



# California Regulatory Notice Register

REGISTER 2012, NO. 48-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

NOVEMBER 30, 2012

## PROPOSED ACTION ON REGULATIONS

### TITLE 2. STATE TREASURER’S OFFICE

*Conflict of Interest Code — Notice File No. Z2012-1109-01* ..... 1719

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

*General Industry Safety Orders, Federal OSHA Direct Final Rule on Head Protection; Airborne Contaminants, Ethylbenzene — Notice File No. Z2012-1120-03* ..... 1720

### TITLE 9. DEPARTMENT OF REHABILITATION

*Order of Selection — Notice File No. Z2012-1120-05* ..... 1728

### TITLE 16. BOARD OF ACCOUNTANCY

*Fees — Notice File No. Z2012-1120-02* ..... 1730

### TITLE 17. DEPARTMENT OF PUBLIC HEALTH

*Fluoroscopy Permit Requirements for Physician Assistants — Notice File No. Z2012-1023-03* ..... 1733

### TITLE 23. DELTA STEWARDSHIP COUNCIL

*Regulatory Policies Contained in the Delta Plan — Notice File No. Z2012-1116-01* ..... 1739

### MPP. DEPARTMENT OF SOCIAL SERVICES

*CalWORKs Benefits for Non-Minor Dependents — Notice File No. Z2012-1119-01* ..... 1744

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF TOXIC SUBSTANCES CONTROL

*Notice and Comment Period for Additional Reports Added to Rulemaking Record Concerning Safer Consumer Products Regulations* ..... 1747

### FISH AND GAME COMMISSION

*Notice of Receipt of Petition for Townsend’s Big-Eared Bat as an Endangered Species* ..... 1747

(Continued on next page)

***Time-Dated Material***

## SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State . . . . .	1748
Sections Filed, June 27, 2012 to November 21, 2012 . . . . .	1750

---

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.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

*(Editorial Note: The following Notice was published prematurely in last week's Notice Register. It is being republished in this edition. The time periods specified here are correct.)*

**TITLE 2. STATE TREASURER'S OFFICE**

Notice of Intention to Amend Conflict of Interest Code

NOTICE IS HEREBY GIVEN that BILL LOCKYER, the Treasurer of the State of California, pursuant to the authority vested in him by sections 87300 and 87306 of the Government Code, proposes to amend the conflict of interest code of the Office of the State Treasurer and the following boards, authorities, commissions, and committees chaired by the State Treasurer:

- California Alternative Energy and Advanced Transportation Financing Authority
- California Debt and Investment Advisory Commission
- California Debt Limit Allocation Committee
- California Educational Facilities Authority
- California Health Facilities Financing Authority
- California Industrial Development Financing Advisory Commission
- California Pollution Control Financing Authority
- California School Finance Authority
- California Tax Credit Allocation Committee
- California Transportation Financing Authority
- California Urban Waterfront Area Restoration Financing Authority
- Local Agency Investment Advisory Board
- Pooled Money Investment Board
- ScholarShare Investment Board

Pursuant to Government Code sections 87300 through 87302, and 87306, the conflict of interest code designates employees and others who must disclose certain investments, income, interests in real property, and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. The

amendments are proposed to revise and update designated positions and disclosure categories. The amendments include:

- Changes to disclosure categories.
- Changes to designations for certain positions.
- Addition and deletion of designated positions.
- Addition of the California Transportation Financing Authority.

Copies of the proposed amended code are available and may be requested from the contact person set forth below.

**WRITTEN COMMENT PERIOD**

A written comment period has been established commencing on November 30, 2012 and terminating on January 14, 2013. Any interested person may submit written comments concerning the proposed conflict of interest code amendments no later than January 14, 2013 to:

State Treasurer's Office  
 Attention: Deborah Yang, Senior Attorney  
 915 Capitol Mall, Room 110  
 Sacramento, CA 95814

No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing. Such a request must be submitted no later than December 31, 2012 by contacting the agency contact person set forth below.

The State Treasurer has prepared a written explanation of the reasons for the designations, disclosure categories, and disclosure responsibilities, and has available all of the information upon which the proposal is based.

**AGENCY CONTACT**

Copies of the proposed amendments to the conflict of interest code and all of the information upon which the amendments are based may be obtained from, and any inquiries concerning the proposed amendments should be directed to:

State Treasurer's Office  
 Attention: Deborah Yang, Senior Attorney  
 915 Capitol Mall, Room 110  
 Sacramento, CA 95814  
 (916) 653-2995  
 dyang@treasurer.ca.gov

**ALTERNATIVES CONSIDERED**

The State Treasurer must determine that no alternative considered by the State Treasurer would be more

effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The State Treasurer has determined that the proposed amended code:

- 1. Imposes no mandate on local agencies or school districts.
- 2. Imposes no cost or savings on any State agency.
- 3. Imposes no cost on any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.
- 4. Will not result in any nondiscretionary cost or savings to local agencies.
- 5. Will not result in any cost or savings in federal funding to the State.
- 6. Will not have any potential cost impact on private persons or businesses, including small businesses.

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

**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:**           **On January 17, 2013,**  
   at 10:00 a.m.  
   in the Auditorium of the  
   Harris State Building  
   1515 Clay Street,  
   Oakland, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:**           **On January 17, 2013,**  
   at 10:00 a.m.  
   in the Auditorium of the  
   Harris State Building  
   1515 Clay Street,  
   Oakland, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:**   **On January 17, 2013,**  
   at 10:00 a.m.  
   in the Auditorium of the  
   Harris State Building  
   1515 Clay Street,  
   Oakland, California.

At the Business Meeting, the Board will conduct its monthly business.

**DISABILITY ACCOMMODATION NOTICE**

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **January 17, 2013**.

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 7,  
Article 10, Section 3381  
**Federal OSHA Direct Final Rule —  
Head Protection**
2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS** Division 1, Chapter 4,  
Subchapter 7, Article 107  
Section 5155  
**Airborne Contaminants —  
Ethylbenzene**

Descriptions of the proposed changes are as follows:

1. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**  
Division 1, Chapter 4, Subchapter 7,  
Article 10, Section 3381  
**Federal OSHA Direct Final Rule —  
Head Protection**

#### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On June 22, 2012, federal OSHA issued a direct final rule related to standards for head protection. On July 23, 2012, federal OSHA issued a notice of correction (editorial only) related to the explanation for its proposed final rule related to head protection in its construction standards. The federal final rule primarily includes amended provisions for head protection in sections of its general industry standards (29 CFR 1910.135), shipyard employment standards (29 CFR 1915.155), marine terminal standards (29 CFR 1917.93), longshoring standards (29 CFR 1918.103) and construction standards (29 CFR 1926.100).

Federal OSHA's final rule will allow use of helmets/head protection that complies with any of the three most current editions of the American National Standards Institute (ANSI) Z89.1 consensus standards for Industrial Head Protection, editions 2009, 2003, and 1997. These three editions are incorporated by reference in 29 CFR 1910.6 of the federal standards. References in its standards listing ANSI Z89.1 editions prior to 1997 are removed in the federal final rule. Federal OSHA commented that the useful life of protective helmets is limited and in general opined that industries and employers would not be impacted by the removal of references to outdated standards. Manufacturers of protective helmets design their products in accordance with the latest ANSI standards, and it is believed that it is the usual and customary practice of employers to provide head

protection that complies with one of the three aforementioned ANSI standards.

California OSHA provisions in Title 8 do not have industry specific standards (vertical standards) for head protection in those industries affected by the federal final rule. The General Industry Safety Orders (GISO) Section 3202(a), in summary, states that GISO standards apply to all places of employment as defined in the California Labor Code, except that industry specific (vertical standards) take precedence wherever they are inconsistent with GISO standards.

Therefore, the GISO Section 3381 "Head Protection" provides the head protection standards for those industries affected by the federal final rule. The State is adopting similar language to that of the federal final rule. The State's proposal requires that head protection meets the criteria in any one of the ANSI Z89.1-2009, 2003, and 1997 consensus standards for Industrial Head Protection. These standards are incorporated by reference in proposed Section 3381(b). The existing standards and several components of this proposal also include specific criteria related to helmet impact types and the use of the appropriate helmet class designation for exposure to electrical hazards. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at Subsection (a)(1) that the Board is "the only agency in the state authorized to adopt occupational safety and health standards." When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Is initiated as a result of the federal OSHA direct final rule issued June 22, 2012, related to head protection. California standards for head protection related to those industries included in the federal final rule are provided in GISO Section 3381. With this proposal, California standards will be commensurate with provisions issued in the federal final rule. The State's standard differs from the federal final rule formatting of its standards in that federal OSHA chooses to repeat the same or similar requirements in each of its industry specific standards.
- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The

consistency and compatibility of that system's component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.

- Is the least burdensome effective alternative. The amendments proposed in Title 8, Section 3381 are necessary to provide equivalency with federal OSHA's updated standards that will require head protection that complies with one of the three most recent editions of the consensus standards for employee head protection. The proposal will enhance employee protection from falling or flying objects and electrical hazards.

**GISO Section 3381. Head Protection.**

Existing Section 3381 provides the requirements for head protection where there is a risk of receiving head injuries from flying or falling objects and/or electric shock and burns. These provisions provide the requirements for various protective classes of head protection (helmets) based on their ability to provide impact protection and/or electrical shock and burn hazard protection.

The existing standard incorporates by reference a number of ANSI standards for protective headwear starting with the 1969 edition to the 1997 edition of ANSI Z89.1 standards related to head protection. Existing Section 3381(b)(1) provides the requirements for helmets placed in service after October 30, 2004, and Section 3381(b) addresses helmets placed in service on or before October 30, 2004.

**Subsection (a)**

Existing subsection (a) contains language that head protection must comply with subsections (b) and (c). An editorial revision deletes the reference to subsections (b) and (c) and states that head protection must be in accordance with "this section."

**Subsection (b)**

Existing subsection (b) provides that when head protection is required that protective helmets be selected and used in accordance with their resistance to impact and electrical hazards. Existing subsection (b)(1) requires protective helmets placed in service after October 30, 2004, to comply with the ANSI Z89.1–1997 standard for Industrial Head Protection which is incorporated by reference.

Language is proposed for deletion in subsections (b) and (b)(1) which will remove the provision that permits protective helmets placed in service after October 30, 2004, to be limited to only the provisions in the ANSI Z89.1–1997 Industrial Head Protection standard. In lieu of the deleted language, proposed new subsections

(b)(1) through (b)(3) include amendments consistent with the federal OSHA final rule that requires head protection to meet the criteria in one of the ANSI Z89.1–2009, 2003, and 1997 consensus standards for Industrial Head Protection, which are incorporated by reference.

Amendments proposed in new subsections (b)(1) through (b)(3) will have the effect of allowing the option to use helmets that comply with any one of the three most recent editions of the head protection ANSI standards. It should be noted that proposed subsection (b)(1) reflects that the International Safety Equipment Association (ISEA) is now affiliated with the title of this consensus standard for the first time in the 2009 edition.

Existing Section 3381(b)(2) permits the use of protective helmets placed in service on or before October 30, 2004, that comply with ANSI Z89.1–1969 through 1986 standards, or that comply with the 1997 ANSI standard. This subsection is proposed for deletion because proposed subsection (b)(3) already permits compliance with the ANSI Z89.1–1997 standard, and the new federal standard removed references in its new head protection standards that permit compliance with ANSI Z89.1 editions prior to 1997. In addition, existing subsections (b)(2)(A) through (b)(2)(C) are deleted because they reference classes of helmets (e.g. A, B, C, D, or G) that pertain to the outdated ANSI standards in effect prior to 1997. The effect of these amendments is to provide consistency with federal OSHA standards and to provide head protection consistent with later editions of the ANSI head protection standards. Federal OSHA commented that it believes it is the usual practice of employers to provide head protection that complies with one of the three most recent editions of the ANSI Z89.1 standards. It is not expected that employers would be affected by the removal of provisions related to outdated standards, some of which go back as far as 1969.

**Subsection (c)**

A new subsection (c)(1) is proposed that requires the employer to ensure the appropriate impact type of helmet is selected and used. An informational note to this subsection is provided for clarity so that the employer will know that protective helmets are described by the impact type (either Type I or II) and electrical class. The proposed subsection will have the effect of ensuring that the employer provides the appropriate head protection for the potential hazards.

Existing language in subsection (b)(1) that pertains to helmet classifications for electrical hazards is retained as new proposed subsection (c)(2). This subsection addresses the use of appropriate classifications for helmets related to electrical hazards as designated in the ANSI Z89.1–1997, 2003, and 2009 standards. An

amendment is made in the first sentence of proposed subsection (c)(2) that adds the word “electrical” to clarify that the subsection addresses classes of helmets related to electrical hazards.

Amendments are also proposed for subsections (c)(2)(A)–(C) to add the “Z89.1” reference to the ANSI standard. Further, the word “approved” is deleted, and the word “designated” is used in its place. ANSI does not “approve” helmets. ANSI provides the design and testing requirements for various classes of helmets which are used by manufacturers so that their products conform to the ANSI standard. These additional amendments are necessary to provide clarity to the provisions of subsection (c)(2). Deleted provisions in the text that follows subsection (c)(2) [from existing Section 3381, subsections (b)(2)(A) through (b)(2)(C)] are explained in the rationale under the heading “Subsection (b).”

A new proposed subsection (c)(3) requires employees exposed to high-voltage electric shock and burns to be provided head protection that meets the specifications contained in Section 9.7 “Electrical Insulation” of any of the consensus standards identified in subsection (b) of Section 3381. ANSI Z89.1, Section 9.7 provides the electrical insulation requirements for all three editions of the ANSI Z89.1 standards listed in subsection (b). In updating its construction standards, in 29 CFR 1910.100, federal OSHA has included this same provision to emphasize that employers must provide appropriate protection for employees exposed to high-voltage shock and burns. Title 8, Construction Safety Orders requirements for head protection are provided in Section 3381. The amendment will have the effect of providing equivalent standards to those in the federal final rule.

**Subsection (d)**

Existing subsection (c), proposed as subsection (d), provides the requirements for markings that must be included on protective helmets. The existing standard requires that helmets must have the “original” marking required in the ANSI standards. An amendment replaces the word “original” with “permanent,” which is consistent with the terminology used in the ANSI standards. An additional amendment adds that helmet markings must also include the “impact type.” The amendment has the effect of providing consistency with similar provisions in the ANSI standards.

DOCUMENTS INCORPORATED  
BY REFERENCE

1. American National Standards Institute (ANSI)/International Safety Equipment Association (ISEA) Z89.1–2009, American National Standard for Industrial Head Protection.
2. ANSI Z89.1–2003, American National Standard for Industrial Head Protection.
3. ANSI Z89.1–1997, American National Standard for Industrial Head Protection.

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

COST ESTIMATES OF PROPOSED ACTION

**Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

**Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

**Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete**

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Consistent with the federal OSHA final rule, the California proposal requires that protective helmets meet the criteria in any one of the three latest editions of the ANSI consensus standards for head protection.

Federal OSHA determined that no protective helmets currently are available or in use that manufacturers tested in accordance with the ANSI 1969 and 1971 consensus standards. Further, federal OSHA believes that it is the customary and usual practice of employers in general industry and other industries such as maritime and construction to provide head protection that complies with the 1997, 2003, or 2009 editions of ANSI Z89.1

and the proposal will not add a compliance burden for employers.

**Cost Impact on 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.

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under “Determination of Mandate.”

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

**DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

This proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, this proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

This proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

**EFFECT ON SMALL BUSINESSES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. The proposal is consistent with federal standards and it is expected that the proposed amendments are consistent with employer practices and policies for providing head protection.

Therefore, the proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

**ALTERNATIVES STATEMENT**

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.

- 2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**  
 Division 1, Chapter 4, Subchapter 7,  
 Article 107  
 Section 5155  
**Airborne Contaminants —  
 Ethylbenzene**

**INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW**

Section 5155, Airborne Contaminants, establishes minimum requirements for controlling employee exposure to specific airborne contaminants. California periodically amends the airborne contaminants table (Table AC-1) in this standard to keep it consistent with current information regarding harmful effects of exposure to these substances and other new substances not listed. The latest Airborne Contaminants standard that was approved by the Office of Administrative Law became effective March 17, 2012.

The substance ethylbenzene with its amended permissible exposure limit (PEL) in this proposal was considered by the Division of Occupational Safety and Health's Health Expert Advisory Committee (HEAC) in meetings in March, June and September 2009. The HEAC considered the health basis of possible changes to the PEL based on a range of scientific information. As in the last round of work on PELs, technical assistance was provided to the Division by staff of the Office of Environmental Health Hazard Assessment in the California Environmental Protection Agency and the Hazard Evaluation System and Information Service in the California Department of Public Health. In addition, informal public comment was invited on the range for possible PELs recommended by the HEAC for potential feasibility and cost issues at a meeting of the Division's Feasibility Advisory Committee (FAC) on December 8, 2009. The meetings of both the HEAC and the FAC were open to the public.

The effect of these amendments is to reduce the risk of material impairment of health or functional capacity of employees exposed to ethylbenzene.

The proposed changes to Section 5155 are considered to be at least as effective as, or more stringent than, the federal OSHA requirements for these substances found at 29 CFR 1910.1000 for Air Contaminants. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board is "the only agency in the state authorized to adopt occupational safety and health standards." When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal standards, in that the PEL value proposed for ethylbenzene is lower than that found in the federal air contaminants standard at 29 CFR 1910.1000. Labor Code section 147.1(c) mandates with respect to occupational health issues not covered by federal standards that the Division maintain surveillance, determine the necessity for standards, and develop and present proposed standards to the Standards Board. For a variety of reasons, the federal standards for air contaminants have remained largely unrevised since their promulgation in the early 1970s, with the exception of substances for

which individual comprehensive chemical hazard control standards have been promulgated, primarily for carcinogens. The federal air contaminant standard for ethylbenzene has not been revised in over 40 years. During that time, considerable scientific evidence has developed supporting concern with potential effects on worker health including cancer, as well as non-cancer health effects most notably on the auditory system (hearing loss) with exposure to ethylbenzene at levels lower than the federal standard. The Standards Board believes the Division appropriately carried out its mandate under Labor Code section 147.1 to present to the Standards Board the PEL proposed for ethylbenzene in this rulemaking, including a determination of necessity for the proposed amendment. In addition, the Standards Board believes that with this proposal, it is carrying out its mandate under Labor Code section 144.6 to adopt standards dealing with toxic materials which most adequately assure, to the extent feasible, that no employee will suffer material impairment of health or functional capacity, taking into account the latest available scientific data in the field and the reasonableness of the standard.

- Is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.
- Is the least burdensome effective alternative. This rulemaking proposal was developed with the assistance of two technical advisory committees: one that considered scientific data on health risks associated with exposure to ethylbenzene, and a second that considered concerns of cost and feasibility of implementation in the workplace. These committees were comprised of subject matter experts with expertise relevant to the concerns they were considering and from a range of different institutional orientations, most notably health and chemical exposure, science, industry, medicine, and government. In addition, a stakeholder organization with a specific interest in the subject under consideration, the American Chemistry Council, was contacted and it responded by sending a scientific representative to present and discuss information and recommendations with the health committee. The

PEL proposed is performance-based and thus is consistent with the preference stated for this type of standard in Labor Code section 144.6 when dealing with toxic materials.

**COST ESTIMATES OF PROPOSED ACTION**

This rulemaking proposes to amend the existing PEL for ethylbenzene in workplace air. Employers with workplaces where there may be worker exposures to ethylbenzene operate primarily in the private industrial and chemical sectors. The amended PEL proposed for ethylbenzene is supported by scientific findings of which professional health and safety staff and consultants of these employers would be expected to be cognizant. Many of the employer entities that would be affected by the proposed amended PEL for ethylbenzene already seek to control employee exposures to hazardous airborne contaminants to levels well below their existing PEL in the interest of business continuity, other more general requirements to protect worker health and safety, and minimization of tort and workers' compensation liability.

For the FAC meeting at which ethylbenzene was discussed, comment letters for this meeting were received from WorkSafe and from the Western States Petroleum Association (WSPA). The WSPA letter did not directly address cost or feasibility of the proposed amended PEL for ethylbenzene. The 2009 WorkSafe letter was more specific, suggesting that effective and less hazardous alternatives to the use of ethylbenzene as a cleaning solvent are available, as well as for xylene in which ethylbenzene is a frequent significant component and which can be found used in nail salons. At the FAC meeting, a committee member presented workplace air sampling data which had been gathered at the location where he then worked, which he asserted suggested that complying with a PEL for ethylbenzene of less than 5 ppm in uses similar to those which he evaluated could impose significant costs on employers to achieve. The FAC concluded based on its members' own experience measuring workplace solvent exposures, supported in part by the data provided by the FAC member, that a PEL of 5 ppm for ethylbenzene is reasonable from the standpoint of cost and feasibility given the information available. The Standards Board concurs with that assessment in proposing 5 ppm as the amended PEL-TWA for ethylbenzene in this rulemaking.

The Standards Board also believes a STEL of six times the PEL-TWA as is being proposed is reasonable with respect to feasibility as it is consistent with the widely recognized industrial hygiene goal of maintaining short-term exposures at not more than about 4 times

the TWA value. Therefore, no significant cost is anticipated with the proposed STEL value of 30 ppm.

**Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

**Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

**Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete**

The Standards Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

For the FAC meeting at which ethylbenzene was discussed, a committee member presented workplace air sampling data which had been gathered at the location where he then worked, which he asserted suggested that complying with a PEL for ethylbenzene of less than 5 ppm in uses similar to those which he evaluated could impose significant costs on employers to achieve. The FAC concluded based on its own experience measuring workplace solvent exposures, supported in part by the data provided by the FAC member, that a PEL of 5 ppm for ethylbenzene is reasonable from the standpoint of cost and feasibility given the information available. The Standards Board concurs with that assessment in proposing 5 ppm as the amended PEL for ethylbenzene in this rulemaking.

In light of the limited economic impact of the proposal (as a result of the FAC feasibility determination), the adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

**Cost Impact on Private Persons or Businesses**

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

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

**DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the standard does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standard.

**EFFECT ON SMALL BUSINESSES AND RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The Standards Board has determined that the proposed amendments may affect small businesses. However, no adverse economic impact is anticipated. The feasibility and cost of implementation of the proposed PEL for ethylbenzene was discussed by the FAC. This committee concluded that a PEL at the lower end of the range recommended on a health basis to address cancer risk may not be economically feasible. The committee

recommended, and the proposed regulatory limit reflects, this judgment on cost and feasibility resulting in a proposed PEL that is a factor of 10 higher than that level discussed in the health advisory as being appropriate to address cancer risk. In light of this, the Standards Board believes there will be no adverse economic impact on small businesses.

Therefore, the proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

**ALTERNATIVES STATEMENT**

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.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **January 11, 2013**. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **January 17, 2013**, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

## **TITLE 9. DEPARTMENT OF REHABILITATION**

### **SUBJECT: ORDER OF SELECTION**

**NOTICE IS HEREBY GIVEN** that the Department of Rehabilitation ("Department") proposes to amend Sections 7017.2, 7017.5, 7021, 7051, and 7053, described below after considering all comments, objections, or recommendations regarding the proposed action.

### **PUBLIC HEARING**

The Department will hold a public hearing at 9:00 a.m. on January 15, 2013, at 721 Capitol Mall, Room 242, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. The hearing will be adjourned immediately following receipt of testimony. No oral statements will be accepted subsequent to this public hearing.

### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Shelly Risbry, Regulations Coordinator  
Department of Rehabilitation  
721 Capitol Mall  
Sacramento, California 95814

Comments may also be submitted by facsimile (FAX) at 916-558-5826 or by email to [Legal@dor.ca.gov](mailto:Legal@dor.ca.gov). Comments must be received by the Regulations Coordinator by 5:00 p.m. on January 15, 2013. All written comments received by the Department during the public comment period are subject to disclosure under the Public Records Act.

### **ACCESSIBILITY**

The public hearing room is wheelchair accessible. Any person who is deaf or hearing impaired and requires an interpreter at the hearing, or individuals with disabilities who need any other special assistance, should contact Shelly Risbry, Regulations Coordinator, at (916) 445-4466 or [srisbry@dor.ca.gov](mailto:srisbry@dor.ca.gov) at least two weeks in advance of the date of the hearing.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

### **AUTHORITY AND REFERENCE**

#### **Authority:**

Sections 19006 and 19016, Welfare and Institutions Code.

#### **Reference:**

29 USC Sections 705(20)(A), 705(21) and 721(a)(5) and 721(A); 34 CFR Sections 361.5(b) and 361.36; and Sections 19011, 19102 and 19151, Welfare and Institutions Code.

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

The Department of Rehabilitation (DOR), as required by federal law, must prioritize services based

upon the most significantly disabled being served first, when financial and human resources are insufficient to provide services to every eligible person. Current regulations describe the order: most significantly disabled, significantly disabled, and disabled. However, the term “disabled” as described in the article Order of Selection, does not adequately include the need for the disability being a substantial impediment to employment, as identified recently by the Rehabilitation Services Administration (RSA) in reviewing our State Plan. The same term, under general definitions and terms, however, is sufficient.

Rather than amending the definition “disabled” in the specific article, the DOR proposes to remove the definition and instead, for clarity and simplicity, refer to and amend the term and two related terms, under General Definitions/Terms. The DOR also proposes language that clarifies the priority order by using the term ‘priority category’ which is used in federal regulation as well as in the DOR’s Declaration of Order of Selection. In addition, the amendments propose to substitute an outdated and offensive term “mental retardation” and replace it with “intellectual disability” similar to what is proposed in Senate Bill 1381 which has passed, and with a federal law.

The proposed regulatory amendments are consistent and compatible with State laws and regulations, as well as with federal regulations. The Department’s regulations have been evaluated and it was found that there are no inconsistencies.

ANTICIPATED BENEFITS

The DOR’s proposed regulations are beneficial because they provide information to people who are unemployed and applying for services. The amendments clarify, for them, that their disability must be an impediment to their employment and that DOR will serve the most severely disabled first, when there are limited funds; and

The DOR’s proposed amendments to omit regulations or parts thereof that apply to DOR’s operations, are beneficial because the sections are unnecessary to ensure that DOR complies with the law; federal regulations impose the same legal obligations on the DOR. Eliminating duplicative language within the DOR’s regulations reduces the volume of rules, thereby making the regulations more consumer-friendly.

DISCLOSURES REGARDING THE PROPOSED REGULATIONS

FISCAL IMPACT

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.

SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

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

COST IMPACT ASSESSMENT

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

RESULTS OF ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not:

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

The DOR’s proposed regulations will benefit disabled people who are unemployed and applying for services. The amendments to the proposed regulations will clarify that the disability must be an impediment in finding employment, and the DOR will serve the most severely disabled first, or “most significantly disabled” based on the order of selection, when there are limited funds.

BUSINESS REPORTS

Business Reporting Requirement: None.

HOUSING COSTS

Significant effect on housing costs: None.

DETERMINATION OF EFFECT ON SMALL BUSINESS

The Department has determined that these proposed regulations will not affect small business as defined in

Government Code Section 11342.610. The proposed regulations will not have an adverse impact on small business since the amendments are clarifying the language that the DOR already has in place.

### CONSIDERATION OF ALTERNATIVES

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

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

### CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Shelly Risbry, Regulations Analyst  
Department of Rehabilitation  
721 Capitol Mall  
Sacramento, California 95814  
Telephone: (916) 445-4466  
Email: [srisbry@dor.ca.gov](mailto:srisbry@dor.ca.gov)

The backup contact person for these inquiries is Jenny M. Garcia at (916) 558-5825.

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 Shelly Risbry at the address above. The Department will also provide copies of the regulation proposal in large print, Braille, on audiotape, compact disk, or transmit copies of the regulation proposal electronically, upon request.

The Department shall provide, upon request, a description of the proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law. Providing the description of proposed changes may require extending the period of public comment for the proposed action.

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department 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, Proposed Text of Regulations, and Initial Statement of Reasons. Copies may be obtained by contacting Shelly Risbry at the address or phone number listed above.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text with the changes clearly indicated available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Shelly Risbry at the address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they were made available.

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Shelly Risbry at the address above or on the Department's website at [www.dor.ca.gov](http://www.dor.ca.gov).

### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the Proposed Text of the Regulations in underline and strikeout, can be accessed through the Department's website at [www.dor.ca.gov](http://www.dor.ca.gov).

## TITLE 16. BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (CBA) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Westin San Diego, 400 West Broadway, San Diego, CA, 92101, at 9:00 a.m., on January 25,

2013. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the CBA at its office not later than 5:00 p.m. on January 14, 2013, or must be received by the CBA at the hearing. The CBA, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010 and 5134 of the Business and Professions (B&P) Code, and to implement, interpret or make specific Sections 122, 163, 5096, and 5134 of said Code, the CBA is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Existing law, Business and Professions Code Section 5134, authorizes the CBA to charge various fees including fees for application for the certified public accountant examination and reexamination; an application fee for issuance of a certified public accountant certificate; an application fee for registration as a partnership or corporation; and for the biennial renewal fee. This proposal would reduce these fees temporarily and require the CBA to conduct a review of its costs when determining the appropriate level of renewal fees to maintain an approximate three months' worth of expenditures in reserve.

Senate Bill (SB) 80 (ch. 11 of Stats. of 2011) removed a requirement that the Accountancy Fund maintain a balance equal to approximately nine months of annual expenditures in reserve. The CBA currently has a 14-month reserve which it believes to be too high in keeping with the law. The CBA is proposing to reduce its reserve to approximately three months of annual expenditures over the course of its licensees' two-year renewal cycle.

The regulatory proposal is as follows:

**1. Amend Section 70 in Title 16 of the California Code of Regulations.**

This proposal would reduce the following fees for a period of two years from July 1, 2014 to June 30, 2016:

- the application fee for the computer-based Uniform Certified Public Accountant Examination for issuance of the Authorization to Test to first-time applicants is reduced from \$100 to \$50;
- the application fee for the computer-based Uniform Certified Public Accountant Examination for issuance of the Authorization to Test to repeat applicants is reduced from \$50 to \$25;
- the application fee for issuance of a Certified Public Accountant certificate is reduced from \$250 to \$50; and,
- the application fee for registration as a partnership or as a corporation, including registering under a new name, is reduced from \$150 to \$30.

This proposal will reduce the following fees, which are already reduced from the original \$200 to \$120, for a minimum of two years from July 1, 2014 to June 30, 2016:

- the fee for the initial permit to practice as a partnership, corporation, or certified public accountant is reduced from \$120 to \$50; and,
- the fee for renewal of a permit to practice as a partnership, corporation, or certified public accountant is reduced from \$120 to \$50.

These fees are reduced for a period of two years, at which time, the fees will return to prior levels unless, by May 31, 2015, the CBA determines that a fee level lower than \$200 is necessary to maintain approximately three months in reserve.

Anticipated Benefits of the Proposal:

SB 80 (ch. 11, Stats. of 2011) removed a requirement from Section 5134 of the B&P Code that the Accountancy Fund maintain a balance equal to approximately nine months of annual expenditures in reserve. The CBA currently has a 14-month reserve which it believes to be too high in keeping with the law. The CBA is proposing to reduce its reserve to approximately three months of annual expenditures over the course of its licensees' two-year renewal cycle.

The CBA is reducing its reserve by lowering various fees for its applicants and licensees. The applicants and licensees will benefit from paying lower fees as this will lower their costs.

The fees in subsections (a), (b), and (c) are temporary reductions meant to give students and those pursuing licensure a financial break during difficult economic times and ease their entry into the profession.

Consistency and Compatibility with Existing State Regulations

The CBA has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

**INCORPORATION BY REFERENCE**

None.

**FISCAL IMPACT ESTIMATES**

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

The CBA’s revenues will decrease by approximately \$5.1 million dollars annually for Fiscal Year (FY) 2014–15 and FY 2015–16. The CBA has sufficient reserves to cover this loss in revenue without adversely affecting any of its operations.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

**AND**

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

No businesses or individuals will incur any additional costs as a result of this proposal. This proposal, temporarily reducing fees, will save money for businesses and individuals. While this proposal may also raise fees after two years, it would only raise them to their prior levels, thus incurring no additional costs.

The table below details the total estimated savings of the affected population over the lifetime of the proposal.

<b>Fiscal Year</b>	<b>Impacted Examination Fee Totals</b>	<b>Impacted Licensing Application/Firm Registration Fee Totals</b>	<b>Impacted Renewal Fee Totals</b>	<b>Total</b>
2013–14	\$1,643,200	\$964,800	\$5,992,100	\$8,600,100
2014–15	\$821,600	\$219,970	\$2,488,849	\$3,530,419
Total Annual Decrease	\$821,600	\$744,830	\$3,503,251	\$5,069,681

The total savings realized by licensees and prospective licensees is projected to be \$5,069,681 annually or \$10,139,362 over the two–year lifetime of the temporary fee reduction.

Cost Impact on Representative Private Person or Business:

This proposal would reduce the following fees for a period of two years from July 1, 2014 to June 30, 2016:

- the application fee for the computer–based Uniform Certified Public Accountant Examination for issuance of the Authorization to Test to first–time applicants is reduced from \$100 to \$50;
- the application fee for the computer–based Uniform Certified Public Accountant Examination for issuance of the Authorization to Test to repeat applicants is reduced from \$50 to \$25;

- the application fee for issuance of a Certified Public Accountant certificate is reduced from \$250 to \$50; and,
- the application fee for registration as a partnership or as a corporation, including registering under a new name, is reduced from \$150 to \$30.

This proposal will reduce the following fees, which are already reduced from the original \$200 to \$120, for a minimum of two years from July 1, 2014 to June 30, 2016:

- the fee for the initial permit to practice as a partnership, corporation, or certified public accountant is reduced from \$120 to \$50; and,
- the fee for renewal of a permit to practice as a partnership, corporation, or certified public accountant is reduced from \$120 to \$50.

These fees are reduced for a period of two years, at which time, the fees will return to prior levels unless, by

May 31, 2015, the CBA determines that a fee level lower than \$200 is necessary to maintain approximately three months in reserve.

Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

The CBA has determined that the proposed regulations may affect small businesses.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

##### Impact on Jobs/Businesses:

The CBA has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This determination was made because the proposed changes, which reduce fees by an amount projected just over \$5 million annually spread among approximately 90,000 licensees, are not sufficient to create or eliminate jobs or businesses.

##### Benefits of Regulation:

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

The benefits of this proposal would be approximately \$5 million annually spread among approximately 90,000 licensees.

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

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

#### CONSIDERATION OF ALTERNATIVES

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

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

#### INITIAL STATEMENT OF REASONS AND INFORMATION

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

#### TEXT OF PROPOSAL

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

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

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

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

#### CONTACT PERSON

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

Name: Matthew Stanley  
Address: 2000 Evergreen St., Ste. 250  
Sacramento, CA 95815  
Telephone No.: 916-561-1792  
Fax No.: 916-263-3678  
E-Mail Address: mstanley@cba.ca.gov

The backup contact person is:

Name: Andrew Breece  
Address: 2000 Evergreen St., Ste. 250  
Sacramento, CA 95815  
Telephone No.: 916-561-1782  
Fax No.: 916-263-3678  
E-Mail Address: Andrew.breece@cba.ca.gov

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

#### TITLE 17. DEPARTMENT OF PUBLIC HEALTH

ACTION: Notice of Proposed Rulemaking  
Title 17, California Code of Regulations

**SUBJECT:** Fluoroscopy Permit Requirements for  
Physician Assistants, DPH-10-006

### **PUBLIC PROCEEDINGS**

Notice is hereby given that the California Department of Public Health will conduct written proceedings during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

### **HEARING**

No hearing has been scheduled; however, any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. For individuals with disabilities, should a public hearing be scheduled, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of written public hearing materials into Braille, large print, audiocassette, or computer disk. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

To request such services or copies of materials in an alternate format, please write to Rosalie Dvorak-Remis, Office of Regulations, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, or call (916) 440-7683, or use the California Relay Service by dialing 711.

### **WRITTEN COMMENT PERIOD**

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on January 14, 2013, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By email to: [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov). It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "DPH-10-006" in the subject line to facilitate timely identification and review of the comment; or

2. By fax transmission: (916) 440-5747; or
3. By mail to: Office of Regulations, California Department of Public Health, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377; or hand-delivered to: 1616 Capitol Avenue, Sacramento, CA 95814. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

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

#### **Summary of the Proposed Regulations**

For purposes of implementing Assembly Bill (AB) 356 (Statutes of 2009, chapter 434), the proposed regulations would establish the requirements for an individual, who is licensed as a Physicians Assistant (PA) in California, to obtain a permit to operate fluoroscopy X-Ray equipment on a human being. The proposed regulations would establish the requirements for obtaining and renewing the permit, would set forth the work scope limitations under the permit, would establish standards for revoking or suspending the permit, and would establish the fees for obtaining and renewing the permit.

#### **Policy Statement Overview**

*Problem Statement:* Because AB 356 requires the California Department of Public Health (Department) to implement, interpret, or make specific enacted provisions, regulations are required. Existing Department regulations do not address the provisions specified in AB 356.

*Objectives:* Broad objectives of this proposed regulatory action are to:

- Implement AB 356.
- Provide well-defined procedures that allow a PA to obtain the permit.
- Specify the expanded scope-of-work for a PA who obtains the permit.

*Benefits:* Anticipated benefits, including nonmonetary benefits, from this proposed regulatory action are:

- Protect the public's health and welfare by ensuring that PAs can safely and competently use fluoroscopic X-ray equipment, thereby reducing unnecessary radiation exposure to the public during X-ray procedures.

- Protect worker safety by ensuring users of fluoroscopy X-ray equipment can safely and competently keep radiation exposures to themselves and other workers to a minimum.
- Provide specific guidance as to the procedures necessary for a PA to obtain the permit.
- Clarify the expanded scope-of-work for a PA who obtains the new permit.
- Specify the new permit application and renewal processes.

*Evaluation as to whether the proposed regulations are inconsistent or incompatible with existing state regulations:*

The Department evaluated this proposal and determined that it, if adopted, will not be inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department’s existing general regulations and those regulations specific to the implementation of the Radiologic Technology Act (RT Act). That review found that some existing RT Act regulations could be construed to be inconsistent with some provisions of AB 356. This proposal, if adopted, would clarify and remove those inconsistencies. An Internet search of other state agency regulations, including regulations of the Physician Assistant Committee, determined that no other state regulation addresses the same subject matter.

**Purpose and Authority**

Previous to the enactment of AB 356, the Radiologic Technology Act (RT Act), codified at Health and Safety Code (H&S Code), sections 106965 through 107120 and sections 114840 through 114896, was enacted into California law in order to protect the public from excessive or improper exposure to ionizing radiation. The RT Act required that any individual who uses X-ray equipment on human beings meet certain standards of education, training, and experience. The California Department of Public Health (CDPH or Department) (successor to the Department of Health Services) was authorized under the RT Act to promulgate regulations to implement the Act’s provisions. (H&S Code 131055 & 131200.<sup>1</sup>)

Under the RT Act, it is unlawful for any individual to administer diagnostic or therapeutic X-ray, including X-ray associated with fluoroscopy, on human beings unless an individual is certified or permitted to do so after having met certain requirements relating to education, clinical training, and experience. (H&S Code 106965, 106975, & 107110.) Currently, there are essentially two categories of certified/permitted individuals;

namely, licentiates of the healing arts (hereinafter called “licentiates”) and non-licentiates. Licentiates are licensed medical, osteopathic, chiropractic, and podiatric doctors (e.g. MD, DO, DC, DPM). (H&S Code 114850(h)(1).) Individuals not so licensed are categorized as non-licentiates and include radiologic technologists (RT) and limited permit X-ray technicians. (H&S Code 114850(d) & (e), respectively; title 17, California Code of Regulations (17 CCR 30446<sup>2</sup>).)

Previous to the enactment of AB 356, in order to operate fluoroscopy equipment in a medical setting, individuals, including Physicians Assistants (PAs), who were not licentiates, were required, under the RT Act and regulations implementing the Act, to successfully complete two years of coursework and training, and pass an examination, to obtain a CDPH-issued radiologic technologist certificate, and then complete an additional 55 hours of coursework and training to obtain a radiologic technologist fluoroscopy permit.

Effective January 1, 2010, AB 356, amendments to the RT Act provided for an alternative permit, the Physician Assistant Fluoroscopy Permit, under which PAs could operate fluoroscopic equipment in a medical setting. To obtain the PA fluoroscopy permit, the PA was not required to complete the two years of coursework for, and obtain, a radiologic technologist certificate, but rather could complete a more compact set of educational and clinical training requirements, and pass an examination, specific to the knowledge and skills needed to operate fluoroscopy equipment in medical settings.

Therefore, this proposal establishes the regulations necessary to implement AB 356 and administer this new permitting program. AB 356 requires a PA’s supervising physician to also have a fluoroscopy permit. However, the regulatory requirements for a physician to obtain the proper authorization are already established. (17 CCR 30460–30468.)

Because an individual can be both licensed as a PA and as a certified radiologic technologist (CRT) with an RT fluoroscopy (F) permit (hereinafter called a “PA-CRT-F”), this proposal provides two pathways for authorization; namely, the PA-F permit pathway, or the PA-CRT-F pathway. If the PA is also a CRT but does not hold the RT-F permit, the individual would have to decide which pathway to follow; namely, the PA-CRT-F pathway or the PA-F pathway.

- For those following the PA-F permit pathway, all proposed sections are applicable because it establishes how a PA obtains the PA-F permit and complies with other administrative requirements applicable only to the PA-F permit. Under this

<sup>1</sup> This short format “H&S Code 131055” for a given Health and Safety Code section will be used throughout this document for brevity.

<sup>2</sup> This short format “17 CCR 30446” for a given regulation section in title 17, California Code of Regulations will be used throughout this document for brevity.

pathway, the PA license establishes the legal authorization for obtaining this new permit, making the permit inextricably tied to the PA license: if the PA license becomes invalid, the permit automatically becomes invalid. In essence, this pathway expands the PA's scope of practice via the PA fluoroscopy permit only into the performance of fluoroscopy procedures that have been indicated on the PA's delegated services agreement in accordance with the Physician Assistant Practice Act (PAP Act).

- For those following the PA–CRT–F pathway, only proposed section 30456 applies and, as needed for clarity, other sections, as discussed below, that may refer to those following the PA–CRT–F pathway. Under this pathway, the PA license is not the underlying establishing authorization because these individuals' authorizations were established under the RT Act. Under this pathway, a person's RT Act authorization as a CRT and possession of the RT fluoroscopy permit are not tied to the PA license. This pathway expands the PA's scope of practice much more broadly into the use of both radiographic and fluoroscopic procedures because of the individual's CRT and CRT–F authorization. Thus, the individual can perform functions for which they are authorized under both the RT Act and the PAP Act.

#### AUTHORITY & REFERENCE CITATIONS

The Department is proposing to adopt, amend, or repeal, as applicable, the following regulation sections under the authority provided in sections 114872 and 131200 of the Health and Safety Code. This proposal implements, interprets and makes specific sections 100305, 100425, 106995, 107080, 107085, 114872, 131050, 131051 and 131052 of the Health and Safety Code. The proposed changes are:

Adopt **GROUP 4.6, Use of Fluoroscopy Equipment by Physician Assistants**, for structural purposes.

Adopt **Article 1, Authorization to Physician Assistants to Use Fluoroscopy Equipment**, for structural purposes.

Adopt **section 30456** to both address the problems and realize the benefits as stated regarding this regulatory action and to inform PAs of existing applicable provisions and that certain proposed provisions do not apply if the PA holds a radiologic technologist fluoroscopy permit.

Adopt **section 30456.1** to both address the problems and realize the benefits as stated regarding this regulatory action and to identify the conditions a PA must meet to lawfully use fluoroscopy X–ray equipment.

Adopt **Article 2, Application Process and Administration of Physician Assistant Fluoroscopy Permits**, for structural purposes.

Adopt **section 30456.2** to both address the problems and realize the benefits as stated regarding this regulatory action and to identify the eligibility requirements for a PA fluoroscopy permit as specified in H&S Code 114872. This proposed section would not apply to individuals following the PA–CRT–F pathway.

Adopt **section 30456.4** to both address the problems and realize the benefits as stated regarding this regulatory action and to specify the Department's approved coursework in fluoroscopy for PAs. This would not apply to individuals following the PA–CRT–F pathway. The didactic component of the "Fluoroscopy Educational Framework for the Physician Assistant"<sup>3</sup> created through the collaboration of the American Academy of Physician Assistants (AAPA) and the American Society of Radiologic Technologists (ASRT), dated December 2009, is incorporated by reference. Coursework consists of 40 hours didactic instruction and 40 hours of supervised clinical training. Acceptable coursework providers are specified.

Adopt **section 30456.6** to both address the problems and realize the benefits as stated regarding this regulatory action and to specify the continuing education requirements for renewal. This proposed section would not apply to a PA–CRT–F except that the section clarifies that such persons must meet section 30403.

Adopt **section 30456.8** to both address the problems and realize the benefits as stated regarding this regulatory action and to specify fees. This proposed section would not apply to a PA–CRT–F because such persons are subject to fees specified in existing section 30408.

Adopt **Article 3, Unauthorized Activities and Validity**, for structural purposes.

Adopt **Section 30456.10** to both address the problems and realize the benefits as stated regarding this regulatory action and to specify restrictions placed on the PA fluoroscopy permit. This proposed section would not apply to a PA–CRT–F because such persons are subject to other certifying requirements and restrictions under the RT Act and its regulations.

Adopt **Article 4, Grounds for Suspension, Revocation, Amendment, or Restriction of Physician Assistant Fluoroscopy Permits**, for structural purposes.

Adopt **Section 30456.12** to both address the problems and realize the benefits as stated regarding this regulatory action and to specify the reasons for taking certain actions and to inform holders of permits that

<sup>3</sup> Available at: [http://www.aapa.org/images/stories/Advocacy-state-summaries/fluoroscopy\\_educational\\_framework\\_ASRT\\_APPA\\_12-09.pdf](http://www.aapa.org/images/stories/Advocacy-state-summaries/fluoroscopy_educational_framework_ASRT_APPA_12-09.pdf) (accessed on October 11, 2012.)

such authorizations are subject to revocation, suspension, amendment or restricting. This proposed section would not apply to a PA–CRT–F because such persons are subject to other certifying requirements and restrictions under the RT Act and its regulations.

**FORMS INCORPORATED BY REFERENCE**

N/A

**MANDATED BY FEDERAL LAW  
OR REGULATIONS**

N/A

**OTHER STATUTORY REQUIREMENTS**

N/A

**LOCAL MANDATE**

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

**FISCAL IMPACT ESTIMATE**

**A. FISCAL IMPACT ON LOCAL GOVERNMENT:** There will be an impact as described in item B.1 below.

**B. FISCAL IMPACT ON STATE GOVERNMENT:**

1. State agencies that hire Physician Assistants (PA) and pay for the PA’s licensure and require and pay for the PA to obtain and maintain the proposed PA fluoroscopy permit would be subject to the proposal. However, such payment is within the agencies’ discretion and an estimated total cost cannot be made. Cost per PA is a one–time application fee of \$98 and annual renewal fee of \$52.
2. Based on the CAPA survey results and the PA Committee information, total applicant pool is estimated at 70% of the total number of licensed PA’s or approximately 5,553 applicants. However, because this proposal addresses PA’s who may not need to obtain the new PA fluoroscopy permit and obtaining the new permit is discretionary, the actual number cannot be accurately estimated. For purposes of this fiscal estimate, 5,553 applicants are assumed.

CAPA survey information (Dec. 22, 2010):

- Members were asked if they would be interested in obtaining the new permit.
- Number (#) of CAPA membership as of March 1, 2011 = 3,978
- # of responding members = 1,593: 40% of total members
- # of yes responses = 1,132: 28% of total members
- % of respondents expected to apply = 71%

Physician Assistant Committee information:

- 7,933 = Current/renewed licenses (December 2010) (Reference 5) from website:  
[http://www.pac.ca.gov/licensees/license\\_123110.pdf](http://www.pac.ca.gov/licensees/license_123110.pdf)

Estimated percentage of applicant pool:

- 70% of total licensed PAs or approximately 5,553 applicants. 70% is used for purposes of this fiscal estimate. Actual numbers will vary.

This proposal would charge an application fee of \$98 and an annual renewal fee of \$52. Assuming there are 5,553 applicants for the permit the first year, the Radiation Control Fund (RCF) would receive a one–time increase of \$544,194 (\$98 times 5,553) due to application fees and, annually thereafter, \$288,756 (\$52 times 5,553) due to renewal fees.

**C. FISCAL IMPACTS ON FEDERAL FUNDING OF STATE PROGRAMS:** None.

**D. FISCAL IMPACT ON PRIVATE PERSONS OR BUSINESSES DIRECTLY AFFECTED:** There will be a fiscal impact on private persons who wish to obtain the new permit. This proposal would charge an application fee of \$98 and an annual fee of \$52.

**E. MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS:** None.

**F. OTHER NON–DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:** None.

**G. EFFECT ON SMALL BUSINESSES:** These proposed regulations will not affect small businesses because Physician Assistants are not small businesses.

**HOUSING COSTS**

The Department has determined that the regulations will have no impact on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE**

The Department has made an initial determination that the regulations would have no significant statewide

adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC  
IMPACT ANALYSIS

CDPH analyzed whether and to what extent this proposal affects the following:

1. **The creation or elimination of jobs within the State of California.** This proposal may create new jobs to address the establishment of a new permit. Creation of new jobs is likely to be not significant because this proposal only expands the scope of practice of a PA, applies to a limited pool of individuals, and obtaining the new permit is discretionary.
2. **The creation of new businesses or the elimination of existing businesses within the State of California.** This proposal may create new businesses to address the establishment of a new permit. Creation of new businesses is likely to be not significant because the proposal only expands the scope of practice of a PA, applies to a limited pool of individuals, and obtaining the new permit is discretionary.
3. **The expansion of businesses currently doing business within the State of California.** Businesses may expand somewhat to meet the training needs of new clientele. Expansion is likely to be not significant because the proposal only expands the scope of practice of a PA, applies to a limited pool of individuals, and obtaining the new permit is discretionary.
4. **The benefits of the regulation to the health and welfare of California residents, and increases worker safety.** This proposal significantly increases the benefits to the health and welfare of California residents and worker safety because it ensures users of fluoroscopy X-ray equipment can safely and competently keep a patient's radiation exposure to a minimum and protect themselves, and other workers, from receiving unnecessary radiation exposure. This proposal would not affect the state's environment because the radiation energy emitted from the use of fluoroscopy X-ray equipment dissipates to normal atomic structures without environmental contamination.

COST IMPACTS ON REPRESENTATIVE PERSON  
OR BUSINESS

There will be a fiscal impact on private persons who wish to obtain the new permit. This proposal would

charge an application fee of \$98 and an annual fee of \$52.

BUSINESS REPORT

None.

ALTERNATIVES STATEMENT

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

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Phillip Scott of the Center for Environmental Health, at (916) 440-7978 or Rosalie Dvorak-Remis at (916) 327-4310.

All other inquiries concerning the action described in this notice may be directed to Rosalie Dvorak-Remis, Office of Regulations, at (916) 327-4310, or to the designated backup contact person, Alana McKinzie at (916) 440-7689.

**In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-10-006: Fluoroscopy Permits for Physician Assistants.**

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

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1616 Capitol Avenue, Sacramento, CA 95814, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you,

please call (916) 327-4310 (or the California Relay Service at 711), send an email to [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov), or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at [www.cdph.ca.gov](http://www.cdph.ca.gov) by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation > Regulations > Proposed.

**TITLE 23. DELTA STEWARDSHIP COUNCIL**

The Delta Stewardship Council (hereafter Council) proposes to adopt the proposed regulation described below after considering comments, objections, and recommendations regarding the proposed action.

OPPORTUNITY FOR PUBLIC COMMENT

- **Public Hearings.** The Council will hold one public hearing. This hearing will be held in accordance with the requirements set forth in Government Code section 11346.8.

Date: January 24, 2013

Time: The public hearing will convene at 9:30 a.m. and remain open as long as attendees are presenting testimony.

Location: Ramada Inn & Suites  
1250 Halyard Drive,  
West Sacramento, CA 95691

- **Written Comment Period.** The opportunity to submit written comment begins November 30, 2012, and closes January 14, 2013. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Submit written comments to:

Cindy Messer  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814  
(916) 445-0258  
[cindy.messer@deltacouncil.ca.gov](mailto:cindy.messer@deltacouncil.ca.gov)

AUTHORITY AND REFERENCE

Water Code section 85210(i) authorizes the Council to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific sections 10608, 10610.2, 10610.4, 10801, 10802, 85020, 85021, 85022, 85023, 85032, 85052, 85054, 85057.5, 85058, 85059, 85225, 85300, 85302, 85303, 85305, 85306, 85308, 85001(c), and 85004(b) of the Water Code. The proposed regulations make references to: sections 1702, 8201, 9600 et seq., 10608.12, 10610 et seq., 10853, 12300 et seq., 12570 et seq., 12930, 12980 et seq., 12994.5, 85001(c), 85004(b), 85020(a), 85020(d), 85020(h), 85032(j), 85087, 85210(i), 85304, Division 6, Parts 2.55, 2.6, and 2.8 of the Water Code; sections 12220, 21065, 21080(b), 29101 of the Public Resources Code; California Code of Regulations, Title 23, Division 1; 33 C.F.R. Section 320.4(i)(1), 16 U.S.C. Sec. 1451 et seq., 33 U.S.C. Sec. 1251 et seq., 42 U.S.C. 4001 et seq., P.L. 84-99, P.L. 90-448, and Section 226 of P.L. 97-293.

INFORMATIVE DIGEST

*Policy Statement Overview Explaining the Broad Objectives of the Regulations*

In 2009 the Sacramento-San Joaquin Delta Reform Act of 2009 (Delta Reform Act), Water Code sections 85001 through 85308, established a new governance approach for the Sacramento-San Joaquin Delta (Delta) that is focused on achieving the coequal goals. As stated in the California Water Code, "Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place" (Water Code section 85054).

Under the authority stated in the Delta Reform Act, the Council proposed to adopt and implement the Final

Draft Delta Plan, November 2012 (Delta Plan), which includes a suite of regulatory policies, to ensure achievement of the coequal goals and the objectives inherent in the coequal goals, including long-term management of the Delta's water and environmental resources and the water resources of the state; protecting and enhancing the unique cultural, recreational, and agricultural values of the Delta as an evolving place; restoring the Delta ecosystem; promoting statewide water conservation, water use efficiency, and sustainable water use; improving water quality to protect human health and the environment; improving the water conveyance system and expanding statewide water storage; reducing risks to people, property, and State of California (State) interests in the Delta; and establishing a governance structure with the authority, responsibility, accountability, scientific support, and adequate and secure funding to achieve these objectives.

Throughout the three-year process of developing the Delta Plan and the Draft Program Environmental Impact Report (PEIR), the Council sought extensive public, stakeholder, and government agency input. Using input from the broad base of expertise and resources, the Council developed a long-term management plan for the Delta that used the best available science and was built upon the principles of adaptive management. The Delta Plan contains a foundational set of policies and recommendations to guide Plan implementation. Consistent with the Delta Reform Act, the regulatory policies set a comprehensive, legally enforceable direction for how the State manages important water and environmental resources in the Delta, and ensure coherent and integrated implementation of that direction through a certification process.

*Policy Statement Overview Explaining the Specific Benefits Anticipated from the Proposed Action*

Implementation of Delta Plan policies would provide the best means to achieve the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The comprehensive set of policies would ensure that the coequal goals will be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place while reducing risks to people, property, and State interests in the Delta.

*Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking*

The Delta Plan draws upon existing State and federal laws and policies and ongoing programs to chart a course to further the coequal goals. The regulatory policies are all targeted toward the goal of aligning signifi-

cant activities in the Delta with State policy priorities. Since no single entity in California has the sole responsibility or authority for managing water supply and the Delta ecosystem, the Council asserts its leadership role through the appellate authority vested by the Delta Reform Act to enforce the regulatory policies contained in the Delta Plan.

Consistent with sections 85302 to 85308 of the Water Code, the proposed regulatory policy actions contained in the Delta Plan constitute measures that promote all the characteristics of a healthy Delta ecosystem; a more reliable water supply; actions to implement the sub-goals and strategies for restoring a healthy ecosystem; statewide water conservation, water use efficiency, and sustainable use of water; options for new and improved infrastructure; and effective emergency preparedness, appropriate land uses, and strategic levee investments to reduce risks to people, property, and State interests in the Delta.

*Consistency with Existing State Laws and Regulations*

The Council developed the Delta Plan consistent with the following sections of the Water Code: Section 85302 through 85306 specifying requisite content of the Delta Plan. Furthermore, the Council developed the Delta Plan consistent with existing laws and regulations.

- Water Code section 85031(a). The proposed regulations, under the authority provided in the Delta Reform Act, do not affect water rights protections under existing laws. Water Code section 85031(d). The proposed regulations, under the authority provided in the Delta Reform Act, do not affect existing authorities of the State Water Resources Control Board or the courts to regulate the diversion and use of water.
- Water Code section 85032. The proposed regulations, under the authority provided in the Delta Reform Act, do not affect the Natural Community Conservation Planning Act; the California Endangered Species Act; the Fish and Game Code; the Porter-Cologne Water Quality Control Act; Water Code section 12930 related to Water Resources Development Bonds; the California Environmental Quality Act; Water Code section 1702 related to change of point of diversion, place of use, or purpose of use, the application of the public trust doctrine, any water right, or the liability of the State for flood protection in the Delta or its watershed.

In addition to the consistency of the regulatory policies with the above-listed laws, the policies are also

consistent with existing laws and regulations that relate to specific policies, as discussed below:

- Terms such as *Agricultural water management plan*, *agricultural water supplier*, *coequal goals*, *Delta*, *Delta Plan*, *urban area*, *urbanizing area*, *urban water management plan*, *urban water supplier*, *urban retail water supplier*, and *urban wholesale water supplier* are all defined consistent with the Water Code.
- Covered action is defined pursuant to Water Code section 85057.5. The definition of a “project” is as defined in Public Resources Code section 21065. Exemptions to the covered action definition are consistent with Water Code §85057.5(b) and Public Resources Code §21080(b) and §21002.1(c).
- Requiring mitigation measures is consistent with CEQA contained in the Public Resources Code §21002.1(b).
- Requiring reduced reliance on the Delta is consistent with the Delta Reform Act contained in Water Code §85021, the Urban Water Management Planning Act contained in Water Code § 10610–10610.4, and the Agricultural Water Management Planning Act contained in Water Code § 10820–10821. It is also consistent with Water Code §85023 mandating the use of the constitutional principle of reasonable use and the public trust doctrine as the foundation of State water management policy. The reasonable use doctrine is described in the California Constitution, Article 10, Sec. 2.
- The water contracting transparency requirement is consistent with existing policies of the Department of Water Resources (DWR) contained in DWR Guidelines 03–09 and/or 03–10 (each dated July 3, 2003), as well as section 226 of P.L. 97–293 or section 3504(a)(2)(B) of P.L. 102–575.
- The development, implementation, and enforcement of new and updated flow objectives are consistent with the authorities and responsibilities of the State Water Resources Control Board (SWRCB) and regional water quality control boards pursuant to Water Code §13000–13002 and §13240–13242. The Federal Clean Water Act (33 U.S.C., section 1251 et seq.) regulates the discharge of pollutants into the waters of the United States and regulates quality standards for surface waters. Federal Regulations, 40 CFR 131.37, established water quality criteria applicable to waters specified in the Water Quality Control Plan for Salinity for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary. Although the attainment of salinity standards and

fish migration criteria would be influenced by flows and Delta operation, the SWRCB may not have to submit the updated flow objectives to U.S. Environmental Protection Agency (EPA) for approval as long as the regulatory standards are met. Nevertheless, it is expected that the SWRCB will provide the updated flow objectives to U.S. EPA for its consideration in accordance with Water Code §13144.

- The policies on Delta habitat restoration are consistent with the California Environmental Quality Act described in the Public Resources Code §21000–21006; the Suisun Marsh Protection Plan described in the Public Resources Code §29000–29014; the Delta Protection Act of 1992; Water Code §8611, which requires the Central Valley Flood Protection Board to develop a mitigation plan prior to flood control construction; and Water Code § 12842, which requires flood control and watershed protection projects to include features to preserve the state’s fish and wildlife resources and to provide for recreation.
- The policies to reduce risks in the Delta are consistent with the State’s flood management interests in §8325 and §8532 of the Water Code, and §29702(d) and §29704 of the Public Resources Code. The policies will further the intent of the Central Valley Flood Protection Act of 2008 mandating a 200–year level of flood protection in urban and urbanizing areas, contained in Government Code §65865.5.
- Prohibiting encroachments and protecting floodplain functions and values will further the intent contained in sections 8410, 8608, and 8609 of the Water Code. Protecting floodways and floodplains also furthers the authorities of the State Lands Commission, as stated in Public Resources Code §6001–6314, to enforce public trust protection onto swamp and overflowed lands in the Delta. These regulations complement federal regulatory authority and responsibilities in the Delta, described in C.F.R. Title 44, Chapter 1, Parts 60.3(d)(3), and Code of Federal Regulations, Title 44, Chapter 1, §9.11 (4).
- Policies to protect private property rights are consistent with Public Resources Code §29714.
- The policy does not increase the State’s flood liability, consistent with Water Code §85032(j).

*Substantial Differences from Existing, Comparable Federal Regulations or Statutes*

To avoid substantial difference with existing comparable federal regulation or statute, the Delta Plan was developed in accordance with the Delta Reform Act re-

quirement of consistency with the federal Clean Water Act, section 8 of the federal Reclamation Act of 1902, and the federal Coastal Zone Management Act of 1972, or an equivalent compliance mechanism. (Water Code §85300(d)(1))

In addition, the federal Energy and Water Development Appropriations Act of 2012 (Title II of the Consolidated Appropriations Act of 2012 (P.L. 112-074)) requires that federal policy for addressing California’s water supply and environmental issues related to the Bay–Delta to be consistent with State law, including the coequal goals.

The proposed regulations are consistent with and complement existing federal regulations and statutes.

*Whether the Proposed Regulation Is Inconsistent or Incompatible with Existing State Regulations*

None of the proposed regulations are inconsistent or incompatible with existing state regulations. The Council has developed these regulations in alignment with existing state law and regulations. The section above titled “Summary of Existing Laws and Regulations Related Directly to the Proposed Rulemaking” provides a detailed explanation of how individual policies proposed in the regulation are consistent with existing laws and regulations.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

None. Definitions, policies, and other portions of the Delta Plan are included within the text of the proposed regulation or attached as appendices.

**MANDATED BY FEDERAL LAW  
OR REGULATIONS**

The proposed regulations are not mandated by federal law or regulations, although they complement their intents and further their implementation in the Delta.

**OTHER STATUTORY REQUIREMENTS**

None.

**LOCAL MANDATE**

Government Code section 17556 provides that no mandate exists where “(d) The local agency or school district has the authority to levy assessments, rates, fees, or other charges sufficient to pay for the mandated program or increased level of service.” The Cost Analysis for Proposed Delta Plan Regulations provides general information on the authority and mechanisms by which

local agencies in the Delta can recover any costs potentially resulting from the proposed regulation. Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4, Government Code, other non-discretionary costs or savings imposed on local agencies, or costs or savings in federal funding to the state are not expected.

**FISCAL IMPACT**

The fiscal effects of Delta Plan policies and administrative requirements to state and local agencies occur in two forms. First, administrative requirements require State and local agencies undertaking a covered action to prepare and file a Certification of Consistency. This includes description of the covered action, CEQA documentation, summary of other government approvals, and the certification of consistency with each of the Delta Plan policies.

The agency may also incur the costs of consulting with the Council prior to submitting a Certification of Consistency, or the costs relating to an appeal of the certification, such as submitting the covered action record, attending and providing testimony at the appeal hearing, and, if the Council upholds the appeal, modifying and re–filing the Certificate of Consistency.

Second, implementation of Delta Plan policies may result in costs to State and local agencies resulting from modifications to an agency’s existing plans for covered actions to make them consistent; development of covered actions that are different than what the agency would have done in absence of the Delta Plan, changes in water supply reliability, ecosystem restoration, or flood risk that affect an agency whether or not it has proposals for covered actions; and administrative costs to monitor Council activities, attend meetings, and review documents and findings.

It is anticipated that costs would be recovered by an agency of a covered action through assessments, rates, user fees, or other mechanisms the agencies use to fund activities. While in some cases State or local agencies would be able to absorb the additional costs within their existing budgets and resources, other circumstances may require the aforementioned funding mechanisms.

The total cost State and local agencies may incur to prepare and file a Certification of Consistency and implement Delta Plan policies could range from \$11.9 to \$16.8 million annually. A document titled “Cost Analysis for Proposed Delta Plan Regulations” provides a detailed analysis of the cost to State and local agencies of Delta Plan regulations, and is available for review.

**HOUSING COSTS**

No significant direct impacts on housing costs are likely to occur from implementation of Delta Plan poli-

cies. The benefits and costs of Delta Plan policies can have complex and counteracting effects on housing prices. For housing directly affected by covered actions, Delta Plan policies may increase housing costs for two reasons: consistency certification costs will likely be passed on, at least in part, to buyers; and the benefits of improved flood protection and ecosystem amenities could increase property value, thereby increasing housing costs. Importantly, the Delta Plan policies are expected to provide substantial benefits to housing by increasing value due to improved flood protection, water supply reliability, and environmental amenities. A document titled “Cost Analysis for Proposed Delta Plan Regulations” provides a detailed analysis on the effects of the Delta Plan regulations on housing costs, and is available for review.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES**

Although the total indirect cost of Delta Plan policies to private business or individuals is uncertain, the proposed action is not anticipated to have significant statewide adverse economic impact directly affecting business, including the ability to compete with businesses in other states.

**STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

Although the total indirect cost of Delta Plan policies to private business or individuals is uncertain, the proposed action is not anticipated to have significant impact on:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

The proposed action would provide significant long-term benefits to the state by meeting the coequal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The comprehensive set of policies would ensure that the coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resources, and agricultural values of the Delta as an evolving place, improving the welfare and state’s environment.

**COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

Delta Plan policies and administrative requirements apply to State and local agencies. Private businesses and individuals are not directly affected by costs of Delta Plan policies or administrative requirements. However, private businesses and individuals could be affected indirectly in two ways. First, costs could be passed directly to private businesses and individuals by an agency proposing a covered action. Second, cost could be recovered by an agency of a covered action through taxes, user fees, assessments, or other mechanisms the agencies use to fund activities. The total indirect cost of Delta Plan policies to private business or individuals is uncertain.

Because private businesses and individuals are not directly affected by costs of Delta Plan policies or administrative requirements, the Council is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This statement is accurate also for small business.

**BUSINESS REPORTING REQUIREMENTS**

The proposed regulations require State and local agencies undertaking a covered action to prepare and file a Certification of Consistency. However, the administrative requirements of the proposed regulations do not apply to business or private individuals. Therefore, the reporting requirement does not apply to business.

**SMALL BUSINESS**

The proposed regulatory policies do not affect small businesses. The direct cost of the proposed regulatory policies falls on State and local public agencies, not on businesses. Businesses in general are affected by: 1) costs passed on by a local agency through assessments, rates, fees, or other charges; and 2) benefits foregone if a covered action must be modified to comply with Delta Plan policies. There is no evidence that small businesses would be disproportionately affected or overly burdened by the proposed regulations.

Several policies are specifically designed to avoid impacts on small businesses in the Delta. For example, limitations on construction or development in the Delta (§5012) specifically exempt “commercial recreational visitor-serving uses or facilities for processing of local crops or that provide essential services to local farms.” Also, §5013 directs covered actions to avoid conflicts with existing land uses including farming.

**ALTERNATIVES STATEMENT**

The Council must determine that no reasonable alternative considered or that has otherwise been identified

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

The Council has prepared an initial statement of reasons that contains an analysis of alternatives considered and rejected due to reasons as described. Interested persons may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Cindy Messer  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814  
(916) 445-0258  
cindy.messer@deltacouncil.ca.gov

Dan Ray  
Delta Stewardship Council  
980 Ninth Street, Suite 1500  
Sacramento, CA 95814  
(916) 445-5511  
dan.ray@deltacouncil.ca.gov

#### AVAILABILITY STATEMENTS

The following materials are available for public review throughout the public comment period:

- Text of Proposed Regulation
- Notice of Proposed Rulemaking
- Initial Statement of Reasons
- Materials Relied Upon
- Form 400
- Form 399
- Final Statement of Reasons (upon completion)
- Final Text of Regulation (upon completion)

These materials may be viewed in two ways:

- Visiting the Council's website (<http://deltacouncil.ca.gov>)
- Arranging an in-person review. Please contact Cindy Messer (contact information provided above).

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Cindy Messer at the address indicated above. The Council will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### FINAL STATEMENT OF REASONS

The Final Statement of Reasons will be posted on <http://deltacouncil.ca.gov>, along with the date the rule-making is filed with the Secretary of State and the effective date of the regulations.

#### INTERNET ACCESS

All materials published or distributed by the Council are available at its internet website at <http://deltacouncil.ca.gov>.

#### **MPP. DEPARTMENT OF SOCIAL SERVICES**

ORD # 0712-06

#### NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 California Work Opportunity and Responsibility to Kids (CalWORKs) Non-Minor Dependent — AB 12

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held January 16, 2013, as follows:

Office Building # 8  
744 P Street, Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations.

The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on January 16, 2013.

Following the public hearing, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons, including the incorporated forms, are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Office of Regulations  
Development  
California Department of  
Social Services  
744 P Street, M.S. 8-4-192  
Sacramento, California 95814  
TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

#### CHAPTERS

Manual of Policies and Procedures 40-100 General; 42-100 Age; 42-200 Property; 42-300 General Time Limit Requirements; 42-700 Welfare to Work; 44-100 Income; 44-300 Aid Payments; 80-300 Definitions and Forms; 82-800 Assistance Unit.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law allows dependent children placed with relatives not eligible to receive federal or state foster

care payments but still eligible for foster care services, to qualify for CalWORKs benefits until age 18. Benefits continue if the child is enrolled full time in high school or in a vocational or technical training program and will graduate before reaching age 19.

Assembly Bill (AB) 12 (Chapter 559, Statutes of 2010), Sections 33, 33.5, 38, 47, and 52, established a new category of non-minor dependents (NMDs) eligible to receive extended CalWORKs benefits. An NMD is defined as a current dependent child or ward of the juvenile court who is 18, but less than 21 years of age; is in foster care under the responsibility of the County Welfare Department or County Probation Department; and is participating in a Transitional Independent Living Case Plan.

Non-minor dependents are required to meet one of five conditions (described below) and retain court jurisdiction in order to remain eligible. NMDs are not subject to CalWORKs program rules or reporting requirements. They constitute their own assistance unit (AU) of one and receive a CalWORKs payment equal to the non-exempt maximum aid payment (MAP) for an AU of one.

NMDs living with a caretaker relative are eligible to receive extended CalWORKs cash aid provided that he or she meets one of the following:

- Enrolled in and working towards completing high school or an equivalency program,
- Enrolled at least half-time in post-secondary or vocational school, or enrolling for the next available term,
- Participating in a program or activity that promotes or removes barriers to employment,
- Employed at least 80 hours per month, or
- Is incapable of enrollment or participation in school or employment due to a documented medical (physical, mental, or emotional) condition.

The maximum age for extended benefits will be phased in over a three-year period. Effective January 1, 2012, NMDs are eligible for payments up to 19 years of age. Effective January 1, 2013, the age limit is extended up to 20 years of age. Effective January 1, 2014, the age limit is extended up to 21 years of age.

These proposed regulations amend the California Department of Social Services Manual of Policies and Procedures to implement the extension of CalWORKs benefits to NMDs. In addition, the QR 2103 (11/11) — Reminder For Teens Turning 18 Years Old has been updated, and two new forms, SOC 161 (9/11) — Six Month Certification of Extended Foster Care Participation and SOC 162 (10/11) — Mutual Agreement for Extended Foster Care, have been developed.

The Department anticipates that these proposed regulations will benefit CalWORKs participants by allowing them to receive benefits beyond age 18, thus easing the transition to adulthood while improving their well-being and outcomes. The Legislature recognizes that 18 is too young for most youth to be without support and allows eligible youth to remain in extended foster care, providing the time they need to transition to adulthood. Extended benefits will allow youth to pursue their educational and employment goals thus decreasing their reliance on public assistance in the future. Youth will be provided with a safety net as they gain real life experience with independence and learn from their mistakes.

The Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 12, as well as with existing state regulations.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: Additional expenditures of approximately \$107,000 in the CalWORKs program are included in the Budget Act of 2012.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: Additional expenditures of approximately \$2,500 in the current State Fiscal Year.
3. Nondiscretionary Costs or Savings to Local Agencies: Estimated cost avoidance to the CalWORKs program (due to non–minor dependents remaining in Foster Care) of approximately \$8,000 is included in the Budget Act of 2012.
4. Federal Funding to State Agencies: Estimated cost avoidance to the CalWORKs program (due to non–minor dependents remaining in Foster Care) of approximately \$611,000 is included in the Budget Act of 2012.

#### LOCAL MANDATE STATEMENT

These regulations do constitute a mandate on local agencies, but not on local school districts. There are state–mandated local costs of approximately \$2,500 that require reimbursement to local agencies. Reimbursement is provided by the Budget Act of 2012.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide

adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because this action only pertains to the implementation of eligibility requirements for non–minor dependents to receive extended CalWORKs benefits.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

#### SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create or eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California. These amendments will improve the health and welfare of California residents by improving the well–being and outcomes for eligible foster youth and by easing their transition to adulthood. Without this added safety net, youth who are forced to leave the foster care system at age 18 will face high rates of homelessness, incarceration, and reliance on public assistance.

The document relied upon in proposing this regulatory action is Assembly Bill 12, Chapter 559, Statutes of 2010.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any other alternatives than the one directed by statute because there were no other alternatives proposed.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regula-

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

**AUTHORITY AND REFERENCE CITATIONS**

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific 11253(b), 11253.3, 11253.3(a), 11253.3(b), 11400(v), 11400(aa), and 11403, Welfare and Institutions Code.

**CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Kenneth Jennings (916) 651-8862  
 Backup: Zaid Dominguez (916) 651-8267

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

**30-DAY PUBLIC NOTICE AND COMMENT PERIOD**

**NOTICE OF PUBLIC AVAILABILITY OF EXTERNAL SCIENTIFIC PEER REVIEW REPORTS FOR THE SCIENTIFIC BASIS OF THE REGULATIONS FOR**

**SAFER CONSUMER PRODUCTS**

Department Reference Number: R-2011-02

Pursuant to Government Code section 11347.1, subdivision (b), notice is hereby given that the Department of Toxic Substances Control (DTSC) is adding two external scientific peer review reports to the Safer Consumer Products rulemaking, which was published in the California Regulatory Notice Register (Z-2012-0717-04) on July 27, 2012.

DTSC has complied with Health and Safety Code section 57004 regarding submission of the scientific portions of the proposed safer consumer product regulations to an external scientific peer review. Documents

were submitted to scientific peer reviewers through the University of California. Their written reports, which contain an evaluation of the scientific basis of the regulations, have been added to the rulemaking file.

A public comment period for the external scientific peer review reports will commence on November 30, 2012, and close at 5 p.m. on **December 30, 2012**. Interested persons may submit comments by e-mail to [gcregs@dtsc.ca.gov](mailto:gcregs@dtsc.ca.gov), by fax to (916) 324-1808, or by mail to:

Ms. Krysia Von Burg  
 Regulations Coordinator  
 Department of Toxic Substances Control  
 P.O. Box 806  
 Sacramento, CA 95812-0806  
 Tel: (916) 324-2810  
 Fax: (916) 324-1808

The external scientific peer review reports are available at

<http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm> or

<http://www.dtsc.ca.gov/SCPRegulations.cfm> and for public inspection between 8:00 a.m. and 5:00 p.m. at the Regulations Section located at 1001 I Street, 22<sup>nd</sup> Floor, Sacramento, California. Requests and inquiries concerning this matter may be directed to Ms. Krysia Von Burg at the address indicated above or by telephone at (916) 324-2810. If Ms. Von Burg is unavailable, please call Ms. Jacqueline Arnold at (916) 322-2004.

Inquiries regarding technical aspects of the external scientific peer review report should be directed to Mr. Jeff Wong at (916) 322-2822. If Mr. Wong is unavailable, please call Ms. Odette Madriago at (916) 323-4927. However, such oral inquiries are not part of the rulemaking record.

**FISH AND GAME COMMISSION**

**NOTICE OF RECEIPT OF PETITION**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on November 1, 2012 received a petition from the Center for Biological Diversity to list the Townsend's big-eared bat (*Corynorhinus townsendii*) as threatened or endangered under the California Endangered Species Act.

Townsend's big-eared bats require a range of habitats for various parts of their life history, including summer roosts (maternity roosts), hibernacula, and foraging habitat.

Pursuant to Section 2073 of the Fish and Game Code, on November 9, 2012 the Commission transmitted the

petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. It is anticipated that the Department's evaluation and recommendation relating to the petition will be received by the Commission at its March, 2013 Commission meeting. Interested parties may contact Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, 1812 Ninth Street, Sacramento, CA 95811, or telephone (916) 445-3555 for information on the petition or to submit information to the Department relating to the petitioned species.

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH SECRETARY OF STATE**

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

File# 2012-1004-04  
**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**  
 Training and Testing Specifications

This rulemaking action amends three sections in title 11 of the California Code of Regulations and amends the incorporated document, "Training and Testing Specifications for Peace Officer Basic Courses." These changes are to the curriculum of peace officer courses. One change was to increase the hours of training for controlled substances and to decrease the time in training for cultural diversity/discrimination. Other clarifying changes were made to the incorporated document.

Title 11  
 California Code of Regulations  
 AMEND: 1005, 1007, 1008  
 Filed 11/15/2012  
 Effective 01/01/2013  
 Agency Contact: Cheryl Smith (916) 227-0544

File#2012-1004-03  
**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**  
 Field Training Officer Course

This rulemaking action by the Commission on Peace Officer Standards and Training (POST) amends section 1005 of title 11 of the California Code of Regulations

and POST Procedure D-13-4 to include a driver training component in the Field Training Officer Course curriculum.

Title 11  
 California Code of Regulations  
 AMEND: 1005  
 Filed 11/15/2012  
 Effective 01/01/2013  
 Agency Contact: Cheryl Smith (916) 227-0544

File# 2012-1005-03  
**DENTAL HYGIENE COMMITTEE OF CALIFORNIA**  
 Citations and Fines

This regulatory action establishes criteria and procedures for the issuance of citations for fines and orders of abatement to licensees and unlicensed persons acting in the capacity of a licensee. It also provides a means to contest a citation through either an informal conference, an administrative hearing or both.

Title 16  
 California Code of Regulations  
 ADOPT: 1139, 1140, 1141, 1142, 1143, 1144  
 Filed 11/14/2012  
 Effective 12/14/2012  
 Agency Contact: Lori Hubble (916) 263-1978

File# 2012-1106-01  
**DEPARTMENT OF FOOD AND AGRICULTURE**  
 Section 3435 Asian Citrus Psyllid Interior Quarantine

This emergency rulemaking amends Title 3, section 3435(b) of the California Code of Regulations to expand the quarantine area currently in the regulation. The emergency amendment of the regulation expands the quarantine area by approximately 3,978 square miles, to include new portions of San Diego, San Bernardino and Riverside counties.

Title 3  
 California Code of Regulations  
 AMEND: 3435(b)  
 Filed 11/15/2012  
 Effective 11/15/2012  
 Agency Contact: Lindsay Rains (916) 654-1017

File# 2012-1011-02  
**DEPARTMENT OF PUBLIC HEALTH**  
 Newborn Screening Panel Fee Increase

On June 15, 2012, the Office of Administrative Law filed emergency regulations for the Department of Public Health that made various amendments to title 17, California Code of Regulations, section 6508 pursuant to Health and Safety Code section 124977(d). The emergency regulations amended section 6508 by increasing the fee for a newborn screening panel from

\$101.75 to \$111.70 and repealing a subdivision that allowed birth attendants and physicians to submit blood specimens for newborn screenings on a form other than a Department–approved form for an additional fee. Health and Safety Code section 124977(d)(1) provides that the emergency regulations shall become effective immediately upon filing with the Secretary of State; however, the regulation “shall be subject to public hearing within 120 days of filing with the Secretary of State and shall comply with Sections 11346.8 and 11346.9 of the Government Code or shall be repealed.” This filing contains the Department’s Statement of Compliance that it complied with the requirements of Health and Safety Code section 124977(d)(1).

Title 17  
 California Code of Regulations  
 AMEND: 6508  
 Filed 11/14/2012  
 Agency Contact: Dawn Basciano (916) 440–7367

File# 2012–1005–04  
 DEPARTMENT OF SOCIAL SERVICES  
 Amendments to Sections 31–003, 31–021, 31–501

This change without regulatory effect by the Department of Social Services amends Sections 31–003, 31–021 and 31–501 of the Manual of Policies and Procedures (MPP), and makes non–substantive and technical changes to forms SOC 832 and 833, with regard to the Child Abuse Central Index (CACI). Specifically, this action amends the MPP sections to remove the requirement to forward inconclusive findings of an investigation relating to child abuse to the Department of Justice (DOJ) for listing on the CACI and limits the reporting of substantiated cases of neglect to “severe neglect”.

Title MPP  
 California Code of Regulations  
 AMEND: 31–003, 31–021, 31–501  
 Filed 11/19/2012  
 Agency Contact: Zaid Dominguez (916) 651–8267

File# 2012–1005–02  
 FISH AND GAME COMMISSION  
 Marine Protected Areas — North Coast

This regulatory action by the Fish and Game Commission (FGC) implements the Marine Life Protection Act (MLPA) (Stats.1999, c. 1015) for the North Coast Study Region. This region is defined as the State waters from the California–Oregon border to Alder Creek, near Point Arena in Mendocino County, covering a total of approximately 1,027 square miles. Specifically, this action amends subdivision (a) of Section 632 of Title 14, California Code of Regulations, to add provisions

relating to “Tribal Take” and “Shore Fishing”. Subdivision (b) is amended to add fifteen (15) new Marine Protected Areas (MPA), amend four (4) existing MPAs, and to remove one (1) existing MPA. Subdivision (b) is also amended to add seven (7) special closures to the North Coast Study Region. Non–substantive amendments are made to account for the renumbering of existing regulatory provisions.

Title 14  
 California Code of Regulations  
 AMEND: 632  
 Filed 11/19/2012  
 Effective 12/19/2012  
 Agency Contact: Sherrie Fonbuena (916) 654–9866

File# 2012–1107–02  
 MANAGED RISK MEDICAL INSURANCE BOARD  
 MIP Subscriber Contributions Rate Calculation

AB 1526, Chapter 855, Statutes of 2012 allows the Managed Risk Medical Insurance Board to subsidize subscriber premiums for the calendar year 2013 so that the subscriber would pay no more than 100 percent of the standard average individual risk rate. This emergency rulemaking amends Title 10, section 2698.401 of the California Code of Regulations to subsidize subscriber premiums.

Title 10  
 California Code of Regulations  
 AMEND: 2698.401  
 Filed 11/19/2012  
 Effective 11/19/2012  
 Agency Contact: Dianne Knox (916) 324–0592

File# 2012–1008–02  
 OFFICE OF ENVIRONMENTAL HEALTH  
 HAZARD ASSESSMENT  
 Prop. 65 Amendment to Appendix A

The Office of Environmental Health Hazard Assessment amended California Code of Regulations (CCR) Title 27, Section 25903, related to Proposition 65. The amendments update and clarify a summary of Proposition 65 that must be included as an attachment to all Notices of Violation that are served upon alleged violators of Proposition 65.

Title 27  
 California Code of Regulations  
 AMEND: 25903  
 Filed 11/19/2012  
 Effective 12/19/2012  
 Agency Contact: Monet Vela (916) 323–2517

File# 2012-1106-02

STATE WATER RESOURCES CONTROL BOARD  
Emergency Fee Regulations to Conform with Budget  
Act 2012-13

On September 19, 2012, the State Water Resources Control Board (Board) adopted Resolution 2012-0047, which revised the emergency water right fee regulations and schedules to be consistent with the revenue levels set forth in the Budget Act for Fiscal Year (FY) 2012-2013. Under the Water Code and existing regulations, a person filing a water right application, petition, registration, groundwater recordation, or other filing must pay a filing fee to the Board. Existing regulations also establish annual fees for water right permits, licenses, water leases, and applications for water quality certification under Clean Water Act section 401 for an activity that involves a hydroelectric facility licensed by the Federal Energy Regulatory Commission. In addition, the existing regulations establish requirements for filing a petition for reconsideration of a fee determination made by the Board.

In general, these emergency regulations modify the water right fee schedule to (1) add a registration filing, renewal and petition fee for Small Irrigation Registrations in compliance with Water Code section 1229, subdivision (c) and (2) adjust the caps on application and petition filing fees based on the consumer price index.

**Title 23**

California Code of Regulations  
AMEND: 1062, 1064, 1068

Filed 11/14/2012

Effective 11/14/2012

Agency Contact: Robert Rinker (916) 322-3143

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN June 27, 2012 TO  
November 21, 2012**

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

**Title 1**

11/13/12 AMEND: 1, Appendix A

**Title 2**

11/09/12 ADOPT: 599.945.4 AMEND: Article 27.5 heading  
11/08/12 AMEND: 18723  
11/06/12 REPEAL: 56600  
11/06/12 REPEAL: 52000  
11/06/12 REPEAL: 52300  
11/01/12 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95  
10/23/12 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.107, 1859.193, 1859.194, 1859.197  
10/22/12 ADOPT: 599.944, 599.946, 599.947  
10/18/12 AMEND: 1575  
10/18/12 ADOPT: 577, 578  
10/17/12 AMEND: 20804  
10/03/12 ADOPT: 18730.1  
10/02/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193  
09/20/12 ADOPT: 59730  
09/19/12 AMEND: 1155.250, 1155.350  
09/14/12 REPEAL: 52100  
09/10/12 ADOPT: 59650  
08/30/12 AMEND: 60000, 60010, 60300, 60310, 60323, 60325, 60330, 60400, 60550, 60560, 60600, 60610 REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200  
08/16/12 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83, 1859.104 REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3  
08/13/12 ADOPT: 59720  
08/07/12 AMEND: 18640  
07/16/12 AMEND: 18215.3  
07/09/12 ADOPT: 22620.1, 22620.2, 22620.3, 22620.4, 22620.5, 22620.6, 22620.7, 22620.8  
06/28/12 AMEND: 649.32

**Title 3**

11/15/12 AMEND: 3435(b)  
10/29/12 ADOPT: 1352.4 AMEND: 1351, 1358.4  
10/23/12 ADOPT: 3639  
10/23/12 ADOPT: 3439  
09/21/12 AMEND: 3437(b) and (c)  
09/18/12 AMEND: 6449.1, 6486.7  
09/12/12 AMEND: 3700(c)  
09/12/12 AMEND: 3435(b)  
08/24/12 AMEND: 3406(b)  
08/22/12 AMEND: 6800(b)  
08/20/12 AMEND: 3435(b)

**CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 48-Z**

08/06/12	AMEND: 3435(b)	08/08/12	ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854
<b>Title 4</b>		07/31/12	AMEND: 19816, 19816.1, 19845.2
10/30/12	AMEND: 5000, 5052	<b>Title 7</b>	
10/29/12	ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060	07/03/12	AMEND: 219
10/17/12	AMEND: 1656	<b>Title 8</b>	
10/17/12	AMEND: 1656	10/31/12	ADOPT: 6625.1 AMEND: 6505
10/16/12	ADOPT: 1581.2	10/23/12	AMEND: 1593, 3650
10/10/12	AMEND: 1867	10/18/12	AMEND: 6325
09/27/12	AMEND: 5000, 5170, 5200, 5230, 5370, 5500, 5540	10/02/12	ADOPT: 1613.11, 1613.12 AMEND: 1600, 1610.1, 1610.3, 1610.4, 1610.9, 1611.1, 1612.3, 1613, 1613.2, 1613.10, 1616.1, 1617.1, 1617.2, 1617.3, 1618.1, 1619.1, 4885, 4999
09/12/12	ADOPT: 12391(a)(1), (3), (4), (b) & (c), 12392 AMEND: 12360	10/02/12	AMEND: 4297
09/04/12	AMEND: 10032, 10033, 10034, 10035	09/25/12	AMEND: 2950, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427 REPEAL: 3428
08/30/12	ADOPT: 1489.1	09/05/12	AMEND: 1512, 2320.10, 2940.10
08/29/12	ADOPT: 5205 AMEND: 5000, 5054, 5144, 5190, 5200, 5230, 5370, 5170, 5350 REPEAL: 5133	09/04/12	AMEND: 5189, 5192(a)(3), 5198(j)(2)(D)2., 1532.1(j)(2)(D)2.
08/01/12	ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580	08/07/12	ADOPT: 3558 AMEND: 3207, 4184
08/01/12	AMEND: 5000, 5052	07/30/12	ADOPT: 32802, 32804 AMEND: 32380, 32603, 32604
07/26/12	AMEND: 8070	<b>Title 9</b>	
07/26/12	AMEND: 12101, 12202, 12205.1, 12218, 12218.7, 12218.8, 12222, 12225.1, 12233, 12235, 12238, 12309, 12335, 12342, 12350, 12352, 12354	07/27/12	AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358, 7400
07/23/12	AMEND: 8035	<b>Title 10</b>	
07/16/12	AMEND: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057	11/19/12	AMEND: 2698.401
<b>Title 5</b>		11/13/12	AMEND: 2498.4.9
11/01/12	AMEND: 18407, 18422	08/30/12	AMEND: 2468.5
10/31/12	ADOPT: 620, 621, 622, 623, 624, 625, 626, 627	08/27/12	AMEND: 260.204.9
09/27/12	ADOPT: 620, 621, 622, 623, 624, 625, 626, 627	08/22/12	ADOPT: 2327, 2327.1, 2327.2
09/27/12	AMEND: 3000, 3010, 3021, 3021.1, 3022, 3023, 3024, 3025, 3027, 3028, 3042, 3051.4, 3051.75, 3051.8, 3051.9, 3051.12, 3051.13, 3051.17, 3051.18, 3052, 3053, 3062, 3063, 3064, 3066, 3067, 3069, 3080, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3088.1, 3088.2, 3089, 3090, 3091, 3092, 3093, 3094, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099, 3100	08/03/12	ADOPT: 2561.1, 2561.2
09/06/12	AMEND: 1216.1	07/19/12	AMEND: 2698.302
08/09/12	AMEND: 40403	07/19/12	AMEND: 2699.301
08/09/12	AMEND: 59400, 59402, 59404, 59406, 59408	07/19/12	AMEND: 5501, 5506
08/09/12	AMEND: 40500	<b>Title 11</b>	
08/09/12	ADOPT: 40541	11/15/12	AMEND: 1005, 1007, 1008
08/09/12	AMEND: 40407.1	11/15/12	AMEND: 1005
08/08/12	ADOPT: 40540	09/18/12	AMEND: 410, 411, 415, 416, 417, 420, 421, 425 REPEAL: 419, 419.1
		07/31/12	AMEND: 999.16, 999.17, 999.19, 999.22
		<b>Title 13</b>	
		11/13/12	AMEND: 1200, 1239
		11/06/12	ADOPT: 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218
		10/15/12	ADOPT: 2477.1, 2477.2, 2477.3, 2477.4, 2477.5, 2477.6, 2477.7, 2477.8, 2477.9, 2477.10, 2477.11, 2477.12, 2477.13, 2477.14, 2477.15, 2477.16, 2477.17,

**CALIFORNIA REGULATORY NOTICE REGISTER 2012, VOLUME NO. 48-Z**

	2477.18, 2477.19, 2477.20, 2477.21 AMEND: 2477	08/02/12	ADOPT: 2231, 2301 AMEND: 2000, 2200, 2230, 2235, 2240, 2245, 2300, 2305, 2310, 2320
10/09/12	AMEND: 2260, 2261, 2264, 2265, 2265.1, 2266, 2266.5, 2271 REPEAL: 2258	07/26/12	AMEND: 18836
09/25/12	AMEND: 156.00, 156.01	07/12/12	AMEND: 790, 851.20, 851.21, 851.22, 851.25, 851.26, 851.27, 851.27.1, 851.28, 851.29, 851.30, 851.31, 851.32
09/14/12	AMEND: 2479		
08/07/12	ADOPT: 1962.2 AMEND: 1962.1, 1962.2 (renumbered to 1962.3)	07/09/12	ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
08/07/12	ADOPT: 1961.2, 1961.3 AMEND: 1900, 1956.8, 1960.1, 1961, 1961.1, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, 2317	07/02/12	ADOPT: 602
08/02/12	ADOPT: 426.00	06/28/12	ADOPT: 17944.1, 17945.1, 17945.4, 17946, 17946.5, 17948.1, 17948.2 AMEND: 17943, 17944, 17946(a)-(h) renumber as 17945.2, 17946(i) renumber as 17945.3, 17946.5 renumber as 17945.5, 17947, 17948, 17948.5, 17949 REPEAL: 17942, 17944.2, 17944.5, 17945
07/30/12	AMEND: 1268, 1270.3		
07/12/12	ADOPT: 345.58, 345.73 AMEND: 345.50, 345.52, 345.56, 345.74, 345.78, 345.86, 345.88, 345.90 REPEAL: 345.54, 345.58, 345.60		
06/29/12	AMEND: 225.00, 225.03, 225.09, 225.12, 225.15, 225.18, 225.21, 225.24, 225.35, 225.36, 225.38, 225.42, 225.45, 225.54, 225.60, 225.63, 225.66, 225.69, 225.72 REPEAL: 225.06		
<b>Title 13, 17</b>			
09/14/12	AMEND: 2299.2, 93118.2		
<b>Title 14</b>			
11/19/12	AMEND: 632		
11/07/12	AMEND: 701		
11/06/12	ADOPT: 1052.5 AMEND: 895, 916.9, 1052, 1052.1, 1052.2		
11/02/12	AMEND: 163, 164		
10/29/12	AMEND: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.30, 18660.31, 18660.32, 18660.33, 18660.34, 18660.35, 18660.36, 18660.37, 18660.38, 18660.39, 18660.41, 18660.43	09/13/12	AMEND: 3162
10/18/12	ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8	09/13/12	ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
10/03/12	AMEND: 300	08/29/12	AMEND: 2606, 2635.1, 2646.1, 2733, 2740, 2743, 2744
10/02/12	AMEND: 632	08/20/12	AMEND: 1006, 1007, 1008, 1012, 1013, 1024, 1032, 1044, 1046, 1051, 1055, 1056, 1058, 1059, 1062, 1063, 1069, 1072, 1080, 1081, 1083, 1084, 1100, 1104, 1125, 1140, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1151, 1203, 1205, 1206, 1208, 1217, 1241
09/27/12	ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6	07/02/12	ADOPT: 3999.12
09/25/12	AMEND: 18660.40	<b>Title 16</b>	
09/21/12	AMEND: 502	11/14/12	ADOPT: 1139, 1140, 1141, 1142, 1143, 1144
09/12/12	AMEND: 18660.17, 18660.19, 18660.31	11/13/12	ADOPT: 2333
09/07/12	AMEND: 300	11/07/12	ADOPT: 1023.15, 1023.16, 1023.17, 1023.18, 1023.19
08/31/12	ADOPT: 671.8 AMEND: 671.1	10/31/12	AMEND: 1425
08/14/12	AMEND: 13055	10/29/12	ADOPT: 1065

10/25/12	ADOPT: 2.8, 11, 11.1 AMEND: 9.2	10/25/12	AMEND: 97005, 97019, 97041, 97052, 97053, 97054
09/25/12	AMEND: 1514, 1525.1	10/18/12	AMEND: 97240
09/25/12	AMEND: 3340.15, 3394.6	10/15/12	ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101
09/12/12	AMEND: 961 REPEAL: 933		AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75
09/10/12	ADOPT: 4116, 4117, 4118, 4119	09/06/12	ADOPT: 66269.2
09/07/12	AMEND: 4	08/20/12	AMEND: 87224
08/30/12	ADOPT: 2557, 2557.1, 2557.2, 2557.3, 2595, 2595.1, 2595.2, 2595.3	08/13/12	AMEND: 100104, 100106, 100106.1, 100113, 100115, 100119, 100120, 100121, 100123, 100127
08/29/12	ADOPT: 4146, 4148, 4149, 4149.1 AMEND: 4100, 4101	07/12/12	AMEND: 66263.18, 66263.41, 66263.43, 66263.44, 66263.45, 66263.46
08/20/12	ADOPT: 1333, 1333.1, 1333.2, 1333.3	07/12/12	AMEND: 66268.40, 66268.48
07/23/12	ADOPT: 1397.2 AMEND: 1380.4	07/09/12	AMEND: 4416
07/17/12	ADOPT: 1399.23, 1399.24 AMEND: 1398.4	07/03/12	AMEND: 51516.1
07/10/12	ADOPT: 3394.25, 3394.26, 3394.27	06/28/12	AMEND: 91477
<b>Title 17</b>		<b>Title 23</b>	
11/14/12	AMEND: 6508	11/14/12	AMEND: 1062, 1064, 1068
11/02/12	AMEND: 100500	11/13/12	ADOPT: 2924
10/30/12	AMEND: 100060, 100070	11/13/12	ADOPT: 3969.3
10/03/12	AMEND: 95201, 95202, 95203, 95204, 95205	09/06/12	ADOPT: 3959.5
09/04/12	ADOPT: 30305.1, 30308.1, 30311.1	08/08/12	ADOPT: 3969.2
08/30/12	AMEND: 95802, 95812, 95814, 95830, 95831, 95832, 95833, 95834, 95856, 95870, 95892, 95910, 95911, 95912, 95913, 95914, 95920, 95021	07/30/12	ADOPT: 2923
08/29/12	AMEND: 100800	07/11/12	ADOPT: 597, 597.1, 597.2, 597.3, 597.4
08/15/12	ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525	07/05/12	AMEND: 570, 571, 572, 573, 574, 575, 576
07/26/12	AMEND: 94006	<b>Title 25</b>	
<b>Title 18</b>		10/10/12	AMEND: 8201, 8205, 8212
10/23/12	AMEND: 313, 321	08/13/12	ADOPT: 7097 AMEND: 7054, 7056, 7058, 7060, 7062, 7062.1, 7072, 7076, 7078, 7104 REPEAL: 7064, 7066, 7074, 7078.1, 7078.2, 7078.3, 7078.4, 7078.5, 7078.6, 7078.7
08/07/12	AMEND: 1618	<b>Title 27</b>	
07/27/12	AMEND: 1684	11/19/12	AMEND: 25903
07/10/12	AMEND: 1205, 1212, 1271	10/10/12	AMEND: 25707
07/10/12	AMEND: 1105, 1120, 1132, 1161	09/20/12	AMEND: 25705(b)
07/10/12	AMEND: 1435, 1436	09/12/12	AMEND: 25403(a), 25603.3(a)
07/10/12	AMEND: 25128.5	07/12/12	AMEND: 25305, 25701, 25705, 25801
<b>Title 20</b>		<b>Title 28</b>	
10/26/12	AMEND: 1601, 1602, 1604, 1605.1, 1605.3, 1606, 1607	09/06/12	ADOPT: 1300.74.73
<b>Title 21</b>		<b>Title MPP</b>	
08/28/12	AMEND: 6640, 6680	11/19/12	AMEND: 31-003, 31-021, 31-501
<b>Title 22</b>		11/01/12	AMEND: 42-213, 44-211
11/13/12	ADOPT: 2707.2-1 AMEND: 3302-1		

