



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY**

AGENCY: Alameda Contra Costa Transit District  
 Small Cities Organized Risk Effort  
 Sacramento-Yolo Port District Commission  
 North Bay Schools Insurance Authority

A written comment period has been established commencing on December 26, 2014, and closing on **February 9, 2015**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government

Code Section 87302, employees who must disclose certain investments, interests in real property and income.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **February 9, 2015**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

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

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

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

**TITLE 2. DEPARTMENT OF GENERAL  
SERVICES**

**PROCUREMENT DIVISION  
OFFICE OF SMALL BUSINESS & DISABLED  
VETERAN  
BUSINESS ENTERPRISE SERVICES**

The Department of General Services (DGS), Procurement Division, Office of Small Business & Disabled Veteran Business Enterprise Services (OSDS) proposes to adopt and amend the proposed regulations described below in the Authority & References section below. All comments, objections, and recommendations regarding the proposed action will be evaluated and considered.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DGS. Comments may also be submitted by facsimile at (916) 375-3950 or by e-mail to [SBRegulation@dgs.ca.gov](mailto:SBRegulation@dgs.ca.gov). The written comment period is December 26, 2014, through February 9, 2015. The comment period closes at **5:00 p.m. on February 9, 2015 (Monday)**. DGS will consider only comments received by that time or comments received at the public hearing.

Written comments may also be submitted to the following DGS staff:

**Primary Contact:**

Diana Alfaro, Certification Supervisor  
Department of General Services  
Procurement Division  
Office of Small Business and DVBE Services  
707 Third Street, 1<sup>st</sup> Floor, Room 400  
West Sacramento, CA 95605

**Alternate Contact:**

Nancy Huth, Certification Supervisor  
Department of General Services  
Procurement Division  
Office of Small Business and DVBE Services  
707 Third Street, 1<sup>st</sup> Floor, Room 400  
West Sacramento, CA 95605

PUBLIC HEARING

DGS will hold a public hearing from 9:00 a.m. to 5:00 p.m. on **March 5, 2015**, at the DGS, Auditorium, located at 707 Third Street, 1<sup>st</sup> Floor, West Sacramento, California, 95605. The auditorium is wheelchair accessible. At the hearing, any person attending may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest/Policy Statement Overview section below. DGS requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

AUTHORITY AND REFERENCE

Government Code (GC) Sections 14839(g) and 14843 authorize DGS to adopt and amend regulations for the Small Business (SB) certification program. The regulations that administer the SB certification program are Title 2, Division 2, Chapter 3, Sections 1896-1896.22. The regulations implement, interpret, and make specific the Small Business Procurement and Contract Act, Article 1 of Chapter 6.5, Part 5.5 of Division 3, Title 2, Government Code, commencing with Section 14835.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

This rulemaking incorporates the following chaptered legislation including:

- Chapter 185, Statutes of 2005, Assembly Bill 348
- Chapter 342, Statutes of 2010, Assembly Bill 177
- Chapter 383, Statutes of 2010, Assembly Bill 2249
- Chapter 421, Statutes of 2012, Senate Bill 1510

The SB regulations have not received an extensive revision for several years. However, affecting chaptered legislation has been implemented, as appropriate. In 2010, the SB regulations were revised to only reflect an increase in the Gross Annual Receipts thresholds from \$12 million to \$14 million for small businesses and from \$2.75 million to \$3.5 million for microbusinesses.

The SB regulations are outdated and contain obsolete information. They do not communicate clear directions for all stakeholders. This lack of direction has resulted

in inconsistent and subjective interpretation of chaptered legislation. The proposed regulations provide effective and clear directions for all stakeholders regarding the SB certification program.

The proposed regulations are intended to honor the intention and commitment of the Legislature to assist SBs by communicating to them the rules established for the administration of the SB certification program. The proposed SB regulations are written in the same format as the Disabled Veteran Business Enterprise (DVBE) regulations, where applicable, and provide clarity for firms wanting to participate in the SB certification program. They will also promote consistent application of the law. This will benefit applicants who apply or possess dual certifications to better understand program similarities and differences. DGS, OSDS will benefit from this regulatory revise in the administration of the SB and DVBE certification programs.

This rulemaking supports GC 14836(a–b) which reads:

- (a) *The Legislature hereby declares that it serves a public purpose, and it is of benefit to the state, to promote and facilitate the fullest possible participation by all citizens in the affairs of the State of California in every possible way. It is also essential that opportunity is provided for full participation in our free enterprise system by small business enterprises.*
- (b) *Further, it is the declared policy of the Legislature that the state should aid, counsel, assist, and protect, to the maximum extent possible, the interests of small business concerns, including microbusinesses, in order to preserve free competitive enterprise and to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the state be placed with these enterprises.*

Current law promotes the usage of small businesses in obtaining state contracting dollars. The Small Business regulations provide the information and program requirements for California businesses seeking certification. In turn, the small business certification affords these enterprises certain benefits and opportunities to be competitive in securing state contracting dollars.

Anticipated Benefits of the Proposed Regulation:

The benefits anticipated by the proposed adoption and amendment of the regulations promote the requirements of the small business certification program in a clear and concise language; promotes fairness in assessing applications for certification and increases transparency in business and government, among other things. Additionally, it reduces stakeholder’s subjective interpretation of chaptered legislation, clarifies existing

language and promotes consistency with the DVBE regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The DGS has determined that this proposed regulation is necessary to successfully administer the Small Business certification program. The current regulations are outdated and do not reflect recent chaptered legislation. This revise will inform all stakeholders of certification program components and requirements; incorporate chaptered legislation; eliminate outdated terms, and where applicable, be consistent with the DVBE regulations. In addition, DGS evaluated whether the proposed regulations are inconsistent and incompatible with any other existing state regulations and has determined that these are the only regulations that govern and authorize the Small Business certification program. Therefore, the proposed regulations are neither inconsistent nor incompatible with other existing regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.  
 Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with GC Sections 17500–17630: 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.

Results of the economic impact assessment/analysis:

- The Creation or Elimination of Jobs within the State of California: Unknown.
- The Creation of New Businesses or the Elimination of Existing Businesses within the State of California: Unknown.
- The Expansion of Businesses Currently Doing Business within the State of California: Unknown.
- Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment: The anticipated benefits of the rulemaking revise are that stakeholders have updated regulations regarding the certification program. It reduces subjective interpretation of law and promotes transparency. Lastly, it may reduce unnecessary costs associated with the administration program.

Benefits of the Proposed Action: The proposed SB regulations will provide increased consistency and ap-

plication of the SB certification program by providing effective and clear directions to all stakeholders.

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

Although the proposed action will affect SBs statewide, DGS concludes that the adverse economic impact will not be significant.

Significant effect on housing costs: None.

Small Business Determination: Proposed regulations impact small business applicants applying for SB certification.

Nondiscretionary cost or savings imposed upon local agencies: None.

### CONSIDERATION OF ALTERNATIVES

In accordance with GC Section 11346.5, subdivision (a)(13), DGS must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the DGS 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 regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. This rulemaking activity supports chaptered legislation, clarifies existing language, provides consistency between the two certification programs and is structurally similar, as applicable, to the DVBE regulations.

DGS invites interested persons, or their representative to present statements or arguments with respect to alternatives to the proposed regulations at a scheduled public hearing or during the written comment period.

### CONTACT PERSONS

The contact person for inquiries concerning the proposed SB rulemaking revise may be directed to:

Diana Alfaro, Certification Supervisor  
Department of General Services  
Procurement Division  
Office of Small Business and DVBE Services  
707 Third Street, 1<sup>st</sup> Floor, Room 400  
West Sacramento, CA 95605  
Office Phone: (916) 375-4940  
Phone: (916) 375-4919  
Email: [Diana.alfaro@dgs.ca.gov](mailto:Diana.alfaro@dgs.ca.gov)

The alternate contact person for inquiries is:

Nancy Huth, Certification Supervisor  
Department of General Services  
Procurement Division  
Office of Small Business and DVBE Services  
707 Third Street, 1<sup>st</sup> Floor, Room 400  
West Sacramento, CA 95605  
Office Phone: (916) 375-4940  
Phone: (916) 375-4935  
Email: [Nancy.huth@dgs.ca.gov](mailto:Nancy.huth@dgs.ca.gov)

Please direct requests for copies of the Notice of Rulemaking, the Initial Statement of Reasons, and the proposed text of the SB regulations, or other information upon which the rulemaking is based to Diana Alfaro at [SBRegulations@dgs.ca.gov](mailto:SBRegulations@dgs.ca.gov).

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

DGS 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, the rulemaking file consists of the following and copies may be obtained by contacting Diana Alfaro at the address, email or telephone number listed above:

- Notice of Proposed Rulemaking
- Proposed Text of SB Regulations
- Initial Statement of Reasons

### AVAILABILITY OF THE CHANGED OR MODIFIED TEXT

After holding the one-day public hearing and considering all timely and relevant comments received, DGS may adopt the proposed regulations substantially as described in this notice. If DGS 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 DGS adopts the regulations as revised.

Please send requests for copies of any modified regulations to the attention of Diana Alfaro at the address or email indicated above. DGS 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 Diana Alfaro at the above address.

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

DGS will make available copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout by visiting <http://www.dgs.ca.gov/pd/Programs/OSDS/NoticeofRulemaking.aspx>.

**TITLE 3. DEPARTMENT OF  
PESTICIDE REGULATION**

NOTICE OF INTENTION TO AMEND THE  
CONFLICT-OF-INTEREST CODE OF THE  
DEPARTMENT OF PESTICIDE REGULATION

NOTICE IS HEREBY GIVEN that the Department of Pesticide Regulation, pursuant to the authority vested in it by Section 87306 of the Government Code proposes amendment to its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of Sections 87300 through 87302, and Section 87306 of the Government Code.

The Department of Pesticide Regulation proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of Section 87302 of the Government Code.

This amendment reflects the current nature and complexity of work within the Department of Pesticide Regulation and makes other technical changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than February 9, 2015, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

The Department of Pesticide Regulation has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Pesticide Regulation has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.

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

In making these proposed amendments, the Department of Pesticide Regulation has determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Emily Anderson  
1001 I Street, 4<sup>th</sup> Fl, MS 4B  
PO Box 4015  
Sacramento CA 95812-4015  
(916) 322-4553  
Emily.Anderson@cdpr.ca.gov

**TITLE 3. DEPARTMENT OF  
PESTICIDE REGULATION**

Closed Mixing Systems  
DPR Regulation No. 14-004

The Department of Pesticide Regulation (DPR) proposes to amend sections 6000, 6188, 6742, 6746, and 6793 of Title 3, California Code of Regulations. In summary, the proposed action would require a tiered mitigation scheme to establish specific closed mixing system and personal protective equipment (PPE) requirements based on a pesticide label's Human Hazards and Precautionary Statements, and amend data requirement language to be consistent with the proposed amendments to section 6746.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on February 9, 2015. Comments regarding this proposed action may also be transmitted

via e-mail <dpr14004@cdpr.ca.gov> or by facsimile transmission at (916) 324-1491.

A public hearing is not scheduled. However, a public hearing will be scheduled if any interested person submits a written request for a public hearing to DPR no later than 15 days prior to the close of the written comment period.<sup>1</sup>

### EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR's mission is to protect public health and the environment from adverse effects of pesticide use. DPR's strict oversight includes: product evaluation and registration; statewide licensing of commercial and private pesticide applicators, pest control businesses, dealers, and advisers; environmental monitoring; and residue testing of fresh produce. This statutory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7. Also, FAC requires that DPR adopt regulations that provide for safe working conditions for persons handling pesticides and working in and about pesticide-treated areas, including regulations on the subject of PPE and other protective devices such as closed mixing systems.

Methods to control health hazards fall into three categories: engineering controls, administrative controls, and PPE. Engineering controls should be the first line of defense whenever feasible. Closed mixing systems are considered an engineering control method and are required when using toxicity category one pesticides. Pesticides classified as a toxicity category one are considered highly toxic by at least one route of exposure, and identified by the signal word "Danger" on their label.

A closed mixing system reduces the skin absorption exposure to pesticide handlers who are handling category one pesticides. Closed mixing systems include removal of material from the original pesticide container; rinsing and collection of the rinsate from the original container; moving the pesticide and its rinsate into appropriate mixing/holding tanks; and finally moving the pesticide and its rinsate into the application equipment. Ideally, all this is to be accomplished without any potential for worker exposure. The use of a closed mixing

system allows for the reduction in PPE that would normally be required when handling pesticides.

Currently, section 6746 requires that during the production of an agricultural commodity, employers must provide closed mixing systems for employees who mix or load liquid pesticides in toxicity category one, or load diluted liquid mixes derived from dry pesticides in toxicity category one. The primary impetus for the closed mixing system requirement was to protect handlers from systemic hazards via skin absorption. A secondary incentive was to protect workers from exposures to corrosive pesticides which potentially can cause severe eye or skin damage. Fortunately, the number of category one pesticide products with these toxicological properties has vastly decreased. However, for those remaining products, closed systems are specifically designed to mitigate skin and eye contact.

The closed mixing system design and construction is required to meet prescriptive criteria established by the Director. However, current regulation does not provide employers with clear criteria for a closed mixing system design. For clarity purposes and under changing circumstances, the current Director's prescriptive-based criteria will be converted to performance-based criteria for closed mixing system design.

Additionally, to systematically group pesticides by worker hazard(s) that can be mitigated through engineering controls such as closed system mixing and loading, DPR believes that the "Human Hazard and Precautionary Statements" on the label are a more precise indicator of potential hazard than the "danger" signal word on the label. Therefore, employee-handler protection would be based upon a "tiered" approach when the Human Hazard and Precautionary Statements indicate a specific dermal toxicity hazard such as "fatal if absorbed through skin." The proposed regulation change will establish "Tier 1" and "Tier 2" closed mixing systems based on the precautionary statements on the label.

For these reasons, DPR proposes amending section 6746 by requiring a tiered mitigation scheme to establish specific closed mixing system and PPE requirements based on the Human Hazard and Precautionary Statements specified on the label. The proposal defines closed mixing systems using a "performance-based" standard instead of a static prescriptive standard.

Additionally, DPR proposes to remove the definition of "closed system" in section 6000, and amend sections 6742 and 6746 for clarity. Proposed amendments to section 6188 are to be consistent with the Health Hazard and Precautionary statements proposed in section 6746.

Adoption of this regulation will benefit the health and welfare of persons who handle pesticides with specific Human Hazards and Precautionary Statements on the label — primarily employees of agricultural businesses

<sup>1</sup>If you have special accommodation or language needs, please notify DPR. TTY/TDD speech-to-speech users may dial 7-1-1 for the California Relay Service.

and farms — and would protect them from potential exposures to pesticides.

During the process of developing these regulations, DPR conducted a search of any similar regulations on this topic and concluded that these proposed regulations are not inconsistent or incompatible with existing state regulations. DPR is the only agency that has the authority to regulate the use of pesticides.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code, because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts are expected to result from the proposed regulatory action.

#### COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

#### EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

#### EFFECT ON HOUSING COSTS

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

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. DPR 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 regulation change establishing “Tier 1” and “Tier 2” closed mixing systems based on the precautionary statements on the label will require some growers to purchase a closed mixing system if they do not already own one. It is estimated that the lifetime cost for all businesses and individuals would be \$1.28 million.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Benefits to the health and welfare of California residents, worker safety, and the state’s environment: The proposed regulatory action will benefit persons who handle pesticides with specific Human Hazards and Precautionary Statements on the label— primarily employees of agricultural businesses and farms—and would protect them from potential exposures to pesticides.

Impact on the Creation, Elimination, or Expansion of Job/Businesses: DPR has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

#### CONSIDERATION OF ALTERNATIVES

DPR must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

#### AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456 and 12981.

#### REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 12980 and 12981.

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

DPR has prepared an Initial Statement of Reasons and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

**AGENCY CONTACT**

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulation; and inquiries regarding the rulemaking file may be directed to:

Linda Irokawa-Otani, Regulations Coordinator  
Department of Pesticide Regulation  
1001 I Street, P.O. Box 4015  
Sacramento, California 95812-4015  
916-445-3991

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back-up person at the same address as noted below:

Ken Everett, Senior Environmental Scientist  
Enforcement Branch  
916-324-3897

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the proposed text can be made available in an alternate form as a disability-related accommodation.

**AVAILABILITY OF FINAL STATEMENT  
OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

**TITLE 4. CALIFORNIA SCHOOL  
FINANCE AUTHORITY**

**Article 2.0, Sections 10176, 10177, 10178, 10179,  
10180, 10181, 10182, 10183, and 10187  
Title 4, Division 15  
California Code of Regulations**

NOTICE IS HEREBY GIVEN that the California School Finance Authority (CSFA), organized and operating pursuant to Sections 17170 through 17199.5 of the Education Code, proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present written statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than 5:00 p.m. on Monday, February 9, 2015. The CSFA Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal 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(s) designated in this notice as Contact Person and will be mailed to those persons who submit statements related to this proposal or who have requested notification of any changes to the proposal.

**PROPOSED REGULATORY ACTION**

CSFA proposes to amend Sections 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, and 10187 of Title 4 of the California Code of Regulations (Regulations) as permanent regulations. The amended Regulations implement CSFA's responsibilities related to the State Charter School Facilities Incentive Grants Program (Program).

**AUTHORITY AND REFERENCE**

Authority: Sections 17179 and 17180, Education Code. Section 17179 provides CSFA with the authority

to do all things reasonably necessary to carry out its responsibilities. Section 17180(a) of the Education Code provides CSFA the authority to adopt bylaws for the regulation of its affairs and the conduct of its business. Subdivision (d) provides CSFA with the authority to receive and accept grants from the federal government. Subdivision (o) allows CSFA the authority to adopt guidelines for grants.

Reference: Education Code, Section 17180(d) of the Education Code; and Section 47600, et seq., of the Education Code. These Regulations implement the State Charter School Facilities Incentive Grants Program (Grant) and include a number of the requirements of that program contained in the reference code provisions and their implementing Regulations. They also rely on a number of provisions in the Charter Schools Act of 1992, commencing with section 47600 of the Education Code. Section 17180(d) provides CSFA with the authority to receive grants from the federal government.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CSFA was created in 1985 to assist school districts and community college districts in financing school construction projects (Education Code section 17170, et seq.). CSFA is authorized to adopt bylaws for the regulation and conduct of its business, and is vested with all powers reasonably necessary to carry out its powers and responsibilities (Education Code sections 17179 and 17180).

In 2004, 2009, and 2014, the United States Department of Education approved grant awards to CSFA pursuant to the State Charter School Facilities Incentive Grant (Grant), authorized under Title V, Part B, Subpart 1 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001. The Grant provides for \$49,250,000 in 2004, \$46,132,749 in 2009, and \$50,000,000 in 2014, to be awarded over five-year periods for the purposes of funding per-pupil facilities aid programs for California charter schools. Grant funds may be applied toward a charter school's annual costs of rent, lease, mortgage, debt service, or Proposition 39 pro-rata payments for facilities, or toward the costs of purchase, design, construction, and/or renovation of a new or existing facility.

Pursuant to the federal rules governing the Grant, an annual portion of the funds must be allocated during each of five consecutive federal fiscal years. The first funding round began on June 28, 2005 when an emergency rulemaking file was approved by the Office of Administrative Law. Permanent Regulations implementing the Grant were approved March 24, 2006.

The allocation of these grant funds to eligible charter schools are based on preference points assigned for certain factors, including the low income population served by the school as reported by the percentage of students eligible to receive free and reduced price meals, the school's nonprofit status, whether a school is located in an overcrowded attendance area, whether the school has previously received a Program award, the school's academic performance as measured by its Annual Performance Index (API), and the school's academic performance in comparison to nearby schools as measured by API and Adequate Yearly Progress (AYP).

The amendments to the Regulations are briefly summarized below and are intended to address the following: (1) the federal requirement that Grant funds supplement and not supplant State grant funds; (2) the transition to Common Core Standards for purposes of measuring academic performance; (3) the implementation of Local Control Accountability Plans by local educational agencies, as required by the California Department of Education; (4) clarification of terms and definitions set forth in the body of the regulatory text; (5) clarification regarding eligibility of district-dependent charters and the requirement that a charter school be in compliance with all other programs administered by CSFA, where applicable; (6) omission of language that is no longer relevant to the Program; (7) omission of redundant language; and (8) correction of language that does not accurately reflect process based on feasibility or Program efficiency.

The Authority has conducted an evaluation as to whether there are any related regulations on this matter and has found that these are the only regulations dealing with this type of program. Therefore, the proposed regulations do not present any inconsistencies or incompatibilities with existing state regulations.

#### Anticipated Benefits of Proposed Regulations

Please see "Results of Economic Impact Assessment," item "d," for a description of benefits.

The amended Regulations are summarized below. The reader is referred to the Initial Statement of Reasons for a detailed explanation regarding the necessity of each amendment.

#### **Section 10176 ("Definitions"):**

The amended Section sets forth the following changes: (1) adds the definitions of the terms, "CALPADS", "Local Control Accountability Plans", and "Charter School Facility Grant Program"; (2) clarifies the definition of "Non-profit Entity"; (3) clarifies that "Annual Yearly Progress" is based on information reported by CDE; (4) clarifies the definition of "Free and Reduced-Price Meals" (FRPM); and (5) omits the initial introductory statement in this Section. This section also incorporates by reference the State Charter School

Facilities Incentive Grants Program Application form (CSFA 05-01; Rev. 12/2014), which is herein incorporated by reference.

**Section 10177 (“Eligible Applicant”):**

The amended Section sets forth the following changes: (1) adds subdivision (d), which clarifies that a district-dependent charter school may be eligible if it can demonstrate financial and operational autonomy from its charter authorizer; (2) adds subdivision (j), which clarifies that a charter school must be in compliance with all other programs administered by CSFA, where applicable; (3) omits reference to the 2004 Grant in relation to Program eligibility at former subdivision (d) (now subdivision (e)); and (4) adds the term “CALPADS” at former subdivision (e) (now subdivision (f)).

**Section 10178 (“Eligible Costs”):**

The amended Section adds subdivision (g), which clarifies that, where a charter school applies to both the Program and SB 740 for reimbursement of expenses incurred during the same fiscal year, only the portion of costs not reimbursable under the SB 740 will be eligible for a Grant award. Subdivision (g) also clarifies that, where a charter school has multiple school sites, if the charter school applies for reimbursement of expenses for a site for which it is not applying for such under SB 740 for the same fiscal year, the associated costs may be eligible provided they meet the other requirements for “Eligible Costs.”

Related to the addition of subdivision (g) are the changes to the application form, CSFA Form 05-01 (Rev. 12/2014), which sets forth required disclosures regarding: (1) whether the applicant intends to apply for an award under SB 740 for the same fiscal year; (2) a description of the types of costs for which an applicant intends to request reimbursement under SB 740 for the same fiscal year; (3) the name of the landlord and address associated with each facility lease for which an applicant intends to request reimbursement under SB 740 for the same fiscal year; and (4) the physical addresses of the school sites for which an applicant is requesting reimbursement for non-lease costs under SB 740 for the same fiscal year.

**Section 10179 (“Maximum Grant”):**

The amended Section sets forth the following changes: (1) omits former subdivision (d)(1) regarding the 2004 Grant (Funding Rounds 1-5) relative to the methodology for selecting alternate awards under the Grant; (2) omits the phrase, “from the 2009 Grant (Funding Rounds 6-10)” within the first sentence of former subdivision (d)(2) relative to the methodology for selecting alternate awards under the Grant; and (3) omits the last three sentences under former subdivision (d)(2) relative to the methodology for selecting alternate awards under the Grant.

**Section 10180 (“Application Submission”):**

The amended Section sets forth the following changes: (1) omits the phrase, “and one duplicate” from the third sentence of subdivision (a); hence, instructing the applicant that only one original application need be submitted by the final filing date; (2) omits the sentence, “Review and evaluation of applications by staff shall be based solely upon the information contained in and submitted with the application at the time of filing, and supporting information obtained directly from other state and local agencies” from subdivision (a); (3) omits subdivision (b); (4) omits the sentences, “Applications for all subsequent funding rounds will be available after January 15 of each year. The final date to submit applications will be March 1 of each year (or the first business day thereafter if March 1 falls on a Saturday or Sunday)” from former subdivision (c) (now subdivision (b)); (5) replaces “December 15” with “February 1” from former subdivision (c) (now subdivision (b)) as the date by which CSFA will post applications on its website; and (6) adds the sentence, “Grant awards will be made no later than June 30 of each fiscal year” to former subdivision (c) (now subdivision (b)).

**Section 10181 (“Content of Application”):**

The amended Section sets forth the following changes: (1) adds the sentences, “All documents specified below, except an Application (CSFA Form 05-01) with an original executed signature, which must be submitted via hard-copy, may be submitted via hard-copy, CD ROM, or flash drive. Applications may not be submitted by email or facsimile,” in the introduction; (2) adds the reference to the application form at subdivision (a), indicating that it is the version that was revised in December 2014; and (3) omits subdivision (k).

**Section 10182 (“Evaluation Criteria”):**

The amended Section sets forth the following changes: (1) clarifies at subdivision (a) the basis for assigning preference based on FRPM; (2) adds reference to CALPADS at subdivision (b) regarding “Overcrowded School Site”; (3) adds the phrase, “to the extent data is available for all grades” to subdivision (d) regarding “Student Performance”; (4) adds the phrase, “to the extent data is available for all grades” to subdivision (e) regarding “School Choice”; (5) omits the sentence, “The charter school may receive 10 points from each subsection (e)(1) and subsection (e)(2), or from either of the subsections, for a maximum of 20 preference points.” from subdivision (e); (6) adds the phrase, “or CDE website,” at subdivisions (e)(1) and (e)(2) relative to not assigning preference points when data is not available for one of these criteria; and (7) adds subdivision (g), which provides for consideration of the extent to which applicants meet objectives set forth within Local Control Accountability Plans.

**Section 10183 (“Award Methodology”):**

The amended Section sets forth the following changes: (1) at subdivision (b), omits the phrase, “and given a 24–hour period” from the first sentence as it relates to the amount of time given to an applicant to submit all required information, if the application is not complete upon submission; and (2) at subdivision (b), replaces the sentence, “Failure to comply with the prescribed time period will result in a new date being assigned to the application for ranking purposes described above as of the date the additional information is received,” with the sentence, “Failure to provide the required additional information will result in the applicant being deemed ineligible.”

**Section 10187 (“Grant Agreements”):**

The amended Section adds the phrase, “enrollment based on CALPADS or” to subdivision (i) as it relates to the submission of current enrollment to CSFA within 30 days of each Information Day.

While CSFA will incur additional expenses in implementing and administering the Grant, the U.S. Department of Education provides that CSFA may charge such additional expenses for CSFA’s administrative costs against the Grant, up to five percent. Therefore, there is no fiscal impact on the State’s General Fund or requirement of additional appropriations by the Legislature. There will be no cost or savings to any State Agency pursuant to Government Code Sections 11346.1(b) or 11346.5(a)(6).

**INITIAL DETERMINATION REGARDING ANY SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

CSFA has made an initial determination that the Regulations will not have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**OTHER MATTERS PRESCRIBED BY STATUTES APPLICABLE TO THE SPECIFIC STATE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS**

No other matters prescribed by statute are applicable to CSFA or to any specific Regulation or class of Regulations pursuant to Section 11346.5(a)(4) of the California Government Code pertaining to the proposed Regulations or CSFA.

**EFFECT ON SMALL BUSINESSES**

CSFA has determined that the adoption of the Regulations will not affect small business. The Program is a voluntary grant program available to charter schools to assist in the costs of charter school facilities.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

CSFA has determined that the Regulations do not impose a mandate on local agencies or school districts.

**COST IMPACTS**

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

**FISCAL IMPACT**

CSFA has determined that the Regulations do not impose any additional cost or savings to any state agency, any costs to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other non–discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

**ASSESSMENT OF EFFECT ON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

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.

**COST IMPACT ON HOUSING**

The Regulations will not have any effect on housing costs.

**RESULTS OF ECONOMIC  
IMPACT ASSESSMENT**

- a. The proposed regulations will unlikely have an impact on the creation or elimination of jobs within the State of California. In addition, the Authority is unaware of any reason providing grant funds to awardees would result in the elimination of jobs. The purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a federal grant program that will disburse funds to existing charter schools in need across the State of California for per pupil facilities funding. There are no provisions within the proposed regulations which place additional burdens, obligations, or expenses on existing businesses such that jobs would be created or eliminated as a result.
- b. The proposed regulations will unlikely have an impact on the creation or elimination of new businesses within the State of California. As noted above, the purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a federal grant program that provides per pupil facilities funding to existing charter schools in need. There are no provisions within the proposed regulations which place additional burdens, obligations, or expenses on existing businesses such that businesses would be created or eliminated as a result.
- c. The proposed regulations will unlikely have an impact on the expansion of businesses currently doing business within the State of California. The purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a federal grant program that will provide per pupil facilities funding to existing charter schools.
- d. The proposed regulations are intended to provide per pupil facilities funding to existing charter schools in need, especially serving communities with low-income households. As such, to the extent that the awards benefit the long-term viability of charter schools, the Program and its proposed regulations have the potential to directly benefit economically vulnerable populations and communities throughout the State.

**REASONABLE ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), CSFA must determine that no reasonable alternative to the Regulations considered by CSFA or that has otherwise been identified and brought to the

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

CSFA invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

**AGENCY CONTACT PERSON(S)**

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

Katrina Johantgen, Executive Director  
California School Finance Authority

at:

304 South Broadway, Suite 550  
Los Angeles, CA 90013-1224  
(213) 620-4467

or

915 Capitol Mall, Room 101  
Sacramento, CA 95814  
(916) 651-7710

or

[kjohantgen@treasurer.ca.gov](mailto:kjohantgen@treasurer.ca.gov)

or

[csfa@treasurer.ca.gov](mailto:csfa@treasurer.ca.gov)

The following person is designated as a backup Contact Person for inquiries only regarding the Regulations:

Mark Paxson, General Counsel  
State Treasurer's Office  
915 Capitol Mall, Room 110  
Sacramento, CA 95814  
(916) 653-2995

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to CSFA. The written comment period on the Regulations will end at 5:00 p.m. on Monday, Feb-

ruary 9, 2015. All comments to be considered by CSFA must be submitted in writing to the Agency Contact Person identified in this Notice by that time. In the event that changes are made to the Regulations during the written comment period, CSFA will also accept additional written comments limited to any changed or modified Regulations for 15 calendar days after the date on which such Regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

**AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF PROPOSED REGULATIONS**

CSFA has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at CSFA’s office at 915 Capitol Mall, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on CSFA’s Web site at [www.treasurer.ca.gov/csfa](http://www.treasurer.ca.gov/csfa).

**PUBLIC HEARING**

No public hearing regarding the Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to CSFA at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the Regulations for which the hearing is being requested.

**15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the written comment period ends and following a public hearing, if any is requested, CSFA may adopt the Regulations substantially as described in this Notice, without further notice. If CSFA makes modifications that are sufficiently related to the originally pro-

posed text, it will make the modified text (with the changes clearly indicated) available to the public (including through CSFA’s Web site described above) for at least fifteen (15) calendar days before CSFA adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

CSFA is required to prepare a Final Statement of Reasons pursuant to Government Code Section 11346.9. Once CSFA has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on CSFA’s Web site described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

**TITLE 5. COMMISSION ON TEACHER CREDENTIALING**

**Division VIII of Title 5 of the California Code of Regulations  
Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to a Complete Paper Application Packet**

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

A public hearing on the proposed actions will be held:

**February 13, 2015  
8:30 a.m.  
Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95811**

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email relevant to the proposed action. The written comment period closes at 5:00 p.m.

on February 9, 2015. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. David Crable, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at [dcrable@ctc.ca.gov](mailto:dcrable@ctc.ca.gov).

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

#### AUTHORITY AND REFERENCE

Education Code section 44225 authorizes the Commission to adopt the proposed regulations. The proposed regulations implement, interpret, and make specific Education Code sections 44230, 44235, 44330, 44339, 44340, 44346.5, and 44350 pertaining to requirements for submission of a complete paper application packet to the Commission. The proposed regulations also include amendments to the forms required during the application process.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws and Regulations

This rulemaking action proposes the addition of section 80002 to Title 5 of the California Code of Regulations (CCR) related to the submission of a complete paper application packet as approved by the Commission at the August 2014 meeting. This rulemaking file also proposes amendments to section 80001 of Title 5 of the CCR to update the revision dates of the forms associated with a complete application packet.

#### GENERAL PROVISIONS

##### *Application Form Revisions*

The current revision dates of the *Application for Credential Authorizing Public School Service* (FORM 41-4) and the associated *Instruction and Information Sheet* (41-4 INSTRUCTIONS) incorporated by reference in 5 CCR section 80001 is "12/09." Between December 2009 and December 2014, minor revisions have been made to the forms for clarity purposes. In December 2014, new sections were added to comply with the provisions of Assembly Bill (AB) 2560 (Bonilla, Chap. 110, Stats. 2014).

AB 2560 amended section 44252 of the Education Code and requires the Commission to make specific re-

visions to its application forms for all credential types. Effective January 1, 2015, all applicants who submit an initial or renewal application for a document, whether online or by paper application form, must read and attest to a statement that outlines his or her responsibilities as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act [Article 2.5 (commencing with section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code].

In addition, the *Renewal and Reissuance* application form (41-REN) was discontinued in August 2014 and revisions to the *Professional Fitness Explanation Form* (OA-EF) were made in September 2013 for clarity purposes. The proposed amendments to 5 CCR section 80001 update the revision dates for the FORM 41-4, 41-4 INSTRUCTIONS, and OA-EF form and delete the 41-REN form.

##### *Completed Application Packet*

The Commission receives a significant number of incomplete paper applications. For example, at the end of the 3-month period from April 25 to July 25, 2014, the Commission received 929 applications that had to be returned to the applicant for correction due to incomplete documentation or errors made in filling out the application. The proposed regulations specify the items that must be submitted with an application in order for Commission staff to accept the application and evaluate the educator's qualifications and fitness.

Some regulations regarding what is required to complete an application are presently scattered throughout various sections of Title 5, not all of which are directly related or currently cross-referenced. The proposed regulations update, expand, and consolidate into one section application requirements and processes to reflect current statute and Commission procedures.

Each application must include payment of the application fee and the applicant's name, Social Security Number (SSN) or Individual Tax Identification Number (ITIN), and date of birth. These items are required for initial screening and to verify the applicant's identity.

If the name, SSN or ITIN, and date of birth are not provided on the application form or the correct payment is not included, the application will be deemed deficient and the entire application packet, including supporting materials and payment, will be returned to the applicant along with a letter requesting the missing information.

In addition, each application must also include the following items in order for staff to complete the evaluation process:

- Current mailing address, including street address, City, State and Zip Code;
- Email address;
- County or school district of employment;

- Selection of a specific type of credential or permit on the application;
- Completion of the Oath and Affidavit section with original signature and date, including county and state where signed;
- All Professional Fitness Questions answered and complete documentation for any disclosure on the applicant's Professional Fitness questionnaire;
- Evidence of fingerprint submission.

If any of these items is absent from the application packet the application will be deemed incomplete. The fee will be retained and the applicant will be sent a letter requesting additional information. Applicants will have 60 days to submit the required information or the application will be rejected. Applicants not employed in a California school may indicate 'Not applicable' in the County or District of Employment space as appropriate.

If more than one specific type of document is requested on one application form, the Commission will evaluate the application for the first type of document selected on the application. The applicant will subsequently be sent a letter advising that each additional document sought requires the submission of a separate application, application fee, and supporting materials.

Fingerprint clearance through the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) is required from every applicant prior to the Commission's issuance of any credential, permit, or certificate. Individuals who have received fingerprint clearance through other California agencies, employers, other states or government agencies are not exempt from this process. An evaluation of an application may be completed and an educator's academic eligibility for a document established but educators will be notified that no document will be issued until fingerprint information is received by the Commission and any fitness review is completed.

#### Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed regulations are to:

- update the forms associated with a complete application packet;
- update, expand, and consolidate into one section all application requirements and processes to reflect current statutes and regulations;
- identify the specific elements that must be present for an application packet to be complete, allowing the Certification Division to complete an evaluation of an educator's academic qualifications and the Division of Professional Practices to complete its fitness review; and

- clarify how an application is handled if it is incomplete.

The Commission anticipates that the proposed regulation will benefit the welfare of students attending public schools in the State of California by assuring educators fully meet the academic qualifications for documents they are issued, understand their responsibilities as mandated reporters of possible child abuse and neglect, and have completed the Commission's fingerprint character and identification process, meeting the moral and professional fitness standards established by law. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in application requirements for individuals seeking California certification. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business and government.

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

The Commission evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations and has determined that these are the only regulations concerning requirements for the submission to the Commission of a complete paper application packet. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

#### DOCUMENTS INCORPORATED BY REFERENCE

The *Application for Credential Authorizing Public School Service* (FORM 41-4, Rev. 12-2014), *Application for Credential Authorizing Public School Service, Instruction and Information Sheet* (41-4 INSTRUCTIONS, Rev. 12-2014), and *Professional Fitness Explanation Form* (OA-EF, Rev. 9-2013) incorporated by reference in these proposed regulations are attached to the Original Text document showing all amendments made since the December 2009 versions in underline and ~~strikethrough~~. The forms without underline and strikethrough are available on the Commission's website as follows:

*Application for Credential Authorizing Public School Service* (FORM 41-4): <http://www.ctc.ca.gov/credentials/leaflets/414.pdf>

*Application for Credential Authorizing Public School Service, Instruction and Information Sheet* (41-4 INSTRUCTIONS): <http://www.ctc.ca.gov/credentials/leaflets/414-instructions.pdf>

*Professional Fitness Explanation Form (OA-EF):*  
<http://www.ctc.ca.gov/credentials/online-services/pdf/OA-EF.pdf>

#### DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* None.

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

*Cost or savings to any state agency:* None.

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

*Significant effect on housing costs:* None.

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

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

*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.

*Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5 (a)(10)]:* The Commission 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 with the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

The Commission anticipates that the proposed regulation will benefit the welfare of students attending public schools in the State of California by assuring educators are appropriately qualified in relation to the documents issued, understand their responsibilities as mandated reporters of possible child abuse and neglect, and have completed the Commission's fingerprint character and identification process, meeting the moral and professional fitness standards established by law. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in requirements for individuals seeking California certification. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the preven-

tion of social inequity or an increase in openness and transparency in business and government.

*Effect on small businesses:* The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals applying for credentials that authorize service in California's public schools.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as 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 Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

#### CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to David Crable by telephone at (916) 323-5119 or David Crable, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

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

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons, and the documents incorporated by reference. Copies may be obtained by contacting David Crable at the address or telephone number provided above.

**MODIFICATION OF PROPOSED ACTION**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting David Crable at (916) 323-5119.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations and the forms incorporated by reference in underline and ~~strikeout~~ can be accessed through the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov).

**TITLE 9. DEPARTMENT OF REHABILITATION**

**NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF REHABILITATION**

NOTICE IS HEREBY GIVEN that the Department of Rehabilitation, pursuant to the authority vested in it by section 87306 of the Government Code, proposes to amend its conflict-of-interest code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department of Rehabilitation proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

These proposed amendments reconfigure, rename, delete, and reorganize divisions and units within the Department, as appropriate, consistent with the Department's organizational chart submitted with the proposed amendments to the conflict-of-interest code.

Also, these proposed amendments: 1) add newly created positions and disclosure categories; 2) amend positions that existed in 2009 where the disclosure categories have changed; 3) delete positions that no longer exist, along with the corresponding disclosure categories; and 4) revise names of positions to reflect current titles or classifications under the current reorganization, and amend disclosure categories for those positions, if any change was made to the disclosure category. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than February 17, 2015, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than February 2, 2015, by contacting the Contact Person set forth below.

The Department of Rehabilitation has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Rehabilitation has determined that the proposed amendments:

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

In making these proposed amendments, the Department of Rehabilitation must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Shelly Risbry, Legal Analyst/Regulations  
Coordinator  
Department of Rehabilitation  
Office of Legal Affairs and Regulations  
721 Capitol Mall, 3<sup>rd</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 445-4466  
FAX: (916) 558-5826  
Email: srisbry@dor.ca.gov

**TITLE 14. DEPARTMENT OF  
RESOURCES RECYCLING AND  
RECOVERY**

**Title 14:** Natural Resources  
**Division 7:** Department of Resources Recycling  
and Recovery  
**Chapter 11:** Product Stewardship  
**Article 3:** Used Mattress Recovery and  
Recycling Program  
**Sections:** 18959-18971

**PROPOSED REGULATORY ACTION**

The California Department of Resources Recycling and Recovery (Department) proposes to amend California Code of Regulations, Title 14, Division 7, Chapter 11, Article 3.0, commencing with section 18959. The proposed regulation is intended to clarify processes for implementing the new Used Mattress Recovery and Recycling Act (Act) [Chapter 388, Statutes of 2013 (Hancock, SB 254)].

**PUBLIC HEARING**

A public hearing to receive public comments has been scheduled for **February 11, 2015**. The hearing will be held at the:

Joe Serna Jr., Cal EPA Building  
Byron Sher Auditorium  
1001 I Street, 2nd Floor  
Sacramento, CA 95814

The hearing will begin at **1:00 p.m. on February 11, 2015**, and will conclude after all testimony is given. CalRecycle requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheel chair accessible.

If you have any questions, please contact [mattresses@calrecycle.ca.gov](mailto:mattresses@calrecycle.ca.gov).

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulation to the Department. **The written comment period for this rulemaking closes at 4:00 p.m. on February 11, 2015.** The Department will also accept written comments during the public hearing described above. Please submit your written comments to:

Ashley Harley  
Materials Management and Local Assistance  
Division  
California Department of Resources Recycling and  
Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025  
Fax: (916) 319-7508  
E-mail: [mattresses@calrecycle.ca.gov](mailto:mattresses@calrecycle.ca.gov)

**AUTHORITY AND REFERENCES**

Public Resources Code Sections 40101, 40502, and 42985 through 42994 provide authority for this regulation. The purpose of the proposed actions is to implement, interpret, and make specific the law related to mattress stewardship. The following is a list of references cited in this proposed regulation: Public Resources Code: 42985, 42985.1, 42986, 42987, 42987.1, 42987.2, 42987.3, 42987.4, 42987.5, 42988, 42988.1, 42988.2, 42989, 42989.1, 42989.2, 42989.2.1, 42989.3, 42990, 42990.1, 42990.2, 42991, 42992, 42993, 42993.1, 42993.2, 42993.3, 42993.4, and 42994.

**INFORMATIVE DIGEST**

The California Integrated Waste Management Act (CIWMA), Public Resources Code (PRC) § 40000 et. seq., gives the Department authority to provide for the protection of public health, safety, and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC § 40502 requires the Department to adopt rules and regulations to implement the CIWMA.

The proposed regulation details CalRecycle's responsibilities for implementing the Act [Chapter 388, Statutes of 2013 (Hancock, SB 254)], and subsequent legislation [Chapter 371, Statutes of 2014 (Hancock, SB 1274)]. This rulemaking provides clarity to the existing legislation and has sections on the following topics: definitions; the used mattress recovery and recycl-

ing plan (plan) and submittal instructions; the mattress recycling charge and annual budget; the mattress recycling organization (MRO), used mattress recycler, used mattress renovator, solid waste landfill, and MRO advisory committee annual reports; record keeping requirements; criteria to impose a civil penalty; and procedures for imposing civil penalties.

More specifically, the subject regulation covers:

1. Definitions: brand, collection, operational costs, and significant or material change.
2. Submittal instructions for the plan, including:
  - a. Contact information of program participants
  - b. List of brands covered under the plan
  - c. Change of information requirements for the previous subsections
3. An outline of the contents of the plan, with the following components:
  - a. Proof of certification
  - b. Program goals, methods, and activities
  - c. Contact information
  - d. Stakeholder consultation process
  - e. Performance measurement
  - f. Financing mechanism
  - g. Education and outreach
  - h. Advisory Committee report
  - i. Completeness and approval timeline
4. Submittal instructions for the mattress recycling charge and annual budget
5. The MRO annual report outline, with some components listed below:
  - a. Contact information and executive summary
  - b. Updated list of compliant manufacturers and brands
  - c. Financing mechanism of the program
  - d. Education and outreach efforts and materials
  - e. Audit procedure
  - f. Advisory Committee report
  - g. Completeness and approval timeline
6. Submittal instructions for used mattress recycler, renovator, solid waste facility, and MRO advisory committee annual reports
7. Record keeping requirements
8. Criteria to impose a civil penalty
9. Procedure for imposing civil penalties

Staff met with numerous stakeholders and conducted a public workshop on March 13, 2014 to share and accept comments on the informal draft regulatory text. Thirty people participated in the workshop either in-person or via webinar. Comments from the public were

incorporated into the Proposed Regulations for the Used Mattress Recovery and Recycling Program.

#### POLICY STATEMENT OVERVIEW/ANTICIPATED BENEFITS

To implement the Act, the Department has responsibility to appoint an advisory committee to be part of a MRO; certify a MRO; review and approve, disapprove, or conditionally approve a used mattress recycling plan; approve annual MRO budgets, including the mattress recycling charge; post lists of compliant brands, manufacturers, and renovators; establish a baseline recycling amount and recycling goals; review and update, as necessary, the baseline amount and Program goals; review annual reports from a MRO, mattress recyclers, mattress renovators, and solid waste facilities; conduct audits, as necessary; and enforce the law. For manufacturers, renovators, and retailers to be in compliance, they must have an approved plan; implement the corresponding used mattress recycling Program; pay the department an annual administrative fee for its services related to oversight and enforcement; and submit annual reports. Enforcement is addressed through civil penalties for non-compliance. Additional accountability is provided via a public, transparent process that allows all stakeholders and the public to track progress.

The proposed action will facilitate the implementation of the Act, which will significantly mitigate the current problems associated with the end-of-life management of used mattresses: taxpayer and local government costs will be reduced and redirected from cleaning up illegally disposed mattresses; incentive payments provided by the Program will reduce illegal dumping, blight, and associated health hazards; mattresses will be kept out of landfills as the mattress recycling infrastructure mandated by the Act is developed, which serves the dual purpose of increasing recycling jobs and related businesses in California and dramatically boosting what is now a minor industry in the state; increased used mattress materials recycling (steel, wood, fibers) will reduce greenhouse gas emissions from landfilling and virgin resource use; and finally, removing bulky mattresses from landfill will assist California in achieving its goal of reducing, recycling, or composting 75% of all solid waste by January 1, 2020. Ultimately, the regulatory action will provide significant benefits to the environment and the protection of public health and safety.

#### PLAIN ENGLISH REQUIREMENTS

Department staff prepared the proposed regulation pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English require-

ments of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed regulation is considered non-technical and is written to be easily understood by those parties that will use them.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements.

CONSISTENCY WITH STATE REGULATIONS

After conducting an evaluation for any regulations relating to this area, the Department has found that these are the only regulations dealing with used mattress recycling. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

MANDATE ON STATE AGENCIES, LOCAL AGENCIES, OR SCHOOL DISTRICTS

The department has determined the proposed regulations do not impose a mandate on local agencies or school districts.

The department has further determined the proposed regulations do not impact: 1) any costs to local government, which must be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code; 2) any savings or other impacts such as revenue changes to state agencies; and 3) any additional federal funding or reduction in federal funding to the state. However, at the local government level some current expenditures at the city and county level may be reduced, to the extent that the recycling of used mattresses will reduce the number dumped illegally on alleys and rural roadways. Some public agencies currently expend significant sums to retrieve and properly dispose of illegally dumped mattresses.

Additionally, the department has determined the proposed regulations do not impose costs to local government which are not reimbursable under Section 6 of Article XIII B of the California Constitution but which will necessarily be incurred in reasonable compliance with the regulations, and which could result in a revenue change(s). By design, the program shifts such costs from local government to mattress producers. The department itself will incur costs in reasonable compliance, administration, implementation, and/or enforcement of the regulations. However, these costs are required by statute to be reimbursed by the MRO.

**Note: Based on Department of Finance’s analysis, the cost impact does not constitute a Major Regula-**

**tion (Ms. Irena Asmundson, letter dated November 18, 2014.)<sup>1</sup>**

**RESULTS OF THE STANDARDIZED REGULATORY IMPACT ASSESSMENT (SRIA)**

*Creation/Elimination of California Jobs*

Jobs will be created through implementation of the program as the used mattress recovery and recycling infrastructure is developed over time. The majority of these jobs will be at mattress recycling facilities, collection sites, and transportation companies. Job losses in other sectors are estimated to be negligible or non-existent.

*Creation/Elimination of California Businesses and Expansion of Businesses Currently doing Business within the State*

No businesses are expected to be eliminated in California, and many are, in fact, predicted to be created or augmented (see section above). First, existing recyclers, collectors, and transporters will likely have an opportunity to participate in the program through a contracting process overseen by the MRO. Second, the Department estimates if half of the eligible used mattresses in the state are recycled, at least 45 new business locations as well as expansion of existing businesses would be needed to recycle them. The recycled material components derived from the mattresses would be further processed through existing commodities channels, and no new locations are expected.

*Competitive Advantages or Disadvantages for Businesses Currently Doing Business within the State*

No competitive advantages or disadvantages for businesses are expected as a result of the regulations because they apply equally to all manufacturers, renovators, and retailers within California or selling mattresses within California. In other words, out-of-state entities would be covered by the same requirements as those in California; therefore, the regulations would not impact the ability of California businesses to compete with those in other states to produce goods or services.

*Increase or Decrease of Investment in the State*

The results of the SRIA do not indicate whether the proposed regulatory action would either increase or de-

<sup>1</sup> In its initial analyses, the Department concluded that there was a possibility this regulation’s cost impact could reach the threshold of a major regulation; therefore, the Department conducted a Standardized Regulatory Impact Assessment (SRIA) as required for major regulations. However, after completion of the SRIA, the Department and the Department of Finance agreed the regulation’s impact does not constitute a major regulation. Nevertheless, because the SRIA had already been conducted, the Department determined that it would use the SRIA to satisfy the economic impact analysis requirements of the Administrative Procedures Act.

crease investment in the state. However, given the number of jobs increased and the expansion of mattress recycling business locations mentioned above, it is reasonable to assume an increase of investment in the state.

*Incentives for Innovation in Products, Materials, or Processes*

Current mattress recycling technology is rudimentary and consists of manual labor: cutting into the fabric ticking and separating the wood, steel, foam, and fabric. These recycled commodities are then sold (fabric, steel, and foam), or composted (wood). As the program encourages recyclers to participate more extensively and attempt to recover more used materials, innovative mattress processing technology may be developed, potentially leading to additional design and manufacturing jobs in the state. More broadly, the program will dramatically expand what is now only a fledgling industry in California — mattress recycling — creating an incentive for new businesses to profit from this market opportunity.

*Benefits of the Regulations*

The regulations, and program established by the MRO, will provide significant benefits to the environment, protection of public health, and safety. Specific benefits of the regulations and program include, but are not limited to the following:

- Local governments will be able to redirect staff to other priorities that have been neglected during recent years of budget shortfalls, since mattress producers will now be responsible for overseeing their products through end-of-life.
- Public agency costs for the end-of-life management of used mattresses will be reduced, including expenditures for solid waste management and remediation of illegal disposal.
- Incentive payments provided by the program will reduce illegal dumping, blight, and associated health hazards.
- Mattresses will be kept out of landfills as mandated recycling programs come on line, bringing recycling jobs and related businesses to California and dramatically boosting what is now a minor industry in the state.
- Increased recycling of metals, plastics, and other materials from used mattresses will reduce greenhouse gases, both by decreasing the need for energy-intensive virgin resources and by lowering methane-generating materials in landfills.
- Removing heavy, bulky mattresses from landfills will assist California in achieving its goal of reducing, recycling or composting 75% recycling of all solid waste by January 1, 2020.

**Note: Based on Department of Finance’s analysis, the cost impact does not constitute a Major Regulation (Ms. Irena Asmundson, letter dated November 18, 2014.)**

SUMMARY OF DEPARTMENT OF FINANCE COMMENTS

Pursuant to Government Code section 11346.3(f), the Department of Finance (DOF) shall comment on the extent to which the Department’s Standardized Regulatory Impact Assessment adheres to the regulations adopted pursuant to Government Code section 11346.36, and the Department shall summarize DOF’s comments and the Department’s responses to those comments. The following are the DOF’s comments received and the Department’s response to the comments:

**DOF Comment #1:**

*First, the report should outline the expected method of operation for the MRO. This should include CalRecycle’s estimate of the timing of the formation of the MRO and their general structure, including how they will interact with consumers and what service level they will provide.*

**Department Response:**

The Department has included additional information in the SRIA regarding potential program mechanics, to be developed and implemented by the MRO, which was certified by the department on November 5, 2014.

**DOF Comment #2:**

*The report notes that two direct impacts of the regulation are infrastructure costs and labor costs for recyclers, which are omitted from the REMI model. Including these costs would necessitate higher fees for consumers. If fees increase above the current disposal fees due to the operation of the MRO, that would have to be modeled separately as an impact on consumers, and the benefits of the regulation may be overstated.*

**Department Response:**

Infrastructure costs and labor costs were considered in the economic analysis, but not modeled in REMI. Given the ample surplus warehouse space, for example, CalRecycle believes that the ensuing impacts from these costs would be small.

**DOF Comment #3:**

*Beneficiaries of the disposal fees would switch from landfills to mattress recyclers under the proposed regulations. Because both sectors reside in the same sector in the model that CalRecycle has used for the analysis, there should be no impact of the disposal fees on this sector, although there may be an increase in labor intensity from breaking down mattresses rather than dumping. It is also unclear whether the negative impacts to landfills are taken into account with respect to jobs and*

output. The overall output impacts may thus be overstated. Additional distributional impacts include how the MRO would implement a plan to bring used mattresses to recyclers to avoid illegal dumping when there is no new mattress purchase involved — the efficacy of these mechanisms would affect the recycling rate, and thus the economic impacts.

**Department Response:**

Depending on how the MRO designs and implements the program, fees could be higher than assumed in this economic assessment, which would result in additional economic impacts. There may be distributional impacts that are not accounted for in this analysis; however, the potential design features of the program are difficult to predict at this time.

**DOF Comment #4:**

The report could usefully expand the discussion on the fiscal impact to state and local government of the proposed regulations, which may extend beyond the required CalRecycle staffing costs for oversight, education, and outreach. CalRecycle should identify the impact of the regulations on other governments or agencies, such as the impact on correctional facilities, or the avoided clean-up costs of illegal dumping for local governments.

**Department Response:**

The SRIA identified cost benefits to state and local governments and cited a few examples, but CalRecycle does not have data for additional analysis. Correctional facilities are statutorily exempt from collecting the mattress recycling charge, and subsequent remittance of those monies to the MRO.

**DOF Comment #5:**

It is incorrect to assign increases in staffing costs to the REMI variable for increases in final demand for the office administrative services industry. Rather, the additional staff represents an increase in state employment that is to be paid for by the fees assessed.

**Department Response:**

CalRecycle agrees that the correct way of modeling staff increases is to put those in the state government, with the increases being paid for by mattress buyers via an assessment fee. While the suggested change in the input variables will change the resulting estimates slightly, altering the specific variables as suggested would likely have little overall impact.

**COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

Based on the results of a Standardized Regulatory Impact Assessment prepared pursuant to Government Code section 11346.3(c)(1), the Department estimates

the economic impact of this regulation (including the fiscal impact) does not exceed DOF’s threshold of \$50 million for major regulations, nor do they exceed the \$10 million to which the Department is subject as part of the California Environmental Protection Agency. However, the implementation of the program by the MRO, as required by statute, could approach or exceed the CalEPA threshold depending on how the MRO chooses to design and implement the program. There are a range of representative businesses subject to this rulemaking action depending on the type of facility involved. Cost impacts on those representative private persons or businesses are fully discussed and analyzed in the Standardized Regulatory Impact Assessment. The complete Standardized Regulatory Impact Assessment is available as part of the Initial Statement of Reasons. See “Availability of Statement of Reasons and Text of Proposed Regulations” section.

**FINDINGS ON NECESSITY OF REPORTS**

Department staff found that the requirement for specific reports is necessary for the health, safety, and welfare of the people of the state because it will help to ensure that the law applies equally to covered entities.

**EFFECT ON HOUSING COSTS**

Department staff made a determination that the proposed regulation will not have a significant effect on housing costs.

**EFFECT ON BUSINESSES**

Department staff made an initial determination that, although the proposed regulation would affect approximately 5,000 businesses in California, it 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, because the proposed regulation clarifies existing law and imposes no new requirements that would result in adverse cost impacts. The types of businesses affected include solid waste facilities and mattress retailers.

**EFFECT ON SMALL BUSINESSES**

Department staff made an initial determination that, although that the proposed regulation could affect small businesses (those with less than 100 employees) in a similar manner as typical businesses (above), it will not have a significant statewide adverse economic impact, including the ability of California businesses to com-

pete with businesses in other states, because the proposed regulation clarifies existing law and imposes no new requirements that would result in adverse cost impacts.

EFFECT ON CREATION OR ELIMINATION OF  
JOBS, EXISTING OR NEW BUSINESS IN THE  
STATE OF CALIFORNIA

Department staff determined that the proposed regulatory action will increase the amount of jobs and businesses in the state, and that no competitive advantages or disadvantages for businesses will exist.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Ashley Harley  
Materials Management and Local Assistance  
Division  
California Department of Resources Recycling and  
Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025  
Phone: (916) 341-6075  
Fax: (916) 319-7508  
E-mail: [mattresses@calrecycle.ca.gov](mailto:mattresses@calrecycle.ca.gov)

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Nicole Castagneto  
Materials Management and Local Assistance  
Division  
California Department of Resources Recycling and  
Recovery  
P.O. Box 4025  
Sacramento, CA 95812-4025  
Phone: (916) 341-6491  
Fax: (916) 319-7830  
E-mail: [mattresses@calrecycle.ca.gov](mailto:mattresses@calrecycle.ca.gov)

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATION

The Department will have the entire rulemaking file, and all information that provides the basis for the proposed regulation, available for inspection and copying throughout the rulemaking process at the address below. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the economic and fiscal impact statement, and the initial statement of reasons. Copies may be obtained by contacting Ashley Harley or Nicole Castagneto at the address or e-mail address listed above. For more timely access to the proposed text of the regulation, and in the interest of waste prevention, interested parties are encouraged to access the Department's Internet webpage at <http://www.calrecycle.ca.gov/Laws/Rulemaking/Mattresses/default.htm>. Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may contact the people named above.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

The Department may adopt the proposed regulation substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text — with changes clearly indicated — available to the public for at least 15 days before the Department adopts the regulation as revised. Requests for the modified text should be made to the contact person named above. The Department will transmit any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; and all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. The Department will accept written comments on the modified

regulation for 15 days after the date on which they are made available.

**TITLE 14. FISH AND GAME  
COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5, and 2084 of the Fish and Game Code, and to implement, interpret or make specific sections 200, 202, 205, 215, 220, 316.5, 2084, and 7060 of said Code, proposes to amend sections 1.73 and 27.75, and subsection (c) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon recreational fishing — April season, recovery of coded-wire tag from salmon heads, and ocean salmon fishery closures around river mouths.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) along the coasts of Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California’s recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the Federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

**Present Regulations**

Regulations for 2014 [subsections 27.80 (c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 10 to September 7, 2014. Between Horse Mountain and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 5 to November 9, 2014. Areas south of Pigeon Point had an ocean salmon recreational fishing season seven days per week from April 5 to October 5, 2014. The bag limit for all areas in 2014 was two fish per day (all species except coho). The area north of Horse Mountain and the areas south of Pigeon Point had a minimum size limit of 24 inches total length. The area between Horse Mountain and Point Arena had a mini-

um size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through June 30, 2014 and 20 inches total length thereafter.

On May 1, 2014, NMFS implemented the 2014 federal ocean salmon regulations, which included the PFMC’s recommendation to open the California ocean salmon recreational fishing season south of Horse Mountain on April 4, 2015. While federal waters south of Horse Mountain will open on April 4, 2015, State waters in this area will not open unless the Commission takes regulatory action to do so.

Present regulations in Section 1.73 define salmon, at the species level, as Chinook, coho, pink, chum and sockeye.

Present regulations in Section 27.75 specify that salmon may not be taken within 3 nm north, south and west of the mouths of the Smith and Klamath rivers; that salmon may not be taken in August and September within 2 nm north, south and west of the mouth of the Eel River; and that salmon may not be taken in August within 6 nm north and south and 3 nm west of the mouth of the Klamath River.

**Proposed Regulations**

Two separate Commission actions are necessary to conform the State regulations to federal rules that will apply in 2015. The current proposed action would amend subsection 27.80 (c), establishing salmon fishing regulations for the month of April 2015. Recreational salmon fishing regulations for May 1 through the end of 2015 will be considered in the second rule-making action, tentatively scheduled for adoption in April 2015.

For public notice purposes to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect April 4 through April 30, 2015. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters.

- (1) North of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2015 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) South of Horse Mountain: The season, if any, may open on a date within the range of April 4 through April 30, 2015. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening dates, along with daily

bag limit, minimum size, and days of the week open may be different for each subarea and will be determined by the Commission, considering federal regulations applicable to each subarea for April 2015.

The proposed regulations in Section 1.73 will add a requirement to relinquish the head of any recreationally caught salmon, upon request by an authorized agent or employee of the Department.

The proposed regulations in Section 27.75 will include specific latitude and longitude coordinates that define existing river mouth area closures of the Smith, Klamath, and Eel rivers to ocean salmon fishing.

Other changes are proposed to clarify the existing regulations.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, regulatory clarity, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt sport fishing regulations in general (Sections 200, 202 and 205, Fish and Game Code) and salmon sport fishing regulations specifically (Section 316.5, Fish and Game Code). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in chapters 1 and 4 of subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of salmon in the ocean.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 11, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Monday, March 16, 2015, at 8:30 a.m., or as soon thereafter as the matter may be heard. Interested persons may also participate at the following locations: Department of Fish and Wildlife, Conference Room, 50 Ericson Court, Arcata, California; Department of Fish and Wildlife, Conference Room, 20 Lower Ragsdale Drive, Suite 100, Monterey, California; Department of Fish and Wildlife, Conference Room, 1933 Cliff Drive, Suite 9, Santa Barbara, California; and Department of Fish and Wildlife, Conference Room, 4665 Lampson

Avenue, Los Alamitos, California. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on March 13, 2015. All comments must be received no later than March 16, 2015, at one of the teleconference hearing locations listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Dr. Craig Shuman, Region Manager of the Marine Region, Department of Fish and Wildlife, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission 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. Circumstances beyond the control of the Commission (e.g., timing of federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address

above when it has been received from the agency program staff.

#### **IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Commission anticipates status quo fishing levels for April 2015 as compared to the April 2014 ocean salmon sport fishing season.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate that the proposed regulations will have any impact on the creation or elimination of jobs, the creation or elimination of businesses or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Salmon sport fishing contributes to increased mental health of its practitioners, provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

The Commission anticipates benefits to the State's environment in the sustainable management of salmon resources.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate benefits to worker safety.

- (c) 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.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) or Division 4, Government Code: None.

- (h) Effect on Housing Costs: None.

#### **EFFECT ON SMALL BUSINESS**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

#### **CONSIDERATION OF ALTERNATIVES**

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

### **TITLE 14. FISH AND GAME COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 220, 240, 316.5, and 2084 of the Fish and Game Code, and to implement, interpret or make specific sections 200, 202, 205, 316.5, and 2084 of said Code, proposes to amend subsection (d) of Section 27.80, Title 14, California Code of Regulations, relating to ocean salmon recreational fishing on and after May 1, 2015.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

The Pacific Fishery Management Council (PFMC) coordinates west coast management of recreational and commercial ocean salmon fisheries in the federal fishery management zone (three to 200 miles offshore) off Washington, Oregon and California. The annual PFMC ocean salmon regulation recommendations are subsequently implemented by the National Marine Fisheries Service (NMFS) effective on May 1 of each year.

California's recreational salmon fishing regulations need to conform to the federal regulations to achieve optimum yield in California under the Federal Salmon Fishery Management Plan. The Fish and Game Commission (Commission) proposes to adopt regulations for the ocean salmon recreational fishery in State waters (zero to three miles offshore) which are consistent with these federal fishery management goals.

**Present Regulations**

Regulations for 2014 [subsections 27.80 (c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 10 to September 7, 2014. Between Horse Mountain and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 5 to November 9, 2014. Areas south of Pigeon Point had an ocean salmon recreational fishing season seven days per week from April 5 to October 5, 2014. The bag limit for all areas in 2014 was two fish per day (all species except coho). The area north of Horse Mountain and the areas south of Pigeon Point had a minimum size limit of 24 inches total length. The area between Horse Mountain and Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through June 30, 2014 and 20 inches total length thereafter.

**Proposed Regulations**

Two separate Commission actions are necessary to conform the State regulations to federal rules that will apply in 2015. This proposed regulation would amend subsection 27.80 (d), establishing salmon fishing regulations for May 1 through the end of 2015. Recreational salmon fishing regulations for the month of April 2015 will be considered in a separate rulemaking action, tentatively scheduled for adoption in March 2015.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife is proposing the following regulations to encompass the range of options for federal ocean salmon regulations that are expected to be in effect on or after May 1, 2015. This approach will allow the Commission to adopt State

ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters.

- (1) North of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 1 through September 30, 2015.
- (2) Between Horse Mountain and Pigeon Point: The season, if any, may occur within the range of May 1 to November 8, 2015.
- (3) South of Pigeon Point: The season, if any, may occur within the range of May 1 to October 4, 2015.
- (4) For all areas, the proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length.

The exact opening and closing dates, along with daily bag limit, minimum size, and days of the week open will be determined in April by the Commission considering federal regulations and may be different for each sub-area.

Other changes are proposed for clarity and consistency.

The benefits of the proposed regulations are concurrence with federal law, sustainable management of ocean salmon resources, and promotion of businesses that rely on recreational ocean salmon fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The legislature has delegated authority to the Commission to adopt sport fishing regulations in general (sections 200, 202 and 205, Fish and Game Code) and salmon sport fishing regulations specifically (Section 316.5, Fish and Game Code). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in chapters 1 and 4 of subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of salmon in the ocean.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 11, 2015, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Friday, April 17, 2015, at 8:30 a.m., or as soon thereafter as the matter may be heard. Interested persons may also participate at the following locations: Department of Fish and Wildlife, Conference Room, 50 Ericson

Court, Arcata, California; Department of Fish and Wildlife, Conference Room, 20 Lower Ragsdale Drive, Suite 100, Monterey, California; Department of Fish and Wildlife, Conference Room, 1933 Cliff Drive, Suite 9, Santa Barbara, California; and Department of Fish and Wildlife, Conference Room, 4665 Lampson Avenue, Los Alamitos, California. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 16, 2015. All comments must be received no later than April 17, 2015, at one of the teleconference hearing locations listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Dr. Craig Shuman, Region Manager of the Marine Region, Department of Fish and Wildlife, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission 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. Circumstances beyond the control of the Commission (e.g., timing of federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations pre-

scribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

Although the recommendations of the PFMC for the 2015 ocean salmon season are unknown at this time, the Department anticipates that recreational salmon fishing effort will remain within ten percent of the 2014 season. For the purpose of evaluating potential economic impacts of the 2015 ocean salmon regulations, the Commission analyzed possible reductions in ocean salmon recreational effort ranging from zero to ten percent. The following projections cover this expected range.

For the three projections for 2015, representing 100-percent (150,000 angler days), 95-percent (142,500 angler days), and 90-percent (135,000 angler days) levels of ocean salmon angling effort, there are no significant statewide adverse economic impacts directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Moreover, the proposed changes are to ensure the health of the resource and thus prevent long term adverse economic impacts.

Department data indicate that during the 2013 salmon season, recreational fishermen participated in approximately 144,000 angler days of ocean salmon fishing and generated an estimated \$23.7 million (2013\$) in total economic output to the State. The projected levels of fishing effort for the 2015 salmon season are 150,000 angler days, 142,500 angler days, and 135,000 angler days, equivalent to 100-, 95-, and 90-percent levels of effort, respectively. At the projected 2015 levels of angler effort, the associated fishing expenditures by fishermen

would generate an estimated \$24.7, \$23.5, and \$22.2 million (2013\$) in total economic output for the State, respectively. Thus, relative to the 2013 salmon season, the total incremental effects (direct, indirect, and induced) of the 2015 proposed options on State economic output range from a 4-percent increase (\$1 million) to a 6-percent decrease (\$1.5 million) in total economic output. The projected incremental effects are detailed in the Economic Impact Analysis.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

Approximately 193 jobs were indirectly supported by recreational ocean salmon angling during the 2013 salmon season. Thus, relative to the 2013 salmon season, the 2015 projections (100-, 95-, and 90-percent levels of effort) represent potential incremental effects on employment ranging from an increase of 8 jobs to a loss of 12 jobs statewide. The projected incremental employment effects are detailed in the Economic Impact Analysis.

The Commission anticipates benefits to the health and welfare of California residents. Salmon sport fishing contributes to increased mental health of its practitioners, provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of California's natural resources.

The Commission anticipates benefits to the State's environment in the sustainable management of salmon resources.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational ocean salmon fishing.

The Commission does not anticipate benefits to worker safety.

- (c) 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.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) or Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

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

**TITLE 14. STATE MINING AND GEOLOGY BOARD**

**PROPOSED AMENDED REGULATIONS FOR DESIGNATION OF MINERAL LANDS IN THE NORTH SAN FRANCISCO BAY PRODUCTION-CONSUMPTION REGION, SONOMA, NAPA, MARIN, AND SOUTHWESTERN SOLANO COUNTIES**

NOTICE IS HEREBY GIVEN that the State Mining and Geology Board (SMGB) proposes to amend regulations described below after considering all comments and recommendations regarding the proposed action.

REGULATORY ACTION

The SMGB has adopted, by regulation set forth in California Code of Regulations (CCR) Section 3550 the designation of certain mineral resource sectors within geographical areas to be of regional significance. Des-

ignation is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future. The SMGB proposes to present proposed regulations which would amend CCR Section 3550.11, Title 14, Article 2, and provide a description of the locations of mineral resource areas designated to be of statewide significance, and areas where designation will be terminated, within the North San Francisco Bay Production–Consumption (P–C) Region, Sonoma, Napa, Marin and Southwestern Solano Counties.

### PREVIOUS PUBLIC HEARINGS

At its November 14, 2013, regular business meeting, the SMGB accepted California Geological Survey (CGS) Special Report 205, titled “*Update of Mineral Land Classification: Aggregate Materials in the North San Francisco Bay Production–Consumption Region, Sonoma, Napa, Marin, and Southwestern Solano Counties, California.*” This report updated information previously presented in a classification report on Portland cement concrete–grade (PCC) aggregate in the North San Francisco Bay P–C Region first published in 1987.

The previous report was published as *Special Report 146, Part III — Mineral Land Classification: Aggregate Materials in the San Francisco–Monterey Bay Area, Part III, Classification of Aggregate Resource Areas, North San Francisco Bay Production–Consumption Region.*

Following the SMGB’s acceptance of Special Report 205, at its March 14, 2014 regular business meeting, the SMGB accepted the State Geologist’s recommendations for designation, and termination of designation, of select mineral resource lands in the North San Francisco Bay P–C Region. Following acceptance by the SMGB, comments and recommendations from concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private interest organizations, and private organizations and individuals, was sought. A public comment period was established which commenced on April 4, 2014, and ended on June 4, 2014. In addition, a public hearing was scheduled for May 14, 2014, and held in the City of Napa to receive public comment. Comments were received and subsequently addressed. At its August 14, 2014, regular business meeting, the SMGB approved the proposed new designations, and areas identified for termination of designation, for mineral lands in the North San Francisco Bay P–C Region, Sonoma, Napa, Marin, and Southwestern Solano Counties, pursuant to PRC Section 2761.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the SMGB. Comments may also be submitted by facsimile (FAX) at (916) 445–0738 or by e–mail to [stephen.testa@conservation.ca.gov](mailto:stephen.testa@conservation.ca.gov). The 45–day comment period will commence on December 26, 2014, and closes at 5:00 p.m. on February 9, 2015. The SMGB will consider only comments received at the SMGB office by that time. No public hearing is scheduled, but any person can request a public hearing no later than 15 days before the close of the written comment period.

### AUTHORITY AND REFERENCE

The SMGB proposes to adopt a regulation that amends CCR Section 3350.11, Title 14, Division 2, Chapter 8, Subchapter 1, Article 2, pursuant to its authority granted in PRC Sections 2790 and 2207 (Reference PRC Section 2726, 2761–2763, 2790–2791, and 2793).

### INFORMATIVE DIGEST

The SMGB has adopted, by regulation set forth in CCR Section 3550 the designation of certain mineral resource sectors within geographical areas to be of regional significance. Designation is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future.

The original classification study published in 1987 assisted the SMGB in its subsequent mineral land designation process whereby the SMGB formally recognized, in regulation, lands containing mineral resources of regional economic significance. In 1987, the SMGB designated construction aggregate resource areas of regional significance in the North San Francisco Bay P–C Region in SMARA Designation Report No. 7 — “*Designation of Regionally Significant Construction Aggregate Resource Areas in the South San Francisco Bay, North San Francisco Bay, Monterey Production–Consumption Regions.*”

In the years since the designation of the North San Francisco Bay P–C Region in 1987, about 3%, or 7,579 acres containing 1,876 million tons of aggregate resources, has been lost to urbanization.

At its November 14, 2013, regular business meeting, the SMGB accepted CGS Special Report 205 which updated information previously presented in a classification report on PCC aggregate in the North San Francisco Bay P–C Region completed in 1987. The previous report was published as *Special Report 146, Part III —*

*Mineral Land Classification: Aggregate Materials in the San Francisco–Monterey Bay Area, Part III, Classification of Aggregate Resource Areas, North San Francisco Bay Production–Consumption Region.*

The updated report presented the following conclusions:

- The 115 million tons of currently permitted reserves of all construction aggregate grades are projected to last through the year 2023, 10 years from the present (2013).
- An additional 3,069 acres of land containing 853 million tons of construction–grade aggregate resources are identified in the North San Francisco Bay P–C Region.
- The anticipated consumption of construction aggregate in the North San Francisco Bay P–C Region for the next 50 years (through the year 2060) is estimated to be 521 million tons, of which 130 million tons must be PCC quality. This is 9 percent more than the previous 50–year projection of 478 million tons.
- An estimated 2,365 million tons of construction–grade aggregate resources are identified in the North San Francisco Bay P–C Region. Of this, 951 million tons are PCC quality.
- Since the designation of 7,579 acres containing 1,876 million tons of aggregate resources in 1987, about 3% has been lost to urbanization.

Special Report 205 identifies an additional 3,069 acres of land within the P–C Region containing an estimated 853 million tons of PCC–, AC–, and Class II Base–grade aggregate resources (Sectors AA through MM). This is in addition to the 1,512 million tons of aggregate resources remaining in the designated areas (Sectors A through Y). Approximately 1,035 acres of the designated areas have been lost due to either urbanization or depletion by mining.

The State Geologist has recommended, and the SMGB subsequently accepted, several candidates, or areas, for designation as an area of regional or statewide significance by the SMGB. Each Sector, or group of Sectors, described below, meets or exceeds the SMGB’s threshold economic value for the type of mineral resource described, and each Sector may be considered for designation as an area of regional or statewide significance by the SMGB pursuant to Article 6, Section 2790 *et seq.* (SMARA).

The State Geologist also recommended several candidates for termination of designation. Fourteen areas (in eight Sectors) are identified as potential candidates for termination of designation status due to high–value incompatible land use developments. All or parts of these Sectors are identified as potential candidates for termination of designation status because of depletion

due to mining or development of incompatible land uses.

#### POLICY STATEMENT OVERVIEW

The proposed regulations would allow consideration of new information obtained since the publication of the 1987 Mineral Land Classification study. The proposed amended regulations reflect information provided in CGS Special Report 205 which noted in the years since the designation of the North San Francisco Bay P–C Region, about 3%, or 7,579 acres containing 1,876 million tons of aggregate resources, has been lost to urbanization.

Each Sector considered for designation as an area of regional significance by the SMGB pursuant to SMARA, meets or exceeds the threshold value as established by the SMGB. This proposed regulation is necessary in order for the State to meet its aggregate availability and sustainability needs.

The proposed regulatory language is consistent and compatible with existing state regulations. The SMGB considered any other possible related regulations, and concluded that these are the only regulations dealing in this subject area (State Mining and Geology Board – Areas Designated to be of Regional Significance), and therefore, the SMGB finds that these proposed regulations are compatible and consistent with the intent of the Legislature, as well as with existing state regulations.

The specific benefits anticipated by the proposed amendment provides non–monetary benefits to the environment by avoiding species conservation areas and habitat sensitive areas, while contributing to efforts to reduce greenhouse gas emissions, and does not conflict with the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things.

#### CEQA COMPLIANCE

The SMGB has determined that this rulemaking action is not a project as defined in the California Environmental Quality Act (CEQA) and is exempt from the requirements of CEQA, Title 14, CCR, Section 15061(b)(3).

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The SMGB’s Executive Officer has made the following preliminary determinations:

**Mandate on local agencies and school districts:**  
The adoption of this amended regulation does not im-

pose any new mandates on local agencies or on local school districts.

**Costs or savings to any State agency:** The proposed amended regulation imposes no savings or additional expenses to state agencies.

**Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630:** The proposed amended regulation does not impose any additional cost obligations on local agencies or on local school districts.

**Other non-discretionary costs or savings imposed upon local agencies:** No other non-discretionary costs or savings to local agencies are imposed by the proposed amended regulation.

**Cost or savings in Federal funding to the State:** There are no costs or savings in Federal funding to the State.

**Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states:** No statewide adverse impacts to California businesses result from the adoption of this proposed amended regulatory language.

**Potential cost impact on private persons or directly affected businesses:** The imposition of the proposed amended language on a directly affected local mining operation will have a positive cost impact to that operation by the recognition of designated mineral land of regional significance which in some circumstances may reduce the amount of time, thus cost, in acquiring a permit to mine from its lead agency. Also, termination of formally designated areas would not have any cost impact. Therefore, 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.

**Results of Economic Impact Analysis:** The adoption of this regulation will not:

- Create nor eliminate jobs within California;
- Create new nor eliminate existing businesses within California;
- Expand businesses currently doing business in California.

The adoption of this regulation will, however, benefit the health and welfare of California residents and the state's environment by avoiding species conservation and habitat sensitive areas, as well as reducing greenhouse gas emissions related to transportation.

Article 6 of SMARA, commencing with PRC Section 2790, provides for the SMGB, based upon mineral information from the State Geologist pursuant to subdivision (c) of PRC Section 2761, to adopt in regulation specific geographic areas of the state as areas of state-

wide or regional mineral resource significance and specify the boundaries of those areas. PRC Section 2793 also provides a mechanism for the SMGB after a public hearing to terminate, partially or wholly, the designation of any area of statewide or regional significance on a finding that the direct involvement of the SMGB is no longer required.

#### ECONOMIC IMPACT STATEMENT

Designation is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future. The purpose of the amended regulations in Article 2 CCR Section 3550.11 is to clarify and make specific those mineral lands that are to be designated by the SMGB as having regional significance within the North San Francisco Bay P-C Region, and areas where designation is to be terminated due to local land use decisions that have been made that are deemed incompatible with mining.

**Creation or Elimination of Jobs Within the State of California:** The purpose of the proposed amendments to Article 2 CCR Section 3550.11 is to designate mineral lands of regional significance, and terminate designation of mineral lands previously designated as a result of the existing incompatible land use within the North San Francisco Bay P-C Region. Jobs are not created or eliminated in regards to the proposed regulation, but rather serves as a planning tool for local government (counties and cities) and considering future land use as it relates to surface mining.

**Creation of New or Elimination of Existing Businesses Within the State of California:** The purpose of the proposed amendments to Article 2 CCR Section 3550.11 is to designate mineral lands of regional significance, and terminate designation of mineral lands previously designated as a result of the existing incompatible land use within the North San Francisco Bay P-C Region. The imposition of the proposed regulation will have no cost impact on small businesses. There will be no new businesses created or existing businesses eliminated. This regulation allows lead agencies to consider the regional significance of mineral lands designated by the SMGB when making land use decisions, but does not impose any fees or costs to business as part of that consideration.

**Expansion of Businesses or Elimination of Existing Businesses Within the State of California:** The purpose of the proposed amendments to Article 2 CCR Section 3550.11 is

to designate mineral lands of regional significance, and terminate designation of mineral lands previously designated as a result of the existing incompatible land use within the North San Francisco Bay P–C Region. The imposition of the proposed regulation will have no cost impact on businesses, and no existing businesses in California will be expanded or eliminated. The proposed regulation serves as a planning tool for local government (counties and cities) in considering future land use as it relates to surface mining.

**Benefits of the Regulation:** The purpose of the proposed amendments to Article 2 CCR Section 3550.11 is to clarify and make specific those mineral lands that are to be designated by the SMGB as having regional significance within the North San Francisco Bay P–C Region, or areas where designation is to be terminated. The proposed regulation will not adversely affect the health and welfare of California residents, worker safety, or the State’s environment. The adoption of this proposed amended regulation will benefit the health and welfare of California residents and the state’s environment by assuring that all ordinances are in accordance with state policy. This regulation serves as a planning tool for local government (counties and cities) in considering future land use as it relates to surface mining.

**Significant effect on housing costs:** The adoption of this amended regulation will have no significant effect on housing costs, but may reduce such costs by providing a source of PCC–grade aggregate closer to users and market areas.

**Effects on small businesses:** The imposition of the proposed amendment will have no cost impact on small businesses. The SMGB 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 are no costs related to or associated with the proposed designation of mineral lands. Such considerations require a lead agency to consider the regional significance of mineral lands designated by the SMGB when making land use decisions, but does not impose any fees or costs to small businesses as part of that consideration.

#### CONSIDERATION OF ALTERNATIVES

The SMGB must determine that no reasonable alternative that it considers or that has otherwise been identified and brought to the attention of the SMGB would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less

burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in the statutory policy or other provision of law. The SMGB’s Executive Officer has not identified any adverse impacts resulting from the proposed regulation.

No alternatives have been considered by the SMGB at this time that would be more effective in carrying out the purpose for which the regulatory action is proposed, nor have any other alternatives been proposed that would be as effective and less burdensome to affected private persons, lead agencies, or small businesses.

#### CONFLICT WITH FEDERAL REGULATIONS

This regulation change does not duplicate or conflict with existing Federal statutes or regulations. Also, by Memorandum of Understanding with the Federal Bureau of Land Management, the U. S. Forest Service, the Department of Conservation, and the SMGB, SMARA and federal law are coordinated to eliminate duplication.

#### GENERAL PURPOSE AND CONDITION ADDRESSED

Article 6 of SMARA, commencing with PRC Section 2790, provides for the SMGB, based upon mineral information from the State Geologist pursuant to subdivision (c) of PRC Section 2761, to adopt in regulation specific geographic areas of the state as areas of statewide or regional mineral resource significance and specify the boundaries of those areas.

At its November 14, 2013, regular business meeting, the SMGB accepted CGS Special Report 205 which updated information previously presented in a classification report on PCC aggregate in the North San Francisco Bay P–C Region completed in 1987. The previous report was published as *Special Report 146, Part III — Mineral Land Classification: Aggregate Materials in the San Francisco–Monterey Bay Area, Part III, Classification of Aggregate Resource Areas, North San Francisco Bay Production–Consumption Region*.

The State Geologist has recommended, and the SMGB subsequently accepted, several candidates, or areas, for designation as an area of regional or statewide significance by the SMGB. Each Sector, or group of Sectors, described below, meets or exceeds the SMGB’s threshold economic value for the type of mineral resource described, and each Sector may be considered for designation as an area of regional significance by the SMGB pursuant to SMARA.

The State Geologist also recommended several candidates for termination of designation. Fourteen areas (in eight Sectors) are identified as potential candidates

for termination of designation status due to high-value incompatible land use developments. All or parts of these Sectors are identified as potential candidates for termination of designation status because of depletion due to mining or development of incompatible land uses.

At its March 14, 2014, regular business meeting, the SMGB accepted the State Geologist's recommendations, and the Executive Officer was directed to hold a public hearing to receive comments on the proposed action. A public comment period was established which commenced on April 4, 2014, and ended on June 4, 2014. In addition, pursuant to PRC Section 2793, a public hearing was held in the City of Napa on May 14, 2014 to receive public comment. Comments were received and subsequently addressed.

### SPECIFIC PURPOSE

The proposed amendments to CCR Section 3550.11, Article 2, are intended to clarify and make specific those mineral lands that are to be designated by the SMGB as having regional significance within the North San Francisco Bay P-C Region. These regulations are contained under Article 2, titled Areas Designated to be of Regional Significance.

The proposed amended regulations reflect information provided in CGS Special Report 205 which reported approximately 115 million tons of currently permitted reserves of all construction aggregate grades are projected to last through the year 2023, 10 years from the present (2013). An additional 3,069 acres of land containing 853 million tons of construction-grade aggregate resources are identified in the North San Francisco Bay P-C Region.

The State Geologist has recommended, and the SMGB subsequently accepted, several candidates, or areas, for designation as an area of regional or statewide significance by the SMGB. Each Sector, or group of Sectors, meets or exceeds the SMGB's threshold economic value for the type of mineral resource described, and each Sector may be considered for designation as an area of regional or statewide significance by the SMGB pursuant to SMARA. Eleven Sectors were recommended for designation. The permitted aggregate resources amounts contained in individual Sectors are considered proprietary.

The State Geologist also recommended several candidates for termination of designation. Fourteen areas (in eight Sectors) are identified as potential candidates for termination of designation status due to high-value incompatible land use developments. All or parts of these Sectors are identified as potential candidates for termination of designation status because of depletion

due to mining or development of incompatible land uses.

Proposed amended regulation, CCR Section 3550.11, indicates reference to three plates. Areas proposed for designation, and termination of designation, are illustrated on Plate 1 (2014), Plate 2 (2014) and Plate 3 (2014). These three plates form an integral part of the regulation.

### STATEMENT OF NECESSITY

PRC Section 2790 provides the SMGB the authority to adopt regulations that establish state policy for the designation of mineral lands of statewide or regional significance, in accordance with Article 6 (commencing with Section 2790) of this chapter, and pursuant to PRC Section 2761. PRC Section 2790 states that after receipt of mineral information from the State Geologist, the SMGB may by regulation adopted after a public hearing designate specific geographic areas of the state as areas of statewide or regional significance and specify the boundaries thereof. Such designation shall be included as a part of the state policy and shall indicate the reason for which the particular area designated is of significance to the state or region, the adverse effects that might result from premature development of incompatible land uses, the advantages that might be achieved from extraction of the minerals of the area, and the specific goals and policies to protect against the premature incompatible development of the area. PRC Section 2791 also requires the SMGB to seek the recommendations of concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals in the identification of areas of statewide and regional significance. PRC Section 2793 allows the SMGB by regulation adopted after a public hearing, terminate, partially or wholly, the designation of any area of statewide or regional significance on a finding that the direct involvement of the SMGB is no longer required.

In 2012, CGS, in their statewide report titled "*Map Sheet 52 (Updated 2012), Aggregate Sustainability in California*", noted that the North San Francisco Bay P-C Region 50-year demand for aggregate was on the order of 521 million tons. Permitted aggregate resources were on the order of 110 million tons. The percentage of permitted aggregate resources, as compared to the 50-year demand, was 421 percent, significantly lower than the projected demand.

In the years since the designation of the North San Francisco Bay P-C Region in 1987, about 3%, or 7,579 acres containing 1,876 million tons of aggregate resources, has been lost to urbanization. The proposed amended regulations reflect information provided in CGS Special Report 205.

In review of the reevaluation and updated information in Special Report 205 on PCC aggregate in the North San Francisco Bay P–C Region previously presented in SR 146, Part III, the State Geologist has recommended, and the SMGB subsequently accepted, several candidates, or areas, for designation as an area of regional or statewide significance by the SMGB. Each Sector, or group of Sectors, meets or exceeds the SMGB’s threshold economic value for the type of mineral resource described, and each Sector may be considered for designation as an area of regional or statewide significance by the SMGB pursuant to SMARA.

The State Geologist has recommended, and the SMGB subsequently accepted, several candidates, or areas, for designation as an area of regional or statewide significance by the SMGB. Each Sector, or group of Sectors, described below, meets or exceeds the Board’s threshold economic value for the type of mineral resource described, and each Sector may be considered for designation as an area of regional significance by the SMGB pursuant to SMARA.

The State Geologist also recommended several candidates for termination of designation. Fourteen areas (in eight Sectors) are identified as potential candidates for termination of designation status due to high–value incompatible land use developments. All or parts of these Sectors are identified as potential candidates for termination of designation status because of depletion due to mining or development of incompatible land uses.

**IDENTIFICATION OF  
TECHNICAL/THEORETICAL/EMPIRICAL  
STUDIES, REPORTS, OR DOCUMENTS UPON  
WHICH THE SMGB HAS RELIED**

Designation is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future. In consideration of the proposed regulatory language, the SMGB relied on several documents including CGS Special Report 146, Part III and updated Special Report 205, recommendations set forth by the State Geologist, and Economic Impact Analysis prepared for this proposed amended regulation. CGS Special Report 205 updated information previously presented in a classification report on PCC aggregate in the North San Francisco Bay P–C Region first published by the California Division of Mines and Geology (CDMG; now CGS) in 1987.

The updated report presented the following conclusions:

- The 115 million tons of currently permitted reserves of all construction aggregate grades are projected to last through the year 2023, 10 years from the present (2013).
- An additional 3,069 acres of land containing 853 million tons of construction–grade aggregate resources are identified in the North San Francisco Bay P–C Region.
- The anticipated consumption of construction aggregate in the North San Francisco Bay P–C Region for the next 50 years (through the year 2060) is estimated to be 521 million tons, of which 130 million tons must be PCC quality. This is 9 percent more than the previous 50–year projection of 478 million tons.
- An estimated 2,365 million tons of construction–grade aggregate resources are identified in the North San Francisco Bay P–C Region. Of this, 951 million tons are PCC quality.
- Since the designation of 7,579 acres containing 1,876 million tons of aggregate resources in 1987, about 3% has been lost to urbanization.

Special Report 205 identifies an additional 3,069 acres of land within the P–C Region containing an estimated 853 million tons of PCC–, AC–, and Class II Base–grade aggregate resources (Sectors AA through MM). This is in addition to the 1,512 million tons of aggregate resources remaining in the designated areas (Sectors A through Y). Approximately 1,035 acres of the designated areas have been lost due to either urbanization or depletion by mining.

The State Geologist has recommended, and the SMGB subsequently accepted, several candidates, or areas, for designation as an area of regional or statewide significance by the SMGB. Each Sector, or group of Sectors, described below, meets or exceeds the SMGB’s threshold economic value for the type of mineral resource described, and each Sector may be considered for designation as an area of regional or statewide significance by the SMGB pursuant to SMARA. The State Geologist also recommended several candidates for termination of designation. Fourteen areas (in eight Sectors) are identified as potential candidates for termination of designation status due to high–value incompatible land use developments. All or parts of these Sectors are identified as potential candidates for termination of designation status because of depletion due to mining or development of incompatible land uses.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the SMGB may adopt

the proposed regulations substantially as described in this notice. If the SMGB makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the SMGB adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Mr. Stephen Testa at the address provided below. The SMGB 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 Mr. Stephen Testa at the address provided below.

#### CONTACT PERSON

Any interested person may request a copy of the proposed amended regulation and the Initial Statement of Reasons. Questions about the proposed regulation and Initial Statement of Reasons can be directed to the SMGB's office. All supplemental information, upon which the regulation is based, is contained in the rule-making file.

The rulemaking file is available for inspection at the SMGB Office at 801 K Street, Suite 2015, Sacramento, California, between 9:00 a.m. and 4:00 p.m., Monday through Friday except during state holidays. Copies of the proposed regulation and the Initial Statement of Reasons may be requested by writing to the above address, or viewed on the SMGB's Internet Web Site at: <http://www.conservation.ca.gov/smgb>.

Inquiries concerning the substance of the proposed amended regulation should be directed to:

Mr. Stephen M. Testa, Executive Officer  
State Mining and Geology Board  
801 K Street, Suite 2015  
Sacramento, California 95814  
Phone: (916) 322-1082  
Fax: (916) 445-0738  
[Stephen.Testa@conservation.ca.gov](mailto:Stephen.Testa@conservation.ca.gov)

OR

Amy Scott, Executive Assistant  
State Mining and Geology Board  
801 K Street, Suite 2015  
Sacramento, CA 95814  
Phone: (916) 322-1082  
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[Amy.Scott@conservation.ca.gov](mailto:Amy.Scott@conservation.ca.gov)

## TITLE 16. PHYSICIAN ASSISTANT BOARD

NOTICE IS HEREBY GIVEN that the Physician Assistant Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2005 Evergreen Street, Hearing Room, Sacramento, California, at 9:00 a.m., on 9 February 2015. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Physician Assistant Board at its office not later than 5:00 p.m. on 9 February 2015 or must be received by the Physician Assistant Board at the hearing. The Physician Assistant 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 3510, 3527, 3528, 3529, 3530, 3531, 3532, and 3533 of the Business and Professions Code, and Section 11400.20 of the Government Code and to implement, interpret or make specific Sections 11400.20 and 11425.50(e) of the Government Code and 315, 315.2, 315.4, 729, 3527, 3528, 3529, 3530, 3531, and 3533 of the Business and Professions Code, the Physician Assistant Board is considering changes to Division 13.8 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST

##### A. Informative Digest

Business and Professions Code Section 3510 authorizes the Board to adopt, amend, or repeal regulations as may be necessary to enable it to carry into effect the provisions of the Physician Assistant Practice Act.

Existing law, Business and Professions Code Section 315, established the Substance Abuse Coordination Committee (SACC) within the Department of Consumer Affairs (Department) and required the SACC to formulate uniform and specific standards in sixteen specified areas for each healing arts boards to use in dealing with substance-abusing licensees, whether or not a board chooses to have a formal diversion program.

Business and Professions Code Section 315.2 specifies that a healing arts board within the Department is

required to order a licensee to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee’s probation or diversion program. The cease practice order pursuant to this section does not constitute disciplinary action and is not subject to adjudicative hearings.

Business and Professions Code section 315.4 authorizes healing arts boards within the Department to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation pursuant to the uniform and specific standards adopted and authorized under section 315. The cease practice order pursuant to this section does not constitute disciplinary action and is not subject to adjudicative hearings.

Title 16, California Code of Regulations Section 1399.523 incorporates by reference the “Physician Assistant Board Manual of Model Disciplinary Guidelines and Model Disciplinary Orders, (hereinafter referred to as the “Guidelines,”) 3<sup>rd</sup> Edition, 2007.

The Guidelines are intended as a guide to persons involved in setting administrative disciplinary terms and conditions for violation by licensed physician assistants of the Physician Assistant Practice Act and other laws and regulations applicable to physician assistants and the practice of medicine. The use of the Guidelines helps to ensure that the selected terms and conditions are appropriate and consistent with decisions reached in comparable disciplinary actions for physician assistants.

This proposal will amend Section 1399.523 to incorporate by reference the 4<sup>th</sup> Edition Guidelines as proposed by the Board in August 2013, which includes provisions that would implement the Uniform Standards formulated by the SACC pursuant to Section 315. As part of that implementation, this proposal would also add a new provision to Section 1399.523 that would specify that a clinical diagnostic evaluation shall be ordered in every probationary case where the conduct found to be a violation involves drugs, alcohol, or both.

Additionally, this proposal will further amend Section 1399.523 to incorporate by reference the SACC’s April 2011 document entitled “Uniform Standards Regarding Substance–Abusing Healing Arts Licensees” (hereinafter referred to as the “Uniform Standards”). This proposal would adopt these uniform standards established by the SACC and also standard language (“Conditions Applying the Uniform Standards”) for probationary orders to be used by Administrative Law Judges, Deputy Attorneys General and the Board if a licensee is determined to be a substance abuser. This proposal would also specify that the proposed provisions contained in section 1399.523 would not prohibit the

Board from imposing additional terms or conditions of probation that would provide greater public protection.

In addition to proposing to adopt the Uniform Standards formulated by the SACC, the Board is also proposing the following updates to the Guidelines:

1. Senate Bill 1236 (Chapter 332, Statutes of 2012) changed the name of the Physician Assistant Committee to Physician Assistant Board, effective January 1, 2013. The Guidelines are being modified to reflect the name change throughout the document.
2. The Introduction would be modified to reference the use of the Uniform Standards and their application to probationary orders in light of the Board’s public protection mandate. In addition, the Introduction would add “Special Considerations” applicable to certain disciplinary cases involving sexual contact, sexual offenses, drugs, alcohol or violations involving the Medical Practice Act. Section 1399.523 is also re–stated here for ease of reference.
3. An explanation of the distinctions between self–referrals and probationary participants and an overview of participant requirements and costs for the Board’s alcohol and drug recovery monitoring program would be included at the beginning of the Guidelines.
4. In the “Causes for Discipline and License Restriction”: Sections 726, 729, and 3527(a) — Sexual Misconduct violations section is being amended to add language from existing Title 16, CCR sections 1399.523 and 1399.523.5 regarding required penalties (revocation/denial) for sexual misconduct if the individual is required to register as a sex offender. Additional terms and conditions of probation would also be added for this type of violation if probation is imposed and drugs or alcohol violations are present, consistent with the Uniform Standards.
5. In the “Causes for Discipline and License Restriction” portion of the Manual, the following sections will be amended to reference consideration of the Uniform Standards in imposing discipline, including the ability to make the standards contingent upon a clinical diagnostic evaluator’s finding that the individual is a substance abuser:
  - §820— Mental or Physical Illness;
  - §2237 & §3527(a) Conviction Related to Drugs;
  - §2239 & §3527(a) Drug or Alcohol Abuse;
  - §2241 & §3527(a) Furnishing Drugs or Transmitting Drug Orders to Addict;

- §2242 & 3527(a) Administering or Furnishing Drugs, or Transmitting Drug Orders, Without Prior Good Faith Examination; and,
- §3527(a) Administering, Furnishing, or Transmitting Drug Orders Not Prescribed by Supervising Physician;

Additional terms and conditions of probation would also be added for these types of violations if probation is imposed and drug or alcohol violations are present, consistent with the Uniform Standards.

6. In the “Causes for Discipline and License Restriction” portion of the Manual, the following violation sections will be amended to require consideration of a prescribing practices course (as described in the Optional Conditions): excessive treatments, sexual misconduct, gross negligence, repeated negligent acts, incompetence, dishonesty, conviction related to drugs, violation of drug statutes, drug or alcohol abuse, intoxication while treating patients, furnishing drugs or transmitting drug orders to addict, administering or furnishing drugs, or transmitting drugs orders, without prior good faith examination, illegal cancer treatment, making or signing false documents, alteration of medical records, administering, furnishing, or transmitting drug orders not prescribed by supervising physician, practicing medicine without delegated authority from a supervising physician, exceeding delegated scope of practice; and, practicing without adequate supervision.
7. Model Order 3, “Initial Probationary License” “Notes” section is being modified to add clarification language where a license is being issued, the condition deadlines should commence from the issuance of the license rather than issuance of the decision.
8. Optional Condition 7, “Controlled Drugs — Maintain Record” is being modified to require that controlled substances records must remain at the worksite and be available for inspection by the Board or its designee at all times during business hours.
9. The current Optional Conditions related to abstention from drugs or alcohol, biological fluid testing, and diversion are being modified and moved to a new section entitled “Conditions Applying the Uniform Standards.”
10. Optional Condition 11 “Clinical Training Program” is being modified to include language to

clarify the consequences for failure to complete or pass the clinical training program and an Option 2 that requires completion of the clinical training program prior to the issuance of a license (Condition Precedent).

11. Optional Condition 14 “Prescribing Practices Course” has been added. This condition would require the probationer to enroll in a course equivalent to the Prescribing Practices Course at the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine within 60 days of the effective date of the Board’s decision.
12. Optional Condition 17, “Third Party Chaperone” is being modified to add clarification language that all required logs must remain at the worksite and be available for inspection by the Board or its designee.
13. Optional Condition 19 “Maintenance of Patient Medical Records” “Option 1” is being modified to require that written medical records must remain at the worksite and be available for immediate inspection by the Board or its designee on the premises at all times during business hours.
14. A new section is being added entitled “Conditions Applying Uniform Standards Related to Substance Abuse”, which includes probationary terms that must be used in all cases when the violation involved the licensee’s use of drugs, alcohol, or both. Those terms and conditions are:
  - a) Clinical Diagnostic Evaluation: This condition of probation requires the probationer to undergo a clinical diagnostic evaluation as specified.
  - b) Abstain from Use of Alcohol, Controlled Substances, and Dangerous Drugs:  
These conditions of probation require the probationer to abstain completely from the use of alcohol, controlled substances, and dangerous drugs unless lawfully prescribed as specified.
  - c) Drug and Alcohol Recovery Program: This condition of probation requires the probationer to enroll in and successfully complete the Board’s drug and alcohol recovery monitoring program. The probationer is responsible for all costs associated with the program.
  - d) Biological Fluid Testing: This condition of probation requires the probationer to comply with specified drug and alcohol testing requirements. The probationer is responsible for all costs associated with testing.

- e) Facilitated Group Support Meetings: This condition of probation requires the probationer to attend facilitated group support meetings as specified.
  - f) Work Site Monitor: This condition of probation requires the probationer to comply with specified work site monitor requirements.
  - g) Major Violations: This condition of probation requires the probationer to immediately cease practice upon notification by the Board that he or she has committed a major violation, as specified.
15. Optional Condition 29 “Approval of Supervising Physician” is being modified to require that if the supervising physician resigns or is no longer available, within 15 days the respondent shall notify the Board of a new supervising physician and respondent may not practice until a new supervising physician has been approved by the Board or its designee.
16. Optional Condition 30 “Notification of Employer and Supervising Physician” is being updated to require respondent to provide a copy of the accusation, decision, and order before accepting or continuing employment. The condition shall also apply to any changes in place of employment. Additional language is included to state that the respondent shall provide practice site information, contact information, and shall give written consent to allow Board staff to communicate with respondent’s employer, supervising physician, or work site monitor regarding their work status, performance, and monitoring.
17. Optional Condition 35 “Non–practice While on Probation,” is being added replacing “Tolling for Out–of–State Practice or Residence” and “Failure to Practice as a Physician Assistant — California Resident” combining the language of the two tolling/non practice conditions (out of state and in state) into one condition of non–practice for a probationer.
- B. Policy Statement Overview/Anticipated Benefits of Proposal

The Uniform Standards are being adopted into regulation by Department of Consumer Affairs healing arts boards, including the Physician Assistant Board, to ensure that consumer safety remains their paramount mission and to implement consistent practices with regard to substance–abusing licensees.

The Board’s Guidelines were established to facilitate uniformity in taking appropriate disciplinary action against licensees and to provide transparency in regards to the Board’s actions when imposing discipline.

The Uniform Standards not only address penalties for licensees, but administrative requirements for the Board, and, if applicable, the monitoring program. The Board will use the amended provisions of Section 1399.523 and the Guidelines when taking action to suspend, revoke, or place a license on probation when the individual has been determined to be a substance abuser. Updating the Guidelines will ensure continued consumer protection through consistent application and interpretation of the standards and increased monitoring of substance abusing licensees. The proposed language is necessary to aid the Board in the discipline and monitoring of substance abusing licensees to provide better public protection to the people of California.

C. Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

1. Physician Assistant Board Manual of Disciplinary Guidelines and Model Disciplinary Orders, 4th Edition, 2014.
2. Department of Consumer Affairs’ Substance Abuse Coordination Committee’s document entitled “Uniform Standards Regarding Substance–Abusing Healing Arts Licensees” (April 2011).

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because it will only impact physician assistant licensees subject to disciplinary action. The Board only has authority to take administrative action against a licensee and not a

business. Accordingly, the initial or ongoing impact to a business at which a licensee works who is the subject of disciplinary action cannot be projected. Businesses employing licensees who are in compliance with the law will not incur any fiscal impact.

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

The Board currently regulates approximately 9,000 physician assistants. Any “adverse economic impact” would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the Board’s laws or regulations and would only affect individuals who are disciplined by the Board. Any potential “adverse economic impact” may be avoided simply by complying with the law. Licensees who are placed on probation as a result of a violation involving drugs or alcohol and are deemed to be substance-abusing may incur additional costs as set forth in the “Cost Impact on Representative Private Person or Business” section below.

Cost Impact on Representative Private Person or Business:

The Board identified potentially significant costs which only impact those licensees who have been deemed substance-abusing and are subject to the Uniform Standards. The Uniform Standards are part of the monitoring program in which substance-abusing licensees are required to participate, pursuant to their terms of probation. The monitoring program with which the Board contracts with has already implemented the Uniform Standards.

The following costs may be incurred by licensees participating in the Board’s monitoring program:

1. Monthly participation fee: \$306. The monthly participation fee increase 3 to 5 % annually.
2. Biological Fluid Testing: the average cost for each test is approximately \$60.00 per test plus a collection fee at the testing site which can cost up to \$125.
3. Professional Support Group Meetings: \$200 to \$500 monthly.
4. Inpatient Treatment Program may be required: \$3,000 to \$5,000.
5. Clinical Diagnostic Evaluation: \$2,000 to \$5,000 per evaluation.

EFFECT ON HOUSING COSTS

None

EFFECT ON SMALL BUSINESS

The Physician Assistant Board has determined that the proposed regulations would not affect small businesses. The proposed regulation will only affect individual licensees. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business at which a licensee works who is the subject of disciplinary action cannot be projected. Businesses employing licensees who are in compliance with the law will not incur any fiscal impact.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Physician Assistant Board has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses or the expansion of businesses in the State of California because it will only impact licensees subject to disciplinary action. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business at which a licensee works who is the subject of disciplinary action cannot be projected. Businesses employing licensees who are in compliance with the law will not incur any fiscal impact.

It will not eliminate jobs within the State of California because the proposal imposes specific requirements on a specific set of licensees who are subject to disciplinary action due to violations of the law and may be subject to more rigorous Uniform Standards due to violations of law involving drugs or alcohol. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation.

The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore, the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business.

Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

Benefits of Regulation:

The Board has determined that this proposed regulatory change updating the Board’s Guidelines will benefit California consumers by enhancing the Board’s ability discipline physician assistants who violate the Physician Assistant Practice Act or other laws and regulations regarding the practice of medicine by a physician assistant. In addition, incorporating the Uniform Stan-

dards provides maximum protection to California consumers against licensees who are found to be in violation of the law or who do not demonstrate the competency necessary to perform their duties due to substance abuse. These benefits are a direct result of the Board's statutorily mandated priority set forth in Business and Professions Code section 3504.1. The protection of the public is the highest priority for the Board in exercising licensing, regulatory, and disciplinary functions. The proposed adoption of these additional probation conditions will ensure that individuals who have been determined to be substance-abusing licensees will be effectively disciplined in a manner that will protect the public. Additionally, updated Guidelines will provide clarity for licensees to understand what specifically could apply to them in the disciplinary matters. Administrative Law Judges and Attorney Generals will also benefit from the updated Guidelines when drafting decisions, which will help ensure consistency in interpretation and application of penalties in disciplinary matters.

**CONSIDERATION OF ALTERNATIVES**

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

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

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

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

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Physician Assistant Board at 2005 Evergreen Street, Suite 1100, Sacramento, California 95615.

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

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

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

**CONTACT PERSON**

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

Name: Glenn L. Mitchell, Jr.  
 Address: 2005 Evergreen Street, Suite 1100  
 Sacramento, CA 95815  
 Telephone No.: 916.561.8783  
 Fax No.: 916.263.2671  
 E-Mail  
 Address: [glenn.mitchell@mbc.ca.gov](mailto:glenn.mitchell@mbc.ca.gov)

The backup contact person is:

Name: Lynn Forsyth  
 Address: 2005 Evergreen Street, Suite 1100  
 Sacramento, CA 95815  
 Telephone No.: 916.561.8785  
 Fax No.: 916.263.2671  
 E-Mail  
 Address: [lynn.forsyth@mbc.ca.gov](mailto:lynn.forsyth@mbc.ca.gov)

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

**TITLE 22/MPP. DEPARTMENT OF  
SOCIAL SERVICES**

ORD # 0614-07 NOTICE OF PROPOSED  
CHANGES IN REGULATIONS OF THE  
CALIFORNIA DEPARTMENT OF SOCIAL  
SERVICES (CDSS)

ITEM #2: Family Child Care Home Capacity

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held February 11, 2015 as follows:

Office Building # 8  
 744 P St. Room 103  
 Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on February 11, 2015.

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

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

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

#### CONTACT

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

#### CHAPTERS

Title 22, Division 12, Chapter 3, Sections 102351.1 et seq.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations revise specific provisions and adopt new language in Title 22, Division 12, Chapter 3, Section 102351.1 et. seq. (Family Day Care Homes for Children). The California Child Day Care Facilities Act provides for the licensing and regulation of child day care facilities, including Family Child Care Homes, by CDSS. In 2003, the legislature enacted Assembly Bill (AB) 529 (Chapter 744, Statutes of 2003), which amended Sections 1597.44 and 1597.465 relating to the number of children permitted to be cared for at any one time in small and large Family Child Care Homes. In 2010, the legislature enacted Senate Bill (SB) 1381 (Chapter 705, Statutes of 2010), which amended Sections 46300, 48000 and 48010 of the Education Code relating to kindergarten and establishing “transitional kindergarten” as the first year of a two-year kindergarten program.

Section 1597.44 of the Health and Safety (H&S) Code authorizes a Small Family Child Care Home to provide child care for more than six and up to eight children if certain conditions are met. Section 1597.465 of the H&S Code authorizes a Large Family Child Care Home to provide child care for more than 12 children and up to 14 children if certain conditions are met. Prior to AB 529, one of these conditions applicable to both small and large Family Child Care Homes was that at least two of the children be at least six years of age. AB 529 changed the law to permit the aforementioned condition to be met if at least one child is enrolled in and attending kindergarten or elementary school and a second child is at least six years of age.

These proposed regulations aim to conform to AB 529 and SB 1381 and to clarify capacity requirements for Family Child Care Homes. Specifically, the proposed regulations do the following: clarify the notification and documentation requirements for licensees that wish to care for more than six and up to eight children in a Small Family Child Care Home and more than 12 and up to 14 children in a Large Family Child Care Home; clarify which children are counted in the capacity; clarify when an assistant provider must be present in a Family Child Care Home; clarify that the capacity specified on the license shall be for the maximum number of children for whom care maybe provided at any one time; and specify landlord notification and documentation requirements for licensees that operate in a rental property in conformity with Section 1597.40(d) of the H&S Code.

In addition, the proposed regulations define “school-age child” for the purpose of meeting the criteria in Sections 1597.44 and 1597.465 of the H&S Code only (caring for two additional children), clarify that “enrolled in

and attending kindergarten” includes transitional kindergarten for the purpose of meeting the criteria in Sections 1597.44 and 1597.465 of the H&S Code and require that verification of kindergarten/elementary school enrollment/attendance and parent notification of additional children in care be kept on file.

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

Anticipated Benefits

This regulatory action will benefit licensees of Family Child Care Homes because it will clarify the documentation requirements related to caring for up to two additional children and to notifying the property owner/landlord, as well as clarify how capacity is determined and when an assistant provider is required to be present at a Family Child Care Home.

The regulatory action will benefit licensees and families of children in care at licensed Family Child Care Homes because this action will clarify what is required of a licensee when he/she seeks to care for up to two additional children.

Also, this regulatory action will increase protection of health and safety in Family Child Care Homes. It will help the Department staff tasked with monitoring and enforcing the H&S Code and associated regulations via licensing visits because these revisions will clarify how to determine licensed capacity, when an assistant provider is required and will establish record keeping requirements.

COST ESTIMATE

1. Costs or Savings to State Agencies: The funding was budgeted in the 2014 May Revision under the CCL — Family Child Care Homes premise.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: The funding was budgeted in the 2014 May Revision under the CCL — Family Child Care Homes premise.
4. Federal Funding to State Agencies: The funding was budgeted in the 2014 May Revision under the CCL — Family Child Care Homes premise.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because this regulatory action conforms regulation to statute and clarifies what documentation the Family Child Care Home is required to maintain so that CDSS may verify that the home is complying with existing law when it cares for up to two additional children. In addition, this regulatory action clarifies, consistent with existing law, how the capacity is determined when an assistant provider is required to be present in a Family Child Care Home and the requirements for landlord notification. Also, this regulatory action specifies the documentation that a Family Child Care Home is required to maintain so that CDSS may verify that the home is complying with existing law.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that the proposed regulations will affect small businesses. The California Child Day Care Facilities Act provides for the licensing and regulation of child day care facilities, including Family Child Care Homes, by CDSS. The proposed regulations amend and adopt new language in Title 22, Division 12, Chapter 3, Section 102351.1 et. seq. (Family Day Care Homes for Children).

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

This regulatory action will benefit licensees of Family Child Care Homes because it will clarify the documentation requirements related to caring for up to two additional children and to notifying the property owner/landlord, as well as clarifying how capacity is determined and when an assistant provider is required to be present at a Family Child Care Home.

The regulatory action will benefit licensees and families of children in care at licensed Family Child Care Homes because this action will clarify what is required of a licensee when he/she seeks to care for up to two additional children.

Also, this regulatory action will increase protection of health and safety in Family Child Care Homes. It will help CDSS staff tasked with monitoring and enforcing the H&S Code and associated regulations via licensing visits because these revisions will clarify how to determine licensed capacity, when an assistant provider is required and will establish record keeping requirements.

#### STATEMENT OF EFFECT ON HOUSING COSTS

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

#### STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS did not identify any reasonable alternatives other than the regulatory action proposed because regulations are necessary to implement H&S Code sections 1597.40(d), 1597.44 and 1597.465. Factors considered by the Department in determining that the proposed regulations are necessary to implement Sections 1597.44 and 1597.465 include that the revisions conform current regulation to these statutes (as amended by Chapter 744 §§ 1 and 2, Statutes of 2003 [AB 529]). Also, the proposed recordkeeping requirements are necessary to enable the Department to verify compliance with statute, including verifying compliance with H&S Code section 1597.40(d) (landlord notification of intent to operate a Family Child Care Home). The addition, a definition for “school age child” for the purposes of meeting the criteria of H&S Code sections 1597.44 and 1597.465 as amended by AB 529, Chapter 744, Statutes of 2003 is necessary to clarify the statutory requirements. Further, it has been the Department’s experience that there has been confusion with regard to determining capacity. Thus, the proposed regulatory action is necessary to clarify licensed capacity as it is applied to Family Child Care Homes. There were no other alternatives brought to the attention of the Department.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to af-

ected private persons and equally effective in implementing the statutory policy or other provision of law.

#### AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in H&S Code section 1596.81.

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

Contact Person: Oliver Chu  
(916) 657-2586

Back-up: Everado Vaca  
(916) 657-2586

#### TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0414-02

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

ITEM # 1                      Semi-Annual Reporting (SAR) in the CalFresh Program

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held February 11, 2015, as follows:

Office Building # 8  
744 P St. Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on February 11, 2015.

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

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

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

CONTACT

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

CHAPTERS

Manual of Policies and Procedures (MPP), Chapter 63-100, 63-300, 63-400, 63-500, 63-600, 63-800

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill (AB) 6 (Chapter 501, Statutes of 2011) replaces the current Quarterly Reporting/Prospective (QR/PB) system with a SAR system in the CalFresh and California Work Opportunity and Responsibility to Kids (CalWORKs) Programs. The bill mandated that SAR be implemented as soon as April 1, 2013 and no later than October 1, 2013. This regulation package only amends the CalFresh regulations.

AB 444 (Chapter 1022, Statutes of 2002) replaced the Monthly Reporting/Retrospective Budgeting (MR/RB)

with a QR/PB System effective 2004. The bill required the CalFresh program to adopt QR/PB to the extent permitted by federal law, regulation, waivers and directives and considering cost-effectiveness and compatibility with the CalWORKs program. Since the implementation of QR/PB in CalFresh and CalWORKs, the United States Department of Agriculture, Food and Nutrition Service (FNS) have encouraged California to move towards a simplified, six-month reporting system.

AB 6 mandates that CalFresh and CalWORKs implement SAR in a cost-effective manner that promotes compatibility between the two programs. The FNS rules do not allow CDSS to require a second semi-annual report in addition to the annual recertification of eligibility in the CalFresh program. Consequently, CDSS has determined that rather than requiring two semi-annual reports in addition to the annual redetermination of eligibility, the annual recertification will take the place of the second semi-annual report. This change also reduces the reporting burden on recipients and reduces the administrative burden on county workers by not mandating duplicative reporting requirements.

In order to more closely align the treatment of income under federal Supplemental Nutrition Assistance Program (SNAP) prospective budgeting rules (as indicated in AB 6), recipients will no longer have to estimate their income for each month of the SAR Payment Period in order for eligibility workers to average the household's income over the period. Instead, a monthly income amount will be determined for the SAR Payment Period based only on current income and reasonably anticipated changes. This policy change aligns CalFresh and CalWORKs with federal SNAP prospective budgeting rules, simplifies the process of reasonably anticipating income for both recipients and county workers and will alleviate one of the factors that have been found to be the most confusing and error-prone under QR.

This regulation package also contains numerous clean-up and technical changes, including repealing outdated MPP regulations and correcting outdated terms and references.

The Department considered other possible related regulations in this area and has determined that these are the only regulations relevant to this subject area (CalFresh reporting systems) and, therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 6, as well as with existing state and federal regulations.

Anticipated Benefits of Proposed Action

The benefits anticipated from this regulatory action include simplifying reporting responsibilities for Cal-

Fresh recipients and providing administrative relief for county eligibility workers.

Evaluation of Inconsistency or Incompatibility With Existing State Regulations

After conducting an evaluation for any related regulations on this area, CDSS has determined that these are the only regulations dealing with SAR in the CalFresh program. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state statute.

**COST ESTIMATE**

1. **Costs or Savings to State Agencies:** The funding was budgeted in the 2014 May Revision under the SAR premise for \$194,000 in FY 2014–2015.
2. **Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630:** These regulation changes result in savings to CalFresh and California Food Assistance Program (CFAP) administration and costs in CFAP benefits, mailing and notifications and automation. Statute limits the administrative savings that are reflected in the budget to the amount necessary to offset the net General Fund costs of SAR. For FY 2014–15, there is no county share of cost and, therefore, no savings to offset.
3. **Nondiscretionary Costs or Savings to Local Agencies:** This regulation does not affect any local entity or program.
4. **Federal Funding to State Agencies:** These regulation changes result in savings to CalFresh and CFAP administration and costs in CFAP benefits, mailing and notifications and automation. Statute limits the administrative savings that are reflected in the budget to the amount necessary to offset the net General Fund costs of SAR. For FY 2014–15, there is no county share of cost and, therefore, no savings to offset.

**LOCAL MANDATE STATEMENT**

These regulations impose a mandate upon county welfare departments but not on school districts. Since the county share of the program is capped at a specified maintenance of effort level, there are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code (GC). If the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies

and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the GC. If the statewide cost of the claim for reimbursement does not exceed one million dollars, reimbursement shall be made from the State Mandates Claims Fund.

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

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because this action only pertains to simplifying the reporting requirements for CalFresh recipients and lessening their reporting burden from four times a year to twice a year.

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

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

**SMALL BUSINESS IMPACT STATEMENT**

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

**STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. This regulatory action will not have an effect on the health and welfare of California residents, worker safety or the state’s environment. The benefits anticipated from this regulatory action include simplifying the reporting responsibilities for both CalFresh recipients and county eligibility workers.

**STATEMENT OF EFFECT ON HOUSING COSTS**

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

STATEMENT OF ALTERNATIVES CONSIDERED

AB 6 mandates that CDSS implement this policy change through the regulatory process. In developing the regulatory action, CDSS did not consider any other alternatives than the one proposed because there were no other alternatives proposed.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

AUTHORITY AND REFERENCE CITATIONS

Sections 10553 and 10554 of the Welfare and Institutions (W&I) Code grants CDSS the authority to develop the regulations and Section 10830 of the W&I Code is being referenced to make the regulations more specific.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Oliver Chu  
(916) 657-2586

Back-up: Everado Vaca  
(916) 657-2586

**GENERAL PUBLIC INTEREST**

**FISH AND GAME COMMISSION**

**NOTICE OF FINDINGS**  
**Clear Lake Hitch**  
*(Lavinia exilicaudachi chi)*

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (“Commission”), at its August 6, 2014 meeting in San Diego, California, made a finding pursuant to Fish and Game Code section 2075.5, that the petitioned action to add the Clear Lake hitch (*Lavinia exilicaudachi chi*) (“CLH”) to the list of threatened species under the California Endangered Species Act (“CESA”) (Fish & G. Code, § 2050 et seq.)

is warranted. (See also Cal. Code Regs., tit. 14, § 670.1, subd. (i).)

**I. Background and Procedural History**

On September 25, 2012, the Commission received the “Petition to List the Clear Lake Hitch (*Lavinia exilicaudachi chi*) as Threatened under the California Endangered Species Act” (September 25, 2012; hereafter, the “Petition”), as submitted by the Center for Biological Diversity (“Petitioners”). Commission staff transmitted the Petition to the Department of Fish and Wildlife (“Department”) pursuant to Fish and Game Code section 2073 on September 26, 2012, and the Commission published formal notice of receipt of the Petition on October 12, 2012 (Cal. Reg. Notice Register 2012, Vol. 41-Z, p.1502). The Commission granted a 30-day extension to the Department for completion of the Department’s initial review of the Petition. After evaluating the Petition on its face and in relation to other relevant information it possessed or received, the Department prepared its January 2013 “Report to the Fish and Game Commission: Evaluation of the Petition from the Center for Biological Diversity to List Clear Lake Hitch (*Lavinia exilicaudachi chi*) as a Threatened Species under the California Endangered Species Act” (“Petition Evaluation Report”) and, pursuant to Fish and Game Code section 2073.5, recommended to the Commission, based on the information in the Petition, that there was sufficient scientific information to indicate the petitioned action may be warranted, and that the Petition should be accepted. At a noticed public hearing in Mount Shasta, California on March 6, 2013, the Commission determined the petitioned action may be warranted and accepted the Petition for further review. (Fish & G. Code, § 2074.2, subd. (e)(2).) The Commission published notice of the designation of CLH as a candidate species under CESA on March 22, 2013. (Cal. Reg. Notice Register 2013, Vol. 12-Z p. 488; see also Fish & G. Code, §§ 2068, 2080, 2085.)

Following the Commission’s designation of the CLH as a candidate species, the Department notified affected and interested parties, and solicited data and comments on the petitioned action pursuant to Fish and Game Code section 2074.4. (See also Cal. Code Regs., tit. 14, § 670.1(f)(2).) Subsequently, the Department commenced its review of the status of the species in California. On May 28, 2014 the Department Director submitted its “Report to the Fish and Game Commission: A Status Review of the Clear Lake Hitch (*Lavinia exilicaudachi chi*),” dated May 2014 (“Status Review”), to the Commission pursuant to Fish and Game Code section 2074.6, including a recommendation based upon the best scientific information available that, in the Department’s independent judgment, the petitioned action was warranted. The Department’s report also included a

preliminary identification of habitat that may be essential to the continued existence of CLH and management recommendations. In preparing its report the Department sought independent and competent peer review on its draft Status Review from scientists with acknowledged relevant expertise. An appendix to the final Status Review contains the specific input provided to the Department by the individual peer reviewers, a brief explanation and evaluation of that input by the Department, and a description of related revisions included in the final Status Review transmitted to the Commission. (See generally Fish & G. Code § 2074.6; Cal. Code Regs., tit. 14, § 670.1(f)(2).)

On August 6, 2014, at a noticed meeting in San Diego, California, the Commission held a public hearing regarding the Petition after receiving related testimony and other information, and began its deliberations regarding the petitioned action.

### Species Description

CLH is a member of the cyprinid family, growing to 35 centimeters (cm) standard length (SL), and with laterally compressed bodies, small heads and upward pointing mouths (Moyle et al. 1995). They are separated from other California minnows by their long anal fin consisting of 11 to 14 rays. The dorsal fin (10 to 12 rays) originates behind the origin of the pelvic fins. Juvenile CLH are silvery with a black spot at the base of the tail. As CLH grow older the spot is lost and they appear yellow-brown to silvery-white on the back. The body becomes deeper in color as the length increases (Hopkirk 1973; Moyle 2002). CLH show little change in pigmentation during the breeding season (Hopkirk 1973). The deep, compressed body, small upturned mouth, and numerous long slender gill rakers (26 to 32) reflect the zooplankton-feeding strategy of a limnetic (well-lit, surface waters away from shore) forager (Moyle 2002). This lake adapted subspecies also has larger eyes and larger scales than other hitch subspecies.

### Federal Status

On September 25, 2012 the Center for Biological Diversity petitioned the U.S. Fish and Wildlife Service (USFWS) to list CLH as endangered or threatened under the federal Endangered Species Act (ESA). As of the preparation of these Findings, there has been no action taken on the petition by USFWS.

The U.S. Forest Service (USFS) lists CLH as a sensitive species. USFS sensitive species are those plant and animal species identified by a regional forester that are not listed or proposed for listing under the federal ESA for which population viability is a concern.

The Commission, as established by the California Constitution, has exclusive statutory authority under California law to designate endangered, threatened, and candidate species under CESA (Cal. Const., art. IV, § 20, subd. (b); Fish & G. Code, § 2070). The CESA listing process for CLH began in the present case with the Petitioners' submittal of the Petition to the Commission on September 25, 2012. Pursuant to Fish and Game Code section 2073, on September 26, 2012 the Commission transmitted the petition to the Department for review pursuant to Fish and Game Code section 2073.5. The regulatory process that ensued is described in some detail in the preceding section above, along with related references to the Fish and Game Code and controlling regulation. The CESA listing process generally is also described in some detail in published appellate case law in California, including:

- *Mountain Lion Foundation v. California Fish and Game Commission* (1997) 16 Cal.4th 105, 114–116;
- *California Forestry Association v. California Fish and Game Commission* (2007) 156 Cal.App.4th 1535, 1541–1542;
- *Center for Biological Diversity v. California Fish and Game Commission* (2008) 166 Cal.App.4th 597, 600; and
- *Natural Resources Defense Council v. California Fish and Game Commission* (1994) 28 Cal.App.4th 1104, 1111–1116.

The “is warranted” determination at issue here for CLH stems from Commission obligations established by Fish and Game Code section 2075.5. Under this provision, the Commission is required to make one of two findings for a candidate species at the end of the CESA listing process; namely, whether the petitioned action is warranted or is not warranted. Here, with respect to CLH, the Commission made the finding under Fish and Game Code section 2075.5, subdivision (e)(2), that the petitioned action is warranted.

The Commission was guided in making this determination by statutory provisions and other controlling law. The Fish and Game Code, for example, defines an endangered species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant which is in serious danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, over exploitation, predation, competition, or disease.” (Fish & G. Code, § 2062.) Similarly, the Fish and Game Code defines a threatened species under CESA as “a native species or subspecies of a bird, mammal, fish, amphibian, reptile or plant that, although not presently threatened with extinction, is likely to become an endangered species in the foreseeable future in

## II. STATUTORY AND LEGAL FRAMEWORK

the absence of the special protection and management efforts required by this chapter.” (*Id.*, § 2067.)

The Commission also considered Title 14 of the California Code of Regulations, section 670.1, subdivision (i)(1)(A), in making its determination regarding CLH. This provision provides, in pertinent part, that a species shall be listed as endangered or threatened under CESA if the Commission determines that the species’ continued existence is in serious danger or is threatened by any one or any combination of the following factors:

1. Present or threatened modification or destruction of its habitat;
2. Overexploitation;
3. Predation;
4. Competition;
5. Disease; or
6. Other natural occurrences or human-related activities.

Fish and Game Code section 2070 provides similar guidance. This section states that the Commission shall add or remove species from the list of endangered and threatened species under CESA only upon receipt of sufficient scientific information that the action is warranted. Similarly, CESA provides policy direction not specific to the Commission per se, indicating that all state agencies, boards, and commissions shall seek to conserve endangered and threatened species and shall utilize their authority in furtherance of the purposes of CESA (Fish & G. Code, § 2055). This policy direction does not compel a particular determination by the Commission in the CESA listing context. Nevertheless, as the Court of Appeal for the Third Appellate District underscored in the CESA listing context specifically, “[l]aws providing for the conservation of natural resources’ such as the CESA ‘are of great remedial and public importance and thus should be construed liberally.” (*California Forestry Association v. California Fish and Game Commission*, *supra*, 156 Cal. App.4th at pp. 1545–1546, citing *San Bernardino Valley Audubon Society v. City of Moreno Valley* (1996) 44 Cal.App.4th 593, 601; Fish & G. Code, §§ 2051, 2052.)

Finally in considering these factors, CESA and controlling regulations require the Commission to actively seek and consider related input from the public and any interested party (see, e.g., *Id.*, §§ 2071, 2074.4, 2078; Cal. Code Regs., tit. 14, § 670.1, subd. (h)). The related notice obligations and public hearing opportunities before the Commission are also considerable. (Fish & G. Code, §§ 2073.3, 2074, 2074.2, 2075, 2075.5, 2078; Cal. Code Regs., tit. 14, § 670.1, subds. (c), (e), (g), (i); see also Gov. Code, § 11120 et seq.) All of these obligations are in addition to the requirements prescribed for the Department in the CESA listing process, including

its initial evaluation of the petition and a related recommendation regarding candidacy, and a review of the candidate species’ status in California culminating with a report and recommendation to the Commission as to whether listing is warranted based on the best available science. (Fish & G. Code, §§ 2073.4, 2073.5, 2074.4, 2074.6; Cal. Code Regs., tit. 14, § 670.1, subds. (d), (f), (h).)

### III. FACTUAL AND SCIENTIFIC BASES FOR THE COMMISSION’S FINAL DETERMINATION

The factual and scientific bases for the Commission’s determination that designating CLH as a threatened species under CESA is warranted are set forth in detail in the Commission’s record of proceedings including the Petition, the Department’s 2013 Petition Evaluation Report, the Department’s 2014 Status Review, written and oral comments received from members of the public, the regulated community, members and representatives of Clear Lake Native American tribes, the scientific community and other evidence included in the Commission’s record of proceedings as it exists up to and including the Commission meeting in San Diego, California on August 6, 2014. The administrative record also includes these findings.

The Commission determines that substantial evidence highlighted in the preceding paragraph, along with other evidence in the administrative record, supports the Commission’s determination that CLH in the State of California, while not presently threatened with extinction, is likely to become an endangered species in the foreseeable future, absent the special protections and management efforts required by CESA, and that it is in serious danger or threatened by one or a combination of the following factors as required by the California Code of Regulations, Title 14, section 670.1, subdivision (i)(1)(A):

1. Present or threatened modification or destruction of its habitat;
2. Predation;
3. Competition; or
4. Other natural occurrences or human-related activities.

The Commission also determines that the information in the Commission’s record constitutes the best scientific information available and establishes that designating CLH as a threatened species under CESA is warranted. Similarly, the Commission determines that the CLH is likely to be in serious danger of becoming extinct throughout all, or a significant portion, of its range within the foreseeable future in the absence of CESA’s protections, due to one or more causes.

The following sections highlight in more detail some of the scientific and factual information and other evi-

dence in the administrative record of proceedings that support the Commission's determination that designating CLH as a threatened species under CESA is warranted. The issues addressed in these findings represent some, but not all of the evidence, issues, and considerations affecting the Commission's final determination. Other issues aired before and considered by the Commission are addressed in detail in the record before the Commission, which record is incorporated herein by reference.

## **Background**

### **Threats**

#### ***Present or Threatened Modification or Destruction of Habitat***

Beginning with the arrival of European settlers in the mid-1800s, alterations to habitats in the watershed have directly impacted the ability of CLH to survive. Habitats necessary for both spawning and rearing have been reduced or severely decreased in suitability in the past century resulting in an observable decrease in the overall abundance of CLH and its habitat. Throughout the expansion of European settlement around the lake, wetland habitat was drained and filled to provide urban and agricultural lands. Wetland habitat provides critical rearing habitat for juvenile fishes native to the lake. Comparisons of historical versus current wetland habitat reveal a loss of approximately 85 percent, from 9,000 acres in 1840 to 1,500 acres by 1977. Spawning tributaries have been physically altered by a combination of dams, diversions, and mining operations that have altered the course and timing of spring flows and the amount and quality of spawning habitat available for CLH. Dams create barriers to CLH passage that reduce the amount of available spawning habitat while altering the natural flow regime of tributaries. Water diversions on tributaries have resulted in decreased flows during critical spawning migrations for CLH. Loss of eggs, juvenile, and adult fish due to desiccation and stranding from water diversions are likely a significant impact on CLH populations. Gravel mining removed large amounts of spawning substrate during peak operations in the mid-1900s. Spawning substrate has been restored slowly after gravel mining was discontinued in the majority of the watershed.

Water quality impacts to the watershed have resulted in Clear Lake being listed as an impaired water body and led to the establishment of Total Maximum Daily Load (TMDL) limits for both mercury and nutrients for the lake. It is unclear to what extent the water quality impacts are affecting CLH populations. The increase in nutrient loads entering the lake has led to significant cyanobacteria blooms that plague the lake during warmer months. Primary producers such as epiphyton, benthic algae, and rooted vascular plants form the base of the

food chain in the lake. The cyanobacteria blooms reduce the amount of light penetration in the water column and cause a reduction in producers because they cannot reposition themselves to gain more light. The loss of function for primary producers results in significant alterations to the nutrient cycle and food web for the lake. The lake's food web continued to be altered as Clear Lake gnats were targeted for control with various pesticides. Clear Lake gnat, once the primary food source for CLH, were reduced through the use of pesticides from a population estimated in the millions to only a few thousand.

Modification and destruction of habitat is a significant threat to the continued existence of CLH.

#### ***Overexploitation***

Harvest of CLH has occurred by both Native American tribes and commercial fishery operators at Clear Lake. Historical accounts from tribal members indicate that significant amounts of CLH were harvested during spawning runs. In recent years, the amount of harvest by the Pomo has been minimal, and the CLH are primarily used for educational and cultural reasons. Since the early 1990s commercial fishery operations have been required to return all CLH captured to the lake. Prior to that, CLH had not been regularly harvested for sale. It is likely that incidental catch during commercial harvest operations resulted in mortality of some CLH. However, there is no information indicating that overexploitation threatens the continued existence of CLH. There are currently no commercial fishing permits issued for operations on Clear Lake. The last commercial fishing operation was discontinued in 2007.

#### ***Predation***

Direct predation of CLH by fish, birds, and mammals is known to occur in occupied habitats within the watershed. Spawning runs are vulnerable to predation from birds and mammals as fish migrate upstream and become stranded at various locations. Stranding occurs both naturally and as a result of habitat modifications described above. Non-native fishes prey directly on different life stages of CLH and represent an introduced impact to the population. CLH have been found during stomach content analyses of largemouth bass. Incidental observations indicate that largemouth bass may target CLH as they stage at the entrance to spawning tributaries in early spring. Other introduced fishes, such as catfish, also prey on CLH. A detailed diet study on selected introduced fishes is necessary to determine the extent of predation from introduced fishes. There is evidence suggesting that predation by introduced fishes threatens the continued existence of CLH.

#### ***Competition***

The extent of impacts on CLH from competition with other aquatic species is poorly understood. Studies con-

ducted on diet analysis of CLH indicate that there is competition between CLH and other zooplankton-consuming fish species, primarily Mississippi silversides and threadfin shad. Observations by Department biologists and others indicate that CLH populations fluctuate on alternating cycles with Mississippi silverside and threadfin shad populations with CLH being more abundant in years with decreased Mississippi silverside and threadfin shad abundance. CLH directly compete with other native and non-native fishes for juvenile rearing habitat. Many fishes in Clear Lake utilize near shore wetland habitat as juveniles and adults. With the decrease in wetland habitat over the past century, there is increased competition for the remaining habitat. Although no formal studies have been completed, it is likely that competition for resources threatens the continued existence of CLH.

***Disease***

There are no known diseases that are significant threats to the continued existence of CLH.

***Other Natural Occurrences or Human-related Activities***

Numerous recreational activities such as angling, water skiing, wakeboarding, jet skiing, kayaking, and canoeing take place in Clear Lake each year. The majority of recreational activities pose no significant threat to the survival of CLH. It is believed that recreational and tournament anglers' capture CLH incidentally, however the occurrence is considered rare. The significance of the impact to CLH from angling is unknown, but likely does not threaten the continued existence of CLH.

**IV. ADDITIONAL CONSIDERATIONS  
INFORMING THE COMMISSION'S FINAL  
DETERMINATION**

Various additional considerations inform the Commission's determination that designating CLH as a threatened species under CESA is warranted. In general, the Fish and Game Code contemplates a roughly twelve-month long CESA listing process before the Commission, including multiple opportunities for public and Department review and input and peer review (see generally Fish & G. Code, § 2070 et seq.; Cal. Code Regs., tit. 14, § 670.1.). From the initial receipt of the

Petition in September 2012 through the Commission's decision on August 6, 2014 that listing is warranted, the Department and the Commission received numerous comments and other significant public input regarding the status of CLH from biological, scientific and cultural resources standpoints and with respect to the petitioned action under CESA. The Commission, as highlighted below, was informed by and considered all of these issues, among others, in making its final determination that designating CLH as a threatened species under CESA is warranted. (See Fish & G. Code, § 2075.5, subd. (e)(1); Cal. Code Regs., tit. 14, § 670.1, subd. (i)(2).).

**V. FINAL DETERMINATION BY  
THE COMMISSION**

The Commission has weighed and evaluated the information for and against designating CLH as a threatened species under CESA. This information includes scientific and other general evidence in the Petition; the Department's Petition Evaluation Report; the Department's Status Review; the Department's related recommendations; written and oral comments received from members of the public, members and representatives of Clear Lake Native American tribes, the regulated community, various public agencies, and the scientific community; and other evidence included in the Commission's record of proceedings. Based upon the evidence in the record the Commission has determined that the best scientific information available indicates that the continued existence of the CLH is in serious danger or threatened by present or threatened modifications or destruction of the species' habitat, predation, competition, or other natural occurrences or human-related activities, where such factors are considered individually or in combination. (See generally Cal. Code Regs., tit. 14, § 670.1, subd. (i)(1)(A); Fish & G. Code, §§ 2062, 2067.) The Commission determines that there is sufficient scientific information to indicate that designating the CLH as a threatened species under CESA is warranted at this time and that with adoption and publication of these findings the CLH for purposes of its legal status under CESA and further proceedings under the California Administrative Procedure Act, shall be listed as threatened.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES  
December 26, 2014**

**CHEMICALS LISTED EFFECTIVE  
December 26, 2014**

**AS KNOWN TO THE STATE OF CALIFORNIA  
TO CAUSE CANCER:  
DIBENZANTHRACENES,  
DIBENZ[a,c]ANTHRACENE, and  
DIBENZ[a,j]ANTHRACENE**

Effective **December 26, 2014**, the Office of Environmental Health Hazard Assessment (OEHHA) is adding *dibenzanthracenes* (as a chemical group), *dibenz[a,c]anthracene*, and *dibenz[a,j]anthracene* 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 65<sup>1</sup>). Dibenz[a,h]anthracene — one of the three chemicals that comprise the chemical group dibenzanthracenes — has been listed under Proposition 65 as causing cancer since January 1, 1988. Thus with this listing the other two chemicals in the group are now individually listed under Proposition 65 as well as the group itself.

*Dibenzanthracenes*, *dibenz[a,c]anthracene*, and *dibenz[a,j]anthracene* were considered by the Carcinogen Identification Committee (CIC) in its official capacity as the “state’s qualified experts” (SQE) at a public meeting held on November 19, 2014. The CIC determined that the chemicals were 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](http://www.oehha.ca.gov).

In summary, the chemicals in the table below are listed under Proposition 65 as known to the State to cause cancer, effective December 26, 2014.

Chemical	CAS No.	Toxicological Endpoints	Listing Mechanism <sup>a</sup>
Dibenz-anthracenes	—	cancer	SQE
Dibenz[a,c]-anthracene	215-58-7	cancer	SQE
Dibenz[a,j]-anthracene	224-41-9	cancer	SQE

<sup>a</sup> 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)).

**OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES  
December 26, 2014**

**CHEMICALS LISTED EFFECTIVE  
December 26, 2014**

**AS KNOWN TO THE STATE OF CALIFORNIA  
TO CAUSE CANCER:**

- N-NITROSOMETHYL-*n*-PROPYLAMINE
- N-NITROSOMETHYL-*n*-BUTYLAMINE
- N-NITROSOMETHYL-*n*-PENTYLAMINE
- N-NITROSOMETHYL-*n*-HEXYLAMINE
- N-NITROSOMETHYL-*n*-HEPTYLAMINE
- N-NITROSOMETHYL-*n*-OCTYLAMINE
- N-NITROSOMETHYL-*n*-NONYLAMINE
- N-NITROSOMETHYL-*n*-DECYLAMINE
- N-NITROSOMETHYL-*n*-UNDECYLAMINE
- N-NITROSOMETHYL-*n*-DODECYLAMINE
- N-NITROSOMETHYL-*n*-TETRADECYLAMINE

Effective **December 26, 2014**, the Office of Environmental Health Hazard Assessment (OEHHA) is adding N-nitrosomethyl-*n*-alkylamines with alkyl chain lengths of 3 to 12 and 14 carbons 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 65<sup>1</sup>). The chemicals are named in the table below, along with their chemical abstract numbers (CAS Nos.). The N-nitrosomethyl-*n*-alkylamine with a 1-carbon alkyl chain, N-nitrosodimethylamine, has been listed under Proposition 65 as causing cancer since October 1, 1987. The N-nitrosomethyl-*n*-alkylamine

<sup>1</sup> Health and Safety Code section 25249.5 *et seq.*

<sup>1</sup> Health and Safety Code section 25249.5 *et seq.*

with a 2-carbon alkyl chain, N-nitrosomethylethylamine, has been listed under Proposition 65 as causing cancer since October 1, 1989.

The N-nitrosomethyl-n-alkylamines with alkyl chain lengths of 3 to 12 and 14 carbons were considered by the Carcinogen Identification Committee (CIC) in its official capacity as the “state’s qualified experts” (SQE) at a public meeting held on November 19, 2014. The CIC determined that the chemicals were clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer. Regula-

tions 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](http://www.oehha.ca.gov).

In summary, the chemicals in the table below are being listed under Proposition 65 as known to the State to cause cancer.

<b>Chemical</b>	<b>CASNo.</b>	<b>Toxological Endpoint</b>	<b>Listing Mechanism<sup>a</sup></b>
N-Nitrosomethyl-n-propylamine	924-46-9	Cancer	SQE
N-Nitrosomethyl-n-butylamine	7068-83-9	Cancer	SQE
N-Nitrosomethyl-n-pentylamine	13256-07-0	Cancer	SQE
N-Nitrosomethyl-n-hexylamine	28538-70-7	Cancer	SQE
N-Nitrosomethyl-n-heptylamine	16338-99-1	Cancer	SQE
N-Nitrosomethyl-n-octylamine	34423-54-6	Cancer	SQE
N-Nitrosomethyl-n-nonylamine	75881-19-5	Cancer	SQE
N-Nitrosomethyl-n-decylamine	75881-22-0	Cancer	SQE
N-Nitrosomethyl-n-undecylamine	68107-26-6	Cancer	SQE
N-Nitrosomethyl-n-dodecylamine	55090-44-3	Cancer	SQE
N-Nitrosomethyl-n-tetradecylamine	75881-20-8	Cancer	SQE

<sup>a</sup> 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)).

**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 26, 2014**

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

**CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER**

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
Allyl chloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
<i>p</i> -Aminoazobenzene	60-09-3	January 1, 1990
<i>ortho</i> -Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
<i>ortho</i> -Anisidine	90-04-0	July 1, 1987
<i>ortho</i> -Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzophenone	119-61-9	June 22, 2012
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
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
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
p-Chloroaniline	106-47-8	October 1, 1994
p-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

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
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
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

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<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
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
<u>Dibenzanthracenes</u>		<u>December 26, 2014</u>
<u>Dibenz[a,c]anthracene</u>	<u>215-58-7</u>	<u>December 26, 2014</u>
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
<u>Dibenz[a,j]anthracene</u>	<u>224-41-9</u>	<u>December 26, 2014</u>
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
<i>p</i> -Dichlorobenzene	106-46-7	January 1, 1989
3,3' -Dichlorobenzidine	91-94-1	October 1, 1987
3,3' -Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3' -Dichloro-4,4' -diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988
<u>Dienestrol Delisted January 4, 2013</u>	<u>84-17-3</u>	<u>January 1, 1990</u>
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
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

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<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
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
N,N-Dimethyl-p-toluidine	99-97-8	May 2, 2014
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
Emissions from high-temperature unrefined rapeseed oil	—	January 3, 2014
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
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 <sub>1</sub>	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glass wool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
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 <del>Delisted December 8, 2006</del>	<del>120-58-1</del>	<del>October 1, 1989</del>
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
Megestrol acetate	595-33-5	March 28, 2014
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyridin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4'-Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4'-Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4'-Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4'-Methylenedianiline	101-77-9	January 1, 1988
4,4'-Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011
Methyl iodide	74-88-4	April 1, 1988
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988

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

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
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-Nitrosomethyl-n-butylamine	7068-83-9	December 26, 2014
N-Nitrosomethyl-n-decylamine	75881-22-0	December 26, 2014
N-Nitrosomethyl-n-dodecylamine	55090-44-3	December 26, 2014
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitrosomethyl-n-heptylamine	16338-99-1	December 26, 2014
N-Nitrosomethyl-n-hexylamine	28538-70-7	December 26, 2014
N-Nitrosomethyl-n-nonylamine	75881-19-5	December 26, 2014
N-Nitrosomethyl-n-octylamine	34423-54-6	December 26, 2014
N-Nitrosomethyl-n-pentylamine	13256-07-0	December 26, 2014
N-Nitrosomethyl-n-propylamine	924-46-9	December 26, 2014
N-Nitrosomethyl-n-tetradecylamine	75881-20-8	December 26, 2014
N-Nitrosomethyl-n-undecylamine	68107-26-6	December 26, 2014
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
Pentosan polysulfate sodium	—	April 18, 2014

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
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
<i>o</i> -Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
<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
Pioglitazone	111025-46-8	April 18, 2014
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-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
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
Pulegone	89-82-7	April 18, 2014
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
Saccharin <u>Delisted April 6, 2001</u>	81-07-2	October 1, 1989
Saccharin, sodium <u>Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
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 <del>Delisted October 29, 1999</del>	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
Triamterene	396-01-0	April 18, 2014
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

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<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridiny)l-para-benzoquinone (Triaziuone)	68-76-8	October 1, 1989
<u>Delisted December 8, 2006</u>		
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
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

**CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY**

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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bisphenol A (BPA) <u>Delisted April 19, 2013</u>	developmental	80-05-7	April 11, 2013
Bromacil lithium salt	developmental	53404-19-6	May 18, 1999
1-Bromopropane	male		January 17, 2003
2-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
Bromoxynil	female, male	75-26-3	May 31, 2005
Bromoxynil octanoate	developmental	1689-84-5	October 1, 1990
Butabarbital sodium	developmental	1689-99-2	May 18, 1999
1,3-Butadiene	developmental	143-81-7	October 1, 1992
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental, female, male	106-99-0	April 16, 2004
Butyl benzyl phthalate (BBP)	developmental	55-98-1	January 1, 1989
n-Butyl glycidyl ether <u>Delisted April 4, 2014</u>	developmental	85-68-7	December 2, 2005
	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, female, 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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
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
<u>Delisted June 6, 2014</u>			
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4 DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	developmental, male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Diglycidyl ether <u>Delisted April 4, 2014</u>	male	2238-07-5	August 7, 2009
Di- <i>n</i> -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, male	127-19-5	May 21, 2010
<i>m</i> -Dinitrobenzene	male	99-65-0	July 1, 1990
<i>o</i> -Dinitrobenzene	male	528-29-0	July 1, 1990
<i>p</i> -Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl- <i>tert</i> -butyl ether <u>Delisted December 13, 2013</u>	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid <u>Delisted December 13, 2013</u>	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	<u>developmental</u> , 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
Meproamate	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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
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 n-butyl ketone	male	591-78-6	August 7, 2009
Methyl chloride	developmental male	74-87-3	March 10, 2000 August 7, 2009
Methyl isobutyl ketone (MIBK)	developmental	108-10-1	March 28, 2014
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone <u>Delisted April 4, 2014</u>	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
$\alpha$ -Methylstyrene <u>Delisted April 4, 2014</u>	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental, 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

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
p,p'-Oxybis(benzenesulfonylhydrazide) <u>Delisted December 13, 2013</u>	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenylglycidylether <u>Delisted April 4, 2014</u>	male	122-60-1	August 7, 2009
Phenylphosphine	developmental, male	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30, 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trichloroethylene	developmental, male	79-01-6	January 31, 2014
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene <u>Delisted December 13, 2013</u>	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: December 26, 2014



**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# 2014-1107-01  
AIR RESOURCES BOARD  
Resubmittal for Vapor Recovery Systems at GDFs and Cargo Tanks

The Air Resources Board (ARB) amended section 94014, Certification of Vapor Recovery Systems for Cargo Tanks, and section 94016, Certification of Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks, of title 13 of the California Code of Regulations. The amendments resolve technical problems that currently exist with two test procedures used by ARB staff when certifying vapor recovery equipment for aboveground storage tanks, reconcile cargo tank certification and test procedures with current industry practices, and provide additional flexibility for cargo tank owners to remain in compliance with performance standards.

Title 17  
California Code of Regulations  
AMEND: 94014, 94016  
Filed 12/10/2014  
Effective 04/01/2015  
Agency Contact: Amy Whiting (916) 322-6533

File# 2014-1106-01  
AIR RESOURCES BOARD  
Resubmittal Off-Highway Recreational Vehicles Evaporative Emissions

This rulemaking action adopts new regulations in Title 13 of the California Code of Regulations concerning reduction of evaporative emissions from Off-Highway Recreational Vehicles (OHRVs). The new regulations establish a maximum organic gas emission standard and a new test procedure for OHRVs beginning with the 2018 model year. The regulations also include anti-tampering provisions, provisions for the certifica-

tion, labeling and warranty of OHRV emission control system parts, and provisions for the recall of OHRVs that do not meet required evaporative emissions standards.

Title 13  
California Code of Regulations  
ADOPT: 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, 2419.4  
Filed 12/17/2014  
Effective 04/01/2015  
Agency Contact: Amy Whiting (916) 322-6533

File# 2014-1024-02  
BOARD OF FORESTRY AND FIRE PROTECTION  
Definitions, Exemption and Effective Period § 100 Changes, 2014

This action by the Board of Forestry and Fire Protection (Board) makes changes without regulatory effect pursuant to Section 100, of the California Code of Regulations. These changes relate to definitions, exemptions and effective periods.

Title 14  
California Code of Regulations  
AMEND: 895.1, 1038, 1039.1, 1041, 1092.01, 1092.28 REPEAL: 1038  
Filed 12/10/2014  
Agency Contact: Thembi Borrás (916) 653-9633

File# 2014-1208-01  
CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY  
PACE Loss Reserve Program

The California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) amended sections 10080, 10081, 10082, 10083, 10084, 10085, and 10086 of title 4 of the California Code of Regulations to reflect changes made to applicable sections of the Public Resources Code by Assembly Bill 2597 (Chapter 614, Stats. 2014) which go into effect on January 1, 2015. Those regulations were intended to establish procedures that will enable CAEATFA to protect against the risk of default and foreclosure and increase the acceptance of Property Assessed Clean Energy (PACE) loans in the marketplace by developing and administering a PACE risk mitigation program, the PACE Loss Reserve Program. These changes were submitted to the Office of Administrative Law pursuant to section 100(a)(6) of title 1 of the California Code of Regulations to be effective on January 1, 2015 to be consistent with changes made to the Public Resources Code by Assembly Bill 2597, effective January 1, 2015.

Title 4  
 California Code of Regulations  
 AMEND: 10080, 10081, 10082, 10083, 10084,  
 10085, 10086  
 Filed 12/15/2014  
 Effective 01/01/2015  
 Agency Contact: Ashley Bonnett (916) 651-5100

File# 2014-1103-01  
**CALIFORNIA ARCHITECTS BOARD**  
 Intern Development Program (IDP) Guidelines

The California Architects Board (CAB) amended section 109 of title 16 of the California Code of Regulations. The amendment will update the incorporation by reference of the National Council of Architectural Registration Board's (NCARB) Intern Development Program Guidelines from a November 2012 version to the current December 2013 version.

Title 16  
 California Code of Regulations  
 AMEND: 109  
 Filed 12/17/2014  
 Effective 04/01/2015  
 Agency Contact: Timothy Rodda (916) 575-7217

File# 2014-1202-02  
**CALIFORNIA HEALTH BENEFIT EXCHANGE**  
 Enrollment Assistance

This is a re-adoption of emergency rulemaking action numbers 2013-0705-01E, 2014-0129-01EE, 2014-0501-02EE, and 2014-0709-02EE by the California Health Benefit Exchange. This action establishes the Enrollment Assistance and Navigator Programs within title 10 of the California Code of Regulations, and includes eligibility standards, application requirements, and other guidelines for individuals and entities to participate in each Program.

Title 10  
 California Code of Regulations  
 ADOPT: 6657, 6658, 6660, 6664, 6670  
 Filed 12/12/2014  
 Effective 12/12/2014  
 Agency Contact: Tessa Hammer (916) 228-8232

File# 2014-1202-01  
**CALIFORNIA HEALTH BENEFIT EXCHANGE**  
 Eligibility and Enrollment Process for the Individual Exchange

This emergency action was submitted for a fourth re-adopt of the regulations pursuant to Government Code section 100504(a)(6). These regulations established the Health Benefit Exchange's policies and procedures for eligibility determination and redetermination, enroll-

ment in qualified health plans, and termination of coverage through the Exchange in the individual Market. In this fourth re-adopt, the regulations are amended to modify various effective dates of coverage.

Title 10  
 California Code of Regulations  
 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472,  
 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490,  
 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506,  
 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610,  
 6612, 6614, 6616, 6618, 6620  
 Filed 12/12/2014  
 Effective 12/12/2014  
 Agency Contact: Bahara Hosseini (916) 228-8486

File# 2014-1208-02  
**DEPARTMENT OF HEALTH CARE SERVICES**  
 Drug Medi-Cal Program Integrity

In this emergency re-adopt, the Department is re-adopting section 51341.1 of Title 22 of the California Code of Regulations, which addresses abusive and fraudulent practices identified during targeted field reviews and postservice postpayment reviews conducted by the Department. The regulation contains definitions, prescribes in more detail how counseling sessions are to be conducted, imposes physical examination requirements, distinguishes an initial treatment plan from an updated treatment plan, and requires treatments to be recorded in more detail.

Title 22  
 California Code of Regulations  
 AMEND: 51341.1  
 Filed 12/17/2014  
 Effective 12/22/2014  
 Agency Contact: Jasmin Delacruz (916) 440-7688

File# 2014-1027-02  
**DEPARTMENT OF INSURANCE**  
 CAARP Plan of Operations — Rules and Rates Manual

This action by the Department of Insurance amends section 2498.4.9 of Title 10 of the California Code of Regulations and sections 19, 20, 25, and 33 and rule 138 of the Plan of Operations for the California Automobile Assigned Risk Plan pursuant to Insurance Code section 11620.

Title 10  
 California Code of Regulations  
 AMEND: 2498.4.9  
 Filed 12/10/2014  
 Effective 12/10/2014  
 Agency Contact: Mike Riordan (415) 538-4226

File# 2014-1202-03  
DEPARTMENT OF SOCIAL SERVICES  
Annual Reporting/Child Only (AR/CO) in the Cal-  
WORKS Program

This emergency rulemaking readoption action implements Senate Bill 1041, Chapter 47, Statutes of 2012, Assembly Bill 1094, Chapter 554, Statutes of 2013, and Assembly Bill 85, Chapter 24, Statutes of 2013, by changing the income reporting schedule for Cal-  
WORKS beneficiaries whose family units do not include an adult beneficiary, and by increasing the earned income disregard to \$225, and by including Veterans Disability Compensation as unearned income to which the income disregard can be applied, and by increasing the Maximum Aid Payment by five percent.

Title MPP  
California Code of Regulations  
ADOPT: 40-039 AMEND: 22-071, 22-072,  
22-305, 40-103, 40-105, 40-107, 40-119, 40-125,  
40-128, 40-173, 40-181, 40-188, 40-190, 41-405,  
42-209, 42-213, 42-221, 42-406, 42-407, 42-716,  
42-721, 42-751, 42-769, 44-101, 44-102, 44-111,  
44-113, 44-115, 44-133, 44-205, 44-207, 44-211,  
44-304, 44-305, 44-313, 44-315, 44-316, 44-318,  
44-325, 44-327, 44-340, 44-350, 44-352, 48-001,  
80-301, 80-310, 82-612, 82-812, 82-820, 82-824,  
82-832, 89-110, 89-201  
Filed 12/12/2014  
Effective 12/12/2014  
Agency Contact: Everardo Vaca (916) 657-2363

File# 2014-1125-03  
FAIR POLITICAL PRACTICES COMMISSION  
Cost of Living Adjustments Campaign/Gift Limits

The Fair Political Practices Commission (FPPC) amended four sections in title 2 of the California Code of Regulations to adjust campaign and gift limits. OAL's review of FPPC regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.].) As such, OAL's review is limited to determining if the regulations comply with "the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State." (Former Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 567, § 2.)

Title 2  
California Code of Regulations  
AMEND: 18545, 18703.4, 18730, 18940.2  
Filed 12/15/2014  
Effective 01/01/2015  
Agency Contact:  
Virginia Latteri-Lopez (916) 322-5660

File# 2014-1125-04  
FAIR POLITICAL PRACTICES COMMISSION  
Materiality Standard for Business Entities

The Fair Political Practices Commission (FPPC) submitted this action to amend two sections in title 2 of the California Code of Regulations to clarify when a governmental decision affecting a business entity is material. OAL's review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.].) As such, OAL's review is limited to determining if the proposed regulations comply with "the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State." (Former Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 567, § 2.)

Title 2  
California Code of Regulations  
AMEND: 18704.1, 18705.1  
Filed 12/15/2014  
Effective 01/14/2015  
Agency Contact:  
Virginia Latteri-Lopez (916) 322-5660

File# 2014-1125-05  
FAIR POLITICAL PRACTICES COMMISSION  
Determining Indirectly Involved Economic Interest

The Fair Political Practices Commission (FPPC) submitted this action as one without regulatory effect to amend section 18704 of title 2 of the California Code of Regulations. The amendments are all grammatical. OAL's review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer, (April 27, 1992, C010924 [nonpub. opn.].) As such, OAL's review is limited to determining if the proposed regulations comply with "the form and style prescribed by the Secretary of State. If the department approves

the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State.” (Former Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 567, § 2.) OAL’s review of FPPC’s proposed changes without regulatory effect is treated the same as OAL’s review of any FPPC proposed regulatory action as noted in the above paragraph.

Title 2  
California Code of Regulations  
AMEND: 18704  
Filed 12/15/2014  
Effective 12/15/2014  
Agency Contact:  
Virginia Latteri-Lopez (916) 322-5660

File# 2014-1105-01  
MEDICAL BOARD OF CALIFORNIA  
Supervision Requirements: PAs as first or second assistants in surgery

This action amends the supervision requirements applicable to physician assistants in surgery to allow physician assistants to assist surgery without the personal presence of a supervising physician if the supervising physician is immediately available to the physician assistant. The action defines immediately available as physically accessible and able to return to the patient, without any delay, upon the request of the physician assistant to address any situation requiring the supervising physician’s services.

Title 16  
California Code of Regulations  
AMEND: 1399.541  
Filed 12/17/2014  
Effective 04/01/2015  
Agency Contact: Glenn L. Mitchell (916) 561-8783

File# 2014-1031-02  
OFFICE OF SPILL PREVENTION AND RESPONSE  
Certificates of Financial Responsibility

This rulemaking by the Department of Fish and Wildlife/Office of Spill Prevention and Response (OSPR) amends sections in Title 14 of the CCR for the purpose of implementing SB 2040 which created a comprehensive state oil spill program for marine waters. Among other things, the Administrator is authorized to create regulations which ensure that the owner/operators of vessels and facilities have adequate financial resources to pay for cleanup and damage costs arising from an oil spill. These regulations will further assist OSPR to determine proof of financial responsibility.

Title 14  
California Code of Regulations  
AMEND: 790, 791.6, 791.7, 795  
Filed 12/16/2014  
Effective 04/01/2015  
Agency Contact:  
Joy D. Lavin-Jones (916) 327-0910

File# 2014-1030-01  
PUBLIC EMPLOYEES’ RETIREMENT SYSTEM  
External Investment Resource Conflict of Interest

This rulemaking action establishes requirements for external investment resources regarding the identification of the circumstances and nature of disclosable interests to CalPERS which are or might become conflicts of interest in the provision of investment advice. The action also defines key terms, such as “conflict of interest, disclosable interest, and external investment resource,” etc.

Title 2  
California Code of Regulations  
ADOPT: 557  
Filed 12/16/2014  
Effective 04/01/2015  
Agency Contact: Allison Belden (916) 795-3620

File# 2014-1024-03  
SECRETARY OF STATE  
Voting System Certification

In this rulemaking action, the Secretary of State adopts regulations in title 2 of the California Code of Regulations to establish specifications and testing procedures for voting machines.

Title 2  
California Code of Regulations  
ADOPT: 20700, 20701, 20702, 20703, 20704, 20705, 20706, 20707  
Filed 12/10/2014  
Effective 04/01/2015  
Agency Contact: Ryan Macias (916) 651-7835

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN July 16, 2014 TO  
December 17, 2014**

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

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

**Title 1**

11/10/14 AMEND: 1, 14, 20  
10/29/14 AMEND: 86

**Title 2**

12/16/14 ADOPT: 557  
12/15/14 AMEND: 18545, 18703.4, 18730, 18940.2  
12/15/14 AMEND: 18704.1, 18705.1  
12/15/14 AMEND: 18704  
12/10/14 ADOPT: 20700, 20701, 20702, 20703, 20704, 20705, 20706, 20707  
12/03/14 AMEND: 51.7  
11/24/14 AMEND: 18942  
11/24/14 AMEND: 18705.2  
11/20/14 AMEND: 1859.73.2, 1859.76, 1859.78.7, 1859.82  
11/03/14 ADOPT: 559.518  
10/29/14 AMEND: 18705.3  
10/27/14 AMEND: 10001, 10002, 10005, 10006, 10007, 10008, 10009, 10011, 10012, 10013, 10015, 10021, 10022, 10024, 10025, 10029, 10030, 10031, 10033, 10035, 10037, 10038, 10039, 10041, 10042, 10046, 10047, 10050, 10053, 10054, 10056, 10057, 10061, 10062, 10063, 10065  
10/20/14 AMEND: 18705.2  
10/17/14 AMEND: 3435  
10/17/14 AMEND: 3435(b)  
10/13/14 AMEND: 599.615, 599.615.1, 599.616, 599.616.1, 599.619, 599.621, 599.622, 599.623, 599.624, 599.624.1, 599.625, 599.625.1, 599.626, 599.626.1, 599.627, 599.627.1, 599.628, 599.628.1, 599.629, 599.629.1, 599.630, 599.631, 599.633, 599.633.1, 599.634, 599.635, 599.635.1, 599.636, 599.636.1, 599.637, 599.638, 599.638.1, 599.640, 599.641, 599.642, 599.643, 599.644, 599.645, 599.646, 599.647, 599.648, 599.649, 599.650, 599.651, 599.652, 599.655, 599.656, 599.657, 599.658, 599.659, 599.660, 599.661, 599.662, 599.663, 599.664, 599.665, 599.666, 599.666.1, 599.667, 599.668, 599.669, 599.670, 599.671, 599.672, 599.672.1, 599.673, 599.674, 599.675, 599.676, 599.676.1, 599.677, 599.678, 599.679, 599.680, 599.681, 599.682, 599.683, 599.684, 599.685, 599.686, 599.687, 599.688, 599.689, 599.690, 599.691, 599.700, 599.701, 599.702, 599.703, 599.703.1, 599.704,

599.705, 599.705.1, 599.706, 599.707, 599.708, 599.709, 599.710, 599.711, 599.714, 599.714.1, 599.715, 599.715.1, 599.716, 599.716.1, 599.717, 599.717.1, 599.718, 599.718.1, 599.719, 599.719.1, 599.720, 599.720.1, 599.721, 599.722, 599.723, 599.723.1, 599.723.2, 599.724, 599.724.1, 599.725, 599.726, 599.727, 599.728, 599.729, 599.730, 599.731, 599.732, 599.733, 599.734, 599.736, 599.737, 599.737.5, 599.738, 599.739, 599.739.1, 599.739.2, 599.740, 599.741, 599.742, 599.742.1, 599.743, 599.744, 599.745, 599.745.1, 599.746, 599.747, 599.748, 599.749, 599.750, 599.751, 599.752, 599.752.1, 599.752.2, 599.752.3, 599.753, 599.754, 599.770, 599.771, 599.772, 599.773, 599.774, 599.775, 599.776, 599.776.1, 599.777, 599.778, 599.779, 599.779.1, 599.779.2, 599.779.3, 599.779.4, 599.779.5, 599.779.6, 599.779.7, 599.780, 599.781, 599.782, 599.783, 599.784, 599.785, 599.785.5, 599.786, 599.787, 599.788, 599.789, 599.790, 599.791, 599.792.5, 599.793, 599.794, 599.795, 599.796, 599.796.1, 599.797, 599.798, 599.800, 599.801, 599.802, 599.803, 599.804, 599.805, 599.806, 599.807, 599.808, 599.809, 599.810, 599.815, 599.817, 599.818, 599.819, 599.825, 599.826, 599.827, 599.828, 599.830, 599.831, 599.832, 599.833, 599.834, 599.835, 599.836, 599.837, 599.854, 599.854.1, 599.854.2, 599.854.3, 599.854.4, 599.856, 599.857, 599.858, 599.859, 599.866, 599.867, 599.868, 599.870, 599.873, 599.874, 599.876, 599.877, 599.880, 599.881, 599.882, 599.883, 599.888, 599.893, 599.910, 599.911, 599.912, 599.913, 599.920.5, 599.920.6, 599.921, 599.922, 599.922.1, 599.922.2, 599.922.3, 599.923, 599.924, 599.924.5, 599.925, 599.925.1, 599.925.5, 599.926, 599.927, 599.929, 599.930, 599.931, 599.933, 599.934, 599.935, 599.936, 599.937, 599.937.1, 599.937.2, 599.937.3, 599.937.4, 599.939, 599.940, 599.941, 599.942, 599.943, 599.944, 599.946, 599.947, 599.950, 599.951, 599.952, 599.953, 599.954, 599.955, 599.956, 599.957, 599.958, 599.959, 599.960, 599.961, 599.962, 599.963, 599.964, 599.965, 599.966, 599.985,

	599.986, 599.987, 599.988, 599.990, 599.992, 599.993, 599.994, 599.995	10/17/14 AMEND: 3435
09/25/14	AMEND: 18438.5	10/17/14 AMEND: 3435(b)
09/09/14	ADOPT: 599.839, 599.844.1, 599.844.2, 599.848, 599.849, 599.968, 599.969, 599.970, 599.971, 599.972, 599.973, 599.974, 599.975, 599.976, 599.977, 599.978, 599.979 AMEND: 599.600, 599.601, 599.602, 599.603, 599.604, 599.605, 599.606, 599.607, 599.608, 599.609, 599.610, 599.840, 599.841, 599.850 REPEAL: 599.842, 599.843, 599.844, 599.845, 599.846, 599.847, 599.849, 599.978, 599.979, 599.980	10/14/14 AMEND: 3435(b)
		09/25/14 AMEND: 3435 (b)
		09/17/14 AMEND: 3435(b)
		09/15/14 AMEND: 3435(b)
		09/04/14 AMEND: 3700(b)
		08/25/14 AMEND: 3435(b)
		08/25/14 AMEND: 6800
		08/18/14 ADOPT: 3162
		08/06/14 AMEND: 6000, 6196, 6400, 6624 REPEAL: 6446, 6446.1
09/09/14	ADOPT: 4.5, 54.2, 56, 249 AMEND: 37, 53.2, 151.3, 151.5, 153, 171, 174, 174.6, 174.8, 176, 185, 187, 188, 190, 194, 195, 196, 197, 197.5, 199, 199.1, 200, 203, 203.1, 203.7, 205, 206, 207, 211, 213.4, 213.5, 232, 234, 235, 239, 241, 264, 265, 266, 266.1, 266.2, 266.3, 282, 302.2, 302.3, 303, 500, 501, 502, 503, 504, 505, 506, 511, 512, 513, 547.54, 547.55, 547.56 REPEAL: 8, 172.1, 172.3, 172.4, 172.5, 172.6, 172.7, 172.8, 172.9, 172.10, 172.11, 201, 458, 470, 470.1, 471, 471.1, 472	08/05/14 REPEAL: 3277
		07/22/14 AMEND: 3591.13(a)
08/25/14	ADOPT: 2980.5, 2980.11 AMEND: 2980.1, 2980.3, 2980.5(a) (Renumbered to 2980.6(b)), 2980.5(b) (Renumbered to 2980.6(c)), 2980.5(c) (Renumbered to 2980.6(d)), 2980.6 (Renumbered to 2980.7), 2980.7(a) (Renumbered to 2980.8(a) and 2980.8(b)), 2980.7(b) (Renumbered to 2980.9(a)), 2980.7(c) (Renumbered to 2980.9(b)), 2980.8 (Renumbered to 2980.10), 2980.9 (Renumbered to 2980.12)	<b>Title 4</b>
08/19/14	AMEND: 1859.90.2, 1859.90.3, 1859.193, 1859.197	12/15/14 AMEND: 10080, 10081, 10082, 10083, 10084, 10085, 10086
08/12/14	ADOPT: 18700.3 AMEND: 18438.5 REPEAL: 18703.1	12/05/14 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087
08/12/14	ADOPT: 649.24 AMEND: 649, 649.4, 649.8, 649.26, 649.29, 649.32, 649.40, 649.43	11/19/14 ADOPT: 12006, 12012, 12035, 12052, 12054, 12056, 12058, 12060, 12062, 12064, 12066, 12068 AMEND: 12002, 12015, (Renumbered 12047), 12017, (Renumbered 12048), 12050 REPEAL: 12218.5, 12234
08/07/14	ADOPT: 18422, 18422.5 AMEND: 18215, 18427.1 REPEAL: 18412	11/10/14 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138
07/30/14	AMEND: 679	11/10/14 AMEND: 10030, 10031, 10032, 10033, 10033, 10035, 10036
<b>Title 3</b>		10/27/14 ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24
12/01/14	AMEND: 1310, 1310.1	10/23/14 ADOPT: 4190, 4191
11/19/14	AMEND: 3435(b)	10/06/14 ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129
11/03/14	AMEND: 3591.11(a)	09/17/14 AMEND: 1658, 1656
10/23/14	ADOPT: 2326.1, 2326.2	09/15/14 AMEND: 1844
10/23/14	AMEND: 3435(b)	09/08/14 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087
		09/08/14 AMEND: 1536
		08/13/14 AMEND: 7051, 7052, 7057, 7058, 7059, 7065, 7066, 7068
		08/13/14 AMEND: 7030, 7031, 7036, 7037, 7038, 7044, 7045, 7047
		08/06/14 ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15
		08/06/14 ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24

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08/05/14 ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129

**Title 5**

12/04/14 AMEND: 76120  
12/04/14 AMEND: 30040, 30042.5  
12/01/14 AMEND: 1514, 3380  
11/18/14 ADOPT: 27200, 27201, 27300, 27301, 27400, 27401, 27500, 27501, 27502, 27600, 27601, 27602  
11/10/14 AMEND: 80225  
11/05/14 ADOPT: 19810 REPEAL: 19810, 19812, 19813, 19814, 19815, 19816, 19816.1, 19817, 19817.1, 19817.2, 19817.5, 19818, 19819, 19820, 19821, 19821.5, 19822, 19823, 19824, 19824.1, 19825, 19825.1, 19827, 19828, 19828.1, 19828.2, 19828.3, 19828.4, 19829, 19829.5, 19830, 19830.1, 19831, 19832, 19833, 19833.5, 19833.6, 19834, 19835, 19836, 19837, 19837.1, 19837.2, 19837.3, 19838, 19840, 19841, 19843, 19844, 19845, 19845.1, 19845.2, 19846, 19846.1, 19847, 19848, 19849, 19850, 19851, 19851.1, 19852, 19853, 19854, 19854.1, 19855  
10/30/14 AMEND: 26000  
10/27/14 ADOPT: 15494, 15495, 15496, 15497  
10/07/14 REPEAL: 19839  
09/10/14 AMEND: 80037  
09/08/14 AMEND: 55518  
08/27/14 REPEAL: 11968.5  
08/27/14 ADOPT: 853.7 AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868  
08/25/14 ADOPT: 15498, 15498.1, 15498.2, 15498.3  
08/25/14 ADOPT: 12030, 12031, 12032, 12033, 12034, 12035, 12036, 12037, 12038, 12039, 12040, 12041, 12042, 12043, 12044  
07/28/14 ADOPT: 15494, 15495, 15496, 15497  
07/23/14 AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868

**Title 8**

12/04/14 AMEND: 9789.39  
12/02/14 AMEND: 5620, 6165, 6180, 6181, 6182, 6183, 6184  
12/01/14 AMEND: 1514, 3380  
11/26/14 AMEND: 5155

10/15/14 ADOPT: 10390, 10391, 10392, 10393, 10414, 10416, 10417, 10470, 10548, 10549, 10552, 10555, 10563, 10563.1, 10592, 10760, 10995, 10996 10770 AMEND: 10397, 10561, 10593, 10740, 10750, 10751, 10753, 10754, 10755, 10770.1, 10845, 10957.1 REPEAL: 10213, 10241, 10246, 10253, 10256, 10294, 10227, 10230, 10233, 10236, 10240, 10243, 10244, 10250, 10251, 10252, 10254, 10260, 10272, 10275, 10280, 10281, 10295, 10296, 10561.5, 10958

10/02/14 AMEND: 1903  
09/30/14 AMEND: 9792.5.1  
09/23/14 AMEND: 9789.32  
09/17/14 AMEND: 10205.13  
09/15/14 AMEND: 10205.14  
08/27/14 ADOPT: 9767.5.1, 9767.16.5, 9767.17, 9767.17.5, 9767.18, 9767.19 AMEND: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14, 9767.15, 9767.16  
08/25/14 AMEND: 3314  
07/31/14 AMEND: 4542  
07/31/14 ADOPT: 5120

**Title 9**

09/29/14 AMEND: 4210  
08/12/14 AMEND: 531, 532, 532.1, 532.2, 532.3, 532.4, 532.5, 532.6, 533, 534, 535  
07/29/14 AMEND: 1840.205, 1850.325

**Title 10**

12/12/14 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620  
12/12/14 ADOPT: 6657, 6658, 6660, 6664, 6670  
12/10/14 AMEND: 2498.4.9  
12/08/14 AMEND: 2498.6  
12/04/14 AMEND: 2717  
11/25/14 ADOPT: 2548.7, 2548.8 AMEND: 2548.2, 2548.4, 2548.5, 2548.7 (renumbered to 2548.9), 2548.9 (renumbered to 2548.10), 2548.10 (renumbered to 2548.11), 2548.11 (renumbered to 2548.12), 2548.12 (renumbered to 2548.13), 2548.13 (renumbered to 2548.14), 2548.14 (renumbered to 2548.15), 2548.15

(renumbered to 2548.16), 2548.16  
 (renumbered to 2548.17), 2548.17  
 (renumbered to 2548.18), 2548.18  
 (renumbered to 2548.19), 2548.19  
 (renumbered to 2548.20), 2548.20  
 (renumbered to 2548.21), 2548.21  
 (renumbered to 2548.22), 2548.22  
 (renumbered to 2548.23), 2548.23  
 (renumbered to 2548.24), 2548.24  
 (renumbered to 2548.25), 2548.25  
 (renumbered to 2548.26), 2548.26  
 (renumbered to 2548.27), 2548.27  
 (renumbered to 2548.28), 2548.28  
 (renumbered to 2548.29), 2548.29  
 (renumbered to 2548.30), 2548.30  
 (renumbered to 2548.31), and 2548.31  
 (renumbered to 2548.32) REPEAL:  
 2548.8

11/17/14 ADOPT: 6460  
 11/17/14 ADOPT: 8000, 8010, 8020, 8030, 8040  
 11/10/14 AMEND: 2498.6  
 11/03/14 AMEND: 2318.6, 2353.1, 2354  
 10/22/14 ADOPT: 2187.31, 2188.10 AMEND:  
 2186, 2186.1, 2187, 2187.1, 2187.2,  
 2187.3, 2187.4, 2187.5, 2187.6, 2187.7,  
 2188, 2188.1, 2188.2, 2188.25, 2188.3,  
 2188.4, 2188.5, 2188.5.5, 2188.50,  
 2188.6, 2188.65, 2188.7, 2188.8, 2188.9

10/02/14 ADOPT: 6520, 6522, 6524, 6526, 6528,  
 6530, 6532, 6534, 6536, 6538

10/02/14 ADOPT: 6700, 6702, 6704, 6706, 6708,  
 6710, 6712, 6714, 6716, 6718

10/02/14 ADOPT: 6462

09/30/14 ADOPT: 6408, 6410, 6450, 6452, 6454,  
 6470, 6472, 6474, 6476, 6478, 6480,  
 6482, 6484, 6486, 6490, 6492, 6494,  
 6496, 6498, 6500, 6502, 6504, 6506,  
 6508, 6510, 6600, 6602, 6604, 6606,  
 6608, 6610, 6612, 6614, 6616, 6618,  
 6620

09/17/14 ADOPT: 6464  
 09/03/14 ADOPT: 6420, 6422  
 09/02/14 ADOPT: 6540, 6542, 6544, 6546, 6548,  
 6550, 6552

09/02/14 REPEAL: 5.6000; 5.6000.5; 5.6001;  
 5.6002; 5.6003; 5.6004; 5.6005; 5.6006;  
 5.6007; 5.6100; 5.6101; 5.6102; 5.6110;  
 5.6111; 5.6112; 5.6113; 5.6114; 5.6115;  
 5.6117; 5.6130; 5.6131; 5.6140; 5.6141;  
 5.6150; 5.6151; 5.6152; 5.6153; 5.6160;  
 5.6161; 5.6162; 5.6163; 5.6164; 5.6170;  
 5.6171; 5.6180; 5.6181; 5.6182; 5.6183;  
 5.6190; 5.6191; 5.6192; 70.1; 70.2; 70.3;  
 70.4; 70.5; 70.6; 70.7; 70.8; 70.9; 70.100;  
 70.125; 70.126; 70.128; 70.150; 70.151;  
 70.152; 70.153; 70.154; 70.155; 70.156;  
 70.157; 70.158; 70.159; 70.160; 70.161;  
 70.161.5; 70.162; 70.163; 70.164;  
 70.165; 70.166; 70.167; 70.168; 70.169;  
 70.170; 70.171; 70.172; 70.173; 70.174;  
 70.175; 70.176; 70.177; 70.178; 70.179;  
 70.180; 70.181; 70.182; 70.183; 70.184;  
 70.185; 70.186; 70.188; 70.189; 70.190;  
 70.4000; 70.4100; 70.4101; 70.4102;  
 70.4103; 70.4104; 70.4105; 70.4106;  
 70.4107; 70.4108; 70.4109; 70.4110;  
 70.4111; 70.4112; 70.4113; 70.4114;  
 70.4115; 70.4117; 70.4118; 70.4119;  
 70.4120; 70.4121; 70.4123; 70.4124;  
 70.4125; 70.4126; 70.4127; 70.4200;  
 70.4201; 70.4202; 70.4300; 70.4301;  
 70.4302; 70.4306; 70.4307; 70.4308;  
 70.4309; 70.4310; 70.4311; 70.4312;  
 70.6000; 70.6100; 70.6101; 70.6200;  
 70.6201; 70.6300; 70.6301; 70.6302;  
 70.6303; 70.6304; 70.7000; 70.7001;  
 70.7002; 70.8000; 70.8001; 70.8002;  
 70.8050; 70.8051; 70.8052; 70.8053;  
 70.8054; 70.8055; 70.8056; 70.8057;  
 70.8058; 70.8059; 70.8060; 70.8061;  
 70.8062; 70.8100; 70.8101; 70.8102;  
 70.8103; 70.8104; 70.8105; 70.8106;  
 70.8107; 70.8108; 70.8200; 70.8201;  
 70.8203; 70.8205; 70.8206; 70.9000;  
 70.9001; 70.9002

09/02/14 ADOPT: 6800, 6802, 6804, 6806  
 09/02/14 ADOPT: 6424, 6440  
 08/28/14 AMEND: 2498.6  
 08/21/14 AMEND: 2498.5  
 08/18/14 ADOPT: 8000, 8010, 8020, 8030, 8070  
 (re-numbered to 8040) REPEAL: 8040,  
 8050, 8060

08/14/14 AMEND: 2548.3, 2548.19, 2548.21,  
 2548.24, 2548.25

08/13/14 AMEND: 250.9, 250.10, 250.11, 250.15,  
 250.60, 250.61, 260.100.1, 260.100.3,  
 260.102.8, 260.102.14, 260.102.16,  
 260.102.19, 260.103.6, 260.105.33,  
 260.110, 260.131, 260.140.71.2,  
 260.141.50, 260.146, 260.151, 260.165,  
 260.241, 260.302, 260.507, 260.608,  
 260.608.2, 280.100, 280.150, 280.152,  
 280.153, 280.200, 280.250, 280.300,  
 280.400, 310.002, 310.100.2, 310.101,  
 310.106, 310.156.1, 310.156.2,  
 310.156.3, 310.303, 310.304, 1436,  
 1454, 1718, 1723, 1726, 1787.1, 1799,  
 1805.204.1, 1950.122.2, 1950.122.4,  
 1950.204.3, 1950.206, 1950.314.8, 2030  
 REPEAL: 2031.1, 2031.2, 2031.3,

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	2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10	11/14/14	AMEND: 790, 817.02, 819.02, 819.03, 819.04, 820.01
07/31/14	ADOPT: 6456	11/13/14	AMEND: 895.1, 929.1, 949.1, 969.1, 1052
07/23/14	ADOPT: 10.190500, 10.190501	11/05/14	ADOPT: 5200, 5200.5, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5304.5, 5305, 5306, 5307
07/21/14	ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670	10/24/14	ADOPT: 786.9
07/17/14	ADOPT: 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1606.1, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618 AMEND: 1550 REPEAL: 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596	10/23/14	AMEND: 870.15, 870.17, 870.19, 870.21
<b>Title 11</b>		10/23/14	ADOPT: 180.6
09/17/14	ADOPT: 51.29	10/13/14	AMEND: 200.12, 200.29, 200.31
08/28/14	AMEND: 1001, 1057, 1058	10/13/14	AMEND: 163, 164
08/11/14	AMEND: 999.121, 999.129, 999.133, 999.137, 999.141, 999.143, 999.144, 999.145, 999.146, 999.165, 999.166, 999.168, 999.171, 999.172, 999.173, 999.174, 999.176, 999.178, 999.179, 999.190, 999.191, 999.192, 999.193, 999.195, 999.203, 999.204, 999.206, 999.207, 999.209, 999.210, 999.211, 999.217, 999.219, 999.220, 999.221, 999.223	10/08/14	AMEND: 18720
		09/29/14	ADOPT: 17225.821, 17225.822, 17225.850, 17357, 17358, 17359, 18420.1, 18431.1, 18431.2, 18431.3, 18450(a)(25) AMEND: 17346, 17350, 17351, 17352, 17353, 17354, 17355, 17356, 18420, 18423, 18424, 18425, 18426, 18427, 18428, 18429, 18431, 18432, 18433, 18450(a)(1), 18450(a)(6), 18450(a)(8), 18450(a)(10), 18450(a)(11), 18450(a)(15), 18450(a)(16), 18450(a)(17), 18450(a)(18), 18450(a)(19), 18450(a)(21), 18450(a)(24), 18450(a)(25), 18450(a)(26), 18450(a)(27), 18450(a)(28), 18450(a)(29), 18450(a)(30), 18450(a)(31), 18450(a)(32), 18450(a)(33), 18450(a)(34), 18450(a)(35), 18450(a)(36), 18450(a)(37), 18450(a)(38), 18450(a)(39), 18450(a)(40), 18456.4, 18459, 18460.1.1, 18460.2, 18461, 18462
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12/17/14	ADOPT: 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, 2419.4	09/22/14	AMEND: 18660.40
12/01/14	ADOPT: 16.00, 16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14	09/03/14	AMEND: 502
10/29/14	AMEND: 1239	08/29/14	AMEND: 300
10/23/14	AMEND: 423.00	08/25/14	AMEND: 7.50
10/23/14	AMEND: 115.04	08/21/14	AMEND: 7.00, 7.50, 8.00
10/22/14	AMEND: 425.01	08/12/14	AMEND: 632
10/08/14	ADOPT: 2428	08/11/14	ADOPT: 550, 550.5, 551, 630 AMEND: 552, 703 REPEAL: 550, 551, 553, 630
09/24/14	AMEND: 156.00, 156.01	08/07/14	AMEND: 13055
09/15/14	AMEND: 1233	08/04/14	AMEND: 228
09/15/14	AMEND: 2030, 2031	07/31/14	AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34
<b>Title 13, 17</b>		<b>Title 15</b>	
12/05/14	AMEND: Title 13: 1900, 1956.8, 2036, 2037, 2112, 2139, 2140, 2147, 2485; Title 17: 95300, 95301, 95302, 95303, 95305	12/04/14	AMEND: Renumber 8125 to 8199
<b>Title 14</b>			
12/16/14	AMEND: 790, 791.6, 791.7, 795		
12/10/14	AMEND: 895.1, 1038, 1039.1, 1041, 1092.01, 1092.28 REPEAL: 1038		
11/26/14	AMEND: 923.2 [943.2, 963.2], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9 [943.9, 963.9]		
11/25/14	AMEND: 1038, 1038.2		
11/24/14	AMEND: 917.2, 937.2, 957.2		
11/17/14	AMEND: 1051(a)		

12/03/14	AMEND: Renumber Section 8002 to 8901	3521.2, 3545, 3800.2 REPEAL: 3620, 3625, 3999.14
12/01/14	AMEND: 4604, 4605	
11/26/14	REPEAL: 2600, 2603, 2604, 2605, 2606, 2615, 2616, 2617, 2618, 2619, 2620, 2635, 2635.1, 2636, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2646.1, 2647, 2647.1, 2648, 2649, 2710, 2711, 2712, 2714	
11/06/14	ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792	
11/05/14	ADOPT: 1	
10/17/14	ADOPT: 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 AMEND: 3000, 3023, 3043.4, 3044, 3077, 3139, 3269, 3269.1, 3314, 3315, 3321, 3323, 3334, 3335, 3341.5, 3375, 3375.2, 3375.3, 3376, 3376.1, 3377.2, 3378 (subds. (c)(6)–(c)(6)(G) re–numbered to 3378.2(c)–(c)(7)), 3378.1 (re–numbered to 3378.5), 3378.2 (re–numbered to 3378.5(e)), 3378.3 (re–numbered to 3378.7), 3504, 3505, 3545, 3561, 3651, 3721	
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10/08/14	ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1	
10/02/14	ADOPT: 3410.1 AMEND: 3173.2	
09/18/14	AMEND: 3290, 3315	
09/17/14	AMEND: 3043	
08/27/14	ADOPT: 3750, 3751, 3752, 3753, 3754, 3756, 3760, 3761, 3761.1, 3762, 3763, 3764, 3765, 3766 AMEND: 3000, 3075.2, 3768.2, 3768.3	
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07/22/14	AMEND: 3044, 3190, 3315	
07/17/14	ADOPT: 3620, 3621, 3622, 3623, 3624, 3625, 3626 AMEND: 3000, 3521.1,	
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		12/17/14 AMEND: 109
		12/17/14 AMEND: 1399.541
		12/03/14 AMEND: 2610
		11/19/14 AMEND: 950.2, 950.9
		11/13/14 AMEND: 3003
		11/10/14 AMEND: 3005
		11/05/14 ADOPT: 1032.7, 1032.8, 1032.9, 1032.10, 1036.01 AMEND: 1021, 1028, 1030, 1031, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1033, 1033.1, 1034, 1034.1, 1035, 1036
		10/22/14 AMEND: 1018
		10/20/14 AMEND: 1387, 1387.1
		10/20/14 AMEND: 4110, 4112, 4120, 4121, 4123, 4127
		09/16/14 ADOPT: 1887, 1887.2, 1887.3, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, 1887.11.0, 1887.15 AMEND: 1887, 1887.1, 1887.2, 1887.3, 1887.4, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14
		09/10/14 AMEND: 2285
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		08/28/14 AMEND: 1399.99.2
		08/21/14 AMEND: 2526, 2581
		08/19/14 ADOPT: 2403
		08/18/14 AMEND: 1150
		08/13/14 AMEND: 1399.621
		07/30/14 ADOPT: 4146.5, 4147.5 AMEND: 4101, 4147
		08/04/14 ADOPT: 1107
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		12/10/14 AMEND: 94014, 94016
		12/05/14 Adopt: 95660, 95661, 95662, 95663, 95664
		10/13/14 AMEND: 2606.4
		09/17/14 AMEND: 94501, 94506, 94508, 94509, 94512, 94513, 94515, 94520, 94521, 94522, 94523, 94524, 94525, 94526, 94528, 94700 REPEAL: 94560, 94561, 94562, 94563, 94564, 94565, 94566, 94567, 94568, 94569, 94570, 94571, 94572, 94573, 94574, 94575

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- 08/21/14 REPEAL: 60040, 60041, 60042, 60043, 60044, 60045, 60046, 60047, 60048, 60049, 60050, 60051, 60052, 60053
- Title 18**
- 12/09/14 AMEND: 18662-0, 18662-3, 18662-4, 18662-5, 18662-6, 18662-8
- 11/05/14 AMEND: 1603
- 09/29/14 AMEND: 1684
- 09/25/14 ADOPT: 1525.4
- 08/21/14 AMEND: 133
- 07/31/14 AMEND: 1802
- Title 19**
- 10/08/14 AMEND: 2735.1, 2735.3, 2735.4, 2735.5, 2740.1, 2745.1, 2745.2, 2745.3, 2745.6, 2745.7, 2745.10, 2745.10.5, 2750.2, 2750.3, 2750.4, 2750.7, 2755.2, 2755.3, 2755.4, 2755.5, 2755.6, 2755.7, 2760.1, 2760.2, 2760.5, 2760.6, 2760.7, 2760.8, 2760.9, 2760.12, 2765.1, 2765.2, 2770.2, 2770.5, 2775.2, 2775.5, 2775.6, 2780.1, 2780.2, 2780.3, 2780.4, 2780.6, 2780.7 and Appendix A
- 08/28/14 ADOPT: 902.2, 905.1, 906.3, 907, 908 AMEND: 901, 903.1, 903.2, 904, 904.1, 904.2, 905, 905.1 (renumbered to 905.2), 905.2 (renumbered to 905.3), 906.1, 906.2, 906.3 (renumbered to 906.4)
- Title 20**
- 09/02/14 AMEND: 1682(c)
- 08/28/14 AMEND: 2901, 2908, 2913
- Title 22**
- 12/17/14 AMEND: 51341.1
- 12/01/14 REPEAL: 63000.10, 63000.13, 63000.16, 63000.17, 63000.19, 63000.25, 63000.28, 63000.31, 63000.34, 63000.35, 63000.37, 63000.40, 63000.43, 63000.46, 63000.47, 63000.48, 63000.49, 63000.62, 63000.65, 63000.66, 63000.67, 63000.68, 63000.70, 63000.71, 63000.74, 63000.77, 63000.80, 63000.81, 63000.83, 63000.84, 63000.85, 63000.86, 63000.87, 63000.88, 63000.89, 63000.90, 63000.92, 63000.95, 63010, 63011, 63012, 63013, 63014, 63015, 63020, 63021, 63025, 63026, 63027, 63028, 63029, 63030, 63040, 63050, 63051, 63052, 63055, 63056, 63057, 63058
- 11/18/14 AMEND: 97240, 97241, 97246
- 10/14/14 ADOPT: 65530, 65534, 65540, 65546 AMEND: 65501, 65503, 65511, 65521, 65523, 65525, 65527, 65529, 65531, 65533, 65535, 65537, 65539, 65541, 65545, 65547, 65551 REPEAL: 65505, 65507, 65509, 65543, 65549
- 10/08/14 AMEND: 51051, 51135 REPEAL: 51221, 51222
- 09/15/14 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75
- 09/04/14 AMEND: 97215, 97225, 97226, 97227, 97228, 97229, 97231, 97244, 97247, 97248, 97258, 97259, 97260, 97261, 97264
- 08/18/14 AMEND: 51305
- 08/18/14 AMEND: 51309, 51331
- 08/05/14 AMEND: 97232
- 08/05/14 AMEND: 97234, 97267
- 07/21/14 ADOPT: 20100.5
- Title 22, MPP**
- 11/10/14 AMEND: 85001, 85075.1, 85075.2, 85075.3
- Title 23**
- 11/25/14 AMEND: 2050, 2050.5, 2051
- 10/30/14 AMEND: 1062, 1064, 1066, 3833.1
- 10/29/14 ADOPT: 3979.8
- 10/29/14 ADOPT: 3929.13
- 10/27/14 AMEND: 2200, 2200.2, 2200.5, 2200.6, 2200.7, 3833
- 10/13/14 ADOPT: 3939.46
- 10/13/14 AMEND: 3930
- 10/01/14 ADOPT: 3959.6
- 07/28/14 ADOPT: 863, 864, 865
- 07/16/14 ADOPT: 875, 878.3 AMEND: 878.1, 879
- Title 27**
- 11/19/14 AMEND: Appendix A of 25903
- 07/17/14 AMEND: 27001
- Title MPP**
- 12/12/14 ADOPT: 40-039 AMEND: 22-071, 22-072, 22-305, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115, 44-133, 44-205, 44-207, 44-211, 44-304, 44-305, 44-313, 44-315, 44-316, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 48-001, 80-301, 80-310, 82-612, 82-812, 82-820, 82-824, 82-832, 89-110, 89-201
- 11/13/14 AMEND: 30-763