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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 5. COMMISSION ON TEACHER CREDENTIALING

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments and Additions Pertaining to Education Specialist Instruction Credentials for Out-of-State and Out-of-Country Credentialed Teachers

The Commission on Teacher Credentialing proposes to amend 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:

March 8, 2012
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 e-mail on the proposed action. The written comment period closes at 5:00 p.m. on March 5, 2012. 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. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at tduggan@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 in-

cluded in the written agenda prepared for and presented to the full Commission at the hearing.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 44225 of the Education Code, and to implement, interpret or make specific Sections 44274.2 and 44275.4 of the Education Code, the Commission on Teacher Credentialing is proposing the amendments to §80048.3.1 and the addition of §80048.3.2 in Title 5 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

The proposed amendments and additions to Title 5 of the CCR will clarify and interpret the Education Code (EC) sections pertaining to the requirements for out-of-state and out-of-country credentialed teachers seeking Education Specialist Instruction Credentials in California. The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for out-of-state or out-of-country credentialed teachers seeking Education Specialist Instruction Credentials.

Title 5 CCR §80048.3.1 for out-of-state credentialed special education teachers was last amended in January 2000. Section 80048.3.2 is a proposed new section for out-of-country credentialed special education teachers. Since January 2000, the Legislature has passed and the Governors have signed several major pieces of legislation affecting the issuance of California special education teaching credentials to out-of-state and out-of-country credentialed teachers and Commission staff has been relying on the language provided in statute when determining academic eligibility. However, it has become apparent that Title 5 regulations are required to clarify several requirements listed in EC §§44274.2 (out-of-state teachers) and 44275.4 (out-of-country teachers) for uniformity. Especially needed are the definitions for full-time teaching experience and performance evaluations, as well as clarification of the basic skills requirement and the additional requirements for individuals with generic special education programs.

The proposed regulations for out-of-state prepared teachers are organized to reflect the two routes available in EC §44274.2 (two years of out-of-state teaching experience or less than two years of out-of-state teaching experience). Although statute indicates that the experience verification and performance evaluations are required for issuance of the clear/Level II Education Specialist Instruction Credential, individuals who wish to apply via the experience route will be required to submit

the experience verification and evaluation documentation with their applications for the Level I credential. This will allow Commission staff to fully evaluate an out-of-state prepared teacher's background in order to issue a Level I credential that accurately reflects the renewal requirements that must be completed for issuance of the clear/Level II credential. The proposed regulations also include the requirement that out-of-state prepared teachers earn a California English learner authorization to qualify for the clear or Level II credential as specified in EC §44274.2.

The proposed regulations will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for out-of-state or out-of-country credentialed teachers seeking Education Specialist Instruction Credentials. 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.

The proposed amendments to 5 CCR §80048.3.1 are consistent and compatible with the recently approved regulations for out-of-state credentialed general education teachers (reference 5 CCR §80413.3). The proposed addition of 5 CCR §80048.3.2 is consistent and compatible with the proposed amendments to 5 CCR §80048.3.1. Only slight differences exist between 5 CCR §80048.3.1 and 5 CCR §80048.3.2 due to the language provided in the associated EC sections (EC §44274.2 for out-of-state credentialed teachers and EC §44275.4 for out-of-country credentialed teachers).

Documents Incorporated by Reference: None.

Documents Relied Upon in Preparing Regulations: *Economic Impact Assessment* — Proposed Amendments and Additions Pertaining to Education Specialist Instruction Credentials for Out-of-State and Out-of-Country Credentialed Teachers.

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 has made an assessment that the proposed amendments to the regulations will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed regulations will not benefit nor adversely affect the health and welfare of California residents, worker safety, or the State's environment.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to out-of-state and out-of-country credentialed teachers seeking Education Specialist Instruction Credentials that authorize service in California's public schools.

CONSIDERATION OF ALTERNATIVES

The Commission must determine in the Final Statement of Reasons 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.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquires concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question in-

quiries 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. 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 Register, the rulemaking file consists of this notice, the proposed text of regulations, the economic impact assessment, and the initial statement of reasons.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantive 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. When available, it will be placed on the Commission's website at www.ctc.ca.gov or you may obtain a copy by contacting Tammy A. Duggan at (916) 323-5354.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout may be accessed through the Commission's website at www.ctc.ca.gov.

TITLE 13. CALIFORNIA HIGHWAY PATROL

TITLE 13, CALIFORNIA CODE OF REGULATIONS,
DIVISION 2, CHAPTER 6.5 AMEND ARTICLE 1,
SECTION 1200 AND
DIVISION 2, CHAPTER 6.5
AMEND ARTICLE 7.5, SECTION 1239

COMMERCIAL VEHICLE SAFETY ALLIANCE, NORTH AMERICAN STANDARD OUT-OF-SERVICE CRITERIA (CHP-R-11-08)

The California Highway Patrol (CHP) proposes to adopt by reference the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2011, Edition, in Title 13, California Code of Regulations. The current regulation incorporates by reference the Commercial Vehicle Safety Alliance, North American Standard Out-of-Service Criteria, April 1, 2010, Edition.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 34501(a)(1) of the California Vehicle Code (CVC) authorizes the CHP to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in Section 34500 CVC. The CHP's authority to adopt regulations includes, but is not limited to, controlled substances and alcohol testing of drivers by motor carriers, drivers' hours-of-service qualifications, equipment, fuel containers, fuel operations, inspection, maintenance, record keeping, accident reports, drawbridges and cargo securement (Section 34500.3 CVC). Section 2402 CVC provides the Commissioner with the authority to "make and enforce such rules and regulations as may be necessary to carry out the duties of the Department," and Section 2410 CVC provides the authority for the CHP to place vehicles out of service (Attorney General's Opinion NS 2520) in order to "ensure safety." Current regulations adopt by reference the Commercial Vehicle Safety Alliance North America Standard Out-of-Service Criteria, April 1, 2010, Edition, which apply to those vehicles listed in Sections 34500 CVC.

The intent of these regulations is to adopt specific uniform criteria for determining whether or not a vehicle and/or driver, inspected by an authorized representative of the CHP, are in such an unsafe condition that they are likely to constitute a hazard on a highway. These regulations will incorporate by reference speci-

fied portions of the standards contained within the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria, April 1, 2011, Edition.

Adoption of these criteria will continue to provide a nonmonetary benefit to the protection and safety of public health, employees and safety to the environment by providing a regulatory basis for enforcement efforts as they relate to commercial vehicle out-of-service criteria.

This proposed regulation is not inconsistent or incompatible with existing state regulations. This proposed regulation merely updates the current regulation.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 322-3154, by email to cvsregs@chp.ca.gov, or by writing to:

CHP, Enforcement and Planning Division
Commercial Vehicle Section
ATTN: Sergeant Ken Roberts
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., on March 5, 2012.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 322-3154 or by calling the CHP, Commercial Vehicle Section, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requester's information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, Commercial Vehicle Section, 601 North 7th

Street, Sacramento, CA 95811. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our website at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above-noted address. Copies will also be posted on our website.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations should be directed to Sergeant Ken Roberts or Officer Rob Sanchez, CHP, Commercial Vehicle Section, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or non substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) 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; (5) 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; and (6) will continue to provide a nonmonetary benefit to the protection and safety of public health, employees and safety to the environment by providing a regulatory basis for enforcement efforts as they relate to commercial vehicle out-of-service criteria. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The CHP has determined that the proposed regulatory action has no effect on small businesses. Changes to the application of the regulation are not substantive and bring the regulation in conformance with existing statute. Minor additions and changes to the out-of-service criteria are clarifying in nature and all are within existing requirements for industry.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402, 2410, 31401, and 34501(a), CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 2402, 2410, 12500, 12502, 12515(b), 14603, 15250, 15275, 15278, 23152, 24002, 24400, 24252, 24600, 24603, 24604, 24952, 27154, 27155, 27465, 27501, 27903, 29001, 29002, 29003, 29004, 31401, 34500, 34501, 34506, and 34510, CVC.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

Defensible Space, 2012

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations of Title 14 of the

California Code of Regulations (14 CCR) Division 1.5, Chapter 7 [Fire Protection], and Article 3, described below after considering all comments, objections, and recommendations regarding the proposed action.

Amend:

§ 1299 Defensible Space Regulations — PRC § 4291

PUBLIC HEARING

The Board will hold a public hearing on Wednesday, March 7, 2012 starting at 8:00 a.m., at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m., on Monday, March 5, 2012. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Eric Huff
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416^{9th} Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Under the authority of Public Resources Code Section 4291, the Board is amending Article 3, Chapter 7, Title 14, California Code of Regulations. References include Sections 4111, 4292-4296, and 4125 to 4128 of the Public Resources Code. The statutes authorize the Board to make and enforce regulations necessary for the organization, maintenance, governance and direction of fire protective systems for prevention and suppression of forest fires. This statute, among other things, requires persons in State Responsibility Area (SRA) to maintain around and adjacent to a building or structure additional fire protection or a firebreak by removing all brush, flammable vegetation, or combustible growth that is located up to 100 feet from the building or structure or to the property line.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In response to the reporting requirements of Government Code Section 11346.5(a)(3)(C), the Board anticipates that this proposed regulation will result in additional protection of public health and safety, firefighter safety, and environmental values including but not limited to water quality and landscape aesthetics. The Board does not anticipate that this proposed regulation will result in the prevention of discrimination, the promotion of fairness or social equity, or an increase in openness and transparency in business and government.

In response to the reporting requirements of Government Code section 11346.5(a)(3)(D) the Board finds that the proposed regulation is consistent and compatible with existing state regulations and statutory obligations for "fire safe" vegetative conditions in areas designated as State Responsibility Area for fire protection.

The proposed regulation is necessary to address wildfire conditions that are a threat to homes, resources, and the overall public health and safety of California. The combination of overstocked forests, dense brush and increased human habitation in the SRA has resulted in substantial fire hazards to homes and residents.

This wildfire hazard is particularly relevant to the existing homes in the Wildland Urban Interface which is typically associated with the SRA lands. Wildfire hazard is a significant threat to human and natural resources throughout the 31 million acres of SRA, and potentially affects over 800,000 homes within the SRA.

According to CAL FIRE's statistics for 2007, a total of 3,610 fires within its jurisdiction burned a total of 434,667 acres and destroyed 3,079 structures. CAL FIRE's estimated cost for suppression of these fires was \$298.3 million and the estimated damage in dollars amounted to \$254.1 million. Outside of CAL FIRE's Direct Protection Area (DPA) and including contract counties as well as federal lands managed by the United States Forest Service, Bureau of Land Management, and National Park Service, the total acres burned in 2007 was estimated at 1,520,362.

Perhaps the most noteworthy aspect of the 2007 fire season is that most of the activity came at the very end of the season. As excerpted from the "2007 Fire Summary" on page 10 of CAL FIRE's, 2007 Wildfire Activity Statistics Annual Report:

Up until October, California's fire season had been relatively light. Seasonable conditions were seen throughout the state through the middle of October. That all changed as forecasters predicted a strong off shore flow beginning October 21, 2007. CAL FIRE and other fire departments began to pre-position staff and fire equipment throughout Southern California. On October 21st, numerous wildfires sparked across Southern California. With the combination of strong winds, low humidity, and dry conditions, the situation was set for disaster. Fueled by dry vegetation and strong Santa Ana Winds, firefighters battled several raging infernos. Nearly one million residents were evacuated. This was the largest mass evacuation in California history. Ten people lost their lives and over 510,000 acres were charred from the fire siege. The last of the raging wildfires were not fully contained until early November, 2007.

The catastrophic fires experienced in the 2008 fire season are no less examples of the extreme interaction of weather, fuels and topography. As reported by CAL FIRE, a total of 2,096 fires burned nearly 2.1 million acres in the 2008 fire season. In addition, 511 structures were burned to the ground and 15 individuals were killed.

On June 20, 2008, over 6,000 lightning strikes were recorded in at least 26 California counties. These lightning strikes resulted in over 2,000 distinct fires that were fought by over 25,000 firefighting personnel from local, state, federal, and international sources. The

“Mendocino Lightning Complex Fire” consisted of 129 distinct fires that burned an estimated 54,817 acres at a cost of \$48.5 million. Similarly, the “Butte Lightning Complex Fire” consisted of 37 separate fires that consumed 59,440 acres at a cost of \$85.3 million. Small mountain communities suffered significantly as a result of the fires. Over two hundred residences in the Butte community of Concow alone were lost as a result of the fires. The implication of these fires is that the combination of untreated natural landscapes increasingly proximate to homes and communities can have catastrophic, if not historically poignant effects.

SPECIFIC PURPOSE OF THE REGULATION

The purpose of this regulation is to provide guidance for implementing the defensible space criteria of existing statute, Public Resources Code Section 4291, and minimize the spread of fire within a one hundred foot (100 ft.) zone around a building or structure. The proposed regulation is necessary for improved utility and clarity of defensible space requirements imposed by the statute. As indicated previously, wildfire-related financial losses in the form of property damage have increased substantially over time.

This is at least partly due to the increased development of formerly undeveloped lands in SRA and the attendant wildfire risk faced by homeowners at the interface of wild and urban lands. The intent of the statute and this proposed regulation is to reduce the potential for property losses due to wildfire. It is also intended to reduce the risks faced by firefighters who have increasingly been expected to defend homes in the wildlands, even at the expense of their own lives.

Specific purpose and necessity for each subsection of the regulation is described below:

Subsection 1299.01 identifies the intent and purpose of the regulation. The dual intention of the regulation is to improve safety for firefighters defending a home, and increase the wildfire survivability of buildings or structures in State Responsibility Areas (SRA).

Subsection 1299.02 provides definitions for the terms “defensible space,” “building or structure,” and “outbuilding.” These definitions are necessary to ensure that the regulated public has a clear understanding of the requirements of the regulation.

Subsection 1299.03 provides the areas where the clearance requirements are necessary, as well as the fundamental expectations of what will be required. It also references two “guidance” documents that suggest ways to meet the defensible space clearance requirements. The guideline reference documents are titled “General Guidelines for Creating Defensible Space” and the “Property Inspection Guide”. The former is in-

tended to provide information for the general public and describes basic criteria that will result in conformance with proposed regulation and existing statute. It is incorporated by reference in the regulation and available on the Board’s website.

The Property Inspection Guide provides more detailed information on acceptable ways to obtain compliance with PRC Section 4291 and is primarily for use by inspectors and fire officials. This document is not incorporated by reference in the regulation, but can be found on the CAL FIRE website.

The Guidelines for Creating Defensible Space includes several sections. The sections include an introduction on the purpose of the guideline (Section A.); Definitions (Section B.); and fuel treatment guidelines that help describe effective hazard reduction treatments (Section C.).

Section “A” of the guidance document includes an overview of the purpose of the guidelines and educational content for applying defensible space practices. Key to this section are discussions on the wide variety of fuel reduction standards necessary due to the fuel and climatic variations in the state; educational components which describe environmental protection steps necessary to avoid impacts as a result of the clearing; and other advice on compliance with any local permits or local restrictions.

Section “B” of the guidance document provides definitions used in the guideline document, as terminology can be technical and the goal of the guideline is to clearly communicate the terms to the general public.

Section “C” of the guidance document details two different fuel treatment methods which, when applied, will result in compliance with the existing statute and proposed regulation. Both fuel treatment methods (“4a. Reduced Fuel Zone: Fuel Separation Method;” and “4b. Reduced Fuel Zone: Defensible Space with Continuous Tree Canopy”) provide a variety of treatments that involve removal of vegetation to create space between fuels and reduce the chance of fire spread from fuel to fuel.

“Option 4a” in the guidance document includes vegetation clearing standards that have been widely used by fire agencies for many years and such standards are well documented in literature as effective for reducing wildfire spread around homes. “Option 4b” in the guidance document addresses the need for achieving hazard reduction while maintaining aesthetic values around homes. The option includes a method to reduce problematic fuels (ground and ladder fuels) while maintaining a continuous canopy of trees. Tree retention was recognized by the Board as an important aspect of preserving scenic qualities around a home.

Subsection 1299.04 defines those circumstances when additional clearance might be required. It pro-

vides the fire inspection official the authority to direct removal or modification of any specific fire hazard determined to be necessary and consistent with 1299.03. This provision ensures that fire officials retain final authority on determining acceptable implementation of the standard regulation.

Subsection 1299.05 allows for exceptions to the requirements, where it can be demonstrated that these requirements provide for the same practical effect. It provides the fire inspection official the authority to approve alternative hazard reduction or fire prevention practices that have the same effect as those stated in the referenced guideline under Section 1299.03 and which are consistent with the statute. This provision provides added flexibility to the regulated public and may ultimately result in less cost, reduced resource impacts, or other benefits, while reducing the vulnerability of the home to wildfire.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None.
- Costs or savings to any State agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Cost or savings in federal funding to the State: None.
- The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: Statutory obligations for defensible clearance exist regardless of the clarifying proposed regulation. Cost estimates for compliance by individual property owners are discussed in the Initial Statement of Reasons (ISOR) document and vary by context. It is uncertain, but possible that homeowners would receive a monetary benefit from the proposed regulation in the form of static insurance rates.
- Significant effect on housing costs: None.

- 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. In response to Government Code Section 11346.5(a)(10), the Board anticipates that this proposed regulation will result in benefits to the health and welfare of California residents, firefighter safety, and environmental values including water quality and preservation of visual aesthetics.
- Effect on small business: None. The Board has determined that the proposed regulation will not affect small business as it simply clarifies existing statutory responsibilities for defensible space clearance entirely borne by homeowners in SRA. Small businesses operated out of such homes likewise already bear this statutory obligation and receive the attendant benefits of defensible clearance in terms of protection of their business/residential ownership.
- The proposed rules do not conflict with, or duplicate Federal regulations.

BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Eric Huff
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-8031

The designated backup person in the event Mr. Huff is not available is Mr. George Gentry, Executive Officer of the California Board of Forestry and Fire Protection, at the above address and phone.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request. When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above-referenced information is also available on the Board website at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 791.7, 870.17, 870.19 and form FG OSPR-1972, in Subdivision 4 of Title 14 of the California Code of Regulations (CCR). These sections pertain to the nontank vessel fee requirements and the Oil Spill Prevention and Administration Fund Fee.

PUBLIC HEARING

A public hearing has been scheduled at which any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all testimony is completed, and will be held as follows:

March 8, 2012
Office of Spill Prevention and Response
1700 K Street
Sacramento, CA
First Floor Conference Room 10 a.m.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than **5:00 p.m. on March 8, 2012**, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
 Office of Spill Prevention and Response
 P.O. Box 944209
 Sacramento, California 94244-2090
 Attention: Joy D. Lavin-Jones
 Fax: (916) 324-5662
 E-mail: jlavinj@ospr.dfg.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, 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 proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text 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

Government Code Section 8670.39(b) grants the Administrator the authority to adopt regulations to implement Article 6, which establishes the Oil Spill Prevention and Administration Fund. Government Code Section 8670.37.54(b) grants the Administrator the authority to adopt regulations governing policy or other contractual terms, conditions or defenses which are necessary or which are unacceptable in establishing evidence of financial responsibility. SB 849 (Chapter 514, Statutes of 2002) amended Government Code Section 8670.40(a) by raising the maximum fee that could be charged by OSPR on each barrel of oil and petroleum products entering California over or through State marine waters by 1 cent per barrel, from 4 cents to 5 cents. Government Code Section 8670.41(a) authorizes the Administrator to charge up to \$2,500 before January 1, 2005, to be collected with each Certificate of Financial Responsibility application. Government Code Section 8670.41(b) allows for a reduced fee for nontank vessels which pose a reduced risk of pollution. Therefore, these regulations implement, interpret, and make specific Government Code Sections 8670.37.54, 8670.39, 8670.40, and 8670.41.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert–Keene–Seastrand Oil Spill Prevention and Response Act (Chapter 1248, Statutes of 1990) (Act), created a comprehensive state oil spill program for marine waters. Among its many provisions, the Act created the Oil Spill Prevention and Administration Fund (OSPAF). Under existing law (Government Code § 8670.40) the Administrator for oil spill response is authorized to collect a fee sufficient to carry out the purposes of the Lempert–Keene–Seastrand Oil Spill Prevention and Response Act (Act).

Statutory mandates (SB 1644, Chapter 964, Statutes of 1998) require OSPR to review nontank vessel oil spill response plans and provide certification of financial responsibility (COFR) for nontank vessels. The legislation also allowed the fee to be reduced for nontank vessels which pose a reduced risk of an oil spill.

Government Code Section 8670.41, as provided in SB 849 (Chapter 514, Statutes of 2002), states: “The administrator shall charge a nontank vessel owner or operator a reasonable fee, to be collected with each application to obtain a certificate of financial responsibility (COFR), in an amount that is based upon the administrator’s costs in implementing this chapter relating to nontank vessels. Before January 1, 2005, the fee shall be . . . \$2,500 or less per vessel.”

These regulation amendments are necessary to increase the nontank vessel fee and to make corresponding changes to the COFR Nontank Vessel application. OSPR believes that the additional revenue generated more appropriately approximates OSPR’s costs to fully implement a comprehensive nontank vessel program. Additionally, amendments are proposed in the regulations for the Oil Spill Prevention and Administration Fund Fee, to make reference to the Government Code Section that governs the per barrel fee on oil and petroleum products, as opposed to having to update the regulations every time the fee is changed in statute.

Amendments to the nontank vessel fee have already been implemented through an emergency rulemaking (OAL File #2011–1115–02E) that went into effect on January 1, 2012. This rulemaking is a follow-up to that emergency action.

POLICY STATEMENT OVERVIEW

The Government Code reference to the Oil Spill Prevention and Administration Fund fee is proposed for being removed because having the fee restated in regulation does not add value and does not further define or implement the fee set in statute. It only adds an unnecessary administrative burden that can be alleviated by referencing the authorizing Government Code Section.

The Nontank Vessel Fee is proposed to be increased to fully implement a comprehensive nontank vessel program, which includes field support and monitoring of these vessels, a program of spill response drills and exercises, and an accounting element to track and audit receipts.

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

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10, 8670.28, 8670.29 AND 8670.55

In accordance with Government Code Section 8574.10, these regulations have been mailed to the Review Subcommittee of the State Interagency Oil Spill Committee (SIOSC) for review and comment.

In accordance with Government Code Section 8670.55(a), these regulations have been developed in consultation with the Oil Spill Technical Advisory Committee.

In accordance with Government Code Sections 8670.28(a) and 8670.29(g), the regulations have been

developed in consultation with the State Interagency Oil Spill Committee and the Oil Spill Technical Advisory Committee.

DISCLOSURES REGARDING
THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

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

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

Cost impacts on representative private persons or businesses:

The costs increase for most nontank vessels would be an additional \$750 collected every two years.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

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

ASSESSMENT OF JOB/BUSINESS CREATION
OR ELIMINATION

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

ECONOMIC IMPACT ANALYSIS

The proposed regulations:

- **Will not result in the creation or elimination of jobs within the State of California;**
- **Will not result in the creation of new businesses or the elimination of existing businesses within the State of California;**
- **Will not result in the expansion of businesses currently doing business within the State of California.**

— **Will provide benefits to the health and welfare of California residents, worker safety, and the state’s environment, by providing increased funding for a comprehensive Nontank Vessel Program.**

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF DOCUMENTS AND OSPR
CONTACT PERSON

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

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

http://www.dfg.ca.gov/ospr/Law/regs_under_review.asp

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Stephen Sawyer ((916) 324-9812).

**TITLE 16. DENTAL BOARD OF
CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Dental Board of California (hereinafter “Board”) is proposing to take the action described in the Informative Digest.

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, California 95815
Monday, March 5, 2012
10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, March 5, 2012 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 138 and 1611.3 of said Code, the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board currently regulates 73,177 licensees, consisting of 37,594 dentists, 34,305 registered dental assistants, and 1,278 registered dental assistants in extended functions. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violating the Dental Practice Act (DPA); monitoring licensees whose license has been placed on probation; and managing the Diversion Program for licensees, whose practice may be impaired due to abuse of dangerous drugs or alcohol.

Business and Professions Code Section 1614 authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to en-

able the Board to carry into effect the provisions of the Dental Practice Act.

Business and Professions Code Section 138 specifies that every board within the Department of Consumer Affairs (Department) shall initiate the process of adopting regulations on or before June 30, 1999, to require its licensees, as defined in Section 23.8, to provide notice to their clients or customers that the practitioner is licensed by this state. The section provides that a board shall be exempt from the requirement to adopt regulations pursuant to this section if the board has in place, in statute or regulation, a requirement that provides for consumer notice of a practitioner's status as a licensee of this state.

On September 30, 2011, Governor Brown signed into law Senate Bill 540 (Chapter 385, Statutes of 2011). Senate Bill 540 extended the effective date of the Board until January 1, 2016 and made several changes to the provisions contained in the DPA. The bill added Business and Professions Code Section 1611.3 to require the Board to comply with the requirements of Business and Professions Code Section 138 by January 1, 2013. Section 1611.3 also requires the Board's regulations regarding the notice to consumers include provisions that: (1) specify that the Board is the entity that regulates dentists, (2) provide the telephone number and Internet address of the Board, and (3) require the notice to be posted in a conspicuous location accessible to public view.

The primary purpose of these proposed regulations is to implement, interpret and make specific the provisions of Section 138 and 1611.3 of the Business and Professions Code relative to providing conspicuous notification to consumers that dentists are licensed and regulated by the Dental Board of California, require that the notice include a statement to that effect, and contain the Board's toll-free telephone number and its Web site address.

The Board is proposing the following changes:

Adopt Section 1065 of Division 10 of Title 16 of the California Code of Regulations (Notice to Consumers):

This proposal adopts Section 1065 to require a licensed dentist engaged in the practice of dentistry to provide notice to each patient of the fact that he or she is licensed and regulated by the Board. This proposal would require the notice include a statement that dentists are licensed and regulated by the Board and contain the Board's toll-free telephone number and Web site address.

This proposal would specify that the notice is required to be provided by one of the following methods:

- (1) Prominently posted in an area visible to patients on the premises where services are provided in at least 48–point type font;
- (2) Including the notice in a written statement, signed and dated by the patient or patient’s representative and retained in the patient’s dental records, stating the patient understands the dentist is licensed and regulated by the Board; or
- (3) Including the notice in a statement on letterhead, discharge instructions, or other document given to a patient or the patient’s representative, where the notice is placed for the patient in at least 14–point type.

Benefits: Business and Professions Code section 1601.2 states that the “Protection of the public shall be the highest priority for the Dental Board of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.” This proposal is consistent with the Board’s priority of protecting the public. An informed consumer is in a better position to make a reasoned choice relating to dental health care. Additionally, an informed consumer would be able to assist the Board in regulating the practice of dentistry via the Board’s complaint process, should a problem arise. Oftentimes, consumers are unaware of the existence and role of the Board or the public services it offers, e.g., license verifications, statutes and regulations, or the complaint process. If consumers do not know that they can contact the Board when an issue with a licensee arises or where to seek information about a licensee, then the Board’s effectiveness is hampered and its priority of public protection is compromised. The adoption of this proposal, will promote better communication with the public regarding the Board’s contact information and purpose. The notice would also promote transparency in both government and the profession by making information regarding license status and the State’s responsibility to regulate the profession easily available to the public.

Based on an initial evaluation, the board does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact/Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete:

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.

Although many businesses will be required to comply, the economic impact will be minor. Dentists would only be required to prominently post a sign, which will be available on the Board’s Web site, or include the brief, written notice in a written statement to be signed by the patient or his/her representative and retained in his/her file; or include the notice on another document given to each patient. The proposed regulation permits the dentist to choose how he or she will comply with the notice requirements.

Cost Impact on Representative Private Person or Business:

Specifically, this proposed regulation requires dentists to notify their patients that they are licensed and regulated by the Dental Board of California and to provide the Board’s contact information. Dentists may provide the notice in one of three specifically enumerated options: posting of a sign; including it in a written notice to be signed by the patient and kept in his/her medical record, or including it on a document given to the patient that the patient signs.

The Board believes that the vast majority of dentists would implement this regulation via the easiest means: posting a sign in a visible place, such as a reception/check–in area or waiting room. The most “professional” way to achieve this would be for a practice setting to print the sign on a laser jet printer (less than \$0.05 per page) and then buy a simple black plastic “document” frame (estimated to cost \$4.50 at an office supply store). Thus, per office, the cost would be less than \$5.00 to implement. The Board does not maintain data relating to the number or percentage of licensees who own a business, therefore a number or percentage of businesses that may be impacted cannot be predicted. The estimated expense of less than \$5.00 per office would be minor and absorbable.

Effect on Housing Costs: None.

ECONOMIC IMPACT ANALYSIS

The Dental Board of California has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the abil-

ity of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation allows dentists to provide the notice in three different ways. Further, the estimated expense of less than \$5.00 per office would be minor and absorbable. This minimal cost is outweighed by the benefits to the public of providing accessible information that fully informs consumers about the license status of their dental health practitioner and the regulatory agency who is responsible for regulating dentistry in the State of California.

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, that it will not create or eliminate jobs or occupations in California, that it will not impact the creation of new businesses or the elimination of existing businesses, that it will not impact the expansion of businesses in California, and the proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services. The board's proposal does not impact multiple industries.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not have a significant economic impact on small businesses.

Although many small businesses will be required to comply, the economic impact will be minor. Dentists would only be required to prominently post a sign, which will be available on the Board's Web site, or include the brief, written notice in a written statement to be signed by the patient or his/her representative and retained in his/her file; or include the notice on another document given to each patient. The proposed regulation permits the dentist to choose how he or she will comply with the notice requirements.

The Board believes that the vast majority of dentists would implement this regulation via the easiest means: posting a sign in a visible place, such as a reception/check-in area or waiting room. The most "professional" way to achieve this would be for a practice setting to print the sign on a laser jet printer (less than \$0.05 per page) and then buy a simple black plastic "document" frame (estimated to cost \$4.50 at an office supply store). Thus, per office, the cost would be less than \$5.00 to implement. The Board does not maintain data relating to the number or percentage of licensees who own a small business, therefore a number or percentage of small businesses that may be impacted cannot be predicted.

The estimated expense of less than \$5.00 per office would be minor and absorbable.

Occupations/Businesses Impacted: The Dental Board of California has made an initial determination that this regulatory proposal will impact dentists. As of January 2012, the Board had approximately 37,594 dentists (individuals) with current licenses issued by the Board.

Reporting Requirements: None.

Comparable Federal Regulations: None.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

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

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

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

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

CONTACT PERSON

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

Name: Sarah Wallace, Legislative and Regulatory Analyst
 Address: 2005 Evergreen Street, Suite 1550
 Sacramento, CA 95815
 Telephone No.: (916) 263-2187
 Fax No.: (916) 263-2140
 E-Mail Address: Sarah.Wallace@dca.ca.gov

The backup contact person is:

Name: Richard DeCuir, Executive Officer
 Address: 2005 Evergreen Street, Suite 1550
 Sacramento, CA 95815
 Telephone No.: (916) 263-2300
 Fax No.: (916) 263-2140
 E-Mail Address: Richard.DeCuir@dca.ca.gov

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

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

**NOTICE OF PROPOSED RULEMAKING
 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 CALIFORNIA CODE OF REGULATIONS,
 TITLE 25, DIVISION 1,
 CHAPTER 3, SUBCHAPTER 2**

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD) proposes to adopt, amend or repeal regulations administered by its Manufactured Housing Program.

PUBLIC HEARING

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

However, HCD will hold a hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no

later than 15 days before the close of the written comment period, pursuant to Government Code Section 11346.8 prior to adoption.

The public hearing facilities will be accessible to individuals with disabilities. Any additional services required, please notify the contact person named in this notice at least 10 working days prior to the public hearing.

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received at HCD's office no later than 5:00 p.m. on **March 5, 2012** in order to be considered.

Written comments may be submitted by regular mail, electronic mail (e-mail), facsimile transmission or hand-delivery as follows:

By mail to: Department of Housing and Community Development
 Division of Codes and Standards
 P.O. Box 31
 Sacramento, CA 95812-0031
 ATTN: Keisha Harris

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

By facsimile to: (916) 327-4712
 ATTN: Keisha Harris

By hand-delivery to:
 HCD—Headquarters
 1800 3rd Street, Room 260
 Sacramento, CA 95811
 ATTN: Keisha Harris or
 Kevin Cimini

CONTACT PERSONS

Questions regarding the substance of this regulatory proposal may be directed to the main contact person: Mr. Kevin Cimini, Supervisor, Manufactured Housing and Factory-Built Housing Programs; E-mail: kcimini@hcd.ca.gov; Telephone: (916) 445-3338; Fax: (916) 327-4712.

Questions regarding the regulatory process may be directed to the back-up contact person: Ms. Keisha

Harris, Associate Governmental Program Analyst; E-mail: kharris@hcd.ca.gov; Telephone: (916) 322-1473; Fax: (916) 327-4712; TDD Phones: 1 (800) 735-2929.

AUTHORITY AND REFERENCE

Health and Safety Code (HSC), Division 13, Part 2, commencing with Section 18000 establishes requirements for enforcement and standards that guide the MH Program within HCD. HSC Section 18015 grants HCD the authority to promulgate regulations that interpret and make specific the standards relating to the design, construction and sale of new or existing manufactured home (MH), mobilehome, multifamily manufactured home (MFMH), commercial modular (CM) and special purpose commercial modular (SPCM) units manufactured, altered, remanufactured or converted under HCD's jurisdiction. HSC Section 18020 authorizes HCD to enforce the provisions of Part 2 of the HSC, and rules and regulations adopted pursuant to that part except for MH construction standards covered by 42 USC Section 5401 et seq. of the National Manufactured Housing Construction and Safety Standards Act (NMHCSSA) of 1974. HSC Section 18025 authorizes HCD to adopt regulations that are reasonably consistent with recognized and accepted principles for structural, fire safety, plumbing, heat-producing, and electrical systems and equipment and installations, respectively, to protect the health and safety of the people of California. HSC Section 18029 authorizes HCD to adopt regulations governing the alteration or conversion of fire-life safety systems, installations and equipment in MH, mobilehome, MFMH, CM and SPCM units. HSC Section 18029.5 authorizes HCD to adopt regulations that are reasonably consistent with generally recognized fire protection standards governing conditions relating to the protection of life against fire in MH, mobilehome, MFMH and CM units.

INFORMATIVE DIGEST

Summary of Existing Laws

HSC section 17926 mandates an owner of a dwelling intended for human occupancy install a carbon monoxide device approved by the State Fire Marshal, in each dwelling unit having a fossil fuel burning heater or appliance, fireplace, or an attached garage within applicable time periods as defined within the section. Additionally, number and placement of carbon monoxide devices; failure to comply — terms and conditions; and, enactment of local ordinances are addressed.

HSC section 17926.1 mandates an owner, or agent of an owner of a dwelling intended for human occupancy

that rents or leases a dwelling shall maintain carbon monoxide devices as defined in this section and section 17926.

HSC section 17926.2 allows HCD, in consultation with the State Fire Marshal, to temporarily suspend enforcement of the law for up to six months if it is decided there are not enough carbon monoxide devices available to property owners. Additionally, if building standards relating to carbon monoxide detectors are updated, owners or agents of owners will not be required to install a device meeting the new standards until they make an application for a permit for alteration, repair, or addition to a dwelling unit exceeding one thousand dollars (\$1,000).

The Manufactured Housing Act of 1980, commencing with HSC Section 18000, governs the construction, registration, titling and occupational licensing of MH, MFMH, mobilehomes, CM and SPCM units for sale, rent, lease or use within the State of California.

HSC section 18008.7 defines a "multifamily manufactured home" and requires that ". . . all provision of law that apply to manufactured homes shall apply equally to multifamily manufactured homes. . . ."

HSC section 18028 directs HCD to adopt regulations for the construction, alteration or conversion of CM and SPCM units based on the current California Code of Regulations (CCR), Title 24, California Building Standards Code (CBCSCode). The section also gives HCD the authority to determine whether the proposed regulations are reasonably necessary to protect the health and safety of the occupants and the public.

HSC section 18029.5 states in part: "The department may adopt rules and regulations . . . governing conditions relating to the prevention of fire or for the protection of life and property against fire in manufactured homes, mobilehomes, special purpose commercial coaches . . . commercial coaches"

HSC section 18030.5 exempts MH, mobilehome, MFH, CM and SPCM units from compliance with local ordinances prescribing requirements in conflict with the standards prescribed by Chapter 4 (commencing with Section 18025), of Part 2 of Division 13 of the HSC and adopted regulations.

There is no equivalent mandate in state law for the installation of carbon monoxide (CO) alarm devices in MH, mobilehome and MFMH units.

Summary of Existing Regulations

WUI Requirements

Uniform statewide preemptive standards were developed to assure owners, occupants and users of MH, mobilehome, MFMH, CM and SPCM units, protection from risks to their health, safety and property. HCD has adopted preemptive WUI, fire sprinkler and smoke de-

tector standards, as well as installation requirements to address the fire–life safety of residents and the public.

CO Devices

There is no equivalent mandate in State law or regulations for the installation of CO alarm devices in MH, mobilehome and MFMH units.

Summary of Effect of Proposed Regulatory Action

WUI Requirements

HCD proposes to amend sections 4004, 4200, 4204 and 4208 in CCR, Title 25, Chapter 3, Subchapter 2, Articles 1, Administration and 2.3, Manufactured Home, Mobilehome, Multifamily Manufactured Home and Commercial Modular Ignition Resistant Construction System for dwellings installed in Wildland Urban Interface (WUI) high fire hazard areas.

The proposed amendments will require all *new* MH, mobilehome, MFMH or CM units manufactured after September 1, 2008, to meet the WUI standards, and exempting all used units. Additionally, the mandate that a permit to install was to be obtained prior to December 31, 2010, will be removed.

Existing law provides that HCD’s regulations supersede local ordinances that conflict with standards adopted by HCD. In accordance with these laws, the exterior fire resistive construction standards adopted by HCD have statewide application. The preemptive nature of the standards provides all interested parties with construction standards that maintain the integrity of the units and provides consistency throughout the state.

CO Devices

New Article 2.7 is proposed for adoption pursuant to the Manufactured Housing Act, sections 18000, et seq., of HSC. Regulations adopted pursuant to the Manufactured Housing Act preempt and supersede any ordinance enacted by a local government and shall apply in all areas of the state. California Civil Code section 1102.6(d) was amended to include CO detectors in the disclosure statement for MH and MFMH units, thus requiring the reporting of these devices upon sale.

HSC section 17926 is not in the Manufactured Housing Act and does not apply to MH and MFMH units. However, the Manufactured Housing Act does require HCD to adopt regulations to ensure the health and safety of California residents and public. Therefore, HCD has determined that these proposed regulations, which require MH and MFMH units to comply with the CO alarm device requirement, are necessary to maintain consistency with the health and safety requirements mandated in all California dwelling units.

Additionally, the sections of CCR, Title 25, affected by this rulemaking, see “Summary of Sections Affected” below, and the specific purpose for each regula-

tory provision of the proposed regulations are described in the *Initial Statement of Reasons*.

Statement Regarding Inconsistency or Incompatibility with Existing State Regulations

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

Summary of Sections Affected

The specific sections of CCR, Title 25, Division 1, Chapter 3, Subchapter 2, to be adopted, amended or repealed by this proposed regulatory action are as follows:

- Amend: Article 1 Section 4004.
Article 2.3, Sections 4200, 4204 and 4208
- Adopt: Article 2.7 number and heading,
Sections 4326 and 4328.

**COMPARABLE FEDERAL STATUTES
OR REGULATIONS**

NONE.

POLICY STATEMENT OVERVIEW

The Manufactured Housing Program within HCD is responsible for adopting and enforcing preemptive state regulations for the construction, alteration, remanufacture, conversion, sale, rent or lease of MH, MFMH, mobilehomes, CM and SPCM units within the State of California. The program staff performs activities on behalf of the U.S. Department of Housing and Urban Development, as a State Administrative Agency. HCD’s mission includes promoting both safety and affordability of housing and related structures in California.

Please see the Economic Impact Analysis below for an explanation of the specific benefits anticipated for the proposed action.

HCD is proposing to amend and adopt regulation sections within CCR, Title 25, Chapter 3, Subchapter 2, Sections 4004 through 4328, not consecutive, related to the Manufactured Housing Act of 1980, HSC Sections 18000 through 18153.

**DISCLOSURES REGARDING
THE PROPOSED ACTION**

HCD has made the following initial determinations:

- Mandate on local agencies and school districts: NONE.
- Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

- Costs or savings to any state agencies: NONE.
- Other nondiscretionary costs or savings imposed on local agencies: NONE.
- Costs or savings in federal funding to the State: NONE.
- Significant effect on housing costs: NONE.

BUSINESS IMPACT STATEMENT

HCD has made an initial determination that the proposed amendments and adoptions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. In fact, proposed WUI regulations are a benefit to businesses and manufacturers, as they will be allowed to sell unsold inventory and potentially save the cost of retrofit of \$10,000 to \$15,000 per unit.

ECONOMIC IMPACT ANALYSIS

Assessment of Effect of Regulations Upon Jobs and Business Expansion, Elimination or Creation within California

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

The proposed WUI regulations serve to allow businesses and manufacturers to sell unsold stock without retrofitting. If manufacturers and dealers are not allowed to sell their existing MH units without retrofitting at substantial cost (up to \$15K per unit); this may result in manufacturers and dealers loss in sales and potential loss in jobs.

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

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

WUI standards, therefore would only need to meet the requirement to move the eave fence.

HCD has determined that these proposed regulations, which require MH and MFMH units to comply with the CO alarm device requirement, are necessary to maintain consistency with the health and safety requirements of all California dwelling units and for the protection of California residents from CO poisoning resulting in death.

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON(S) OR BUSINESS(ES)

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

The proposed WUI regulations serve to allow businesses and manufacturers to sell unsold stock.

To meet the minimum installation requirements specified in the proposed CO regulations an individual may expend \$15.00 to \$60.00 for a single-level home; \$30.00 to \$120.00 for a two-level home; or \$60.00 to \$180.00 for a two-level home with a basement. Costs are estimated for one CO alarm device for each dwelling level. CO devices retail for \$15.00 to \$60.00 each, depending on the type of device purchased, and are widely available through numerous retail outlets. Most manufactured home units are single-level, requiring one CO detector.

SMALL BUSINESS IMPACT STATEMENT

HCD has made a determination that small businesses will not be affected adversely by this regulatory action. In fact, proposed WUI regulations are a benefit to businesses and manufacturers, as they will be allowed to sell unsold stock and potentially save the cost of retrofit of \$10,000 to \$15,000 per unit.

CONSIDERATION OF ALTERNATIVES

HCD must and has made an initial determination that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of HCD, will be more effective in carrying out the purpose for which this regulatory action is proposed or will be as effective and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period. HCD is unaware of any alternative that will be as effective as and less burdensome to affected private persons than the proposed action.

ALTERNATIVES STATEMENT

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

AVAILABILITY OF DOCUMENTS

In accordance with Government Code sections 11346.5 and 11346.6, HCD will provide, upon request from persons with visual or other disabilities for which effective communication is required under state or federal law, a narrative description of the additions to and deletions from the CCR or other publication in a manner that allows for accurate translation by reading software used by the visually impaired.

HCD has prepared an *Initial Statement of Reasons* for the proposed regulatory action that has available all the information upon which the proposal is based.

Copies of the rulemaking file, including the exact language of the proposed regulations, *Initial Statement of Reasons*, *Final Statement of Reasons* (when available) and other information, if any, may be obtained upon request from HCD at the following location, mailing address or from the contact person listed above:

Department of Housing and Community
Development
Division of Codes and Standards
1800 3rd Street, Room 260
Sacramento, California 95811
P.O. Box 31
Sacramento, California 95812-0031

In addition, this Notice, the exact language of the proposed regulations and the *Initial Statement of Reasons* may be found on HCD's website at <http://www.hcd.ca.gov/codes/mhp/>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the 45-day public comment period, HCD may adopt substantially related proposals or may modify the proposals if the modifications are sufficiently related to the original text. The text of any modified proposal, with the exception of minor technical or

grammatical changes, will be made available from the contact person(s) designated in this Notice. The modified text will be available for at least a 15-day comment period and mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**Announcement of Chemicals Selected by OEHHA
for Consideration for Listing by the
Developmental and Reproductive Toxicant
Identification Committee and Request for
Relevant Information on the Reproductive
Toxicity Hazards of Deltamethrin and Xylene**

January 20, 2012

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of Proposition 65¹. The Developmental and Reproductive Toxicant Identification Committee (DARTIC) of OEHHA's Science Advisory Board serves as the State's qualified experts for rendering an opinion as to whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity. The chemicals identified by the DARTIC are added to the Proposition 65 list, which must be updated annually.

OEHHA has selected the chemicals below for the DARTIC's review for possible listing under Proposition 65. OEHHA is initiating the development of hazard identification materials on these chemicals.

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 et seq.

**Chemicals Selected for Preparation
of Reproductive Toxicity Hazard
Identification Materials**

Chemical	CAS No.
Deltamethrin	52918-63-5
Xylene	1330-20-7

These chemicals were selected using the procedure described in the document entitled: "Process for Prioritizing Chemicals for Consideration under Proposition 65 by the State's Qualified Experts." This document is available on the Internet at http://www.oehha.ca.gov/prop65/CRNR_notices/state_listing/pdf/finalPriordoc.pdf.

OEHHA selected these chemicals from those prioritized by the DARTIC in 2011. For information about the DARTIC's discussions concerning these chemicals follow this link: http://www.oehha.ca.gov/prop65/public_meetings/2011DARTsynop.html. Hazard identification materials for the chemicals in the table above will be presented at future meetings of the DARTIC for Committee review for possible listing under Proposition 65.

By this notice, OEHHA is giving the public an opportunity to provide information relevant to the assessment of the evidence of developmental and male and female reproductive toxicity for deltamethrin and xylene. Interested parties or members of the public wishing to provide such information should send it to the address given below.

The publication of this notice marks the start of a 60-day data call-in period. **This period will end on Tuesday, March 20, 2012.** The information received during this data call-in period will be reviewed and considered by OEHHA as it prepares the reproductive toxicity hazard identification materials on these chemicals. Hazard identification materials are made available to the public for comment prior to the DARTIC's consideration of the chemical for possible listing. The availability of the hazard identification materials will be announced in the California Regulatory Notice Register and on OEHHA's website. The time, date, location, and agenda of the DARTIC meeting where a chemical will be considered for listing will be published in the California Regulatory Notice Register and will also be posted on OEHHA's website.

We encourage you to submit information in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to

P65Public.Comments@oehha.ca.gov. Please include the chemical name in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the appropriate address below.

Mailing Address: Ms. Cynthia Oshita
Office of Environmental
Health Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010

Fax: (916) 323-8803
Street Address: 1001 I Street
Sacramento, California 95814

E-mail Address: P65Public.Comments@oehha.ca.gov

Any public comments received will be posted after the close of the comment period.

In order to be considered at this point in the process, the relevant information must be received at OEHHA (if delivered in person or sent by FAX) by 5:00 p.m. on Tuesday, March 20, 2012.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)
NOTICE OF INTENT TO LIST CHEMICALS
BY THE
LABOR CODE MECHANISM**

JANUARY 20, 2012

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemicals identified in the table below as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986. The Act, commonly known as Proposition 65, is codified in Health and Safety Code section 25249.5 et seq. This action is being taken pursuant to the Labor Code mechanism contained in Health and Safety Code section 25249.8(a).

Chemical	CAS No.	Endpoint	References
Benzophenone	119-61-9	Cancer	IARC (2011); Grosse <i>et al.</i> (2011)
Coconut oil diethanolamine condensate (cocamide diethanolamine)	68603-42-9	Cancer	IARC (2011); Grosse <i>et al.</i> (2011)
Diethanolamine	111-42-2	Cancer	IARC (2011); Grosse <i>et al.</i> (2011)
2-Methylimidazole	693-98-1	Cancer	IARC (2011); Grosse <i>et al.</i> (2011)

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

As the lead agency for the implementation of Proposition 65, OEHHA evaluates whether listing under Proposition 65 is required.

OEHHA's determination: *Benzophenone, coconut oil diethanolamine condensate (cocamide diethanolamine), diethanolamine, and 2-methylimidazole* each meet the requirements for listing as known to the state to cause cancer for purposes of Proposition 65.

IARC has published on its website a list entitled "Agents Classified by the IARC Monographs, volumes 1-102" (IARC, 2011). IARC concludes that benzophenone, coconut oil diethanolamine condensate, diethanolamine, and 2-methylimidazole are each classified in Group 2B (the agent is "possibly carcinogenic to humans"). IARC also concluded that there is "sufficient evidence of carcinogenicity in experimental animals" for each of these agents (Grosse *et al.*, 2011). Therefore, these substances meet the requirements of both Labor Code sections 6382(b)(1) and (d).

Opportunity for comment: OEHHA is committed to public participation in its implementation of Proposition 65. OEHHA is providing this opportunity to comment as to whether the chemicals identified above meet the requirements for listing as causing cancer specified

in Health and Safety Code section 25249.8(a). Because these are ministerial listings, comments should be limited to whether IARC has identified the specific chemical or substance as a known or potential human or animal carcinogen. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when identifying a specific chemical or substance and will not respond to such comments if they are submitted.

OEHHA must receive comments by 5:00 p.m. on Tuesday, February 21, 2012. We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov, and should include "NOIL" and the chemical name in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. A public workshop will be held only upon request. Such request must be made in writing to the address below to Cynthia.Oshita@oehha.ca.gov within 10 days from the publication of this notice:

Mailing Address: Ms. Cynthia Oshita
Office of Environmental
Health Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010
Fax: (916) 323-8803
Street Address: 1001 I Street
Sacramento, California 95814

Any public comments received will be posted after the close of the comment period. If you have any questions, please contact Ms. Oshita at Cynthia.Oshita@oehha.ca.gov or at (916) 445-6900.

References

Grosse Y, Baan R, Secretan-Lauby B, El Ghissassi F, Bouvard V, Benbrahim-Tallaa L, Guha N, Islami F,

Galichet L, Straif K, on behalf of the WHO International Agency for Research on Cancer Monograph Working Group (2011). Carcinogenicity of chemicals in industrial and consumer products, food contaminants and flavourings, and water chlorination byproducts. *Lancet Oncology* 12(4):328–9.

[URL: <http://www.thelancet.com/journals/lanonc/article/PIIS1470-2045%2811%2970088-2/fulltext>].

IARC (2011). International Agency for Research on Cancer. Agents Classified by the *IARC Monographs*, Volumes 1–102. Available at

URL: <http://monographs.iarc.fr/ENG/Classification/ClassificationsAlphaOrder.pdf> [Accessed July 21, 2011].

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# 2011–1129–03

BOARD OF ACCOUNTANCY
Supervision and Disciplinary Guidelines

This rulemaking action repeals two sections from Title 16 in the California Code of Regulations (CCR) that became inoperative by their own terms. Additionally this rulemaking amends several sections in Title 16 of the CCR as well as two forms and an incorporated document. This rulemaking defines supervised experience and incorporates by reference two new forms used by applicants’ supervisors to submit experience verification for licensure. This rulemaking also amends the Board of Accountancy’s Disciplinary Guidelines which are incorporated by reference into the CCR.

Title 16
California Code of Regulations
AMEND: 12, 12.5, 98 REPEAL: 9, 11.5
Filed 01/10/2012
Effective 02/09/2012
Agency Contact: Matthew Stanley (916) 561–1792

File# 2011–1212–02
BOARD OF EDUCATION
Instructional Quality Commission

This non-substantive action amends numerous sections in Title 5 of the California Code of Regulations. These amendments are in response to AB 250 (CH 608, Statutes of 2011) that renamed the Curriculum Development and Supplemental Materials to the Instructional Quality Commission. The changes to the regulations are being made to make the name consistent with the statutes.

Title 5
California Code of Regulations
AMEND: 9510, 9510.5, 9511, 9512, 9513, 9514, 9515, 9516, 9517, 9517.1, 9519, 9520, 9521, 9524, 9525, 18533, 18600
Filed 01/10/2012
Agency Contact: Cynthia Olsen (916) 319–0584

File# 2011–1202–01
BOARD OF EQUALIZATION
Federal Areas

The Board of Equalization adopted a new subdivision (d)(4)(G) in section 1616 of title 18 of the California Code of Regulations further prescribing the circumstances under which a sale of tangible personal property to, and the storage, use, or other consumption of tangible personal property by, the tribal government of an Indian tribe that is officially recognized by the United States is exempt from sales and use tax.

Title 18
California Code of Regulations
AMEND: 1616
Filed 01/11/2012
Effective 02/10/2012
Agency Contact:
Richard E. Bennion (916) 445–2130

File# 2011–1130–01
BOARD OF EQUALIZATION
Regulations effected by temporary tax increase in Assembly Bill 3 (2009–2010 3rd Ex. Sess)

Board of Equalization (BOE) submitted this Section 100 action to amend Title 18 regulatory provisions that pertain to partial exemptions from sales and use tax provided by Revenue and Taxation Code (RTC) sections 6378, 6356.5, 6357.1, 6356.6, and 6358.5. Amendments to Title 18, California Code of Regulations, section 1532, Appendix A and Appendix B to section 1532, and sections 1533.1, 1534, and 1535 are nonsubstantive. Assembly Bill 3 (2009–2010 3rd Ex. Sess) added sections to the Revenue and Taxation Code to increase the statewide sales and use tax rate by one percent beginning on April 1, 2009 and ceasing either on July 1,

2011 or July 1, 2012. This one percent statewide sales and use tax expired on July 1, 2011 because a ballot measure was not passed. This nonsubstantive action removes this one percent statewide sales and use tax and returns the regulations to the rate that was in existence prior to April 1, 2009.

Title 18
 California Code of Regulations
 AMEND: 1532, 1533.1, 1534, 1535
 Filed 01/09/2012
 Agency Contact:
 Richard E. Bennion (916) 445-2130

File# 2011-1118-03
BOARD OF FORESTRY AND FIRE PROTECTION
 Recirculation and Review of Plan by Director, 2011

This regulatory action adopts a definition for “significant new information” with respect to timber harvest plans pursuant to the appellate court decision in Joy Road Area Forest and Watershed Association v. California Department of Forestry and Fire Protection (Case No. SCV 229850). These amendments also move and amend specific sections of the recirculation process within the California Code of Regulations to the sections dealing with the various timber plans affected.

Title 14
 California Code of Regulations
 AMEND: 895.1, 898.1, 1037.3, 1090.17, 1092.18
 Filed 01/05/2012
 Effective 01/01/2013
 Agency Contact: Eric Huff (916) 653-8031

File# 2011-1122-03
BUREAU OF AUTOMOTIVE REPAIR
 Vehicle Registration Amnesty Program

This rulemaking action by the Bureau of Automotive Repair (BAR) includes the adoption of section 3340.38 of title 16 of the California Code of Regulations. This new section identifies both the test procedures that Referee stations will use to inspect and certify Specially Constructed Vehicles under the Vehicle Registration Amnesty Program and the initial fee BAR will charge program applicants.

Title 16
 California Code of Regulations
 ADOPT: 3340.38
 Filed 01/06/2012
 Effective 01/06/2012
 Agency Contact: Steven Hall (916) 255-2135

File# 2011-1130-02
CALIFORNIA ARCHITECTS BOARD
 IDP Guidelines Alignment

This rulemaking action updates the edition of the Internship Development Program Guidelines of the National Council of Architectural Registration Boards which architecture license candidates may follow to complete required internships prior to licensure. The rulemaking also clarifies and simplifies cross references to the various pre-licensure internship program options of candidates in related subsections and regulations of the California Code of Regulations.

Title 16
 California Code of Regulations
 AMEND: 109, 117, 121
 Filed 01/11/2012
 Effective 02/10/2012
 Agency Contact: Timothy Rodda (916) 575-7217

File# 2011-1219-07
CEMETERY AND FUNERAL BUREAU
 Nonsubstantive Changes: BOE / FTB Disclosure, Bureau Contact Info

This action by the Cemetery and Funeral Bureau updates agency contact information and certain disclosures on Form 21A3, the application for Cemetery/Crematory Manager, and removes outdated statutory references from section 2328.1 of title 16 of the California Code of Regulations (CCR). All changes are without regulatory effect and being made pursuant to 1 CCR §100.

Title 16
 California Code of Regulations
 AMEND: 2328.1
 Filed 01/10/2012
 Agency Contact: Joy Korstjens (916) 574-7878

File# 2012-0105-02
DEPARTMENT OF CORPORATIONS
 Private Fund Adviser Exemption

This emergency rulemaking action readopts, for 90 days, the effectiveness of an expired federal-law Securities and Exchange Commission registration exemption for investment advisers who continue to rely upon and meet the criteria of that expired federal exemption.

Title 10
 California Code of Regulations
 AMEND: 260.204.9
 Filed 01/11/2012
 Effective 01/18/2012
 Agency Contact: Karen Fong (916) 322-3553

File# 2011-1201-01
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Pilot Program — Interim Care Facilities @ ASH, CMF, SVSP

This change without regulatory effect removed section 3999.8 from CCR, title 15 because it has expired by its own terms and in accordance with Penal Code section 5058.1, subdivision (d).

Title 15
California Code of Regulations
REPEAL: 3999.8
Filed 01/11/2012
Agency Contact: Trilochan Oberoi (916) 445-2227

File# 2011-1121-01
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Funds Enclosed in Correspondence

The Department of Corrections and Rehabilitation submitted this timely Certificate of Compliance action to make permanent the amendment made to title 15, California Code of Regulations, section 3140(d) as an operational necessity action in OAL File No. 2011-0613-02EON. The action amended subdivision (d) of section 3140 to require all negotiable instruments received in inmate correspondence, except for certified checks, to clear the bank before the funds are released to an inmate, and that such funds shall not be released to an inmate for 30 days from the date of deposit into the inmate trust account.

Title 15
California Code of Regulations
AMEND: 3140
Filed 01/05/2012
Effective 01/05/2012
Agency Contact: Gail Long (916) 445-2276

File# 2011-1122-05
DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Eradication Area

This is the Certificate of Compliance filing making permanent the prior emergency (OAL file no. 2011-0830-01E) addition of Ventura County to the eradication area for the Oriental Fruit Fly (*Bactrocera dorsalis*).

Title 3
California Code of Regulations
AMEND: 3591.2(a)
Filed 01/06/2012
Effective 01/06/2012
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2011-1214-03
FAIR POLITICAL PRACTICES COMMISSION
Administrative Termination

This regulatory action adopts the procedures for the administrative termination of a recipient committee.

Title 2
California Code of Regulations
ADOPT: 18404.2
Filed 01/05/2012
Effective 02/04/2012
Agency Contact:
Virginia Latteri-Lopez (916) 324-3854

File# 2011-1214-04
FAIR POLITICAL PRACTICES COMMISSION
General Purpose/Primarily Formed Committees

This regulatory action revises existing regulations governing campaign filings by multi-purpose organizations, to provide to the extent possible a single clear standard for identifying and reporting campaign contributions to organizations that also solicit and receive donations for purposes other than influencing California elections.

Title 2
California Code of Regulations
ADOPT: 18227.5, 18247.5 REPEAL: 18247.5
Filed 01/05/2012
Effective 02/04/2012
Agency Contact:
Virginia Latteri-Lopez (916) 324-3854

File# 2011-1214-02
FAIR POLITICAL PRACTICES COMMISSION
Payments for Personal Services/Online Disclosures

This action amends provisions concerning payments for personal services.

Title 2
California Code of Regulations
AMEND: 18423, 18539, 18550
Filed 01/10/2012
Effective 02/09/2012
Agency Contact:
Virginia Latteri-Lopez (916) 324-3854

File# 2011-1230-03
FISH AND GAME COMMISSION
Incidental Take of Black-backed Woodpecker During Candidacy

This is the adoption of a regulation that will authorize the incidental take of the Black-backed woodpecker under specified circumstances during the period of time the species is a candidate for listing as threatened or endangered under the California Endangered Species Act (Fish and Game Code sections 2050 et seq.).

Title 14
 California Code of Regulations
 ADOPT: 749.7
 Filed 01/05/2012
 Effective 01/06/2012
 Agency Contact: Sheri Tiemann (916) 654-9872

Title 10
 California Code of Regulations
 AMEND: 2699.6707
 Filed 01/09/2012
 Effective 01/09/2012
 Agency Contact: Alexa Malik (916) 323-0421

File# 2011-1202-02
FISH AND GAME COMMISSION
 Oroville-Thermalito Non-Indigenous Coho Salmon

The Fish and Game Commission submitted this action to amend title 14, California Code of Regulations, section 7.00 to expand the area for the taking of non-indigenous Coho salmon to the Oroville-Thermalito Complex (Diversion Pool, Forebay, and Afterbay) and the Feather River between the Diversion Pool Dam and Fish Barrier Dam. Additionally, the Commission amended title 14, California Code of Regulations, section 7.50(b)(68) to clarify current enforcement practices and public understanding that all non-anadromous waters of the Oroville-Thermalito Complex and areas of the Feather River above the Fish Barrier Dam are subject to the General District regulations for the Valley District.

File# 2011-1118-02
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
 Definition of General Purpose Press Brake Die

This action adds a definition of "Press Brake Die, General Purpose" to the definition regulation for "Group 8. Points of Operation and Other Hazardous Parts of Machinery" of the General Industry Safety Orders (GISO).

Title 14
 California Code of Regulations
 AMEND: 7.00, 7.50(b)(68)
 Filed 01/09/2012
 Effective 02/08/2012
 Agency Contact: Sheri Tiemann (916) 654-9872

Title 8
 California Code of Regulations
 AMEND: 4188
 Filed 01/05/2012
 Effective 02/04/2012
 Agency Contact: Marley Hart (916) 274-5721

File# 2011-1222-02
MANAGED RISK MEDICAL INSURANCE BOARD
 Eliminate HFP Dental Benefit Cap

The Managed Risk Medical Insurance Board submitted this timely Certificate of Compliance action to make permanent the amendment to Title 10, section 2699.6707 of the California Code of Regulations that eliminated the \$1500 dental coverage cap for the HFP dental benefit. The Health Families Program (HFP) is California's state- and federally-funded Children's Health Insurance Program (CHIP) established pursuant to title XXI of the federal Social Security Act. The Managed Risk Medical Insurance Board (Board) administers the HFP. The HFP provides comprehensive health, dental and vision insurance to low-income children under the age of 19 with family income above the Medi-Cal income eligibility levels. Approximately, two-thirds of the funding for HFP is provided by the federal CHIP.

File# 2011-1122-02
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
 Proposition 65 — NSRL for 4Methylimidazole (4-MEI) Carcinogen

This action establishes a No Significant Risk Level for the compound 4-Methylimidazole (4-MEI) at the amount 29 micrograms per day.

Title 27
 California Code of Regulations
 AMEND: 25705
 Filed 01/09/2012
 Effective 02/08/2012
 Agency Contact: Monet Vela (916) 323-2517

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN August 17, 2011 TO
 January 11, 2012**

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

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 01/05/12 ADOPT: 18227.5, 18247.5 REPEAL:
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 12/21/11 AMEND: 1859.90.2, 1859.81
 12/07/11 ADOPT: 18316.6, 18361.11 AMEND:
 18360, 18361, 18361.4
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 11/08/11 ADOPT: 18421.31
 10/27/11 AMEND: 18404.1
 10/26/11 ADOPT: 18237
 10/18/11 AMEND: 1859.166.2
 10/17/11 AMEND: 25001
 10/12/11 AMEND: 59690
 10/05/11 ADOPT: 649.21
 09/27/11 ADOPT: 599.506(f) AMEND:
 599.502(f)
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 12/29/11 AMEND: 3280
 12/20/11 AMEND: 3407(e)
 12/05/11 AMEND: 1408.6
 11/29/11 AMEND: 3591.15(a)
 11/14/11 AMEND: 3437(b)
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 10/26/11 AMEND: 1430.142
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10/18/11 ADOPT: 10120.1, 10121
 09/22/11 ADOPT: 80069.2 AMEND: 80070
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