) | 119-93-7 | January 1, 1988 |
| 3,3'-Dimethylbenzidine dihydrochloride | 612-82-8 | April 1, 1992 |
| Dimethylcarbamoyl chloride | 79-44-7 | January 1, 1988 |
| 1,1-Dimethylhydrazine (UDMH) | 57-14-7 | October 1, 1989 |
| 1,2-Dimethylhydrazine | 540-73-8 | January 1, 1988 |
| 2,6-Dimethyl-N-nitrosomorpholine (DMNM) | 1456-28-6 | February 8, 2013 |
| Dimethylvinylchloride | 513-37-1 | July 1, 1989 |
| 3,7-Dinitrofluoranthene | 105735-71-5 | August 26, 1997 |
| 3,9-Dinitrofluoranthene | 22506-53-2 | August 26, 1997 |
| 1,3-Dinitropyrene | 75321-20-9 | November 2, 2012 |
| 1,6-Dinitropyrene | 42397-64-8 | October 1, 1990 |
| 1,8-Dinitropyrene | 42397-65-9 | October 1, 1990 |
| Dinitrotoluene mixture, 2,4-/2,6- | — | May 1, 1996 |
| 2,4-Dinitrotoluene | 121-14-2 | July 1, 1988 |
| 2,6-Dinitrotoluene | 606-20-2 | July 1, 1995 |
| Di-n-propyl isocinchomeronate (MGK Repellent 326) | 136-45-8 | May 1, 1996 |
| 1,4-Dioxane | 123-91-1 | January 1, 1988 |
| Diphenylhydantoin (Phenytoin) | 57-41-0 | January 1, 1988 |
| Diphenylhydantoin (Phenytoin), sodium salt | 630-93-3 | January 1, 1988 |
| Direct Black 38 (technical grade) | 1937-37-7 | January 1, 1988 |
| Direct Blue 6 (technical grade) | 2602-46-2 | January 1, 1988 |
| Direct Brown 95 (technical grade) | 16071-86-6 | October 1, 1988 |
| Disperse Blue 1 | 2475-45-8 | October 1, 1990 |
| Diuron | 330-54-1 | May 31, 2002 |
| Doxorubicin hydrochloride (Adriamycin) | 25316-40-9 | July 1, 1987 |
| Emissions from combustion of coal | — | August 7, 2013 |
| Epichlorohydrin | 106-89-8 | October 1, 1987 |
| 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 |

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|--|------------------|-------------------|
| Ethyl acrylate | 140-88-5 | July 1, 1989 |
| Ethylbenzene | 100-41-4 | June 11, 2004 |
| Ethyl methanesulfonate | 62-50-0 | January 1, 1988 |
| Ethyl-4,4'-dichlorobenzilate | 510-15-6 | January 1, 1990 |
| Ethylene dibromide | 106-93-4 | July 1, 1987 |
| Ethylene dichloride (1,2-Dichloroethane) | 107-06-2 | October 1, 1987 |
| Ethylene oxide | 75-21-8 | July 1, 1987 |
| Ethylene thiourea | 96-45-7 | January 1, 1988 |
| Ethyleneimine (Aziridine) | 151-56-4 | January 1, 1988 |
| Etoposide | 33419-42-0 | November 4, 2011 |
| Etoposide in combination with cisplatin and bleomycin | — | November 4, 2011 |
| Fenoxycarb | 72490-01-8 | June 2, 2000 |
| Folpet | 133-07-3 | January 1, 1989 |
| Formaldehyde (gas) | 50-00-0 | January 1, 1988 |
| 2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole | 3570-75-0 | January 1, 1988 |
| FumonisinB ₁ | 116355-83-0 | November 14, 2003 |
| Furan | 110-00-9 | October 1, 1993 |
| Furazolidone | 67-45-8 | January 1, 1990 |
| Furmecyclox | 60568-05-0 | January 1, 1990 |
| Fusarin C | 79748-81-5 | July 1, 1995 |
| Gallium arsenide | 1303-00-0 | August 1, 2008 |
| Ganciclovir | 82410-32-0 | August 26, 1997 |
| Gasoline engine exhaust (condensates/extracts) | — | October 1, 1990 |
| Gemfibrozil | 25812-30-0 | December 22, 2000 |
| Glass wool fibers (inhalable and biopersistent) | — | July 1, 1990 |
| Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole) | 67730-11-4 | January 1, 1990 |
| Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole) | 67730-10-3 | January 1, 1990 |
| Glycidaldehyde | 765-34-4 | January 1, 1988 |
| Glycidol | 556-52-5 | July 1, 1990 |
| 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 |

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|---|----------------------------|-------------------|
| Iprovalicarb | 140923-17-7 140923-25-7 | June 1, 2007 |
| Iron dextran complex | 9004-66-4 | January 1, 1988 |
| Isobutyl nitrite | 542-56-3 | May 1, 1996 |
| Isoprene | 78-79-5 | May 1, 1996 |
| Isopyrazam | 881686-58-1 | July 24, 2012 |
| Isosafrole <u>Delisted December 8, 2006</u> | 120-58-1 | October 1, 1989 |
| Isoxaflutole | 141112-29-0 | December 22, 2000 |
| Kresoxim-methyl | 143390-89-0 | February 3, 2012 |
| Lactofen | 77501-63-4 | January 1, 1989 |
| Lasiocarpine | 303-34-4 | April 1, 1988 |
| Lead acetate | 301-04-2 | January 1, 1988 |
| Lead and lead compounds | — | October 1, 1992 |
| Lead phosphate | 7446-27-7 | April 1, 1988 |
| Lead subacetate | 1335-32-6 | October 1, 1989 |
| Leather dust | — | April 29, 2011 |
| Lindane and other hexachlorocyclohexane isomers | — | October 1, 1989 |
| Lynestrenol | 52-76-6 | February 27, 2001 |
| Malonaldehyde, sodium salt | 24382-04-5 | May 3, 2011 |
| Mancozeb | 8018-01-7 | January 1, 1990 |
| Maneb | 12427-38-2 | January 1, 1990 |
| Marijuana smoke | — | June 19, 2009 |
| Me-A-alpha-C(2-Amino-3-methyl-9H-pyrido[2,3-b]indole) | 68006-83-7 | January 1, 1990 |
| Medroxyprogesterone acetate | 71-58-9 | January 1, 1990 |
| MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline) | 77094-11-2 | October 1, 1994 |
| MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline) | 77500-04-0 | October 1, 1994 |
| Melphalan | 148-82-3 | February 27, 1987 |
| Mepanipyrin | 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 |

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|--|---------------------------|-------------------|
| 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 |
| <i>α</i> -Methyl styrene (alpha-Methylstyrene) | 98-83-9 | November 2, 2012 |
| Methylthiouracil | 56-04-2 | October 1, 1989 |
| Metiram | 9006-42-2 | January 1, 1990 |
| Metronidazole | 443-48-1 | January 1, 1988 |
| Michler's ketone | 90-94-8 | January 1, 1988 |
| Mirex | 2385-85-5 | January 1, 1988 |
| Mitomycin C | 50-07-7 | April 1, 1988 |
| MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane) | 71526-07-3 | March 22, 2011 |
| MON 13900 (furilazole) | 121776-33-8 | March 22, 2011 |
| 3-Monochloropropane-1,2-diol (3-MCPD) | 96-24-2 | October 8, 2010 |
| Monocrotaline | 315-22-0 | April 1, 1988 |
| MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture) | 113803-47-7 | November 4, 2011 |
| 5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone | 139-91-3 | April 1, 1988 |
| Mustard Gas | 505-60-2 | February 27, 1987 |
| MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone) | 77439-76-0 | December 22, 2000 |
| Nafenopin | 3771-19-5 | April 1, 1988 |
| Nalidixic acid | 389-08-2 | May 15, 1998 |
| Naphthalene | 91-20-3 | April 19, 2002 |
| 1-Naphthylamine | 134-32-7 | October 1, 1989 |
| 2-Naphthylamine | 91-59-8 | February 27, 1987 |
| Nickel (Metallic) | 7440-02-0 | October 1, 1989 |
| Nickel acetate | 373-02-4 | October 1, 1989 |
| Nickel carbonate | 3333-67-3 | October 1, 1989 |
| Nickel carbonyl | 13463-39-3 | October 1, 1987 |
| Nickel compounds | — | May 7, 2004 |
| 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 |

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|--|-------------------|--------------------|
| Nitrogen mustard (Mechlorethamine) | 51-75-2 | January 1, 1988 |
| Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride) | 55-86-7 | April 1, 1988 |
| Nitrogen mustard N-oxide | 126-85-2 | April 1, 1988 |
| Nitrogen mustard N-oxide hydrochloride | 302-70-5 | April 1, 1988 |
| Nitromethane | 75-52-5 | May 1, 1997 |
| 2-Nitropropane | 79-46-9 | January 1, 1988 |
| 1-Nitropyrene | 5522-43-0 | October 1, 1990 |
| 4-Nitropyrene | 57835-92-4 | October 1, 1990 |
| N-Nitrosodi-n-butylamine | 924-16-3 | October 1, 1987 |
| N-Nitrosodiethanolamine | 1116-54-7 | January 1, 1988 |
| N-Nitrosodiethylamine | 55-18-5 | October 1, 1987 |
| N-Nitrosodimethylamine | 62-75-9 | October 1, 1987 |
| 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 |

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|--|------------------|-------------------|
| Phenyhydrazine and its salts | — | July 1, 1992 |
| <i>o</i> -Phenylphenate, sodium | 132-27-4 | January 1, 1990 |
| <i>o</i> -Phenylphenol | 90-43-7 | August 4, 2000 |
| PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine) | 105650-23-5 | October 1, 1994 |
| Polybrominated biphenyls | — | January 1, 1988 |
| Polychlorinated biphenyls | — | October 1, 1989 |
| Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight) | — | January 1, 1988 |
| Polychlorinated dibenzo- <i>p</i> -dioxins | — | October 1, 1992 |
| Polychlorinated dibenzofurans | — | October 1, 1992 |
| Polygeenan | 53973-98-1 | January 1, 1988 |
| Ponceau MX | 3761-53-3 | April 1, 1988 |
| Ponceau 3R | 3564-09-8 | April 1, 1988 |
| Potassium bromate | 7758-01-2 | January 1, 1990 |
| Primidone | 125-33-7 | August 20, 1999 |
| Procarbazine | 671-16-9 | January 1, 1988 |
| Procarbazine hydrochloride | 366-70-1 | January 1, 1988 |
| Procymidone | 32809-16-8 | October 1, 1994 |
| Progesterone | 57-83-0 | January 1, 1988 |
| Pronamide | 23950-58-5 | May 1, 1996 |
| Propachlor | 1918-16-7 | February 27, 2001 |
| 1,3-Propane sultone | 1120-71-4 | January 1, 1988 |
| Propargite | 2312-35-8 | October 1, 1994 |
| beta-Propiolactone | 57-57-8 | January 1, 1988 |
| Propoxur | 114-26-1 | August 11, 2006 |
| Propylene glycol mono- <i>t</i> -butyl ether | 57018-52-7 | June 11, 2004 |
| Propylene oxide | 75-56-9 | October 1, 1988 |
| Propylthiouracil | 51-52-5 | January 1, 1988 |
| Pymetrozine | 123312-89-0 | March 22, 2011 |
| Pyridine | 110-86-1 | May 17, 2002 |
| Quinoline and its strong acid salts | — | October 24, 1997 |
| Radionuclides | — | July 1, 1989 |
| Reserpine | 50-55-5 | October 1, 1989 |
| Residual (heavy) fuel oils | — | October 1, 1990 |
| Resmethrin | 10453-86-8 | July 1, 2008 |
| Riddelliine | 23246-96-0 | December 3, 2004 |
| <u>Saccharin Delisted April 6, 2001</u> | 81-07-2 | October 1, 1989 |
| <u>Saccharin, sodium Delisted January 17, 2003</u> | 128-44-9 | January 1, 1988 |
| Safrole | 94-59-7 | January 1, 1988 |
| Salted fish, Chinese-style | — | April 29, 2011 |
| Selenium sulfide | 7446-34-6 | October 1, 1989 |
| Shale-oils | 68308-34-9 | April 1, 1990 |
| Silica, crystalline (airborne particles of respirable size) | — | October 1, 1988 |
| Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils) | — | February 27, 1987 |
| Spirodiclofen | 148477-71-8 | October 8, 2010 |
| Spironolactone | 52-01-7 | May 1, 1997 |
| Stanozolol | 10418-03-8 | May 1, 1997 |
| Sterigmatocystin | 10048-13-2 | April 1, 1988 |
| Streptozotocin (streptozocin) | 18883-66-4 | January 1, 1988 |
| Strong inorganic acid mists containing sulfuric acid | — | March 14, 2003 |

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| <u>Chemical</u> | <u>CAS Number</u> | <u>Date</u> |
|--|-------------------|--------------------|
| Styrene oxide | 96-09-3 | October 1, 1988 |
| Sulfallate | 95-06-7 | January 1, 1988 |
| Sulfasalazine (Salicylazosulfapyridine) | 599-79-1 | May 15, 1998 |
| Talc containing asbestiform fibers | — | April 1, 1990 |
| Tamoxifen and its salts | 10540-29-1 | September 1, 1996 |
| Terrazole | 2593-15-9 | October 1, 1994 |
| Testosterone and its esters | 58-22-0 | April 1, 1988 |
| 3,3',4,4'-Tetrachloroazobenzene | 14047-09-7 | July 24, 2012 |
| 2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD) | 1746-01-6 | January 1, 1988 |
| 1,1,1,2-Tetrachloroethane | 630-20-6 | September 13, 2013 |
| 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 |
| para-Toluidine <u>Delisted October 29, 1999</u> | 406-49-0 | 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 |
| Trichloroacetic acid | 76-03-9 | September 13, 2013 |
| 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(aziridiny)l-para-benzoquinone (Triaziqune) <u>Delisted December 8, 2006</u> | 68-76-8 | October 1, 1989 |
| Tris(1-aziridiny)lphosphine 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 |

| <u>Chemical</u> | <u>CASNumber</u> | <u>Date</u> |
|---|------------------|-------------------|
| Unleaded gasoline (wholly vaporized) | — | April 1, 1988 |
| Uracil mustard | 66-75-1 | April 1, 1988 |
| Urethane (Ethyl carbamate) | 51-79-6 | January 1, 1988 |
| Vanadium pentoxide (orthorhombic crystalline form) | 1314-62-1 | February 11, 2005 |
| Vinclozolin | 50471-44-8 | August 20, 1999 |
| Vinyl bromide | 593-60-2 | October 1, 1988 |
| Vinyl chloride | 75-01-4 | February 27, 1987 |
| 4-Vinylcyclohexene | 100-40-3 | May 1, 1996 |
| 4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide) | 106-87-6 | July 1, 1990 |
| Vinyl fluoride | 75-02-5 | May 1, 1997 |
| Vinyl trichloride (1,1,2-Trichloroethane) | 79-00-5 | October 1, 1990 |
| Wood dust | — | December 18, 2009 |
| 2,6-Xylidine (2,6-Dimethylaniline) | 87-62-7 | January 1, 1991 |
| Zalcitabine | 7481-89-2 | August 7, 2009 |
| Zidovudine (AZT) | 30516-87-1 | December 18, 2009 |
| Zileuton | 111406-87-2 | December 22, 2000 |
| Zineb <u>Delisted October 29, 1999</u> | 12122-67-7 | January 1, 1990 |

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

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

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|---|--------------------------------------|----------------|--------------------|
| Avermectin B1 (Abamectin) | developmental | 71751-41-2 | December 3, 2010 |
| Azathioprine | developmental | 446-86-6 | September 1, 1996 |
| Barbiturates | developmental | — | October 1, 1992 |
| Beclomethasone dipropionate | developmental | 5534-09-8 | May 15, 1998 |
| Benomyl | developmental, male | 17804-35-2 | July 1, 1991 |
| Benzene | developmental, male | 71-43-2 | December 26, 1997 |
| Benzodiazepines | developmental | — | October 1, 1992 |
| Benzphetamine hydrochloride | developmental | 5411-22-3 | April 1, 1990 |
| Bischloroethyl nitrosourea (BCNU) (Carmustine) | developmental | 154-93-8 | July 1, 1990 |
| Bisphenol A (BPA) <u>Delisted April 19, 2013</u> | developmental | 80-05-7 | April 11, 2013 |
| Bromacil lithium salt | developmental | 53404-19-6 | May 18, 1999 |
| 1-Bromopropane | male | | January 17, 2003 |
| 2-Bromopropane | developmental, female, male | 106-94-5 | December 7, 2004 |
| Bromoxynil | female, male | 75-26-3 | May 31, 2005 |
| Bromoxynil octanoate | developmental | 1689-84-5 | October 1, 1990 |
| Butabarbital sodium | developmental | 1689-99-2 | May 18, 1999 |
| 1,3-Butadiene | developmental | 143-81-7 | October 1, 1992 |
| 1,4-Butanediol dimethane-sulfonate (Busulfan) | developmental, female, male | 106-99-0 | April 16, 2004 |
| Butyl benzyl phthalate (BBP) | developmental | 55-98-1 | January 1, 1989 |
| n-Butyl glycidyl ether | male | 85-68-7 | December 2, 2005 |
| Cadmium | developmental, male | 2426-08-6 | August 7, 2009 |
| Carbamazepine | developmental | — | May 1, 1997 |
| Carbaryl | developmental | 298-46-4 | January 29, 1999 |
| Carbon disulfide | developmental, male | 63-25-2 | August 7, 2009 |
| Carbon monoxide | developmental, female, male | 75-15-0 | July 1, 1989 |
| Carboplatin | developmental | 630-08-0 | July 1, 1989 |
| Chenodiol | developmental | 41575-94-4 | July 1, 1990 |
| Chlorambucil | developmental | 474-25-9 | April 1, 1990 |
| Chlorcyclizine hydrochloride | developmental | 305-03-3 | January 1, 1989 |
| Chlordecone (Kepone) | developmental | 1620-21-9 | July 1, 1987 |
| Chlordiazepoxide | developmental | 143-50-0 | January 1, 1989 |
| Chlordiazepoxide hydrochloride | developmental | 58-25-3 | January 1, 1992 |
| 1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine) | developmental | 438-41-5 | January 1, 1992 |
| Chloroform | developmental | 13010-47-4 | July 1, 1990 |
| 2-Chloropropionic acid | male | 67-66-3 | August 7, 2009 |
| Chlorsulfuron | developmental, female, male | 598-78-7 | August 7, 2009 |
| Chromium (hexavalent compounds) | developmental, female, male | 64902-72-3 | May 14, 1999 |
| Cidofovir | developmental, female, male | — | December 19, 2008 |
| Cladribine | developmental | 113852-37-2 | January 29, 1999 |
| Clarithromycin | developmental | 4291-63-8 | September 1, 1996 |
| Clobetasol propionate | developmental, female | 81103-11-9 | May 1, 1997 |
| Clomiphene citrate | developmental | 25122-46-7 | May 15, 1998 |
| Clorazepate dipotassium | developmental | 50-41-9 | April 1, 1990 |
| Cocaine | developmental, female | 57109-90-7 | October 1, 1992 |
| Codeine phosphate | developmental | 50-36-2 | July 1, 1989 |
| | | 52-28-8 | May 15, 1998 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|---|--------------------------------------|---------------------------|--------------------|
| Colchicine | developmental, male | 64-86-8 | October 1, 1992 |
| Conjugated estrogens | developmental | — | April 1, 1990 |
| Cyanazine | developmental | 21725-46-2 | April 1, 1990 |
| Cycloate | developmental | 1134-23-2 | March 19, 1999 |
| Cyclohexanol | male | 108-93-0 | November 6, 1998 |
| <u>Delisted January 25, 2002</u> | | | |
| Cycloheximide | developmental | 66-81-9 | January 1, 1989 |
| Cyclophosphamide (anhydrous) | developmental, female, male | 50-18-0 | January 1, 1989 |
| Cyclophosphamide (hydrated) | developmental, female, male | 6055-19-2 | January 1, 1989 |
| Cyhexatin | developmental | 13121-70-5 | January 1, 1989 |
| Cytarabine | developmental | 147-94-4 | January 1, 1989 |
| Dacarbazine | developmental | 4342-03-4 | January 29, 1989 |
| Danazol | developmental | 17230-88-5 | April 1, 1990 |
| Daunorubicin hydrochloride | developmental | 23541-50-6 | July 1, 1990 |
| 2,4-D butyric acid | developmental, male | 94-82-6 | June 18, 1999 |
| o,p' -DDT | developmental, female, male | 789-02-6 | May 15, 1998 |
| p,p' -DDT | developmental, female, male | 50-29-3 | May 15, 1998 |
| 2,4 DP (dichloroprop) | developmental | 120-36-5 | April 27, 1999 |
| <u>Delisted January 25, 2002</u> | | | |
| Demeclocycline hydrochloride (internal use) | developmental | 64-73-3 | January 1, 1992 |
| Diazepam | developmental | 439-14-5 | January 1, 1992 |
| Diazoxide | developmental | 364-98-7 | February 27, 2001 |
| 1,2-Dibromo-3-chloropropane (DBCP) | male | 96-12-8 | February 27, 1987 |
| Di-n-butyl phthalate (DBP) | developmental, female, male | 84-74-2 | December 2, 2005 |
| Dichloroacetic acid | developmental, 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 |
| Dichlorphenamide | 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 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|---|--|----------------|--------------------|
| 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 |
| 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 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|--|--|----------------|--------------------|
| Hexafluoroacetone | male | 684-16-2 | August 1, 2008 |
| Hexamethylphosphoramide | male | 680-31-9 | October 1, 1994 |
| Histrelin acetate | developmental | — | May 15, 1998 |
| Hydramethylnon | developmental, male | 67485-29-4 | March 5, 1999 |
| Hydrogen cyanide (HCN) and cyanide salts (CN salts) | male | — | July 5, 2013 |
| Hydroxyurea | developmental | 127-07-1 | May 1, 1997 |
| Idarubicin hydrochloride | developmental, male | 57852-57-0 | August 20, 1999 |
| Ifosfamide | developmental | 3778-73-2 | July 1, 1990 |
| Iodine-131 | developmental | 10043-66-0 | January 1, 1989 |
| Isotretinoin | developmental | 4759-48-2 | July 1, 1987 |
| Lead | developmental, female, male | — | February 27, 1987 |
| Leuprolide acetate | developmental, female, male | 74381-53-6 | August 26, 1997 |
| Levodopa | developmental | 59-92-7 | January 29, 1999 |
| Levonorgestrel implants | female | 797-63-7 | May 15, 1998 |
| Linuron | developmental | 330-55-2 | March 19, 1999 |
| Lithium carbonate | developmental | 554-13-2 | January 1, 1991 |
| Lithium citrate | developmental | 919-16-4 | January 1, 1991 |
| Lorazepam | developmental | 846-49-1 | July 1, 1990 |
| Lovastatin | developmental | 75330-75-5 | October 1, 1992 |
| Mebendazole | developmental | 31431-39-7 | August 20, 1999 |
| Medroxyprogesterone acetate | developmental | 71-58-9 | April 1, 1990 |
| Megestrol acetate | developmental | 595-33-5 | January 1, 1991 |
| Melphalan | developmental | 148-82-3 | July 1, 1990 |
| Menotropins | developmental | 9002-68-0 | April 1, 1990 |
| Meprobamate | developmental | 57-53-4 | January 1, 1992 |
| Mercaptopurine | developmental | 6112-76-1 | July 1, 1990 |
| Mercury and mercury compounds | developmental | — | July 1, 1990 |
| Methacycline hydrochloride | developmental | 3963-95-9 | January 1, 1991 |
| Metham sodium | developmental | 137-42-8 | May 15, 1998 |
| Methanol | developmental | 67-56-1 | March 16, 2012 |
| Methazole | developmental | 20354-26-1 | December 1, 1999 |
| Methimazole | developmental | 60-56-0 | July 1, 1990 |
| Methotrexate | developmental | 59-05-2 | January 1, 1989 |
| Methotrexate sodium | developmental | 15475-56-6 | April 1, 1990 |
| Methyl bromide as a structural fumigant | developmental | 74-83-9 | January 1, 1993 |
| Methyl chloride | developmental | 74-87-3 | March 10, 2000 |
| 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 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|---|--|---------------------|--------------------|
| 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, female | 10024-97-2 | August 1, 2008 |
| Norethisterone (Norethindrone) | developmental | 68-22-4 | April 1, 1990 |
| Norethisterone acetate (Norethindrone acetate) | developmental | 51-98-9 | October 1, 1991 |
| Norethisterone (Norethindrone) /Ethinyl estradiol | developmental | 68-22-4/ 57-63-6 | April 1, 1990 |
| Norethisterone (Norethindrone)/Mestranol | developmental | 68-22-4/ 72-33-3 | April 1, 1990 |
| Norgestrel | developmental | 6533-00-2 | April 1, 1990 |
| Oxadiazon | developmental | 19666-30-9 | May 15, 1998 |
| Oxazepam | developmental | 604-75-1 | October 1, 1992 |
| p,p'-Oxybis(benzenesulfonyl hydrazide) | developmental | 80-51-3 | August 7, 2009 |
| Oxydemeton methyl | female, male | 301-12-2 | November 6, 1998 |
| Oxymetholone | developmental | 434-07-1 | May 1, 1997 |
| Oxytetracycline (internal use) | developmental | 79-57-2 | January 1, 1991 |
| Oxytetracycline hydrochloride (internal use) | developmental | 2058-46-0 | October 1, 1991 |
| Oxythioquinox (Chinomethionat) | developmental | 2439-01-2 | November 6, 1998 |
| Paclitaxel | developmental, female, male | 33069-62-4 | August 26, 1997 |
| Paramethadione | developmental | 115-67-3 | July 1, 1990 |
| Penicillamine | developmental | 52-67-5 | January 1, 1991 |
| Pentobarbital sodium | developmental | 57-33-0 | July 1, 1990 |
| Pentostatin | developmental | 53910-25-1 | September 1, 1996 |
| Phenacemide | developmental | 63-98-9 | July 1, 1990 |
| Phenprocoumon | developmental | 435-97-2 | October 1, 1992 |
| Phenyl glycidyl ether | male | 122-60-1 | August 7, 2009 |
| Phenylphosphine | developmental | 638-21-1 | August 7, 2009 |
| Pimozide | developmental, female | 2062-78-4 | August 20, 1999 |
| Pipobroman | developmental | 54-91-1 | July 1, 1990 |
| Plicamycin | developmental | 18378-89-7 | April 1, 1990 |
| Polybrominated biphenyls | developmental | — | October 1, 1994 |
| Polychlorinated biphenyls | developmental | — | January 1, 1991 |
| Potassium dimethyldithiocarbamate | developmental | 128-03-0 | March 30, 1999 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|--|--|--------------------------|------------------------------------|
| Pravastatin sodium | developmental | 81131-70-6 | March 3, 2000 |
| Prednisolone sodium phosphate | developmental | 125-02-0 | August 20, 1999 |
| Procarbazine hydrochloride | developmental | 366-70-1 | July 1, 1990 |
| Propargite | developmental | 2312-35-8 | June 15, 1999 |
| Propylthiouracil | developmental | 51-52-5 | July 1, 1990 |
| Pyrimethamine | developmental | 58-14-0 | January 29, 1999 |
| Quazepam | developmental | 36735-22-5 | August 26, 1997 |
| Quizalofop-ethyl | male | 76578-14-8 | December 24, 1999 |
| Resmethrin | developmental | 10453-86-8 | November 6, 1998 |
| Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.) | developmental | — | July 1, 1989 |
| Ribavirin | developmental male | 36791-04-5 36791-04-5 | April 1, 1990 February 27, 2001 |
| Rifampin | developmental, female | 13292-46-1 | February 27, 2001 |
| Secobarbital sodium | developmental | 309-43-3 | October 1, 1992 |
| Sermorelin acetate | developmental | — | August 20, 1999 |
| Sodium dimethyldithiocarbamate | developmental | 128-04-1 | March 30, 1999 |
| Sodium fluoroacetate | male | 62-74-8 | November 6, 1998 |
| Streptomycin sulfate | developmental | 3810-74-0 | January 1, 1991 |
| Streptozocin (streptozotocin) | developmental, female, male | 18883-66-4 | August 20, 1999 |
| Sulfasalazine (Salicylazosulfapyridine) | male | 599-79-1 | January 29, 1999 |
| Sulfur dioxide | developmental | 7446-09-5 | July 29, 2011 |
| Sulindac | developmental, female | 38194-50-2 | January 29, 1999 |
| Tamoxifen citrate | developmental | 54965-24-1 | July 1, 1990 |
| Temazepam | developmental | 846-50-4 | April 1, 1990 |
| Teniposide | developmental | 29767-20-2 | September 1, 1996 |
| Terbacil | developmental | 5902-51-2 | May 18, 1999 |
| Testosterone cypionate | developmental | 58-20-8 | October 1, 1991 |
| Testosterone enanthate | developmental | 315-37-7 | April 1, 1990 |
| 2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD) | developmental | 1746-01-6 | April 1, 1991 |
| Tetracycline (internal use) | developmental | 60-54-8 | October 1, 1991 |
| Tetracyclines (internal use) | developmental | — | October 1, 1992 |
| Tetracycline hydrochloride (internal use) | developmental | 64-75-5 | January 1, 1991 |
| Thalidomide | developmental | 50-35-1 | July 1, 1987 |
| Thioguanine | developmental | 154-42-7 | July 1, 1990 |
| Thiophanate methyl | female, male | 23564-05-8 | May 18, 1999 |
| Tobacco smoke (primary) | developmental, female, male | — | April 1, 1988 |
| Tobramycin sulfate | developmental | 49842-07-1 | July 1, 1990 |
| Toluene | developmental female | 108-88-3 | January 1, 1991 August 7, 2009 |
| Triadimefon | developmental, female, male | 43121-43-3 | March 30, 1999 |
| Triazolam | developmental | 28911-01-5 | April 1, 1990 |
| Tributyltin methacrylate | developmental | 2155-70-6 | December 1, 1999 |

| <u>Chemical</u> | <u>Type of Reproductive Toxicity</u> | <u>CAS No.</u> | <u>Date Listed</u> |
|--|--------------------------------------|----------------|--------------------|
| 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: Novmeber 8, 2013

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF INTENT TO CHANGE THE BASIS
FOR LISTING AS KNOWN TO THE STATE OF
CALIFORNIA TO CAUSE REPRODUCTIVE
TOXICITY: DICHLOROACETIC ACID**

NOVEMBER 8, 2013

Effective November 8, 2013, the California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) changes the basis for the listing of dichloroacetic acid as known to the state to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986¹. The original listing date for dichloroacetic acid of August 7, 2009 remains the same.

Dichloroacetic acid was originally added to the Proposition 65 list as causing reproductive toxicity pursuant to Labor Code Section 6382(d), which is incorporated by reference in Health and Safety Code Section 25249.8(a). Based on changes to certain federal regulations that affect the basis for the original listing, OEHHA has accordingly changed the basis for listing dichloroacetic acid. OEHHA determined that dichloroacetic acid met the criteria for listing via the “authoritative bodies” listing mechanism² and is changing the basis for listing the chemical based on the identification of male reproductive and developmental endpoints by the U.S. Environmental Protection Agency (U.S. EPA).

The basis for listing dichloroacetic acid was described in a public notice published in the September 20, 2013, issue of the California Regulatory Notice Register (Register 2013, No. 38-Z.) The title of the notice was “Notice of Intent to Change the Basis for Listing as Known to the State of California to Cause Reproductive Toxicity: Dichloroacetic Acid.” The publication of the notice initiated a public comment period that closed on October 21, 2013. No public comments were received.

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

² See Health and Safety Code section 25249.8(b) and Title 27, California Code of Regulations, section 25306. All further references are to sections of Title 27 of the California Code of Regulations, unless indicated otherwise.

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 | CASNo. | Toxicological Endpoints | Listing Mechanism ³ |
|---------------------------|---------|---------------------------------|--------------------------------|
| Dichloroacetic acid (DCA) | 79-43-6 | male reproductive developmental | AB (U.S. EPA) |

³Listing Mechanism: AB — ‘authoritative bodies’ mechanism (Title 27, Cal. Code Regs., section 25306).

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF INTENT TO CHANGE THE BASIS
FOR LISTING AS KNOWN TO THE STATE OF
CALIFORNIA TO CAUSE REPRODUCTIVE
TOXICITY: NITROUS OXIDE**

NOVEMBER 8, 2013

Effective November 8, 2013, the California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) changes the basis for the listing of nitrous oxide as known to the state to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986¹. The original listing date for nitrous oxide of August 1, 2008 remains the same.

Nitrous oxide was originally added to the Proposition 65 list as causing reproductive toxicity pursuant to Labor Code Section 6382(d), which is incorporated by reference in Health and Safety Code Section 25249.8(a). Based on changes to certain federal regulations that affect the basis for the original listing, OEHHA has accordingly changed the basis for listing nitrous oxide. OEHHA determined that nitrous oxide met the criteria for listing via the “authoritative bodies” listing mecha-

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

nism² and is changing the basis for listing the chemical based on the identification of female reproductive and developmental endpoints by the National Institute for Occupational Safety and Health (NIOSH).

The basis for listing nitrous oxide was described in a public notice published in the September 20, 2013, issue of the California Regulatory Notice Register (Register 2013, No. 38-Z.) The title of the notice was “Notice of Intent to Change the Basis for Listing as Known to the State of California to Cause Reproductive Toxicity: Nitrous Oxide.” The publication of the notice initiated a public comment period that closed on October 21, 2013. No public comments were received.

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

| Chemical | CASNo. | Toxicological Endpoints | Listing Mechanism ³ |
|---------------------|------------|-----------------------------------|--------------------------------|
| Nitrous oxide (N2O) | 10024-97-2 | female reproductive developmental | AB (NIOSH) |

² See Health and Safety Code section 25249.8(b) and Title 27, California Code of Regulations, section 25306. All further references are to sections of Title 27 of the California Code of Regulations, unless indicated otherwise.

³ Listing Mechanism: AB — ‘authoritative bodies’ mechanism (Title 27, Cal. Code Regs., section 25306).

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF INTENT TO CHANGE THE BASIS
FOR LISTING AS KNOWN TO THE STATE OF
CALIFORNIA TO CAUSE REPRODUCTIVE
TOXICITY: CARBARYL**

NOVEMBER 8, 2013

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to change the basis for the listing of carbaryl as known to the state to cause reproductive tox-

icity under the Safe Drinking Water and Toxic Enforcement Act of 1986¹.

Carbaryl was originally added to the Proposition 65 list as causing reproductive toxicity on August 7, 2009, pursuant to Labor Code Section 6382(d), which is incorporated by reference in Health and Safety Code Section 25249.8(a). Carbaryl was listed based on its identification as causing male reproductive and developmental toxicity in the American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values (TLVs). The TLVs were previously incorporated by reference into the federal Occupational Health and Safety Administration (OSHA) Hazard Communication Standards (Title 29, Code of Federal Regulations [C.F.R.] section 1900.1200), which is incorporated by reference into Labor Code Section 6382(d).

OEHHA is initiating this action based on changes to federal regulations that affect the basis for the original

listing. Specifically, in March 2012, OSHA extensively amended the regulations contained in Title 29, C.F.R. section 1910.1200. Title 29, C.F.R. 1910.1200 (d)(3)(ii), which specifically referred to the ACGIH TLV list, was deleted in the 2012 version of the regulation. OEHHA has determined that these changes have eliminated the ACGIH TLVs as a definitive source for identifying chemicals that are known to cause reproductive toxicity.

However, OEHHA has determined that carbaryl meets the criteria for listing via the “authoritative bodies” listing mechanism² and is providing this notice of its intent to change the basis for listing the chemical based on identification of male and female reproductive and developmental endpoints. Carbaryl will not be removed from the Proposition 65 list as causing reproductive toxicity during this process.

| Chemical | CAS No. | Reproductive Toxicity Endpoints | Reference | Chemical Uses |
|---|---------|--|---|--|
| Carbaryl [1-naphthyl methyl-carbamate] | 63-25-2 | Developmental toxicity Male reproductive toxicity Female reproductive toxicity | National Institute for Occupational Safety and Health (NIOSH, 1976) | Broad spectrum insecticide. Used in agriculture, professional turf management, professional ornamental production, and in the residential pet, lawn and garden markets. |

Background on listing via the authoritative bodies mechanism: A chemical must be listed under Proposition 65 and its implementing regulations (Section 26306) when two conditions are met:

1. An authoritative body formally identifies the chemical as causing reproductive toxicity (Section 25306(d)(1)).
2. The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(g)).

However, the chemical is not listed if scientifically valid data that were not considered by the authoritative

body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(h)).

The National Institute for Occupational Safety and Health (NIOSH) is one of several institutions designated as an authoritative body for the identification of chemicals as causing reproductive toxicity (Section 25306(l)).

OEHHA is the lead agency for implementation of Proposition 65³. After an authoritative body has made a determination that a chemical causes cancer or reproductive toxicity, OEHHA evaluates whether listing un-

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

² See Health and Safety Code section 25249.8(b) and Title 27, California Code of Regulations, section 25306. All further references are to sections of Title 27 of the California Code of Regulations, unless indicated otherwise.

³ Health and Safety Code section 25249.12 and Title 27, Cal. Code of Regs., section 25102(o).

der Proposition 65 is required using the criteria contained in the regulations.

OEHHA's determination: Carbaryl meets the criteria for listing as known to the State to cause reproductive toxicity under Proposition 65, based on findings of NIOSH (NIOSH, 1976), as outlined below.

Formal identification and sufficiency of evidence: OEHHA is relying on NIOSH's conclusions that carbaryl causes developmental and male and female reproductive effects. These conclusions meet the formal identification requirement of Section 26306(d)(1)⁴ and are made in the following document:

NIOSH Criteria for a Recommended Standard: Occupational Exposure to Carbaryl (NIOSH, 1976)

The NIOSH document states that:

"From the above studies [72, 73, 77, 78] it may be concluded that oral administration of carbaryl to rodents has an effect on several aspects of their reproduction." (page 94, NIOSH, 1976).

The effects identified in those studies include:

- Developmental toxicity
 - decreased litter size (rats and gerbils)
 - reduced pup survival (rats and gerbils)
- Male reproductive toxicity
 - decreased spermatogenesis (rats)
 - decreased sperm motility (rats)
 - decreased fertility (rats)
 - histopathology of spermiogenic epithelium (rats)
- Female reproductive toxicity
 - decreased duration of estrus (rats)
 - decreased fertility (rats)
 - lengthened gestation periods (rats)
 - histopathology of ovarian follicles (rats)

This report meets the formal identification criterion in Section 26306(d)(2)(C)⁵. OEHHA has reviewed the study reports identified by NIOSH (1976) as providing the basis for NIOSH's conclusions regarding the male

⁴ "the chemical. . . is the subject of a report which is published by the authoritative body and which concludes that the chemical causes. . . reproductive toxicity."

⁵ "[the document is] Published by the authoritative body in a publication such as, but not limited to, the federal register. . . ."

reproductive, female reproductive and developmental toxicity of carbaryl, relative to the criteria in Section 25306(g). The criteria for listing carbaryl as known to cause reproductive toxicity by the authoritative bodies mechanism have been met. Therefore, OEHHA has determined that carbaryl must stay on the Proposition 65 list.

Request for comments: OEHHA is requesting comments as to whether this chemical meets the criteria set forth in the Proposition 65 regulations for listings via the authoritative bodies mechanism (Section 25306), and should, therefore, remain on the list of chemicals known to the state to cause reproductive toxicity, with the additional endpoint of female reproductive toxicity.

In order to be considered, comments must be received by **OEHHA by 5:00 p.m. on Monday, December 9, 2013**. We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.comments@oehha.ca.gov. Please include "carbaryl" in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below.

Mailing Address: Ms. Cynthia Oshita
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010

Fax: (916) 323-2265

Street Address: 1001 I Street
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period. If you have any questions, please contact Ms. Oshita at cynthia.oshita@oehha.ca.gov or at (916) 445-6900.

References

NIOSH Criteria for a Recommended Standard: Occupational Exposure to Carbaryl (1976). Available at <http://www.cdc.gov/niosh/docs/1970/77-107.html>.

OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT

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

NOTICE TO INTERESTED PARTIES
November 8, 2013

TENTATIVE AGENDA FOR THE
NOVEMBER 21, 2013 MEETING OF THE
DEVELOPMENTAL AND REPRODUCTIVE
TOXICANT IDENTIFICATION COMMITTEE

The Developmental and Reproductive Toxicant Identification Committee (DART IC) of OEHHA's¹ Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause reproductive toxicity (Health and Safety Code section 25249.8). The Committee serves as the "state's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity.

A public meeting of the DART IC will be held on Thursday, November 21, 2013. On September 20, 2013, OEHHA released the hazard identification materials for the chemicals that will be reconsidered for listing at the November 21 meeting. The meeting will be available via webcast. The URL for the webcast (not active until the day and time of the meeting) is: <http://calepa.ca.gov/Broadcast/>. On the day of the meeting, the link to the webcast will also be posted on the OEHHA web site at http://www.oehha.ca.gov/prop65/whats_new/index.html. If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or cynthia.oshita@oehha.ca.gov by November 14, 2013. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

TENTATIVE AGENDA

- I. WELCOME AND OPENING REMARKS
- II. RECONSIDERATION OF LISTING OF CHEMICALS LISTED VIA THE LABOR

¹ The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code, section 25249.5 et seq. (commonly known as Proposition 65).

CODE AS KNOWN TO THE STATE TO
CAUSE REPRODUCTIVE TOXICITY

- A. **tert-Amyl methyl ether (TAME)**
 - Staff presentation
 - Public comments*
 - Committee discussion and decision
- B. **2-Chloropropionic acid**
 - Staff presentation
 - Public comments*
 - Committee discussion and decision
- C. **N,N-Dimethylacetamide (DMAC)**
 - Staff presentation
 - Public comments*
 - Committee discussion and decision
- D. **2-Ethylhexanoic acid**
 - Staff presentation
 - Public comments*
 - Committee discussion and decision
- E. **Ethyl-tert-butyl ether (ETBE)**
 - Staff presentation
 - Public comments*
 - Committee discussion and decision
- F. **p,p'-Oxybis(benzenesulfonyl hydrazide)**
 - Staff presentation
 - Public comments*
 - Committee discussion and decision
- G. **1,3,5-Triglycidyl-s-triazinetriene**
 - Staff presentation
 - Public comments*
 - Committee discussion and decision
- H. **4-Vinyl-cyclohexene (VCH) and Vinyl cyclohexene dioxide (VCD)**
 - Staff presentation
 - Public comments*
 - Committee discussion and decision
- III. **Committee Discussion on How to Tabulate Data from Epidemiological Studies in Hazard Identification Documents**
 - Public comments*

IV. STAFF UPDATES

V. SUMMARY OF COMMITTEE ACTIONS

* Generally public comments should be limited to 5 minutes, which may be changed if time allows and at the discretion of the chair. Commenters may ask the chair for additional time in advance by sending a request to Cynthia Oshita at Cynthia.Oshita@oehha.ca.gov at least three business days in advance of the meeting. The request should specify the name(s) of the commenter(s), the amount of time requested, and (briefly) the reasons for additional time.

**OAL REGULATORY
DETERMINATION**

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

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

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.

**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**

Date: October 24, 2013
 To: Allen Serpa
 From: Chapter Two Compliance Unit
 Subject: **2013 OAL DETERMINATION NO. 8 (S)
(CTU2013-0826-01)**
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation California State Prison—Corcoran Supplement number 53130.9, titled “Assignments.”

On August 26, 2013, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the California State Prison — Corcoran Supplement number 53130.9, titled “Assignments,” constitutes an underground regulation. The challenged rule is attached hereto at 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 exemptions 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.

...

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.

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 Connie Gipson, Warden of California State Prison–Corcoran and applies solely to the inmates of California State Prison–Corcoran. Inmates housed at other institutions are governed by those other institutions’ criteria for work assignments. 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

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/
Elizabeth A. Heidig
Senior Counsel

Copy: Dr. Jeffrey Beard
Tim Lockwood

DISAPPROVAL DECISION

**CALIFORNIA INSTITUTE FOR
REGENERATIVE MEDICINE**

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the disapproval decision is available at www.oal.ca.gov under the “Publications” tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814–4339, (916) 323–6225 — FAX (916) 323–6826. Please request by OAL file number.

In re:
California Institute for Regenerative Medicine

**Regulatory Action: Title 17
California Code of Regulations**

**Amend sections: 100600, 100601,
100602, 100608**

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2013–0911–01 S

SUMMARY OF REGULATORY ACTION

The California Institute for Regenerative Medicine (CIRM) proposed this action to amend sections 100600, 100601, 100602, and 100608 under title 17 of the California Code of Regulations. These sections pertain to intellectual property rights and revenue sharing requirements for non–profit and for–profit grantees of CIRM–funded projects. The proposed amendments refine existing procedures and requirements related to the use of CIRM research funds and exploitation of CIRM–funded intellectual property.

DECISION

On September 11, 2013, CIRM submitted the above–referenced regulatory action to the Office of Administrative Law (OAL) for review in accordance with the Administrative Procedure Act (APA). On October 23, 2013, OAL notified CIRM that OAL disapproved the proposed action because CIRM failed to meet the necessity and clarity standards of Government Code section 11349.1 and failed to provide a sufficient economic impact assessment that complied with Government Code section 11346.3(b)(1).

CONCLUSION

OAL disapproved this proposed regulatory action for the reasons set forth above.

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.]

Date: October 30, 2013 _____
 Richard L. Smith
 Senior Counsel
 For: Debra M. Cornez
 Director

Original: Dr. Alan Trounson

Copy: C. Scott Tocher

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| <p>SUMMARY OF REGULATORY ACTIONS</p> |
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**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2013-0919-04
BOARD OF EQUALIZATION
 Petroleum Refining Properties

The State Board of Equalization repealed section 474 of title 18 of the California Code of Regulations as a change without regulatory effect in that section 474 has been held invalid by the Supreme Court of the State of California (Western States Petroleum Association v. Board of Equalization (2013) 57 Cal. 4th 401). Section 474 defines "petroleum refining property" and establishes a rebuttable presumption, for purposes of recognizing declines in value, that land, improvement, and fixtures and other machinery and equipment classified as improvements constitute one appraisal unit, except when measuring declines in value caused by disaster, in which case land constitutes a separate appraisal unit.

Title 18
 California Code of Regulations
REPEAL: 474
 Filed 10/30/2013
 Agency Contact:
 Richard E. Bennion (916) 445-2130

File# 2013-0918-02
BOARD OF FORESTRY AND FIRE PROTECTION
 "Lumber Products Assessment, 2013"

The Board of Forestry and Fire Protection submitted a certificate of compliance for the emergency adoption

of sections 1667.1 through 1667.6 of title 14 of the California Code of Regulations which identified those products subject to the "Lumber Products Assessment" imposed pursuant to Public Resources Code section 4629.5 and provided for a review procedure and annual update. The original emergency regulatory action and its readoption were deemed an emergency by the Legislature and exempt from review by the Office of Administrative Law pursuant to subdivision (b) of section 4629.4 of the Public Resources Code.

Title 14
 California Code of Regulations
ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6
 Filed 10/30/2013
 Effective 10/30/2013
 Agency Contact: Eric Huff (916) 616-8643

File# 2013-1015-08
COMMISSION ON TEACHER CREDENTIALING
 Cost Recovery Fees for Accreditation Activities

This emergency rulemaking by the Commission on Teacher Credentialing amends Title 5 of the California Code of Regulations by adopting sections 80691 and 80692 regarding cost recovery fees for accreditation activities. This action implements Education Code section 44374.5, which was signed by the Governor and chaptered on July 1, 2013, authorizing the Commission to recover certain accreditation costs.

Title 5
 California Code of Regulations
ADOPT: 80691, 80692
 Filed 10/23/2013
 Effective 10/23/2013
 Agency Contact:
 Tammy A. Duggan (916) 323-5354

File# 2013-1024-01
DEPARTMENT OF CHILD SUPPORT SERVICES
 Conflict of Interest Code

This is an amendment to a Conflict of Interest Code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 22
 California Code of Regulations
AMEND: 123000
 Filed 10/28/2013
 Effective 11/27/2013
 Agency Contact: Lara Chandler (916) 464-0523

File# 2013-1016-02
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Reentry Hubs

This emergency rulemaking by the Department of Corrections and Rehabilitation amends sections of Title 15 of the California Code of Regulations to establish Reentry Hubs, which will provide rehabilitative programs to the inmate population. These amendments implement AB 109, the Public Safety Realignment Act.

Title 15
California Code of Regulations
AMEND: 3000, 3040, 3040.1, 3041, 3041.3, 3043, 3043.5, 3043.6, 3044, 3046, 3074.3, 3075.1, 3077.1, 3078.4, 3170.1, 3190, 3375.2, 3375.4, 3375.5, 3375.6, 3376, 3379, 3383
Filed 10/29/2013
Effective 10/29/2013
Agency Contact: Josh Jugum (916) 445-2228

File# 2013-0916-02
DEPARTMENT OF DEVELOPMENTAL SERVICES
Add Service Code 616 (Behavior Management Technician Paraprofessional)

This regulatory action addresses the use of para-professionals in group practice provider behavioral intervention services and establishes a service code with a rate, educational/experiential qualifications and professional supervision requirements for this newly designated service provider. This rulemaking is to implement part of AB 104 (Statutes of 2011, Chapter 37).

Title 17
California Code of Regulations
AMEND: 54342, 57332
Filed 10/28/2013
Effective 10/28/2013
Agency Contact: Hilary Sisson (916) 601-5356

File# 2013-1003-02
DEPARTMENT OF FINANCE
Major Regulations

This rulemaking action implements Senate Bill 617 (Chap. 496, Statutes of 2012) by establishing the requirements which state regulatory agencies must meet in conducting standardized regulatory impact assessments for major regulations beginning November 1, 2013. The rulemaking action specifies the notification and public input requirements regarding major regulations, the contents of the standardized regulatory impact assessments, and the methodology for making economic impact estimates, among other things.

Title 1
California Code of Regulations
ADOPT: 2000, 2001, 2002, 2003, 2004
Filed 10/29/2013
Effective 11/01/2013
Agency Contact: Chris Ryan (916) 322-2263

File# 2013-0930-01
DEPARTMENT OF FOOD AND AGRICULTURE
NIST Handbook 44 Exceptions: Renumbering S.1.8.3.

In this "changes without regulatory effect" filing, the Department of Food and Agriculture amends a regulation pertaining to the agency's list of "exceptions" to commercial weighing and measuring device provisions contained in the National Institute of Standards and Technology (NIST) Handbook 44. The amendments reflect a NIST renumbering of the "S.1.8.3. Customer's Indications" provision and a wording correction to reflect the accurate wording of the heading of this provision.

Title 4
California Code of Regulations
AMEND: 4001
Filed 10/28/2013
Agency Contact:
Katherine de Contreras (916) 229-3000

File# 2013-1021-01
DEPARTMENT OF INDUSTRIAL RELATIONS
Process Safety Management Program Assessment

This emergency regulatory action establishes the Annual Process Safety Management Program Assessment.

Title 8
California Code of Regulations
ADOPT: 344.76, 344.77
Filed 10/29/2013
Effective 10/29/2013
Agency Contact: James M. Robbins (510) 286-0544

File# 2013-1017-02
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
Conflict of Interest

This is an amendment to a Conflict of Interest Code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and publication in the California Code of Regulations.

Title 14
California Code of Regulations
AMEND: 18419
Filed 10/23/2013
Effective 11/22/2013
Agency Contact: Thomas Vallance (916) 327-0089

File# 2013-0918-01
FISH AND GAME COMMISSION
 Commercial Herring Fishery

This rulemaking action by the Fish and Game Commission (Commission) updates regulations governing the commercial herring fishery in California for the 2013-2014 season, including season dates and fishing quotas. The Commission is also updating the Monthly Landings and Royalty Report, Form FG 143 HR (Rev. 5/01) and Release of Property, Form FG-MR-674 (Rev. 5/02), which are incorporated by reference.

Title 14
 California Code of Regulations
 AMEND: 163, 164
 Filed 10/30/2013
 Effective 10/30/2013
 Agency Contact: Sheri Tiemann (916) 654-9872

File# 2013-0920-01
PHYSICAL THERAPY BOARD OF CALIFORNIA
 Required E-mail Filing

In this regulatory action, the Board is amending section 1398.6 of title 16 of the California Code of Regulation. This provision clarifies the meaning of the term "address of record," adds the requirement for applicants and licensees to provide the Board with an existing e-mail address, and updates the section's definition of the term "licensee."

Title 16
 California Code of Regulations
 AMEND: 1398.6
 Filed 10/28/2013
 Effective 01/01/2014
 Agency Contact: Sarah Conley (916) 561-8210

File# 2013-0913-05
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
 Public Employees' Pension Reform Implementation

This rulemaking action by the Public Employees' Retirement System interprets key terms and establishes processes to implement Assembly Bill (AB) 340, the California Public Employees' Pension Reform Act (PEPRA) of 2013 (Stats. 2012, Ch. 296).

Title 2
 California Code of Regulations
 ADOPT: 579.3, 579.21, 579.22, 579.25
 AMEND: 579.2
 Filed 10/25/2013
 Effective 10/25/2013
 Agency Contact: Anthony Martin (916) 795-9347

File# 2013-0923-01
STATE ALLOCATION BOARD
 Leroy F. Greene School Facilities Act of 1998, GSD (January 1, 2015)

The State Allocation Board amended title 2, California Code of Regulations, section 1859.76. The amendment extends for one year, from January 1, 2014 to January 1, 2015, the additional grant to school districts for general site development costs under the School Facility Program. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. The extension is necessary to prevent school districts from experiencing funding shortfalls in completing new construction projects as planned.

Title 2
 California Code of Regulations
 AMEND: 1859.76
 Filed 10/30/2013
 Effective 01/01/2014
 Agency Contact: Lisa Jones (916) 376-1753

File# 2013-1015-01
STATE WATER RESOURCES CONTROL BOARD
 Emergency Regulations to Conform with Budget Act 2013-14

This regulatory action is the annual adjustment to fees assessed to persons issued waste discharge permits. These are adjusted for each fiscal year to conform to the revenue levels set forth in the Budget Act. This is a statutorily deemed emergency and exempt from review by the Office of Administrative Law.

Title 23
 California Code of Regulations
 AMEND: 2200, 2200.5, 2200.6
 Filed 10/23/2013
 Effective 10/23/2013
 Agency Contact: David Ceccarelli (916) 341-5999

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN May 29, 2013 TO
 October 30, 2013**

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

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the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

10/29/13 ADOPT: 2000, 2001, 2002, 2003, 2004

Title 2

10/30/13 AMEND: 1859.76

10/25/13 ADOPT: 579.3, 579.21, 579.22, 579.25
AMEND: 579.2

10/03/13 AMEND: 18521.5

10/03/13 ADOPT: 18421.5

10/03/13 AMEND: 18239

10/03/13 AMEND: Amend and renumber sections: 7285.0 (11000), 7285.1 (11001), 7285.2 (11002), 7285.4 (11003), 7285.7 (11004), 7286.0 (11005), 7286.1 (11005.1), 7286.3 (11006), 7286.4 (11007), 7286.5 (11008), 7286.6 (11009), 7286.7(11010), 7286.8 (11011), 7287.0 (11013), 7287.1 (11014), 7287.2 (11015), 7287.3 (11016), 7287.4 (11017), 7287.6 (11019), 7287.7 (11020), 7287.8 (11021), 7287.9(11022), 7288.0 (11023), 7289.4 (11027), 7289.5 (11028), 7290.6 (11029), 7290.7 (11030), 7290.8 (11031), 7290.9 (11032), 7291.0 (11033), 7291.1 (11031), 7291.2 (11035), 7291.3 (11036), 7291.4 (11037), 7291.6 (11039), 7291.7 (11040), 7291.8 (11041), 7291.9 (11042), 7291.10 (11043), 7291.11 (11044), 7291.12 (11045), 7291.13 (11046), 7291.14 (11047), 7291.16 (11049), 7291.17 (11050), 7291.18 (11051), 7292.0 (11052), 7292.1 (11053), 7292.2 (11054), 7292.3 (11055), 7292.4 (11056), 7292.6 (11058), 7293.0 (11059), 7293.1 (11060), 7293.2 (11061), 7293.3(11062), 7293.4 (11063), 7293.5 (11064), 7293.6 (11065), 7293.7 (11066), 7293.8 (11067), 7293.9 (11068), 7294.0 (11069), 7294.1 (11070), 7294.2 (11071), 7295.0 (11074), 7295.1 (11075), 7295.2 (11076), 7295.3 (11077), 7295.4 (11078), 7295.5 (11079), 7295.6 (11080), 7295.7 (11081), 7295.8 (11082), 7295.9 (11083), 7296.0 (11084), 7296.1 (11085), 7296.2 (11086), 7297.0 (11087), 7297.1 (11088), 7297.2 (11089), 7297.3 (11090), 7297.4 (11091), 7297.5 (11092), 7297.6 (11093), 7297.7(11094), 7297.9 (11096),

7297.10 (11097), 7297.11 (11098), 8101 (11099), 8102 (11100), 8102.5 (11101), 8103 (11102), 8104 (11103), 8106 (11104), 8107 (11105), 8109 (11107), 8112 (11108), 8113 (11109), 8114 (11110), 8115 (11111), 8117 (11113), 8117.5 (11114), 8118 (11115), 8119 (11116), 8120 (11117), 8200 (11118), 8201 (11119), 8202 (11120), 8202.5 (11121), 8203 (11122), 8205 (11124), 8300 (11125), 8301 (11126), 8302 (11127), 8303 (11128), 8310 (11130), 8311 (11131), 8312 (11132), 8400 (11133), 8401 (11134), 8402 (11135), 8403 (11136), 8500 (11137), 8501 (11138), 8503 (11140), 8504 (11141); Renumber sections: 7287.5 (11018), 7288.1 (11024), 7288.2 (11025), 7288.3 (11026), 7291.5 (11038), 7292.5 (11057), 7294.3 (11072), 7294.4 (11073), 8108 (11106), 8116 (11112), 8204 (11123), 8304 (11129), 8502 (11139) REPEAL: 7285.3, 7285.5, 7285.6, 7286.9, 7291.15, 7297.8, 7400 , 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7408, 7409, 7410, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429, 7430, 7431, 7432, 7433, 7434, 7435, 7436, 7437, 7438

09/23/13 REPEAL: 58700
09/23/13 REPEAL: 53200
09/23/13 REPEAL: 53400
09/23/13 REPEAL: 57100
09/19/13 AMEND: 2970
09/16/13 REPEAL: 56500
09/16/13 REPEAL: 59580
09/12/13 REPEAL: 56400
09/12/13 REPEAL: 52700
09/12/13 REPEAL: 54500
09/09/13 AMEND: 649.56
08/23/13 ADOPT: 1859.90.3 AMEND: 1859.2, 1859.51, 1859.61, 1859.90.2, 1859.90.4, 1859.104, 1859.164.2, 1859.184.1
08/12/13 ADOPT: 579, 579.1, 579.2, 579.4, 579.24
07/24/13 AMEND: 599.500, 599.508
07/23/13 AMEND: 35101
06/25/13 ADOPT: 1859.97 AMEND: 1859.2, Form SAB 50-02, 1859.90.2
06/24/13 AMEND: 18247.5, 18413, 18427.1

06/03/13 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009

Title 3

10/21/13 AMEND: 1380.19(p)
 10/21/13 AMEND: 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7
 10/14/13 AMEND: 3435(b)
 10/07/13 AMEND: 3435(b)
 09/30/13 AMEND: 3435(b)
 09/20/13 AMEND: 3435(b)
 09/12/13 ADOPT: 2320.3, 2320.4(a), 2320.4(b), 2320.4(c), 2324, 2325 AMEND: 2302, 2304, 2304(b)(1), 2304(d), 2322, 2322.3
 09/12/13 ADOPT: 3591.11
 09/10/13 AMEND: 3434(b), 3434(c)
 09/06/13 AMEND: 3589(a)
 08/12/13 AMEND: 3435(b)
 08/09/13 AMEND: 3423(b)
 07/30/13 AMEND: 3435(b)
 07/11/13 AMEND: 3591.12(a)
 07/08/13 AMEND: 1701, 1701.1, 1701.2, 1702, 1703.2, 1703.3 REPEAL: 1703.4, 1703.5
 07/02/13 AMEND: 1310
 06/26/13 AMEND: 2751(b)
 06/19/13 AMEND: 3435(b)
 06/19/13 AMEND: 3435(b)

Title 4

10/28/13 AMEND: 4001
 10/07/13 AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036
 10/07/13 ADOPT: 8035.5
 09/27/13 ADOPT: 12014
 09/24/13 AMEND: 8035
 09/03/13 AMEND: 4180, 4181
 08/16/13 ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15
 08/06/13 ADOPT: 2086, 2086.1, 2086.5, 2086.6, 2086.7, 2086.8, 2086.9, 2087, 2087.5, 2087.6, 2088, 2088.6, 2089, 2089.5, 2089.6, 2090, 2090.5, 2090.6, 2091, 2091.5, 2091.6, 2092, 2092.5, 2092.6, 2093
 07/31/13 AMEND: 12357, 12463, 12464
 07/25/13 AMEND: 5170, 5190, 5205, 5212, 5230, 5250
 07/22/13 AMEND: 8072
 07/22/13 AMEND: 10322, 10325, 10326
 07/08/13 ADOPT: 5342, 5343, 5344, 5345, 5346, 5347, 5348
 06/03/13 AMEND: 12101, 12120, 12122, 12126, 12130, 12132, 12140, 12142, 12200,

12200.3, 12200.5, 12200.6, 12200.10B, 12200.14, 12200.20, 12202, 12203, 12203A, 12203.2, 12203.3, 12205.1, 12218, 12218.7, 12218.8, 12218.9, 12220, 12220.3, 12220.5, 12220.6, 12220.14, 12220.20, 12222, 12223, 12225.1, 12233, 12235, 12238, 12239, 12301, 12301.1, 12302, 12303, 12304, 12305, 12309, 12310, 12342, 12345, 12349, 12350, 12351, 12352, 12354, 12357, 12358, 12359, 12370, 12372, 12401, 12402, 12403, 12404, 12464, 12480, 12492, 12496, 12500, 12503, 12505, 12508, 12591

06/03/13 AMEND: 5170, 5190, 5205, 5212, 5230, 5250

Title 5

10/23/13 ADOPT: 80691, 80692
 10/17/13 ADOPT: 19847 AMEND: 19816, 19816.1, 19818, 19824, 19829, 19837.3
 10/16/13 REPEAL: 3052
 09/25/13 AMEND: 11530, 11531, 11532
 09/25/13 AMEND: 20101, 20107, 20190 REPEAL: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157
 09/25/13 AMEND: 11530, 11531, 11532
 09/17/13 AMEND: 4600, 4610, 4630, 4631, 4633, 4650, 4611, 4620, 4621, 4622, 4632, 4640
 09/16/13 AMEND: 80499
 09/05/13 AMEND: 19816, 19828.4
 08/12/13 AMEND: 58312
 08/12/13 AMEND: 80003, 80004, 80048.6
 07/10/13 AMEND: 80021.1, 80023, 80023.1, 80023.2, 80025.5 REPEAL: 80024.1, 80024.2, 80024.2.1, 80024.3.2, 80024.4, 80024.5
 06/12/13 ADOPT: 19847 AMEND: 19816, 19816.1, 19818, 19824, 19829, 19837.3
 06/05/13 AMEND: 19816, 19816.1, 19839

Title 8

10/29/13 ADOPT: 344.76, 344.77
 10/03/13 ADOPT: 11770, 11771.1, 11771.3, 11772, 11773
 09/30/13 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795
 09/30/13 ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9

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AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12

09/30/13 ADOPT: 10205, 10205.12, 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208

09/24/13 ADOPT: 9789.12.1, 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.5, 9789.12.6, 9789.12.7, 9789.12.8, 9789.12.9, 9789.12.10, 9789.12.11, 9789.12.12, 9789.12.13, 9789.12.14, 9789.12.15, 9789.13.1, 9789.13.2, 9789.13.3, 9789.14, 9789.15.1, 9789.15.2, 9789.15.3, 9789.15.4, 9789.15.5, 9789.15.6, 9789.16.1, 9789.16.2, 9789.16.3, 9789.16.4, 9789.16.5, 9789.16.6, 9789.16.7, 9789.16.8, 9789.17.1, 9789.17.2, 9789.18.1, 9789.18.2, 9789.18.3, 9789.18.4, 9789.18.5, 9789.18.6, 9789.18.7, 9789.18.8, 9789.18.9, 9789.18.10, 9789.18.11, 9789.18.12, 9789.18.19

09/23/13 ADOPT: 10451.1, 10451.2, 10451.3, 10451.4, 10498, 10538, 10606.5, 10608.5, 10774.5, 10957, 10957.1, 10959 AMEND: 10250, 10260, 10300, 10301, 10408, 10450, 10582.5, 10606, 10608, 10622, 10770, 10770.1, 10770.5, 10770.6, 10845, 10886

09/17/13 AMEND: 3650(b)(3)

09/17/13 AMEND: 5194(g)(2)(Q)

09/16/13 ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 13, 14, 17, 26, 30, 31.3, 31.5, 31.7, 32, 33, 34, 35, 35.5, 36, 38, 100, 104, 105, 106, 109, 110, 112, 117, 10160 REPEAL: 31.2

09/16/13 AMEND: 344, 344.1

08/29/13 AMEND: 1533

08/27/13 AMEND: 5155

08/22/13 AMEND: 32147, 32380, 32802

08/19/13 ADOPT: 32999, 33000, 33001, 33002, 33003, 33004, 33005, 33006, 33007, 33008, 33009, 33010, 33011, 33012, 33013

08/13/13 ADOPT: 9795.1.5, 9795.1.6, 9795.5 AMEND: 9795.1, 9795.3

08/13/13 ADOPT: 15209 AMEND: 15201, 15210, 15210.1, 15475, 15477, 15481, 15484, 15496, 15497

08/01/13 AMEND: 5199(g)(3)(B)

07/23/13 AMEND: 1933, 5541, 5543, 5559, 5600, 6170

07/02/13 AMEND: 3329

07/01/13 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15.

AMEND: 9792.5.1., 9792.5.3, 9793, 9794, 9795

07/01/13 AMEND: 5197

07/01/13 AMEND: 9795.1, 9795.3

07/01/13 ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12

07/01/13 ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 14, 17, 30, 31.2, 31.7, 33, 35, 35.5, 36, 38, 100, 105, 106, 10160

06/26/13 ADOPT: 10133.31, 10133.32, 10133.33, 10133.34, 10133.35, 10133.36 AMEND: 9813.1, 10116.9, 10117, 10118, 10133.53, 10133.55, 10133.57, 10133.58, 10133.60 REPEAL: 10133.51, 10133.52

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08/27/13 AMEND: 2690, 2690.1, 2690.2

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07/15/13 ADOPT: 6650, 6652, 6654, 6658, 6660, 6662, 6664, 6666, 6668, 6670

07/10/13 ADOPT: 6410, 6420, 6422, 6424, 6440, 6442, 6444

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06/27/13 ADOPT: 6456
06/25/13 AMEND: 2698.401
06/13/13 ADOPT: 2594, 2594.1, 2594.2, 2594.3,
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08/21/13 AMEND: 31.7
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07/31/13 AMEND: 1968.2, 1968.5, 1971.1,
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10/16/13 REPEAL: 3340.38
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