



California Regulatory Notice Register

REGISTER 2013, NO. 51-Z

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DECEMBER 20, 2013

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. COMMISSION ON STATE MANDATES

DIVISION 2. FINANCIAL OPERATIONS

CHAPTER 2.5. COMMISSION ON STATE MANDATES

The Commission on State Mandates (Commission) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Commission has not scheduled a public hearing for this proposed action. However, if it receives a written request for a public hearing from any interested person or his or her authorized representative no later than 15 days before the close of the written comment period, the Commission will conduct a public hearing on this proposed action on March 28, 2014, and will notify all persons of the date, time, and location of the hearing pursuant to Government Code section 11346.8(a).

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at **5:00 p.m. on February 3, 2010**. The Commission will consider only comments received at the Commission offices by that time. Submit comments to:

Heidi Palchik, Program Analyst
 Commission on State Mandates
 980 Ninth Street, Suite 300
 Sacramento, CA 95814

Written comments may be submitted electronically via the Commission website “Drop Box” at <http://www.csm.ca.gov/dropbox.shtml>

AUTHORITY AND REFERENCE

Government Code section 17527(g), authorizes the Commission to adopt the proposed regulations. The purpose of this rulemaking is to: (1) clarify and streamline Commission regulations; (2) eliminate duplicative language; and (3) improve the overall navigation and readability of the Commission’s regulations by reorganizing and renumbering articles and sections.

Reference citations: Government Code sections 11123, 11346.4, 11347, 11347.1, and 17500 et seq.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission is a seven-member quasi-judicial body authorized to resolve disputes regarding the existence of state-mandated local programs (Gov. Code, § 17500 et seq.) and to hear matters involving applications for a finding of significant financial distress (Welf. & Inst. Code, § 17000.6). The purpose of this rulemaking is to: (1) clarify and streamline Commission regulations; (2) eliminate duplicative language; and (3) improve the overall navigation and readability of the Commission’s regulations by reorganizing and renumbering articles and sections.

Therefore, the Commission proposes to repeal and replace articles 1, 2, 3, 4.5, 5, 6, 6.5, 7, 8, 8.5, and 10 of the California Code of Regulations, Division 2, Title 2, Chapter 2.5 with a proposed effective date of July 1, 2014.

I. New and Clarified Definitions

Deleting §1181.1(c) and (h) and adding new and amended definitions in §1181.2(e), (f), (h), (i), (k), (l), (m), (s), and (t) as described below:

- §1181.2(e) is a clarified definition of “Completed” to explicitly include each type of matter before the Commission.
- §1181.2(f) is a clarified definition of “Filing date” to align with the new language in §1181.3.
- §1181.2(h) replaces the definition of “Informational proceeding” with “informational hearing” for consistency with Article 8.
- §1181.2(i) is an amended definition of “Interested party” intended to further clarify the roles of different entities in Commission processes.
- §1181.2(k) is the addition of “New filing” in support of the clarified processes described in §1181.3.
- §1181.2(l) is an amended definition clarifying “Parties” for each different matter before the Commission.
- §1181.2(m) is the addition of “Real Party in Interest.”

- §1181.2(s) is the addition of “Test claim” as defined in Gov. Code 17521 but not currently defined in the Commission’s regulations.
- §1181.2(t) is an amended definition of “Written material” to support the distinction from “New filing” in the processes described in §1181.3.

The proposed regulations remove the definition for “Claim” (found in current regulations §1181.1(c)) as it is more appropriately covered in relevant sections pertaining to each different type of matter. Additionally, the proposed regulations remove the definition of “good cause” (found in current regulations §1181.1(h)) and instead include the good cause factors in article 7 for consideration under §1187.9 *Extensions of Time to File Comments or Rebuttals and Postponements and Continuances of Hearings*.

II. Filing Date of Written Material

Adding new language in §1181.3 to clarify that, beginning on the effective date of these regulations, the filing date of written material is when it is received at the Commission office, regardless of the method of filing (electronic or hard copy, hand delivered or mailed). Due to the availability of E-filing, the former mail-box rule is obsolete.

III. Consent Calendar

Adding new language in §1181.9(c) describing the purpose of the consent calendar and how items may be added to or removed from the calendar before or during a meeting of the Commission.

IV. Late Comments Submitted Prior to or During a Commission Meeting

Adding new language in §1181.10(b)(1) to indicate that Commission staff will transmit late comments submitted between 15 and five days prior to a meeting to the Commissioners if possible. However, comments submitted less than five days prior to a meeting or at the meeting, will not be included in the Commissioners’ hearing binders and the commenter shall provide 12 paper copies of the comments at the meeting. Current regulations (§1182.2 and § 1187.6) require that any comments submitted less than 15 days prior to a Commission meeting shall be included in the Commissioners’ hearing binders, if possible, or shall be provided to the members when the item is called.

V. Late Submission of Comments or Evidence

Adding new language in §1183.6(d), 1183.13(c), 1183.17(k), 1184.1(j), 1185.7(e), 1190.5(a)(3)(A), 1190.5(b)(3)(A) to clarify that: 1) it is the Commission’s policy to discourage the late submission of comments, exhibits, or other evidence after a deadline; and 2) the Commission need not rely on late comments or evidence submitted in response to a draft staff analysis. The new language is proposed for inclusion in the sec-

tions of Commission regulations pertaining to comment periods on new filings and draft proposed decisions.

VI. Evidence to Support a Finding That Activities are Reasonably Necessary

Adding new language in § 1183.7(d) and 1183.9(b)(2) to clarify the meaning of reasonably necessary activities and to assist claimants in determining what is required to support a claim alleging that such activities are reimbursable.

VII. Expiration of a Jointly Proposed Reasonable Reimbursement Methodology

Adding new language in § 1183.16(i). Government Code 17577.2(f) requires the Commission to notify claimants and Department of Finance one year before a joint RRM is set to expire. Current regulations are silent as to what happens if the joint RRM expires without comments or request for action from the parties. New language in §1183.16(i) would specify the Commission proceed with the adoption of parameters and guidelines pursuant to the established expedited parameters and guidelines process.

VIII. Technical and Non-Substantive Proposed Changes

After several years and several amendments, the Commission’s regulations have become difficult to navigate, include clerical errors, and have inconsistent numbering, structure and internal references. In an effort to “clean up” the Commission’s regulations, staff will reorganize sections primarily for improved navigation and for elimination of duplicative language. These changes fall generally into the categories listed below.

A. Reorganize and Renumber Articles and Sections to Simplify Navigation

The proposed regulations will repeal and replace all articles of the Commission’s current regulations except for article 9, which is not a part of this proposed regulatory package. Articles have been renumbered and combined to eliminate the current “.5” numbering of articles and for consolidation of like information in relevant sections. Sections within the articles have been renumbered sequentially, using a consistent decimal style. Article 7 is proposed to be renamed to more clearly identify the quasi-judicial nature of these Commission hearings.

B. Eliminate Duplication and Consolidate Like Information/Processes

Language describing the process for filing and serving written materials and new filings is proposed for consolidation within article 1, §1181.3 and is referenced throughout the proposed regulations rather than being restated for every matter heard by the Commission, as current regulations do.

Regulations governing an “Informal Conference” are proposed to be moved from articles 3 and 10 to article 7 and consolidated there with current regulations on a “Pre–Hearing Conference”.

Language describing the Commission’s existing rules of evidence is proposed for consolidation in article 7 (§1187.5) and is consistently referenced throughout the regulations.

Rules governing requests for extensions of time and postponements of hearings are clarified and consolidated with rules for continuances in article 7, §1187.9. This includes the clarification and relocation of language concerning extensions and postponements found in §1183.01(c) of the current regulations.

Rules governing withdrawal and dismissal of all article 7 matters are consolidated in article 7, §1187.12 through 1187.14.

In the proposed article 8, several sections pertaining to informational hearings and rulemaking are proposed for consolidation into fewer sections, resulting in a clearer presentation of the procedural information.

C. Clerical Changes of Capitalization, Punctuation and Style

Minor and non–substantive changes in capitalization, punctuation and style are proposed to improve the readability and clarity of the regulations. For example, the consistent use of the word “matter” where before the term “claim” was often used leaving room for confusion on other matters also subject to an article 7 hearing. The proposed regulations also include general stylistic changes to improve readability and to ensure that “plain English” is used throughout the Commission’s regulations.

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

Adoption of these regulations will not:

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

Small Business Determination: Because the Commission has no jurisdiction over small businesses, and small businesses are not parties before the Commission, the proposed regulatory action will have no impact on small businesses.

CONSIDERATION OF ALTERNATIVE

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Heidi Palchik, Program Analyst
 Commission on State Mandates
 980 Ninth Street, Suite 300
 Sacramento, CA 95814
 Telephone: (916) 323–3562
 (heidi.palchik@csm.ca.gov)

The backup contact person for these inquiries is:

Jason Hone, Assistant Executive Director
 Commission on State Mandates
 980 Ninth Street, Suite 300
 Sacramento, CA 95814
 Telephone: (916) 323–3562
 (jason.hone@csm.ca.gov)

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following initial determinations:

Mandate on local agencies and school district:	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 non–discretionary 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, including the ability of California businesses to compete with businesses in other states:	None
Significant effect on housing costs:	None

any, or other information upon which the rulemaking is based to Ms. Heidi Palchik at the above address or download it from the Commission's website at <http://csm.ca.gov/rulemaking.shtml>.

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

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Commission order to initiate rulemaking proceedings.

Copies may be obtained on the Commission's website (see below) or by contacting Ms. Heidi Palchik at the address or phone number listed above. All persons on the Commission's interested persons mailing list will be provided a copy of the rulemaking file by making it available on the Commission's website and providing notice of how to locate it.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments received, and holding a public hearing, if necessary, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission 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 Commission adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ms. Heidi Palchik at the address indicated, above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Heidi Palchik at the above address.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Commission's website at <http://csm.ca.gov/rulemaking.shtml>.

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

The Department of Food and Agriculture amended subsection 3423(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly (OFF) Interior Quarantine as an emergency action which was effective on August 9, 2013. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 5, 2014.

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

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Lindsay.rains@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on February 3, 2014. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Lindsay Rains
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
lindsay.rains@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agricul-

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

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

Existing law, FAC section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, FAC section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

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

The specific benefits of the amendment of this regulation include preventing regulation of the whole State by the Federal government, expanded public awareness of the consequences of infested fruit movement, and increased Department awareness of possible illegal commodity importation within the quarantined area.

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

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

AMENDED TEXT

This proposed emergency action amended a quarantine area for OFF of approximately 130 square miles in Orange and Los Angeles counties. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against OFF within this additional area.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business; Most businesses will not be affected. There is one grower of host material in the affected area that will be impacted. It will need to apply approved treatments to ship peppers outside the quarantine area. Treatment costs were estimated at \$32,590 for the duration of the quarantine. There are 58 nurseries in the affected area. They will need to maintain host plants free of fruit for the duration of the quarantine. The estimated cost of fruit stripping is \$216 per business. There are 132 farmers markets, plant sellers, swap meets and distributors in the affected area. They will need to screen or cover their fruit to prevent infestation for the duration of the quarantine. The estimated cost of these safeguards is \$44 per business. There is one packer affected. The estimated cost of safeguarding its produce is \$100 for the duration of the quarantine.

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of several affected industries, including almonds, grapes, tomatoes and walnuts. The total value of commercial host material produced in California is estimated to be over 11.8 billion dollars. This is a needed source of revenue for the State's economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

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

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Lindsay Rains, Department of Food and Agriculture, Plant

Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: Lindsay.rains@cdfa.ca.gov. In her absence, you may contact Stephen Brown at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 5. STATE TEACHERS' RETIREMENT SYSTEM

- Title 5. Education**
- Division 3. Teachers' Retirement System**
- Chapter 2. Compensation**
- Article 1. General Provisions**
- Article 2. Class of Employees**
- Article 3. Creditable Compensation**
- Article 4. Noncreditable Compensation**
- Article 5. Appropriate Crediting of Contributions**

The California State Teachers' Retirement System ("CalSTRS") and the Teachers' Retirement Board ("board") propose to adopt new regulations, in the form of sections 27200 through 27602 in new Articles 1 through 5 of new Chapter 2, Division 3, Title 5 of the

California Code of Regulations, after considering all comments, objections and recommendations regarding the proposed action.

Ellen Maurizio
 Regulations Specialist, Legislative Affairs
 California State Teachers' Retirement System
 P.O. Box 15275, MS-14
 Sacramento, CA 95851-0275
 Fax: (916) 414-1993
 E-mail: Regulations@CalSTRS.com

PUBLIC HEARING

The Teachers' Retirement Board will hold a public hearing:

- | | |
|---------------|--|
| Date and Time | February 6, 2014, 9:00–10:00 a.m.

A hearing will be held during the Regular meeting of the board on February 6, 2014. This item may be scheduled or rescheduled to occur as early as 9 a.m. or as late as 4 p.m. as it is incorporated into the board agenda. Please consult the agenda for the meeting, which will be available at CalSTRS.com at least 10 days before February 6, 2014, to confirm the exact time at which the hearing will be held. |
| Location | California State Teachers' Retirement System Boardroom
100 Waterfront Place
West Sacramento, CA 95605 |
| Purpose | To receive comments about this action. Comments are limited to five minutes each and must not repeat comments already received in written or verbal form. |
| Accessibility | The hearing room is accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or visual impairments upon advance request to the Regulations Specialist. |

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to CalSTRS. The written comment period closes at **5:00 p.m. on February 3, 2014**. CalSTRS will only consider written comments received at CalSTRS' office address as reflected below by that time. Submit comments to:

AUTHORITY AND REFERENCE

California Education Code Section 22207 authorizes the board to perform any acts necessary for the administration of CalSTRS and the plan in carrying into effect the provisions of the Teachers' Retirement Law, California Education Code sections 22000 through 28101.

Education Code Section 22305 provides that any rules and regulations adopted by the board have the force and effect of law.

Education Code Section 22112.5 provides that the board may override a determination as to whether or not a group or an individual constitutes a "class of employees."

Education Code Section 22119.2 provides that the board may determine any payments that are and are not "creditable compensation," and CalSTRS may determine any creditable compensation that has been paid to enhance a benefit, and may determine the appropriate crediting of contributions between the Defined Benefit and the Defined Benefit Supplement programs.

Education Code Section 22119.5 provides that the board shall have final authority for determining creditable service to cover any activities not already specified in that section.

Education Code Section 22138.5 provides that the board has final authority to determine full time for purposes of crediting service.

Education Code Section 22213 provides that the board shall regulate the duties of employers, employing agencies and other public authorities.

These regulations would interpret and make specific Education Code Sections 22112.5, 22119.2 and 22905.

The board approved the proposed regulations on December 2, 2013, and authorized CalSTRS to give public notice and schedule a public hearing before the board.

The language referenced in this Notice, the Initial Statement of Reasons and the text of the regulations reflects the Education Code as of January 1, 2014, including changes resulting from Chapter 559, Statutes of 2013. The language of the Education Code in 2013, while still in place at the time of this Notice, will no longer be current once these regulations become effective.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Existing law, the Teachers' Retirement Law, establishes the Defined Benefit Program of the State Teachers' Retirement Plan, which provides a defined benefit to members of the program. The defined benefit is based on final compensation, credited service and age at retirement. Existing law establishes the Defined Benefit Supplement Program, a cash balance plan, which provides supplemental benefits payable either in a lump-sum payment, an annuity or both. Contributions for creditable compensation are credited to either the Defined Benefit or the Defined Benefit Supplement account. Under the benefit structure in place for individuals not subject to the California Public Employees' Pension Reform Act of 2013 ("CalSTRS 2% at 60" members), compensation earned from service in one school year in excess of one year of service credit, limited-term pay and any other compensation that is found by the board to not support the integrity of the retirement fund are credited to the Defined Benefit Supplement.

Over the years, employers have requested guidance in applying provisions of the Education Code to specific situations. Due to the variety of ways compensation is structured, it has become difficult to ensure consistent and uniform reporting of creditable compensation without providing more clarity and direction.

The regulations proposed in this rulemaking action clarify the authority of the Teachers' Retirement Board and CalSTRS to override an employer's determination of a class of employees, determine creditable compensation and credit contributions to either the Defined Benefit Program or the Defined Benefit Supplement Program.

Education Code Section 22112.5 defines a class of employees as a number of employees considered as a group because they are employed to perform similar duties, are employed in the same type of program or share other similarities related to the nature of the work being performed. The terms "similar duties" and "same type of program" are not defined in the statute. The regulations proposed in this rulemaking action would promote consistent understanding of those terms by interpreting and defining them. The regulations would additionally specify prohibited classes of employees.

Education Code Section 22119.2 defines creditable and noncreditable compensation. It contains terms, including "salary," "remuneration that is paid in addition to salary," "fringe benefits," "expenses paid or reimbursed by an employer" and "not deducted from the member's salary," that are not defined in the statute.

The regulations proposed in this rulemaking action would define and clarify those terms by describing identifying characteristics of each type of compensa-

tion to promote consistent understanding and application of each term.

Education Code Section 22905 describes the allocation of contributions to the Defined Benefit Program and Defined Benefit Supplement accounts. The statute contains the phrase, "compensation that is paid for a limited number of times as specified by law, a collective bargaining agreement, or an employment agreement." This phrase is not defined in the statute.

The regulations proposed in this rulemaking action would define and clarify "compensation that is paid for a limited number of times," providing specific guidance on payments from state Lottery proceeds and parity pay, and describing identifying characteristics of compensation that is paid a limited number of times.

CONSISTENCY EVALUATION

While developing the text of these regulations, CalSTRS searched other state regulations that related to the topics addressed in these regulations and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS

Anticipated benefits of these regulations include: Consistent, fair and equitable reporting of the compensation used for retirement purposes of California educators by all employers; clear guidance for reportable compensation, thereby reducing errors and the resulting penalties payable by CalSTRS employers; transparent evaluation of consistency and allocation of accounts by CalSTRS; reduced incidences and opportunities for manipulation of retirement compensation through late career contract changes and pay increases ("spiking" of salary to increase retirement benefits); and broad and consistent application of the statutory principles that support the integrity of the retirement fund.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

CalSTRS has made the following initial determinations, as required by the California Administrative Procedure Act and Office of Administrative Law regulations:

1. **MANDATE ON LOCAL AGENCIES AND SCHOOLDISTRICTS:** None.
2. **COST OR SAVINGS TO ANY STATE AGENCY:** Savings to the state based on estimated reduction to CalSTRS unfunded actuarial obligation of \$66 million over 30 years.

3. COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE (“GC”) SECTIONS 17500 THROUGH 17630: None.
4. OTHER NONDISCRETIONARY COST OR SAVINGS IMPOSED ON LOCAL AGENCIES:
Savings to school employers estimated at up to \$1.6 million during first full year of implementation due to reduction in contributions they are required to remit to CalSTRS.
5. COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE:
None.
6. SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES:
None.
7. COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS:
The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations only affect CalSTRS, CalSTRS-covered employers and CalSTRS members.
8. RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS:
Adoption of these regulations will not:
 - Create or eliminate jobs within California;
 - Create new businesses or eliminate existing businesses within California;
 - Affect the expansion of businesses currently doing business within California.
 Benefits of the proposed action:
The proposed action will clarify the standards for, and promote clear and consistent reporting of, compensation and remittance of appropriate contributions by public school employers. The board anticipates that the clarification will result in a reduction of reporting of compensation that is currently paid for cash in lieu of benefits. This is expected to result in a slight reduction to both the unfunded liability and the state’s required contribution to the fund. The effect on California residents as taxpayers, though minor, would be generally positive, contributing to the welfare of California residents.

9. SIGNIFICANT EFFECT ON HOUSING COSTS:
None.
10. SMALL BUSINESS DETERMINATION:
The board has determined that the proposed regulations do not affect small business as small businesses are not governed or affected by the statutes that these regulations are clarifying.

CONSIDERATION OF ALTERNATIVES

CalSTRS and the board must determine that no reasonable alternative considered or otherwise identified and brought to its attention would be:

- More effective in carrying out the purpose for which the action is proposed,
- As effective and less burdensome to affected private persons than the proposed action, or
- More cost effective to affected private persons and equally effective in implementing the statutory policy.

CalSTRS weighed the option of continuing to determine whether or not a class of employees is valid on a case-by-case basis. CalSTRS determined that the ambiguity in the law promoted inconsistent understanding among employers and that the only way to ensure consistent establishment of valid classes of employees is to define the terms used in the Education Code through regulation.

CalSTRS considered the option of continuing to determine creditability of compensation on a case-by-case basis. CalSTRS concluded that the only effective way to ensure reporting requirements are consistently understood is by clarifying them through regulation.

CalSTRS reviewed the option of continuing to determine the appropriate crediting of contributions to the Defined Benefit Supplement Program on a case-by-case basis. CalSTRS resolved that clarifying its standards for determining inconsistent treatment of compensation and establishing a consistent formula to be used in cases of inconsistent treatment through regulation would be the most effective method to implement this authority with transparency and equity.

CalSTRS and the board invite interested persons to present any statements or arguments that would support an alternative to the proposed regulations in the form of written comments or attendance at the public hearing.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Ellen Maurizio
Regulations Specialist, Legislative Affairs
California State Teachers' Retirement System
P.O. Box 15275, MS-14
Sacramento, CA 95851-0275
Telephone: (916) 414-1994
Fax: (916) 414-1993
E-mail: Regulations@CalSTRS.com

The backup contact person for these inquiries is:

Joycelyn Martinez-Wade
Manager, Legislative Affairs
California State Teachers' Retirement System
P.O. Box 15275, MS-14
Sacramento, CA 95851-0275
Telephone: (916) 414-1994
Fax: (916) 414-1993
E-mail: Regulations@CalSTRS.com

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 the Regulations Specialist using the contact information listed above.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CalSTRS will have the entire rulemaking file available for public inspection and copying throughout the rulemaking process at its offices at the address listed above. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, the Economic and Fiscal Impact Statement (STD 399) with an accompanying letter from the consulting actuary, and the relied-upon document *Creditable Compensation — Policy Issues* presented at the meeting of the California State Teachers' Retirement System Benefits and Services Committee, Item 5a, April 11, 1996.

Copies of this notice, the proposed text of the regulations, the Initial Statement of Reasons and the Economic and Fiscal Impact Statement are available at no charge by contacting the Regulations Specialist using the contact information listed above.

In addition, the entire rulemaking file is available for viewing on the CalSTRS website at www.CalSTRS.com/legislation under "Current Regulatory Activity."

AVAILABILITY OF CHANGED OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the board may adopt the proposed regulations substantially as described in this Notice or may, on its own motion or at the recommendation of any interested person, modify the proposed regulations.

If the board makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. The board will accept written comments on the modified regulations for 15 days after the date on which they are made available. Please contact Ellen Maurizio using the contact information listed above for copies of modifications, if any.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, CalSTRS will have the Final Statement of Reasons available for public inspection and copying at its offices at the address listed above. In addition, the Final Statement of Reasons will be available for viewing on the CalSTRS website at www.CalSTRS.com.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of rulemaking documents can be accessed through the CalSTRS website at www.CalSTRS.com.

TITLE 8. DEPARTMENT OF INDUSTRIAL RELATIONS

NOTICE OF RULEMAKING AFTER EMERGENCY ADOPTION

Process Safety Management Program Assessment

NOTICE IS HEREBY GIVEN that the Acting Chief of the Department of Industrial Relations, Division of Occupational Safety and Health (DOSH), pursuant to the authority vested in her by Labor Code sections 60.5, 6308, and 7870, proposes to make permanent regulations that were adopted on an emergency basis to implement the provisions of Labor Code section 7870 (as amended by Stats. 2013, Ch. 28, Sec. 44, effective June 27, 2013).

The emergency regulations adopted sections 344.76 and 344.77 in Article 12.5 of Subchapter 2, of Title 8,

California Code of Regulations. The regulations implement a methodology for determining and collecting an annual assessment to fund the DOSH Process Safety Management Program (Labor Code sections 7855–7870). The emergency regulations listed below became effective on October 29, 2013, and will remain in effect for a period of 180 days (until April 29, 2014). The purpose of this rulemaking is to formally adopt the emergency regulations on a permanent basis.

PROPOSED REGULATORY ACTION

- Adopt section 344.76 Determination of the Annual Process Safety Management Program Assessment.
- Adopt section 344.77 Collection of the Process Safety Management Assessment.

TIME AND PLACE OF PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, either orally or in writing, with respect to the subjects noted above. The hearing will be held at the following time and place:

- Date:** February 3, 2014
- Time:** 10:00 a.m. to 5:00 p.m., or until conclusion of business
- Place:** Elihu Harris State Office Building— Auditorium
1515 Clay Street
Oakland, California 94612

The State Office Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other type of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request. Please contact the State Wide Disability Accommodation Coordinator, Kathleen Estrada, at 1–866–681–1459 (toll free), or through the California Relay Service by dialing 711 or 1–800–735–2929 (TTY/English) or 1–800–855–3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation or 5:00 p.m., whichever is earlier. If public comment concludes before the noon recess, no afternoon session will be held.

The Acting Chief requests, but does not require, that any persons who make oral comments at the hearing

also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Industrial Relations, Division of Occupational Safety and Health. The written comment period closes at **5:00 p.m., on February 3, 2014**. DOSH will consider only comments received at the Division by that time. Equal weight will be accorded to comments presented at the hearing and to other written comments received by 5 p.m. on that date by the Division.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Maureen Gray
Regulations Coordinator
Division of Workers’ Compensation, Legal Unit
P.O. Box 420603
San Francisco, CA 94142

Written comments may be submitted by facsimile transmission (FAX), addressed to the above-named contact person at (510) 286–0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than **5:00 p.m., on February 3, 2014**.

AUTHORITY AND REFERENCE

The Acting Chief of DOSH is undertaking this regulatory action pursuant to the authority vested in her by Labor Code sections 60.5, 6308 and 7870.

Reference is to Labor Code sections 7855–7870.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The 2013 state budget directs DOSH to use its existing fee authority to fund an additional 15 positions in the Process Safety Management program. Effective June 27, 2013, Labor Code section 7870 requires DOSH to annually fix and collect reasonable fees for consultation, inspection, adoption of standards, and other process safety management functions conducted by DOSH pursuant to Labor Code sections 7855 through 7870, inclusive. These fees are required to be adopted by March 31, 2014.

The emergency regulations were adopted effective October 29, 2013. This rulemaking would make the

regulations permanent. Making the emergency regulations permanent will provide an initial framework upon which to adopt a new methodology that will equitably spread the cost of the PSM program to other industries, and eventually, to all facilities subject to the PSM standards adopted pursuant to Labor Code section 7856. These proposed regulations implement, interpret, and make specific the above sections of the Labor Code as follows:

1. Section 344.76. Determination of the Annual Process Safety Management Program Assessment.

This section sets forth the methodology for the determination of the annual process safety management program assessment:

(a) On or before November 8, 2013 and thereafter September 1 of each year, DOSH will determine the total amount of funds required to support the direct and indirect expenses and cash flow requirements of the DOSH process safety management program for the following fiscal year. The DOSH process safety management program includes, but is not limited to, the provision of consultation services, conduct of inspections, and the adoption of standards. This amount will be the process safety management assessment collected for the following year.

(b) On or before November 15, 2013 and thereafter October 1 of each year, DOSH will obtain the following data from the California Energy Commission, for the prior calendar year, as reported to the Energy Commission and the United States Energy Information Administration:

- (1) the aggregate total amount of crude oil (USEIA product code 050) and unfinished oil (USEIA product code 812) input to all oil refineries located in the state of California, and
- (2) the aggregate total amount of crude oil (USEIA product code 050) and unfinished oil (USEIA product code 812) input to each oil company's refinery (or refineries) located in the state of California.

(c) On or before November 22, 2013 and thereafter November 1 of each year, DOSH will determine, for each oil company with an oil refinery (or refineries) located in California, the total crude oil (USEIA product code 050) and unfinished oil (USEIA product code 812) input to each individual oil company divided by the aggregate total amount of crude oil and unfinished oil input to all oil companies located in California. The

result of this calculation shall be the process safety management assessment factor for that company.

(d) The process safety management assessment to be collected for each oil refinery located in California will be determined by multiplying the total assessment amount calculated in subdivision (a) of this section by the assessment factor calculated in subdivision (c) of this section for each oil company with an oil refinery or refineries located in California.

2. Section 344.77. Collection of the Process Safety Management Assessment.

This section sets forth the methodology for collection of the annual process safety management program assessment.

(a) On or before December 1 of each year, DOSH will levy each company owning an oil refinery (or refineries) subject to this assessment for the total amount due from that company for its proportional share of the Process Safety Management Assessment, as determined in section 5189.1(d) of these regulations. The levy shall include the calculations used to determine the company's proportional individual assessment.

(b) The full amount of the assessment must be paid to DOSH within 30 days of the billing. Payment shall be made by using the Process Safety Management Assessment electronic payment option on DOSH's electronic payment portal at:
http://www.dir.ca.gov/dosh/Payment_options.html

Objective and Anticipated Benefits of the Proposed Regulations:

The objective of the regulations is to comply with the mandate of Labor Code section 7870 by making permanent the procedures, adopted on an emergency basis, to annually fix and collect reasonable fees for consultation, inspection, adoption of standards, and other process safety management functions conducted by DOSH (pursuant to Labor Code sections 7855 through 7870, inclusive).

The permanent adoption of a fee assessment complies with the statutory mandate of Labor Code section 7870. The statewide benefit of the regulations is to ensure the continued funding of 15 positions in the Process Safety Management program, and conduct enhanced inspections of California oil refineries. While it is impossible to economically quantify the benefits of avoiding the occurrence of potentially catastrophic events at oil refineries, the enhanced inspections made possible by the fee assessment created by the regulations will improve oil refinery safety and have a positive

effect on employee safety, public health, and the environmental quality in communities near oil refineries.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Acting Chief of DOSH has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Acting Chief of DOSH has concluded that these are the only regulations that set forth the procedures for determining and collecting a fee to fund the Process Safety Management program in DOSH.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Acting Chief of DOSH has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The regulations do not apply to individuals or small businesses. Government Code section 11342.610(b)(10) provides that the term “small business” does not include a “petroleum producer, a natural gas producer, a refiner, or a pipeline”. The regulations will apply to the eleven companies that currently own and operate 18 oil refineries in California.

The initial assessment will be \$5,412,000. Based on calendar year 2012 data from the California Energy Commission, the initial assessment will amount to less than one cent (\$0.0079) per barrel of the types of oil, specified in the regulations, input into each refinery. As the assessment is apportioned between refinery owners on the basis of the percentage of the total amount of oil input into their refineries, the per company cost of the initial assessment will range from approximately \$21,000 to approximately \$1,435,000. These

figures will change if/when the two refineries that are currently offline come back into operation, if other refineries go offline, and when annual redetermination of the fee required by Labor Code section 7870 occurs.

- Statewide adverse economic impact directly affecting businesses and individuals: None. The proposed regulations do not create the obligation to pay the assessment or surcharge, or determine the total annual amount thereof. These matters are controlled by Labor Code section 7870, which provides as follows:

Notwithstanding the availability of federal funds to carry out the purposes of this part, the division shall annually fix and collect reasonable fees for consultation, inspection, adoption of standards, and other duties conducted pursuant to this part. The fees shall be adopted by March 31, 2014. All revenue collected from these fees shall be deposited into the Occupational Safety and Health Fund. The fees shall be sufficient to support, at a minimum, the annual cost of 15 positions. The expenditure of these funds shall be subject to appropriation by the Legislature in the annual Budget Act or other measure.

The regulations merely adopt the methodology required to determine and collect the assessment.

- Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

The Acting Chief of DOSH concludes that it is (1) unlikely that the proposal will create any jobs within the State of California, (2) unlikely that the proposal will eliminate any jobs within the State of California, (3) unlikely that the proposal will create any new businesses within the State of California, (4) unlikely that the proposal will eliminate any existing businesses within the State of California, and (5) unlikely that the proposal would cause the expansion of the businesses currently doing business within the State of California.

The regulations affect eleven companies that currently own and operate 18 oil refineries in California. The regulations will have a very small economic effect on the companies assessed. As the assessment is apportioned between refinery owners on the basis of the percentage of the total amount of oil input into their refineries, the per company cost of the initial assessment will range from approximately \$21,000 to approximately \$1,435,000. These figures will change if/when the two refineries that are currently offline come back into operation, if other refineries go offline, and when annual redetermination of the fee required by Labor Code section 7870 occurs.

Benefits of the Proposed Action: The statewide benefit is to improve the safety of oil refinery operations. This will contribute to the safety of refinery employees, and protect the public health and environmental quality in communities near oil refineries. The regulations implement the directive in the 2013 budget act for DOSH to hire an additional 15 personnel in the Process Safety Management unit to concentrate on oil refinery safety.

There are currently 18 oil refineries located in California. The majority of refineries are in or near very highly populated urban areas. Six refineries are located in close proximity to the San Francisco bay area and nine are located in the Los Angeles metropolitan area. Each day approximately two million barrels (a barrel is equal to 42 U.S. gallons) of petroleum are processed into a variety of products, with gasoline representing about half of the total product volume. Because of California's large demand for gasoline, the 13 refineries capable of producing gasoline usually operate near full capacity.

Small Business Determination: The Acting Chief of DOSH has determined that there will be no adverse impact on small business. The Proposed Rulemaking does not affect small businesses, because Government Code section 11342.610(b)(10) provides that the term "small business" does not include "A petroleum producer, a natural gas producer, a refiner, or a pipeline".

CONSIDERATION OF ALTERNATIVES

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

The Acting Chief invites interested persons to present reasonable alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

The text of the draft proposed regulations was made available for pre-regulatory public comment by OAL from October 21 through October 25, 2013. In addition, the emergency regulations were developed in consultation with the Western States Petroleum Association,

which represents the majority of California's oil refinery operators.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, proposed text of the regulations, and the Economic Impact Statement (Form STD 399). Also included are studies and documents relied upon in drafting the proposed regulations.

In addition, the Notice, Initial Statement of Reasons, and proposed text of the regulations being proposed may be accessed and downloaded from the Division's website at: http://www.dir.ca.gov/dosh/rulemaking/dosh_rulemaking_proposed.html.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Department of Industrial Relations, Division of Workers' Compensation, 1515 Clay Street, 17th Floor, Oakland, California 94612, between 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, Initial Statement of Reasons, and any information contained in the rulemaking file may be requested, in writing, to the contact person.

CONTACT PERSON FOR GENERAL QUESTIONS

Inquiries concerning the proposed administrative action may be directed to:

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142
E-mail: mgray@dir.ca.gov

The telephone number of the contact person is (510) 286-7100.

Please direct requests for copies of the proposed text (the "express terms") 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 Ms. Gray at the above address.

The backup contact person for these inquiries is

James M. Robbins
 Division of Workers' Compensation
 P.O. Box 420603
 San Francisco, CA 94142
 E-mail: jrobbins@dir.ca.gov

To obtain responses to questions regarding the substance of the proposed regulations, inquiries should be directed to the following backup contact person.

The telephone number of this contact person is (510) 286-7100.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

No modifications are being proposed to the emergency regulations at this time.

If the Acting Chief of DOSH makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly shown will be made available for public comment for at least 15 days prior to the date on which the regulations are adopted.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the final Statement of Reasons will be available, and copies may be requested from the contact person named in this notice or may be accessed on the Division's website at: http://www.dir.ca.gov/dosh/rulemaking/dosh_rulemaking_proposed.html.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the regulations, will automatically be sent to those interested persons on the DOSH mailing list.

If adopted, the regulations as amended will appear in California Code of Regulations, title 8, commencing with section 344.76. The text of the final regulations also may be available through the website of the Office of Administrative Law at www.oal.ca.gov.

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any

person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on February 3, 2014.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the CBOT. The request must be received in the Board office not later than 5:00 p.m. on January 20, 2014.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2570.2 and 2570.3, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Informative Digest

The Board is the regulatory entity that regulates the practice of occupational therapy in the State of California. Existing law, BPC section 2570.25, mandates protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions.

Policy Statement Overview

Existing law, BPC section 2570.3(d) establishes that an occupational therapist may provide advanced practice services (e.g. hand therapy, physical agent modalities, or swallowing assessment, evaluation, and intervention) if the therapist has the knowledge, skill, and ability to do so and has demonstrated to the satisfaction of the Board that he or she has met post-professional educational and supervised training.

This proposed action will amend 16 CCR Section 4151, which establishes and defines the requirements for occupational therapists to qualify for Board approval to provide advanced practice services in the area of hand therapy. The Board-proposed amendment will establish occupational therapists that provide proof of current certification as a Certified Hand Therapist, is-

sued by the Hand Therapy Certification Commission, shall be deemed to have met the education and training requirements of this Section. This proposed action also makes other technical amendments to clarify that an application must be filed pursuant to existing regulations in Section 4155 and makes other minor formatting and renumbering edits to affect these amendments.

This proposed action will amend Section 4152, which establishes and defines the requirements for occupational therapists to qualify for Board approval to use physical agent modalities in their practice. The proposed amendment will establish occupational therapists that provide proof of current certification as a Certified Hand Therapist, issued by the Hand Therapy Certification Commission, shall be deemed to have met the education and training requirements of this Section. This proposed action also makes other technical amendments to clarify that an application must be filed pursuant to existing regulations in Section 4155 and makes other minor formatting and renumbering edits to affect these amendments.

Benefit of Proposed Regulations

This regulatory action lessens the burden placed on out-of-state licensed occupational therapists that are certified by the Hand Therapy Certification Commission. To become a Certified Hand Therapist (CHT), a practitioner must be licensed at least five years and complete 4,000 or more hours of direct practice in hand therapy in order to be eligible to take a rigorous evidence-based examination. Successful completion of a four-hour comprehensive, computer-based test consisting of 200 multiple-choice items, testing knowledge of advanced clinical skills and theory in upper quarter rehabilitation, is required in order to become a CHT.

These requirements are much more strenuous than the Board's approval requirements: 480 hours required for hand therapy and 240 hours required for physical agent modalities. Thus the Board is satisfied that the occupational therapists that are Certified Hand Therapists possess the knowledge, skill, and ability to provide advanced practice services in the areas of hand therapy and physical agent modalities that is consistent with its consumer protection mandate. This regulatory action will also make the advanced practice application review process easier for Board staff to perform for advanced practice applicants that are Certified Hand Therapists.

Consistency and Compatibility with Existing State Regulations

The Board has conducted a review of any related regulations and has determined that these are the only regulations dealing with the qualifications and approval of Occupational Therapists providing advanced practice

services. Therefore, this regulatory proposal is consistent and compatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

This proposed action will reduce California Board of Occupational Therapy staff time (resources) reviewing and evaluating hand therapy and physical agent modality advanced practice applications for applicants who are Certified Hand Therapists.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

RESULTS OF ECONOMIC IMPACT ANALYSIS

Impact on Jobs/New Business:

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

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed regulatory action eases regulatory controls on an out-of-state occupational therapist who is seeking licensure in California and who is certified as a hand therapist with the Hand Therapy Certification Commission. Existing regulations require occupational therapists licensed in California to secure Board "approval" to provide advanced practice services in the areas of hand therapy and the use of physical agent modalities. Applicants seeking Board approval must have 480 hours of supervised training in hand therapy and/or 240 hours of supervised training in the use of physical agent modalities; all training hours must be gained within the five-year period preceding the date they file an application to the Board seeking approval. In most cases this adversely affects out-of-state licensed practitioners who are Certified Hand Therapists because their training occurred outside the five-year rule even

though they have been actively engaged in providing hand therapy services in their respective state(s) of licensure. This proposed action will promote access to competent practitioners who can provide advanced practice services in hand therapy and physical agent modalities.

Cost Impact on Affected Private Persons:

The proposed action does not increase costs for affected individuals (occupational therapists who are Certified Hand Therapists “CHT”) and may result in a cost savings. The Board is unable to quantify the savings because it does not maintain data on the number of licensees who have applied for advanced practice approval who were CHTs. Nor does the Board monitor the costs of courses or training that may be taken in order to seek Board approval.

The Board has determined that this regulatory proposal promotes access for occupational therapists who are CHTs, by streamlining the application process for them to secure Board approval to provide advanced practice services in California. Existing regulations adversely affect these practitioners because in most cases the training that they completed to obtain certification as a hand therapist falls outside the Board’s five-year rule. Thus these occupational therapists are compelled to meet the State requirement by paying for additional courses and training under a California-approved therapist, hindering independent practice and not making them as competitive in the marketplace due to their need to be under supervision.

Effect on Housing Costs: None.

Effect on Small Business:

The Board has made an initial determination that the proposed regulatory action would have no statewide adverse economic impact on small business. The proposed regulatory action affects occupational therapy practitioners who wish to provide advanced practice services to California consumers.

CONSIDERATION OF ALTERNATIVES

The CBOT 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 as and less burdensome to affected private persons than the proposal described in this Notice or would be more cost-effective to the 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 within the timeframes identified in this No-

tice, or at a hearing in the event that such a request is made by the public.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, 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 from the contact person listed below.

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

All the information upon which the proposed regulation is 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 Board’s website as listed below.

CONTACT PERSON

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

Jeff Hanson
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294 (Tel)
(916) 263-2701 (Fax)
cbot@dca.ca.gov

The backup contact person is:

Heather Martin [Same contact information as above]

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on February 3, 2014.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the CBOT. The request must be received in the Board office not later than 5:00 p.m. on January 20, 2014.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific section 2570.10, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

The Board is the regulatory entity that regulates the practice of occupational therapy in the State of California. Existing law, BPC section 2570.25, mandates protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions.

Policy Statement Overview

This proposed regulatory action updates, amends, and clarifies several aspects of the Board's continuing competence (continuing education) requirement. This proposed regulatory action is designed to clear up confusing and conflicting language regarding a practitioner's ability to apply college and/or university coursework toward the continuing competence requirement. This proposed action seeks to establish limits on activities that can be used in lieu of coursework toward the Board's continuing competence requirement. This proposed regulatory action establishes and clarifies that a practitioner who renews a license delinquent must have completed the professional development coursework or activity within the two-year period preceding the date he or she files the delinquent renewal.

This proposed regulatory action makes other clarifying amendments due to the Board changing from annual renewals to biennial renewals in 2008 and simplifies the existing continuing competence requirement for practitioners that are applying for licensure after having not been engaged in practice for five years or more.

Anticipated Benefits of Proposal

This proposed action expands a practitioner's ability to use coursework taken at a college or university toward the continuing competency requirement as long as the coursework contributes directly to professional knowledge, skill, and ability. This proposed action will establish that a least 50% of the continuing competence requirement shall be completed by taking coursework whereas existing regulations allow a practitioner to complete all or a majority of the requirement via other activities in lieu of coursework.

The proposed regulatory action defines, clarifies, and updates many aspects and principals of the Board's continuing competency requirement and promotes more efficient administration, coordination, and enforcement of the continuing competence requirements.

The proposed regulatory action ultimately is designed to enhance and promote public safety by ensuring practitioners stay current with trends and technological advances in the delivery of occupational therapy services to the public.

Consistency and Compatibility with Existing State Regulations

The Board has conducted a review of any related regulations and has determined that these are the only regulations dealing with Continuing Competency of Occupational Therapists. Therefore, this regulatory proposal is consistent and compatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made a determination that the proposed regulatory action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS

Impact on Jobs/New Business:

The Board has determined that this regulatory proposal will not have an adverse impact on the creation of jobs or new businesses or the elimination of jobs or ex-

isting businesses or the expansion of businesses in the State of California.

Existing regulations already require occupational therapy practitioners to complete continuing competence (continuing education) coursework or activities. This proposed action makes technical modifications to align the continuing competency requirement with the existing biennial renewal requirement, allows applicable coursework from a degree program to be applied toward the continuing education requirement, sets a limit on continuing competence activities that can be used in lieu of coursework toward the requirement, and deletes a requirement for practitioners that have not practiced for a period of five (5) years or more to complete specific coursework in “scope of practice” and “occupational therapy framework” due to infrequent availability. The lack of courses creates a barrier to reenter practice.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The proposed regulatory action amends and updates existing regulations relevant to continuing competence of occupational therapy practitioners. Adoption of this proposed action will enhance and promote the administration, coordination, and enforcement of these provisions and ultimately translate to better services being rendered to the public.

Cost Impact on Affected Private Persons:

The Board has determined that this regulatory proposal will not adversely impact affected private persons (licensed occupational therapy practitioners and future applicants). Existing regulations require practitioners and applicants to complete professional development units in order to renew their license or to apply for licensure when they have not been actively engaged in practice for five or more years. This proposed action does not increase or decrease the number of professional development units that already have been established for license renewal or re-entry into the profession.

Effect on Housing Costs: None.

Effect on Small Business:

The Board has made a determination that the proposed regulatory action would have no statewide adverse economic impact on small business. The proposed regulatory action impacts individuals licensed to provide or assist in the practice of occupational therapy.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either

be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice or would be more cost-effective to the 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 within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, 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 from the contact person listed below.

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

All the information upon which the proposed regulation is 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 Board’s website as listed below.

CONTACT PERSON

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

Jeff Hanson
 California Board of Occupational Therapy
 2005 Evergreen Street, Suite 2050
 Sacramento, CA 95815
 (916) 263-2294 (Tel)
 (916) 263-2701 (Fax)
 cbot@dca.ca.gov

The backup contact person is:

Heather Martin
 [Same contact information as above]

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

TITLE 16. CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (CBOT) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on February 3, 2014.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the Board. The request must be received in the CBOT office not later than 5:00 p.m. on January 20, 2014.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2570.28, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Informative Digest

Existing regulations contained in section 4170 of Division 39 of Title 16 of the California Code of Regulations identify Ethical Standards of Practice that have been adopted by the Board. Any violation of the adopted standards would constitute grounds for the CBOT to take an enforcement action against a licensee. This proposed action provides more detail and clarity regarding the Board's existing professional standards to better serve the profession and public on expected standards and otherwise assist in identifying potential ethical dilemmas.

Policy Statement/Anticipated Benefits of Proposal

Pursuant to BPC section 2570.25, protection of the public shall be the highest priority of the CBOT in exercising its licensing, regulatory, and disciplinary func-

tions. The intent and design of the proposed action is to promote public protection and otherwise enhance the CBOT's regulatory and disciplinary functions.

Consistency with Existing State Regulations

The Board has conducted a review of any related regulations and has determined that these are the only regulations dealing with Ethical Standards of Practice for Occupational Therapists. Therefore, this regulatory proposal is consistent and compatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: This regulation will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with business in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS

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

Benefits of the Proposed Regulation

The intent and design of the proposed action is to promote public protection and otherwise enhance the CBOT's regulatory and disciplinary functions.

Cost Impact on Affected Private Persons:

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

Effect on Housing Costs: None.

Effect on Small Business:

The Board has determined that compliance with proposed regulations would not affect small business. Individual occupational therapy practitioners are required to comply with regulations that have been adopted by the Board which are necessary for public protection. The Board acknowledges the potential exists that the owner or an employee of a small occupational therapy business might subject their license to an enforcement action for violating professional and ethical standards.

The Board does not anticipate a significant number of small businesses would be affected and any detrimental impact or hardship that might be incurred would be outweighed by the Board's mandate to protect the health, safety, and welfare of California consumers.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice or would be more cost-effective to the 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 within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, 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 from the contact person listed below.

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

All the information upon which the proposed regulation is 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 Board's website as listed below.

CONTACT PERSON

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

Jeff Hanson
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294 (Tel)
(916) 263-2701 (Fax)
cbot@dca.ca.gov

The backup contact person is:

Heather Martin
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294 (Tel)
(916) 263-2701 (Fax)
cbot@dca.ca.gov

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

TITLE 19. OFFICE OF STATE FIRE MARSHAL

NOTICE OF PROPOSED RULEMAKING TO OFFICE OF THE STATE FIRE MARSHAL California Code of Regulations, Title 19, Division 1, Chapter 5

Automatic Fire Extinguishing Systems—Adopt current edition of the National Fire Protection Association (NFPA) 25-2011 and Administrative Violations and Enforcement Provisions

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

WRITTEN COMMENT PERIOD

The SFM will accept written comments regarding this proposed regulatory action for at least 45 days beginning December 20, 2013 until 5:00 p.m. on February 3, 2014.

Comments may be submitted to the SFM via:

- Email: diane.arend@fire.ca.gov; or
- Facsimile: (916) 445-8459; or
- US Mail (postmarked no later than February 3, 2014):

Office of the State Fire Marshal
P.O. Box 944246
Sacramento, CA 94244-2460
Attn: Diane Arend, Code Development & Analysis

INFORMATIVE DIGEST — POLICY
STATEMENT OVERVIEW

PUBLIC HEARING

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

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

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

AUTHORITY & REFERENCE

The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section 13195 with reference to Section 13195, Health and Safety Code to control the inspection, testing, and maintenance of all water-based fire suppression for controlling and extinguishing fire and for controlling all such devices with respect to conformance with standards of their use, capacity, and effectiveness. The proposed regulations implement, interpret, and make specific sections 13195 and 13197.6 of the Health and Safety Code. In adopting the regulations, the State Fire Marshal shall consider the standards of the National Fire Protection Association.

The broad objective of the proposed action is to better define the regulatory requirements of the SFM Automatic Fire Extinguishing Systems Licensing Program and enforcement and maintenance of those requirements, as well as adopt a current edition of the national standards for the inspection testing and maintenance of all water-based fire suppression systems.

The regulations proposed in this rulemaking action would specify and define the regulatory requirements of the SFM Automatic Fire Extinguishing Systems Licensing Program, and Service, Testing, and Maintenance of those requirements by making the following changes:

This rulemaking action makes specific to authorize the OSFM to issue a specified monetary civil penalty in lieu of or in part to suspending the license or certificate of individuals or businesses that violate fire extinguisher laws.

The State Fire Marshal is also proposing to update the national standard from NFPA 25-2002 edition to NFPA 25-2011 edition. The national standard addresses the current requirements for inspection, testing, and maintenance of all water-based fire suppression.

Summary of Existing Laws

Health and Safety Code Section 13195 authorizes the State Fire Marshal to administer regulations and standards as deemed necessary in order to

- (1) establish and control a program for servicing, testing, and maintaining all automatic fire extinguishing systems, including but not limited to, fire sprinkler systems, engineered and pre-engineered fixed extinguishing systems, standpipe systems, and water flow alarm devices and,
- (2) establish minimum frequencies of service, inspection, and testing for the various types of automatic fire extinguishing systems. All tests of automatic sprinkler systems shall include a test of all supervisory signaling equipment that is provided to determine whether a condition exists that will impair the satisfactory operation of the system.

With the passage of AB 1773 (Filed August 18, 2010, Chapter 161) Section 13197.6 was added to the Health and Safety Code. This section allows the SFM to stay the suspension of a Concern license (firm) in specified instances on condition that the holder pays a specified monetary penalty. The SFM is also addressing enforcement and servicing, testing, and maintaining all automatic fire extinguishing system Concern licenses. This package resolves the differences in the fee schedule

throughout the Regulations to align it with Section 960. It will also clearly define the use of the Seal of Registration in the Permissive Use section.

Summary of Existing Regulations

Existing regulations in regards to the proposed changes establish the requirements in California Code of Regulations, Title 19, Division 1, Chapter 5 for inspection, testing, maintenance and service of Automatic Fire Extinguishing Systems using the 2002 edition of NFPA 25 with state amendments. This national standard has been updated in 2005 and 2009 and now has been updated to the 2011 edition.

With the passage of AB 1773 (Filed August 18, 2010, Chapter 161) Section 13197.6 (State Fire Marshal: inspections and licensing) was added to the Health and Safety Code and is being addressed in Title 19, Chapter 5, Section 909 and T-19, Chapter 12. The SFM is proposing in this rulemaking to adopt California Code of Regulations (CCR), Title 19, Chapter 12.

The State Fire Marshal is proposing to amend CCR, Title 19, Chapter 5, Sections 901, 902.2, 903.1, 903.2, 904.1, 904.2, 905, 905.1, 905.2, 906, 906.1, 906.2, 906.3, 906.4, 908, 909, and 910.

The SFM consulted with the SFM Fire Automatic Extinguishing Systems Advisory Committee and SFM NFPA 25 Workgroup for recommendations and analysis of the proposed amendments and they concur with the proposal. Further, the SFM also sought the advice of the State Board of Fire Services on the proposed amendments. The State Fire Marshal conferred with the Board at the Board’s May 23, 2013 meeting. The Board had no comments regarding the proposed amendments.

Summary of Effect

The effect of these changes will be instead of the OSFM suspending a California State Fire Marshal–Licensed Concern to stop working during a suspension period, a specified monetary civil penalty in lieu of suspension can be assessed. In lieu of suspending the license or business that violates Automatic Extinguishing System laws and regulations, the regulation would allow them to continue to provide servicing, testing, and maintenance of fire suppression systems. The regulation will also update the currently adopted national standard from the NFPA 25–2002 edition to NFPA 25–2011 edition.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Evaluation of Consistency

The OSFM determined this proposed regulation is not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the OSFM has concluded that this is the only regulation that “stays the

suspension of automatic extinguishing systems inspection, testing, and maintenance as well as licensing” for purposes of Health and Safety Code Section 13197.6.

Objective and Anticipated Benefits

The broad objective of the proposed action is to better define the regulatory requirements of the SFM Automatic Fire Extinguishing Systems Licensing Program and enforcement and maintenance of those requirements. The specific benefit anticipated from the regulation is the consolidation of the Automatic Extinguishing Systems “A” License Type 1 and Type 3 into the Type 1 water–based fire suppression systems providing a cost savings to both consumers and business. The regulatory changes are anticipated to benefit businesses by enabling the SFM to issue civil penalties for violation of Automatic Extinguishing Systems laws and regulation in lieu of, licensing actions. This proposal would allow the SFM to more efficiently and appropriately tailor the penalties to fit the types of violations that occur. This would allow some businesses to continue operating when the SFM finds minor violations that do not compromise public safety and, additionally, reduce SFM administrative costs.

The SFM developed the regulations in cooperation with the SFM Automatic Extinguishing Advisory Committee, and sought their recommendations and analysis of the proposed amendments. The advisory committee concurred with the proposal.

Further, the SFM sought the advice of the State Board of Fire Services on the amendments pursuant to Health and Safety Code section 19818. The State Fire Marshal conferred with the Board at the Board’s May 23 and November 21, 2013 meetings. The Board had no comments regarding the proposed amendments.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the Office of the State Fire Marshal, or to any specific regulation or class of regulations. There are no other matters to identify.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following initial determinations:

1. Mandate on local agencies and school districts: **None.**
2. Cost or savings to any other State agency: **None.**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Sections 17500–17630: **None.**

4. Other non-discretionary cost or savings imposed upon local agencies: **None**.
5. Cost or savings in federal funding to the State: **None**.
6. Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: **None**.
7. Significant effect on housing costs: **None**.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

8. The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action are provided as follows:
 - ▶ Title 19, Section 909 has a positive economic impact to automatic extinguishing system service companies by allowing some businesses to continue to operate when the State Fire Marshal finds violations that do not compromise public safety. Additionally, this action would result in savings, by reducing the number of administrative hearings the State Fire Marshal must conduct in regards to the violations. The State Fire Marshal estimates the cost for a single administrative hearing at approximately \$15,000 to the state and to businesses or individuals.
 - ▶ The frequency requirements have been consolidated by one third. Consolidating the frequency requirements of Inspection, Testing and Maintenance lowers costs for the building owner and eliminates the weekly testing of the Electric Fire Pump.

DECLARATION OF EVIDENCE

The OSFM has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact.

SMALL BUSINESS EFFECTS

The State Fire Marshal has made the initial determination that the amendments to these regulations will have no “substantial” effect on small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses. These proposed amendments allow the licensee to pay a monetary penalty to the State Fire Marshal in lieu of suspension of a license and better define

the regulatory requirements. This allows the businesses or individuals to pay a fine in lieu of closing their business, or prohibiting their ability to work for the duration of the suspension. The merging of the Automatic Fire Extinguishing “A” License Type 1 and Type 3 into the Type 1 water-based fire suppression systems provides a cost savings to both consumers and business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

Adoption of these regulations *will not*:

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

The State Fire Marshal has assessed that this regulatory proposal:

- d) Will benefit the public health and welfare of California residents, worker safety, and the environment by providing greater fire safety protection against fire equipment service, testing, and maintenance procedures. It helps consolidate the frequency requirements for inspection, testing and maintenance with lower costs to the building owner. It also provides a current update of the standard for enforcement agencies and the tools necessary to reduce and/or eliminate fraud. These regulations will allow businesses to continue working by paying a fine in lieu of suspension and continue to have a positive impact on the state’s economy.

Currently, no work is allowed to be performed by businesses serving a suspension term. The analysis of consumer fraud determined that businesses that violate regulations could continue to work instead of serving a suspension term by paying a fine. The regulations allow business to continue having a positive impact on the state’s economy, rather than having business cease for a determined amount of time resulting in a negative effect on the state’s economy. Consolidation of requirements will continue to have positive impacts for building owners and the economy in California.

Small Business Determination: The OSFM has determined that the proposed regulations affect small business.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 1346.5, subdivision (a)(13), SFM 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 proposed action 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.

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

BUSINESS REPORT

This regulatory proposal does not mandate any new reporting or recordkeeping requirements, but it will reiterate what is already required such as the Annual Inspection, Testing, and Maintenance reports.

CONTACT PERSON

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

- Office of the State Fire Marshal:
Diane Arend, Senior Deputy SFM (RA),
Regulations Coordinator
(916) 324-9592
diane.arend@fire.ca.gov

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office indicated above. As of the date this notice is published in the Notice Register, the SFM's rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons for the proposed action and an economic impact assessment contained in the initial statement of reasons. Copies may be obtained through the contact at the address or telephone number listed above.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons (FSOR) may be obtained by making a written request to the contact person at the above address or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons (ISOR) and the text of proposed regulations in underline and strikeout may be accessed through the SFM web site at: http://osfm.fire.ca.gov/codedevelopment/codedevelopment_title19development.php.

TITLE 20. CALIFORNIA ENERGY COMMISSION

PROPOSED AMENDMENTS TO APPLIANCE EFFICIENCY REGULATIONS California Code of Regulations, Title 20, Sections 1601 through 1608

CALIFORNIA ENERGY COMMISSION Docket Number 13-AAER-1

INTRODUCTION

The Appliance Efficiency Regulations (Title 20, Sections 1601-1608 of the California Code of Regulations (CCR)) contain definitions, test procedures, labeling requirements, and efficiency standards for both federally-regulated and state-regulated appliances. Appliance manufacturers are required to certify to the California Energy Commission (Energy Commission) that their products meet all applicable State and federal regulations pertaining to efficiency before their products can be included in the Energy Commission's database of approved appliances, and for state-regulated appliances, sold or offered for sale in California. To provide manufacturers, retailers, and consumers of appliances with a clear and comprehensive set of requirements, in a single location, pertaining to regulated appliances sold or offered for sale in California, the Appliance Efficiency Regulations contain the efficiency standards and test procedures for both federally-regulated and state-regulated appliances.

PROPOSED ADOPTION DATE

The Energy Commission will hold a public hearing for consideration and possible adoption of the 45-Day

Language on the following date and time unless the Energy Commission decides to modify the Express Terms through issuance of 15-Day Language.

Date: February 12, 2014
10 a.m.
California Energy Commission
1516 Ninth Street
First Floor, Hearing Room A
Sacramento, California
(Wheelchair accessible)

Audio for the February 12, 2014, adoption hearing will be broadcast over the internet.

If you have a disability and require assistance to participate in these hearings, please contact Lou Quiroz at (916) 654-5146 at least 5 days in advance. At this hearing, any person may present oral or written statements or arguments relevant to the proposed action. Interested persons may also submit written comments (see below).

PUBLIC COMMENT PERIOD/Written COMMENTS (Gov. Code section 11346.5(a)(15))

The public comment period for this Notice of Proposed Action will be from December 20, 2013 through and including February 3, 2014. Any interested person may submit written comments on the proposed amendments. Written comments will be accepted and considered for the Energy Commission adoption hearing if they are received by 5 p.m. on February 11, 2014. Written comments shall be e-mailed to [Docket@energy.state.ca.us] or mailed or delivered to the following address:

California Energy Commission
Docket No. 13-AAER-1
Docket Unit
1516 Ninth Street, Mail Station 4
Sacramento, California 95814-5504

All written comments must indicate Docket No. 13-AAER-1. When comments are e-mailed on behalf of an organization, the comments should be a scanned copy of the original on the organization's letterhead and include a signature of an authorized representative. Please copy Harinder.Singh@energy.ca.gov.

AUTHORITY AND REFERENCE (Gov. Code section 11346.5(a)(2))

The Energy Commission proposes to adopt the amendments under the authority of Public Resources Code sections 25213, 25218(e), 25402(c)(1), and 25402.5. The proposed amendments implement, inter-

pret, and make specific Public Resources Code section 25402.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW (Gov. Code 11346.5(a)(3), 11346.5(a)(3)(A), 11346.5(a)(3)(B), 11346.5(a)(3)(C), 11346.5(a)(3)(D))

Revisions and Updates Necessary for Consistency With Federal Law

Under federal law no state regulation, or revision thereof, concerning the energy efficiency, energy use, or water use of a covered product shall be effective with respect to such covered product (*See* 42 U.S.C. § 6297(a)-(c) and 10 C.F.R. § 430.33(a).)

The Energy Commission's Appliance Efficiency Regulations include standards, definitions, test methods, and other requirements for federally regulated appliances and adopt reference to those standards that originate from the federal regulations that are located in the Code of Federal Regulations (CFR). The CFR underwent various amendments since the state last updated the federal section of the Appliance Efficiency Regulations in 2008. Definitions, test methods, and other requirements have been added or changed within the following sections, 10 C.F.R. 430, 10 C.F.R. 431 and 16 C.F.R. 305. Because of the wide-ranging additions and changes to federal laws and regulations, the Energy Commission's Appliance Efficiency Regulations no longer reflect current federal standards and need to be updated. To maintain consistency with federal standards and regulations, a thorough review of updated federal standards and regulations was necessary. Since these changes are already federal law, or will be on a specific date in the near future, corrections to California regulations must be made to be consistent with the federal law.

The majority of the proposed regulation changes described in this document incorporate current effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision.

To address the scenario of federal repeal of a federal efficiency standard or test method, current state law, Title 20 section 1605(a)(2), provides for the status quo in the event that a federal standard is repealed. Each federal standard in Section 1605.1 is also adopted as California state law applicable to the sale and offer for sale of appliances in California, if the corresponding federal standard is repealed or becomes inoperable, in-

applicable, or otherwise invalid as federal law. Immediately upon the effect of such federal repeal or invalidity the standard becomes effective as California state law. This current rulemaking makes no changes to section 1605(a)(2) and leaves this status quo provision in place. While the proposed changes reflect federal updates, these updates would become state law in the event that the federal standard is repealed.

Revisions and Updates to State Regulations

A few proposed changes to state regulations are also included. These changes correct typographical and formatting errors, remove obsolete language, and clarify areas that have resulted in confusion among the regulated community. The state language changes ensure conformance with existing building and industry definitions relating to LED lamps to eliminate any conflict between the two sets of regulations, to modify the definition of “manufacturer” to provide greater compliance flexibility, and to simplify third party authorizations and submission procedures by updating them and eliminating unnecessary filings.

In addition, forklift battery chargers were inadvertently left out of the definition of regulated devices during a previous rulemaking, (OFFICE OF ADMINISTRATIVE LAW NOTICE FILE NUMBER Z-2011-0926-01) and this oversight is being corrected.

Specific Benefits of Proposed Amendments

The specific benefits anticipated by the proposed amendments include increased clarity to the regulated community, harmonization between state and federal law, and improved ability of manufacturers and third parties to submit compliance filings while reducing the reporting burden on these entities.

Consistency with State Regulations

The proposed amendments are not inconsistent or incompatible with existing state regulations. The Commission has looked into whether there are any related state regulations in this area and has determined that the only other state regulations related to appliance efficiency are in Title 24, Part 6, of the California Code of Regulations. The proposed amendments are intended to harmonize with these provisions in Title 24, Part 6, and are therefore neither inconsistent nor incompatible with existing state regulations.

LIST OF DOCUMENTS INCORPORATED BY REFERENCE (1 CCR 20(c)(3))

The following represent documents incorporated by reference in the new federal standards which are not already included in the state appliance efficiency regulations. The references are presented as found in federal

standards which for some references do not include dates.

ANSI Z21.50	Vented Gas Fireplaces
ANSI Z21.88	Vented Gas Fireplace Heaters
IES LM-9-09	Electrical and Photometric Measurements of Fluorescent Lamps
NEMA MG1-1967	Motors and Generators
NEMA MG1-2009	Motors and Generators
NFPA 20 (2010)	Standard for the Installation of Stationary Pumps for Fire Protection
ANSI/NFPA 70 (2002)	National Electrical Code
EPA “External Power Supply International Efficiency Marking Protocol”	
ANSI C78.5	Standard for Electric Lamps — Specifications for Performance of Self-Ballasted Compact Fluorescent Lamps
IES LM-65	Life Testing of Compact Fluorescent Lamps

FEDERAL LAW (Gov. Code 11346.2(c) and 11346.9)

The majority of the proposed changes reflect changes to federal standards. The remaining changes are simply grammatical or formatting changes. None of the proposed changes conflict with federal law but ensure consistency with it.

LOCAL MANDATE (Gov. Code 11346.5(a)(5))

The proposed amendments will not impose a mandate on state or local agencies or school districts.

ECONOMIC AND FISCAL IMPACTS (Gov. Code 11346.5(a)(6))

The Energy Commission has made the following initial determinations relating to the economic and fiscal impacts of the proposed regulations which are consistent with the checking of box A-1 (h) on the Form 399 *Economic and Fiscal Impact Statement*. Box A-1 (h) indicates that there are no private sector cost impacts.

FISCAL IMPACT (Gov. Code 11346.5(a)(6))

Costs Requiring Reimbursement. The proposed amendments will not impose on local agencies or

school districts any costs for which Government Code sections 17500–17630 require reimbursement.

Cost or Savings in Federal Funding to the State. The proposed amendments will not result in any costs or savings in federal funding to the state.

Cost or Savings to State Agencies. The proposed amendments will not result in any costs or savings to any state agency.

Other Nondiscretionary Costs or Savings Imposed Upon Local Agencies. The proposed amendments will not result in any other nondiscretionary costs or savings to local agencies.

EFFECT ON HOUSING COSTS (Gov. Code 11346.5(a)(12))

There will be no significant effect on housing costs. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not materially alter housing costs. Changes to the state portion of the regulations also will not have an effect on housing costs because the state-only changes are clarifications of existing regulations.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES (Gov. Code 11346.3(a), 11346.5(a)(7), 11346.5(a)(8) and 11346.2(b)(6))

The Energy Commission has determined that there will be no significant statewide adverse economic, fiscal, or environmental impact directly affecting businesses, including small businesses, as a result of the proposed regulations, including the ability of California businesses to compete with businesses in other states because the majority of the proposed changes incorporate currently effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not create an adverse economic impact on business. Likewise, the state-only changes remove obsolete language and clarify existing regulations and have no economic or fiscal impacts. The state language changes either ensure conformance with existing building and industry definitions relating to LED lamps, simplify third party authorizations and submissions or eliminate ambiguities in existing state regulations. For more details on the specific changes

being proposed see the Statement of Reasons filed with this Notice.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ANALYSIS: IMPACTS ON THE CREATION OR ELIMINATION OF JOBS WITHIN THE STATE; THE CREATION OF NEW BUSINESSES OR THE ELIMINATION OF EXISTING BUSINESSES; THE EXPANSION OF BUSINESSES IN CALIFORNIA; BENEFITS OF THE REGULATIONS (Gov. Code 11346.5(a)(10))

The proposed amendments will have no impact on jobs or existing businesses in California because the majority of the proposed changes mirror currently effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not create an adverse economic impact on business. Likewise, the state-only changes remove obsolete language and clarify existing regulations and have no impact on jobs or business within the state. The simplification of the third party authorization and submissions process may slightly reduce some compliance costs as some annual submissions have been eliminated.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS (Gov. Code 11346.5(a)(9))

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There will be no significant cost impacts on businesses and individuals because the majority of the proposed changes reflect currently effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not create an adverse economic impact on representative persons or businesses. Likewise, the state-only changes remove obsolete language and clarify existing regulations and have no cost impacts on private persons or business but may provide a slight reduction in compliance costs.

BUSINESS REPORTS (Gov. Code 11346.5(a)(11) and 11346.3(d))

The proposed changes would not require any additional mandatory data reporting beyond what is already required to be collected and reported to the federal government. The proposed changes would conform to the

data that is presently collected by regulated manufacturers as required by federal standards. The changes to the state portion of the regulations may reduce compliance costs as some annual reports associated with third party data submissions have been eliminated.

SMALL BUSINESS (1 CCR 4(a) and (b))

There will be no significant cost impacts on small businesses because the majority of the proposed changes reflect currently effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, these changes do not create an adverse impact on small business. Likewise, the state-only changes remove obsolete language and clarify existing regulations and have no cost impacts on small business. While some annual reports have been eliminated with the proposed changes to the state portion of the regulations, these reports are usually provided by larger manufacturers and not small businesses.

ALTERNATIVES INFORMATION (Gov. Code 11346.5(a)(13))

Before adopting the proposed regulations, the Energy Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the amendments are 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. In this case there is no alternative because the proposed changes reflect currently effective federal requirements. Because these federal regulations are already effective by operation of preemption in California, and because regulated parties must comply with them regardless of California's regulations, alternatives that achieve the same statutory policy would be duplicative and unnecessary.

For the proposed changes to state only regulations, the Energy Commission is unaware of any alternative beyond the proposed changes removing the obsolete sections of the state regulations and clarifying ambiguities that have been identified. The state language changes ensure conformance with existing building and

industry definitions relating to LED lamps, simplify third party authorizations and submissions or eliminate ambiguities in existing state regulations. Not making these changes will result in continued ambiguity and more burdensome compliance filings.

DESIGNATED CONTACT PERSONS (Gov. Code 11346.5(a)(14))

Please contact the following person, preferably by e-mail, for general information about the proceeding or to obtain any document relevant to the proceeding, including this document, the Express Terms, the Initial Statement of Reasons, the Form 399, and any other document in the rulemaking file:

Angelica Romo-Ramos
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4147
Fax: 916-654-4304
E-mail: Angelica.Romo@energy.ca.gov

Please contact the following person, preferably by e-mail, for substantive questions:

Harinder Singh
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4091
Fax: 916-654-4304
E-mail: Harinder.Singh@energy.ca.gov

The backup contact person for substantive questions is:

Kenneth Rider
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-5006
Fax: 916-654-4304
E-mail: Ken.Rider@energy.ca.gov

Mr. Singh and Mr. Rider also can assist in obtaining documents and in answering general questions.

PUBLIC ADVISER

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. If you want information on how to participate in this rulemaking, please contact:

Alana Matthews, Public Adviser
California Energy Commission
1516 Ninth Street, Mail Station 12
Sacramento, California 95814-5512
Telephone: 916-654-4489
Fax: 916-654-4493
E-mail: pao@energy.ca.gov

NEWS MEDIA INQUIRIES

News media inquiries should be directed to Media and Public Communications Office at (916) 654-4989, or by e-mail at mediaoffice@energy.ca.gov.

AVAILABILITY OF THE TEXT OF THE PROPOSED AMENDMENTS (EXPRESS TERMS), THE INITIAL STATEMENT OF REASONS (ISOR), AND THE INFORMATION UPON WHICH THE PROPOSAL IS BASED (RULEMAKING FILE) (Gov. Code 11346.5(a)(16))

The first action to take to obtain documents in this rulemaking proceeding is to visit the Energy Commission's appliance efficiency website at: <http://www.energy.ca.gov/appliances/2013rulemaking/index.html>.

The website will have all of the documents prepared by the Energy Commission, including the Express Terms of the proposed amendments (written in plain English and set forth in a format that indicates both the existing text and the proposed text), the Initial Statement of Reasons, and all documents relied upon by the Energy Commission, as well as most of the other documents in the rulemaking file.

The Express Terms and the Initial Statement of Reasons are also available at no cost from the contact person, Angelica Roma-Ramos (see above).

The Energy Commission's Docket Office has available all of the documents in the rulemaking file; for copies, please contact:

Docket Office
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, California 95814-5504
916-654-5076

AVAILABILITY OF CHANGED OR MODIFIED TEXT (Gov. Code 11346.5(a)(18).)

After considering all timely and relevant comments received, the Commission may adopt the proposed regulations substantially as described in this notice. If the

Commission 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 it adopts the regulations as revised. Per section 44, title 1, of the California Code of Regulations, notice of any modified text will be submitted to (1) anyone who submits oral or written comments at the public hearing, (2) anyone who submits written comments to the Commission's docket, or (3) anyone who specifically requests notification of such modifications.

FINAL STATEMENT OF REASONS (Gov. Code 11346.5(a)(19))

The Energy Commission will prepare a Final Statement of Reasons on the amendments, responding to all relevant comments made during the proceeding. The Final Statement of Reasons will be available from the contact person named above and from the Docket Office, and will be posted on the Energy Commission's website.

INTERNET ACCESS (Gov. Code 11346.4(a)(6) and 11346.5(a)(20))

Documents prepared by the Energy Commission for this rulemaking, including this NOPA, the Express Terms, the ISOR, and most other documents in the rulemaking file, will be posted on the Energy Commission's website at: <http://www.energy.ca.gov/>.

Note: The California Energy Commission's formal name is the State Energy Resources Conservation and Development Commission.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

**PROPOSED RESEARCH ON FULLY PROTECTED SPECIES
Monitoring California Least Tern Nesting Colonies**

The Department of Fish and Wildlife ("Department") received a proposal on November 26, 2013, from Christine L. Beck in San Diego, California, requesting authorization to take California Least Terns (*Sternula antillarum brownii*; tern), for research purposes, consistent with the protection and recovery of the subspecies. The tern is a Fully Protected bird, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Ms. Beck is planning to conduct research on the tern in San Diego County, in accordance with methods approved by the Department and the U.S. Fish and Wildlife Service (Service; under a current Recovery Permit). The purpose of the research is to quantify nesting success and assess the populations that utilize nesting sites in San Diego County, in order to provide management guidance to land owners and governmental agencies with a statutory responsibility to protect the species. The proposed research activities include monitoring reproductive output of terns using binoculars and spotting scopes, passive survey techniques such as transects, point counts, and area searches, and active survey techniques including entering active tern nesting areas to visually survey, mark, and monitor nests, determine age class of individuals, and capture and band adult and juvenile terns. Tern carcasses and non-viable tern eggs found during research and nest monitoring activities will be salvaged and donated to a depository designated by the Department and the Service. No adverse effects on individual terns or tern populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Ms. Beck as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have a valid federal recovery permit for the tern, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after January 20, 2013, for an initial and renewable term of three years. Contact: Nancy Frost, nancy.frost@wildlife.ca.gov, Phone 858-467-4208.

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Research on Ringtail (*Bassariscus astutus*) in California

The Department of Fish and Wildlife ("Department") received a proposal on October 8, 2013, from Dr. Janet E. Foley, University of California, Davis, Department

of Medicine and Epidemiology, Foley Laboratory in Infectious Disease Ecology, requesting authorization to take the ringtail (*Bassariscus astutus*), a Fully Protected Mammal, for scientific research purposes, consistent with conservation and recovery of the species.

Dr. Foley is planning to conduct research on ringtail ecology and ecology of zoonotic and enzootic diseases found in ringtails throughout California, primarily at long-term study sites in Humboldt, Mendocino, Santa Cruz, Napa, Yolo, and Inyo Counties. The proposed research activities include the following: 1) capture of wild ringtails using baited tomahawk cage traps; 2) short-term tranquilization by direct intramuscular injection; 3) brief physical exam including measurement of standard body dimensions and evaluation of dentition to determine age-class; 4) application of either a permanent individually numbered ear tag and/or a subcutaneous passive integrated transponder (PIT) tag for identification purposes; 5) collection of feces; 6) collection of ectoparasites; and 7) collection of a blood sample. After processing and recovery from anesthesia, ringtails will be released unharmed at the capture site. Ringtails may be recaptured in order to gather additional data for seasonal influence of diseases and to ascertain changes in physical condition of recaptured ringtails. Any ringtails recaptured will be released unharmed at the capture site after processing and recovery.

All ectoparasites will be identified and some subjected to testing for various vector-borne pathogens. Blood samples will be tested for vector-borne disease and blood will be retained for further possible collaborative research on other diseases in an archive. Ringtail carcasses will be salvaged and samples will be collected, and the remains donated to a public scientific or educational institution open to the public, as designated by the Department.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Dr. Foley as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 4700(a)(1), the Department may authorize take of Fully Protected Mammals after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 4700 for take of Fully Protected Mammals, it would issue the authorization on or after January 20, 2013, for an initial and renewable term

of three years. Contact: Esther Burkett, Esther.Burkett@wildlife.ca.gov, 916-445-3764.

DECISION NOT TO PROCEED

OFFICE OF ADMINISTRATIVE LAW

Pursuant to Government Code section 11347, the Office of Administrative Law hereby gives notice that it has decided not to proceed with the adoption of section 30, title 1, of the California Code of Regulations (Notice File No. Z-2012-1218-07) as published in the California Regulatory Notice Register on December 28, 2012.

Any interested person with questions concerning this rulemaking should contact Craig Tarpenning at the Office of Administrative Law at (916)323-6808 or by email at ctarpenning@oal.ca.gov.

Craig Tarpenning
Assistant Chief Counsel
Office of Administrative Law (916)323-6808
ctarpenning@oal.ca.gov

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

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

**NOTICE TO INTERESTED PARTIES
DECEMBER 20, 2013**

A CHEMICAL LISTED EFFECTIVE **December 20, 2013**

AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER:
DIISONONYL PHTHALATE (DINP)

Effective **December 20, 2013**, the Office of Environmental Health Hazard Assessment (OEHHA) is adding *diisononyl phthalate* to the list of chemicals known to the State to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹).

Diisononyl phthalate was considered by the Carcinogen Identification Committee (CIC) in its official ca-

¹ Health and Safety Code section 25249.5 et seq.

capacity as the “state’s qualified experts” (SQE) at a public meeting held on December 5, 2013. The CIC determined that the chemical was clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer. Regulations for listing of chemicals by the CIC are set out in Title 27, California Code of Regulations, section 25305(a)(1).

A complete, updated chemical list is published in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at www.oehha.ca.gov.

In summary, the following chemical is being listed under Proposition 65 as known to the State to cause cancer:

Chemical	CASNo.	Toxicological Endpoints	Listing Mechanism ²
Diisononyl phthalate (DINP)	—	cancer	SQE

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

**CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY
DECEMBER 20, 2013**

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

² Listing Mechanism:
SQE — “state’s qualified experts” mechanism (Health and Safety Code section 25249.8(b) and Title 27 Cal. Code of Regs., section 25305(a)(1)).

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
<u>Allyl chloride Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
<i>p</i> -Aminoazobenzene	60-09-3	January 1, 1990
<i>ortho</i> -Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylanthraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
<i>ortho</i> -Anisidine	90-04-0	July 1, 1987
<i>ortho</i> -Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzophenone	119-61-9	June 22, 2012
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromochloroacetic acid	5589-96-8	April 6, 2010
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chloral	75-87-6	September 13, 2013
Chloral hydrate	302-17-0	September 13, 2013
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol <u>Delisted January 4, 2013</u>	56-75-7	October 1, 1989
Chloramphenicol sodium succinate	982-57-0	September 27, 2013
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989

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Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
<i>p</i> -Chloroaniline	106-47-8	October 1, 1994
<i>p</i> -Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
<i>p</i> -Chloro- <i>o</i> -toluidine	95-69-2	January 1, 1990
<i>p</i> -Chloro- <i>o</i> -toluidine, strong acid salts of	—	May 15, 1998
5-Chloro- <i>o</i> -toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Disperse Yellow 3	2832-40-8	February 8, 2013
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Clomiphene citrate	50-41-9	May 24, 2013
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coconut oil diethanolamine condensate (cocamide diethanolamine)	68603-42-9	June 22, 2012
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
<i>para</i> -Cresidine	120-71-8	January 1, 1988
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclopenta[<i>cd</i>]pyrene	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998

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D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988
Dienestrol <u>Delisted January 4, 2013</u>	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989

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Dihydrosafrole	94-58-6	January 1, 1988
Diisononyl phthalate (DINP)	—	December 20, 2013
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
2,6-Dimethyl-N-nitrosomorpholine (DMNM)	1456-28-6	February 8, 2013
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,3-Dinitropyrene	75321-20-9	November 2, 2012
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Emissions from combustion of coal	—	August 7, 2013
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57-63-6	January 1, 1988

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Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine (Aziridine)	151-56-4	January 1, 1988
Etoposide	33419-42-0	November 4, 2011
Etoposide in combination with cisplatin and bleomycin	—	November 4, 2011
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glass wool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990

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Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isopyrazam	881686-58-1	July 24, 2012
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C(2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyridin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4'-Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4'-Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4'-Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4'-Methylenedianiline	101-77-9	January 1, 1988
4,4'-Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011
Methyl iodide	74-88-4	April 1, 1988
Methyl isobutyl ketone	108-10-1	November 4, 2011

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Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
<i>α</i> -Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furilazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro- <i>o</i> -anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988

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N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
o-Phenylenediamine and its salts	95-54-5	May 15, 1998

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<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenyhydrazine and its salts	—	July 1, 1992
<i>o</i> -Phenylphenate, sodium	132-27-4	January 1, 1990
<i>o</i> -Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo- <i>p</i> -dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
3,3',4,4'-Tetrachloroazobenzene	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,1,2-Tetrachloroethane	630-20-6	September 13, 2013
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4' -Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>)	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroacetic acid	76-03-9	September 13, 2013
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridiny)l-para-benzoquinone (Triaziqoune) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridiny)lphosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989

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

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CASNo.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
<u>Delisted December 13, 2013</u>			
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU)(Carmustine)	developmental	154-93-8	July 1, 1990
Bisphenol A (BPA) <u>Delisted April 19, 2013</u>	developmental	80-05-7	April 11, 2013
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, male	63-25.2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	developmental, male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorphenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental, <u>male</u>	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl-tert-butyl ether	male	637-92-3	December 18, 2009
<u>Delisted December 13, 2013</u>			
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
<u>Delisted December 13, 2013</u>			
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrogen cyanide (HCN) and cyanide salts (CN salts)	male		July 5, 2013
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl n-butyl ketone	male		August 7, 2009
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
α -Methyl styrene	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental, female	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonylhydrazide)	developmental	80-51-3	August 7, 2009
<u>Delisted December 13, 2013</u>			
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylphosphine	developmental	638-21-1	August 7, 2009

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30, 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791-04-5	April 1, 1990
	male	36791-04-5	February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30, 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl s-triazinetriene	male	2451-62-9	August 7, 2009
<u>Delisted December 13, 2013</u>			
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: December 20, 2013

**OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

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

**NOTICE TO CHANGE THE BASIS FOR
LISTING FOR: 2-CHLOROPROPIONIC ACID,
N,N'-DIMETHYLACETAMIDE,
4-VINYLCYCLOHEXENE AND VINYL
CYCLOHEXENE DIOXIDE AS KNOWN TO
THE STATE OF CALIFORNIA TO CAUSE
REPRODUCTIVE TOXICITY**

DECEMBER 20, 2013

Effective December 20, 2013, the basis for the listing of the following four chemicals under Proposition 65¹ as known to cause reproductive toxicity is the state's qualified experts mechanism: 2-chloropropionic acid, N,N'-dimethylacetamide, 4-vinylcyclohexene and vinyl cyclohexene dioxide. These four chemicals were originally added to the Proposition 65 list as causing reproductive toxicity via the "Labor Code mechanism" pursuant to Labor Code Section 6382(d), which is incorporated by reference in Health and Safety Code Section 25249.8(a). Based on changes to certain federal regulations that affect the basis for the original listings of these chemicals as causing reproductive toxicity, the

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

California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEH-HA) referred the chemicals to the Developmental and Reproductive Toxicant Identification Committee (DART IC) for reconsideration. In its official capacity as the “state’s qualified experts” at a public meeting held on November 21, 2013, the DART IC determined that the four chemicals have been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity and should remain on the Proposition 65 list. Regulations governing the listing of chemicals by the DART IC are set out in Title 27, California Code of Regulations, section 25305(b)(1).

The effective dates of listing as known to cause reproductive toxicity remain unchanged: August 1, 2008 for vinyl cyclohexene dioxide, August 7, 2009 for 2-chloropropionic acid and 4-vinyl-cyclohexene, and May 21, 2010 for N,N’-dimethylacetamide.

In summary, the chemicals in the table below are being retained on the Proposition 65 list as known to the State to cause reproductive toxicity.

Chemical	CAS No.	Reproductive Endpoints	Listing Mechanism ²
2-Chloro-propionic acid	598-78-7	Male reproductive	SQE
N,N’-Dimethyl acetamide	127-19-5	Developmental Male reproductive ³	SQE
4-Vinyl-cyclohexene	100-40-3	Female reproductive	SQE
Vinyl cyclohexene dioxide	106-87-6	Female reproductive	SQE

**SUSPENSION OF
ACTION REGARDING
UNDERGROUND REGULATIONS**

On October 10, 2013, the Office of Administrative Law (OAL) received a petition challenging the Lane Splitting General Guidelines issued by the California Highway Patrol (CHP) as alleged underground regulations.

² SQE: State’s Qualified Experts.

³ General endpoint of male reproductive toxicity added by DART IC.

On December 9, 2013, CHP certified to OAL that the Lane Splitting General Guidelines would not be issued, used, enforced or attempted to be enforced. Therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

CALIFORNIA HIGHWAY PATROL

Date: December 9, 2013
 To: Office of Administrative Law
 Attention: Ms. Elizabeth Heidig
 300 Capitol Mall, Suite 1250
 Sacramento, CA 95814
 From: **DEPARTMENT OF CALIFORNIA
 HIGHWAY PATROL**
 Office of the Commissioner
 File No.: 1.9486.13946.063.2013-610
 Subject: CERTIFICATION PURSUANT TO
 TITLE 1, SECTION 280,
 LANE SPLITTING GUIDELINES

This memorandum is submitted in response to a petition filed with the California Office of Administrative Law on October 7, 2013, by Mr. Ken Mandler. The petition alleges that the lane splitting guidelines posted on the general California Highway Patrol (CHP) Web site are an “underground regulation.”

The guidelines in question were developed in response to a need identified by a committee of traffic safety stakeholders and motorcycle safety experts representing public, governmental, private, and academic communities. The committee, known as Challenge Area 12, Improve Motorcycle Safety, is one of seventeen challenge area committees which make up the larger Strategic Highway Safety Plan (SHSP) to reduce traffic fatalities in the state. In support of the SHSP Challenge Area 12 effort, the guidelines were placed on the CHP Web site to help improve public safety by raising awareness of the activity. The lane splitting guidelines are not statutory in nature, do not implement any statute, and do not represent any change to California law or CHP policy. The guidelines are a public education tool only, designed to improve the safety of motorcycle riders and the overall motoring public.

Pursuant to Title 1 of the California Code of Regulations, Section 280(a), I certify that the CHP will not issue, use, enforce, or attempt to enforce the public education information which constitutes the lane splitting guidelines described above.

/s/
J. A. FARROW
 cc: Mr. Ken Mandler

**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# 2013-1112-01
BOARD OF EDUCATION
Criteria and Standards for School District Budgets and Interim Reports

This regulatory action amends the Criteria and Standards for School District Budgets and Interim Reports. The standards and criteria are exempt from the Administrative Procedure Act pursuant to Education Code section 33131 and are submitted for filing with the Secretary of State and printing only.

Title 5
California Code of Regulations
AMEND: 15440, 15444, 15445, 15446, 15447, 15448, 15450, 15451, 15453, 15455, 15456, 15460, 15461, 15463, 15464, 15467, 15468, 15469, 15471, 15471.2, 15472, 15473, 15474, 15475, 15480, 15483, 15484, 15485, 15486, 15490, 15493
Filed 12/04/2013
Effective 12/04/2013
Agency Contact: Debra Thacker (916) 319-0642

File# 2013-1104-01
BOARD OF EQUALIZATION
Bad Debts

This change without regulatory effect amends one section of the California Code of Regulations. This amendment is due to AB 242 (Stats. 2011, c. 272) that repealed the provisions that required that a retailer and lender file a proper election prior to making a claim for a bad debt deduction or refund with the Board of Equalization (BOE). AB 242 instead requires that the election be prepared, signed, and retained by the retailer and lender. Further, AB 2688 (Stats. 2012, c. 362) removed the requirement that the election be prepared, signed and retained prior to claiming a bad debt deduction or refund. This change without regulatory effect removes the requirement for the election to be filed with the BOE prior to claiming the deduction or refund.

Title 187
California Code of Regulations
AMEND: 1642
Filed 12/09/2013
Effective
Agency Contact:
Richard E. Bennion (916) 445-2130

File# 2013-1018-01
CALIFORNIA GAMBLING CONTROL
COMMISSION
Governor's Reorganization Plan No. 2 of 2012 —
Cleanup

This action by the California Gambling Control Commission (Commission) makes changes without regulatory effect to specified sections in Title 4 of the California Code of Regulations in connection with the Governor's Reorganization Plan No. 2 of 2012, and subsequent clean up bills Stats.2013, c. 32 (SB 76) and Stats.2013, c. 353 (SB 820). The proposed amendments include changes to Department of Justice, Bureau of Gambling Control (Bureau) forms BGC-618 and BGC-620.

Title 4
California Code of Regulations
AMEND: 12200.20, 12220.20, 12480, 12482, 12500, 12505, 12508 REPEAL: 12488
Filed 12/04/2013
Agency Contact: James Allen (916) 263-4024

File# 2013-1125-06
DENTAL BOARD OF CALIFORNIA
Notice of Licensure by the Dental Board

This action without regulatory effect amends the Notice to Consumers of Licensure.

Title 16
California Code of Regulations
AMEND: 1065
Filed 12/04/2013
Agency Contact: Sarah Wallace (916) 263-2187

File# 2013-1024-02
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Inmate Religious Property

The California Department of Corrections and Rehabilitation submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2013-0206-01EON and readopted in OAL file no. 2013-0718-01EE. This rulemaking removes religious property items from the Authorized Personal Property Schedule and places them in a new Religious Personal Property Matrix, which is a separate list of allowable religious personal property items.

Title 15
California Code of Regulations
AMEND: 3000, 3190, 3213, 3334
Filed 12/09/2013
Effective 12/09/2013
Agency Contact: Sarah Pollock (916)445-2266

File# 2013-1125-03
DEPARTMENT OF FOOD AND AGRICULTURE
Equine Medication Monitoring Program

This emergency rulemaking action by the Department of Food and Agriculture amends the regulations governing the Equine Medication Monitoring Program (EMMP). These regulations will align with those of the United States Equine Federation (USEF), the national governing body for equestrian sports, which were recently amended to strengthen USEF's random drug testing standards. The amended rules include a new list of approved therapeutic medications and maximum detectable plasma levels, acceptable time frames for injection of medications, specific penalties for violation of the rules, and incorporation by reference of various forms.

Title 3
California Code of Regulations
ADOPT: 1280, 1280.1, 1280.8, 1280.10 AMEND:
1280.7
Filed 12/05/2013
Effective 01/01/2014
Agency Contact: Nancy Grillo (916)900-5033

File# 2013-1127-01
DEPARTMENT OF INSURANCE
Essential Health Benefits

This emergency rulemaking action readopts, for a maximum period of 180 days, the requirements for coverage of essential health benefits under the Patient Protection and Affordable Care Act (PPACA), implements the PPACA's annual limitations on cost sharing and small group deductibles and levels-of-coverage requirements, and establishes the process through which insurers will submit health insurance policies containing verification of actuarial value to the Department for review for compliance with essential health benefits requirements.

Title 10
California Code of Regulations
ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4,
2594.5, 2594.6, 2594.7
Filed 12/09/2013
Effective 12/09/2013
Agency Contact: Jessica Ryan (415)538-4110

File# 2013-1021-02
DEPARTMENT OF PUBLIC HEALTH
Administrative Penalties — GACH, APH and SH

Pursuant to Health and Safety Code section 1280.3, this regulatory action establishes criteria for assessment of administrative penalties against general acute care hospitals, acute psychiatric hospitals and specialty hospitals for deficiencies that constitute immediate jeopardy to patients, as well as less serious violations that do not constitute immediate jeopardy; it also establishes such penalties for violations of hospital fair pricing policies. It includes a process for calculation of the penalty based on the severity, scope and nature of the deficiency.

Title 22
California Code of Regulations
ADOPT: 70951, 70952, 70953, 70954, 70955,
70956, 70957, 70958, 70958.1, 70959, 70960,
71701, 71702, 71703
Filed 12/05/2013
Effective 04/01/2014
Agency Contact: Coleen Keelan (916)440-7439

File# 2013-1023-01
FRANCHISE TAX BOARD
Changes made due to Prop 39 — Apportioning business income

These changes without regulatory effect implement Proposition 39, adopted by the voters on November 6, 2012, and make changes which conform sections of Title 18 of the California Code of Regulations to changes made by Proposition 39 to sections of the Revenue and Taxation Code. The action also makes other non-substantive grammatical and formatting changes.

Title 18
California Code of Regulations
AMEND: 17951-4, 17951-6, 25101, 25106.5-9,
25106.5-10, 25128, 25137-1, 25137-2, 25137-4.2,
25137-7, 25137-8.2, 25137-9, 25137-10,
25137-11, 25137-14
Filed 12/09/2013
Agency Contact: Colleen Berwick (916)845-3306

File# 2013-1023-02
OFFICE OF SPILL PREVENTION AND RESPONSE
Drills and Exercises

This rulemaking by the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Wildlife amends section 820.01 of title 14 of the California Code of Regulations. OSPR is authorized to require oil spill contingency plan holders to perform drills and/or exercises to test elements of their plans. These amendments update and clarify requirements, objectives, and documentation for drills and exercises.

Title 14
 California Code of Regulations
 AMEND: 820.01
 Filed 12/09/2013
 Effective 04/01/2014
 Agency Contact:
 Joy D. Lavin-Jones (916) 327-0910

7289.4 (11027), 7289.5 (11028), 7290.6 (11029), 7290.7 (11030), 7290.8 (11031), 7290.9 (11032), 7291.0 (11033), 7291.1 (11031), 7291.2 (11035), 7291.3 (11036), 7291.4 (11037), 7291.6 (11039), 7291.7 (11040), 7291.8 (11041), 7291.9 (11042), 7291.10 (11043), 7291.11 (11044), 7291.12 (11045), 7291.13 (11046), 7291.14 (11047), 7291.16 (11049), 7291.17 (11050), 7291.18 (11051), 7292.0 (11052), 7292.1 (11053), 7292.2 (11054), 7292.3 (11055), 7292.4 (11056), 7292.6 (11058), 7293.0 (11059), 7293.1 (11060), 7293.2 (11061), 7293.3 (11062), 7293.4 (11063), 7293.5 (11064), 7293.6 (11065), 7293.7 (11066), 7293.8 (11067), 7293.9 (11068), 7294.0 (11069), 7294.1 (11070), 7294.2 (11071), 7295.0 (11074), 7295.1 (11075), 7295.2 (11076), 7295.3 (11077), 7295.4 (11078), 7295.5 (11079), 7295.6 (11080), 7295.7 (11081), 7295.8 (11082), 7295.9 (11083), 7296.0 (11084), 7296.1 (11085), 7296.2 (11086), 7297.0 (11087), 7297.1 (11088), 7297.2 (11089), 7297.3 (11090), 7297.4 (11091), 7297.5 (11092), 7297.6 (11093), 7297.7 (11094), 7297.9 (11096), 7297.10 (11097), 7297.11 (11098), 8101 (11099), 8102 (11100), 8102.5 (11101), 8103 (11102), 8104 (11103), 8106 (11104), 8107 (11105), 8109 (11107), 8112 (11108), 8113 (11109), 8114 (11110), 8115 (11111), 8117 (11113), 8117.5 (11114), 8118 (11115), 8119 (11116), 8120 (11117), 8200 (11118), 8201 (11119), 8202 (11120), 8202.5 (11121), 8203 (11122), 8205 (11124), 8300 (11125), 8301 (11126), 8302 (11127), 8303 (11128), 8310 (11130), 8311 (11131), 8312 (11132), 8400 (11133), 8401 (11134), 8402 (11135), 8403 (11136), 8500 (11137), 8501 (11138), 8503 (11140), 8504 (11141); Renumber sections: 7287.5 (11018), 7288.1 (11024), 7288.2 (11025), 7288.3 (11026), 7291.5 (11038), 7292.5 (11057), 7294.3 (11072), 7294.4 (11073), 8108 (11106), 8116 (11112), 8204 (11123), 8304 (11129), 8502 (11139) REPEAL: 7285.3, 7285.5, 7285.6, 7286.9, 7291.15, 7297.8, 7400,

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN July 10, 2013 TO
 December 11, 2013**

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

Title 1

11/21/13 ADOPT: 2002(c)(4), 2002(c)(5), 2002(c)(8)
 10/29/13 ADOPT: 2000, 2001, 2002, 2003, 2004

Title 2

12/02/13 ADOPT: 18417
 11/19/13 ADOPT: 21001.1, 21001.2, 21001.3
 AMEND: 21000, 21001, 21002, 21003, 21004, 21005, 21006, 21007 (re-numbered to 21004.5), 21008, 21009 (re-numbered to 21005.5)
 11/04/13 AMEND: 1859.2, 1859.71, 1859.71.6, 1859.74.5, 1859.77.4, 1859.82, 1859.83
 10/30/13 AMEND: 1859.76
 10/25/13 ADOPT: 579.3, 579.21, 579.22, 579.25
 AMEND: 579.2
 10/03/13 AMEND: 18521.5
 10/03/13 ADOPT: 18421.5
 10/03/13 AMEND: 18239
 10/03/13 AMEND: Amend and renumber sections: 7285.0 (11000), 7285.1 (11001), 7285.2 (11002), 7285.4 (11003), 7285.7 (11004), 7286.0 (11005), 7286.1 (11005.1), 7286.3 (11006), 7286.4 (11007), 7286.5 (11008), 7286.6 (11009), 7286.7 (11010), 7286.8 (11011), 7287.0 (11013), 7287.1 (11014), 7287.2 (11015), 7287.3 (11016), 7287.4 (11017), 7287.6 (11019), 7287.7 (11020), 7287.8 (11021), 7287.9 (11022), 7288.0 (11023),

7401, 7402, 7403, 7404, 7405, 7406,
7407, 7408, 7409, 7410, 7411, 7412,
7413, 7414, 7415, 7416, 7417, 7418,
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7425, 7426, 7427, 7428, 7429, 7430,
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