



California Regulatory Notice Register

REGISTER 2015, NO. 3-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JANUARY 16, 2015

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2015-0106-01 101

Adoption

Multi-County Agency: Santa Barbara San Luis Obispo Regional
Health Authority dba CenCal Health

Amendment

Multi-County Agency: Allan Hancock Community College District
Resources Conservation District Santa Monica Mountains
San Luis & Delta-Mendota Water Authority

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Contributions — Notice File No. Z2015-0106-04 102

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Legal Defense Fund — Candidates/Officers — Notice File No. Z2015-0106-05 103

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine — Notice File No. Z2015-0106-07 104

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

Working Forest Management Plan — Notice File No. Z2015-0106-06 107

TITLE 14. FISH AND GAME COMMISSION

*Prohibition on the Use of Lead Projectiles and Ammunition Using Lead Projectiles for the Take of
Wildlife With Firearms — Notice File No. Z2015-0105-02* 114

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

*Proposition 65, Clear and Reasonable Warnings — Proposed Repeal Article 6, Adopt New Article 6 —
Notice File No. Z2015-0106-10* 118

(Continued on next page)

***Time-
Dated
Material***

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Proposition 65, Lead Agency Website — Proposed Article 2 — Notice File No. Z2015-0106-08 121

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
Proposition 65 — Safe Use Determination (SUD) Notice for Diisononyl Phthlate 124

OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION
2015 OAL DETERMINATION NO. 1(S) — SUMMARY DISPOSITION
A Memorandum Titled: “Addendum to Operational Procedure # 062 Custody Designations for Inmate Work/Education Assignments” 125

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 126
 Sections Filed, August 6, 2014 to January 7, 2015 128

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

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

PROPOSED ACTION ON REGULATIONS

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY

AGENCY: Santa Barbara San Luis Obispo Regional Health Authority dba CenCal Health

AMENDMENT

MULTI-COUNTY

AGENCY: Allan Hancock Community College District
Resource Conservation District
Santa Monica Mountains
San Luis & Delta-Mendota Water Authority

A written comment period has been established commencing on January 16, 2015, and closing on **March 2, 2015**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **March 2, 2015**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620,

Sacramento, California 95814, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **February 19, 2015**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on February 17, 2015**.

BACKGROUND/OVERVIEW

The Act, at Section 82015, defines "contribution" in part as a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes. The definition does not include a payment made by an occupant of a home or office for costs related to any meeting or fundraising event held in the occupant's home or office if the costs for the meeting or fundraising event are \$500 or less.²

Section 82015 was amended by SB 1441 (Lara) — Chapter 930, Statutes of 2014, effective January 1, 2015, and AB 1673 (Garcia) — Chapter 882, Statutes of

2014, effective January 1, 2015. The two bills are identical after legislative committee revisions.

These statutory changes provide that:

(1) A payment made by a lobbyist or a cohabitant of a lobbyist for costs related to a fundraising event held at the home of the lobbyist, including the value of the use of the home, is a contribution for purposes of the Act regardless of the amount of the payment. This payment is attributable to the lobbyist for purposes of the prohibition against a lobbyist making a contribution to specified candidates and elected officers under Section 85702.³

(2) A payment made by a lobbying firm for costs related to a fundraising event held at the office of the lobbying firm, including the value of the use of the office, is a contribution for purposes of the Act.

The proposed regulatory amendments will conform existing regulations to these new laws.

REGULATORY ACTION

- (1) Amend 2 Cal. Code Regs. Section 18215. The proposed amendments incorporate changes to the definition of contribution into Regulation 18215.

SCOPE

The Commission may adopt or reject all or part of the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues. The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding implementation.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² Section 82015(f) and Regulation 18215(c)(3).

³ Section 85702 prohibits state officials from accepting contributions from lobbyists registered to lobby them. It also prohibits lobbyists from making monetary and non-monetary contributions to public officials whose agencies they are registered to lobby.

and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Sections 82015 and 85312.

CONTACT

You may send inquiries to Emelyn Rodriguez, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814, telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the “Commission”), under the authority vested in it under the Political Reform Act (the “Act”)^[1] by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **February 19, 2015**, at the offices of the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **February 17, 2015**.

BACKGROUND/OVERVIEW

AB 1692 (Garcia), amended the Act to prohibit the use of campaign funds and legal defense funds to pay for fines, penalties, judgments or settlements (including FPPC administrative fines) arising from an improper personal use of campaign funds. The legislation became effective January 1, 2015. A related bill, **AB 1666** (Garcia), amended the Act to prohibit the use of campaign funds and legal defense funds to pay restitution fines imposed under Section 86 of the Penal Code, addressing bribery.

^[1] The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Under the Act’s legal defense fund provisions, a candidate or elected state officer may establish a separate account to defray attorney’s fees and other related legal costs incurred for the candidate’s or officer’s legal defense. These funds may only be used to defray “attorney fees and other related legal costs.”

AB 1692 added a definition of “attorney’s fees and other related legal costs” to the state and local legal defense fund provisions in Sections 85304 and 85304.5. The bill codified the definition of the phrase “attorney’s fees and other related legal costs” contained in the Fair Political Practice Commission’s state and local legal defense fund regulations, with the addition of the italicized language:

“(d) (1) For purposes of this section and Section 85304.5, ‘attorney’s fees and other related legal costs’ includes only the following:

(A) Attorney’s fees and other legal costs related to the defense of the candidate or officer.

(B) Administrative costs directly related to compliance with the requirements of this title.

(2) ‘Attorney’s fees and other related legal costs’ does not include expenses for fundraising, media or political consulting fees, mass mailing or other advertising, *or, except as expressly authorized by subdivision (c) of Section 89513*, a payment or reimbursement for a fine, penalty, judgment or settlement, or a payment to return or disgorge contributions made to any other committee controlled by the candidate or officer.” (Section 85304, as amended; emphasis added.)

The new language refers to Section 89513(c), a use of campaign funds provision stating that campaign funds may not be used to pay fines, penalties or settlements, except in certain specified circumstances. As amended by both AB 1692 and AB 1666, Section 89513(c) provides:

(c) (1) Campaign funds shall not be used to pay or reimburse fines, penalties, judgments, or settlements, except those resulting from either of the following:

(A) Parking citations incurred in the performance of an activity that was directly related to a political, legislative, or governmental purpose.

(B) Any other action for which payment of attorney’s fees from contributions would be permitted pursuant to this title. However, campaign funds shall not be used to pay a fine, penalty, judgment, or settlement relating to an expenditure of campaign funds that resulted in either of the following:

(i) A personal benefit to the candidate or officer if it is determined that the expenditure was not reasonably related to a political, legislative, or governmental purpose.

(ii) A substantial personal benefit to the candidate or officer if it is determined that the expenditure was not directly related to a political, legislative, or governmental purpose.

(2) Campaign funds shall not be used to pay a restitution fine imposed under Section 86 of the Penal Code.

Accordingly, amendments to legal defense fund regulations 18530.4 and 18530.45 are proposed to reflect changes made by AB 1692 to the statutory provisions on legal defense funds.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Sections 18530.4 and 18530.45. The proposed amendments will conform the definition of “attorney’s fees and other related legal costs” contained in the state and local legal defense fund regulations to the statutory changes made by AB 1692 to Section 85304 — “Legal Defense Funds” and Section 85304.5 — “Legal Defense Funds; Local Candidates and Elected Officers.”

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend,

and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 85304 and 85304.5.

CONTACT

Any inquiries should be made to Hyla P. Wagner, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as emergency actions which were effective on October 17 and 23, 2014. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than April 15, 2015.

This notice is being provided to be in compliance with Government Code (GC) section 11346.4.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Stephen.Brown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on March 2, 2015. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

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

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

Anticipated Benefits from This Regulatory Action

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

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

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

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

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amend-

ment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Most all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine boundary area.

The national and international consumers of California citrus benefit by having high quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

FAC section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the state.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

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

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

AMENDED TEXT

The proposed emergency actions expanded the quarantine area for ACP in the San Jose area of Santa Clara County (effective October 17, 2014) by approximately 99 square miles. The proposed emergency actions expanded the quarantine area for ACP in the Lodi (95

square miles) and Manteca (105 square miles) areas of San Joaquin County (effective October 23, 2014) by approximately 200 square miles. The effect of the amendment of this regulation is to provide authority for the state to perform quarantine activities against ACP within these additional areas. The total area which is under regulation is now approximately 51,117 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

The Department 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 a representative private person or business: Most businesses will not be affected. In the San Jose area of Santa Clara County there are two citrus production nurseries and fourteen retail nurseries in the affected area. In the Lodi and Manteca areas of San Joaquin County there are no citrus production nurseries and five retail nurseries in the affected area. These nurseries will need to apply approved treatments every ninety days to ship within the quarantine area or to ship to a non-citrus producing state. Treatment costs will range from \$2.24 per plant to \$9.46 per plant depending on whether the nursery conducts the treatments or hires an outside applicator. In order to ship outside of the quarantine area, the nurseries will need to grow the nursery stock within a United States Department of Agriculture approved ACP exclusionary facility and apply approved treatments directly prior to shipment. The approximate cost of an exclusionary facility is \$148,754–\$180,000 per individual structure which covers one half to one acre. They will need to purchase pre-treated trees or apply the approved treatments. There are no citrus growers or citrus packing houses located within the regulated areas.

Based on the preceding above information, it was determined that due to the amendment of section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast major-

ity of businesses within the regulated area, no additional costs will be incurred.

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the state's economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend section 3435(b) pursuant to the authority vested by sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: Stephen.Brown@cdfa.ca.gov. In his absence, you may contact Sara Khalid at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen Brown.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“WORKING FOREST MANAGEMENT PLAN”

**Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 4, Subchapter 1, Article 1; Subchapters 4, 5 & 6, Article 6; Subchapter 7, Articles 6.5 and 6.95
Amend: §§ 895.1, 916.5 [936.5, 956.5] and 1090.26
Adopt: §§ 1090.28 and 1094-1094.35**

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on Wednesday, March 4, 2015, at its regularly scheduled meeting commencing 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. 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(b), writings that are public records pursuant to Government Code § 11125.1(a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

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 2, 2015.

The Board will consider only written comments received at the Board office by that time and those written comments received in connection with oral testimony 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: Thembi Borrás
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 95814

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:

publiccomments@BOF.ca.gov

AUTHORITY AND REFERENCE
(pursuant to GOV. CODE § 11346.5(a)(2)
and 1 CCR § 14)

Pursuant to the Authority vested by Sections 4551, 4551.5, 4552 and 4553 of the Public Resources Code (PRC) and to implement, interpret or make specific PRC §§ 752, 753, 4528.5, 4561, 4561.1, 4562.5, 4562.7, 4571, 4582.7, 4585–4588, 4593.10, 4593.19, 4597–4597.22, 4601, 4629.3, 21000(g), 21092 and 21160 (considered References), the Board is proposing action to adopt/ amend 14 CCR §§ 895.1, 916.5 [936.5, 956.5], 1090.26, 1090.28 and 1094 through 1094.35.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**
(pursuant to GOV. CODE 11346.5(a)(3)(A)–(D))

Pursuant to the Z’berg–Nejedly Forest Practice Act of 1973, PRC § 4511, *et seq.* the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

Public Resources Code Section 4551 requires the Board to adopt forest practice rules and regulations to, among other things, “. . . assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish and wildlife, and water resources.”

Existing law (pursuant to the Z’Berg–Nejedly Forest Practice Act):

1. Prohibits, in general, any person from conducting timber operations unless a harvesting plan, such as a timber harvest plan (THP), or Nonindustrial Timber Management Plan (NTMP), has been prepared by a Registered Professional Forester (RPF) and approved by the Department of Forestry and Fire Protection (Department or CAL FIRE). THPs and NTMPs, are considered the functional equivalent of an environmental impact report (EIR) under the California Environmental Quality Act (CEQA).
2. Authorizes a nonindustrial tree farmer (an owner of less than 2,500 acres of timberland) with the long-term objective of an unevenaged timber stand and sustained yield to file an NTMP with the Department.
3. Requires a nonindustrial tree farmer with an NTMP to file a Notice of Timber Operations (NTO) with the Department when he or she plans to harvest timber. The NTO is effective for a maximum of one year and includes information that indicates whether the harvesting complies with the Forest Practice Act and Forest Practice Rules and conforms to the approved NTMP.
4. Provides that the NTMP run with the land and be transferred from one landowner to the next. The NTMP has very strict and short timelines for a new landowner to assume the old landowner’s plan: if the new landowner does not formally assume the plan within 180 days, the plan is cancelled.

Laws on which the proposed action is based:

1. AB 904 creates the Working Forest Management Plan (WFMP) program. The WFMP is a long-term forest management plan available to nonindustrial landowners (with less than 15,000 acres of timberland) if they commit to unevenaged management and sustained yield. It also obligates the Board to adopt regulations needed to implement the provisions of AB 904 by January 1, 2016.
2. AB 2239 establishes a uniform process to ensure that a person who acquires timberlands described in a WFMP or NTMP receives notice on how to assume the plan. It also gives discretion to (rather than mandates) the Department to cancel a WFMP or NTMP if the new landowner does not assume the plan within one year of receiving the notice.
3. SB 1345 corrects an erroneous cross-reference in PRC § 4597.22 to the regulations in the Forest Practice Rules describing the Southern Subdistrict of the Coast Forest District, which is excluded from the WFMP program.

The California State Board of Forestry and Fire Protection (Board) is proposing action:

1. To adopt an article of regulation (14 CCR Article 6.95, §§ 1094 through 1094.29 and 1094.31) to make specific the use of a Working Forest Management Plan (WFMP) and a Working Forest Harvest Notice pursuant to AB 904 chaptered in PRC §§ 4597–4597.16 and 4597.20–4597.21. Specifically, a person who intends to become a working forest landowner, as defined, would be allowed to file a WFMP with the Department with the long–term objective of an unevenaged timber stand and sustained yield through the implementation of the Plan. It would require numerous provisions including the following:
 - A plan be prepared by a registered professional forester, be public record, and contain certain information.
 - The Department to provide a minimum period for public comment, dependent on the size of the lands under the WFMP.
 - The Department to determine if the plan is accurate, complete, and in proper order.
 - The Director to return the plan if the Director determines that the plan is not in conformance, as provided.
 - The working forest landowner who owns, leases, or otherwise controls or operates on all or any portion of any timberland within the boundaries of an approved plan and who harvests any of the timber during a given year to file a working forest harvest notice, as defined, with the Department in writing.
 - The notice to be public record and to include certain information, including a statement that state or federally listed rare, threatened, candidate, or endangered plant or animal species have not been discovered in the harvest area since the approval of the Plan.
 - The Director to convene an interdisciplinary review team, as described, every 5 years to review an approved Plan’s administrative record, plan summary information, as specified, and any other information relevant to verify that operations have been conducted in accordance with the Plan and applicable laws.
 - The Department to cancel a previously approved Plan if the Department determines that the objectives of unevenaged management and sustained yield are not being met or if there are other persistent violations, as provided.
2. To adopt 14 CCR § 1094.32 to regulate the transition of an approved NTMP into a WFMP and the expansion of acreage associated with an approved WFMP pursuant to AB 904 chaptered in PRC § 4597.17.
3. To adopt 14 CCR § 1094.33 to suggest participants may also seek, simultaneously with the preparation of a WFMP, approval of a Safe Harbor Agreement from the Department of Fish and Wildlife (DFW) and that all review costs associated with the Safe Harbor Agreement Approval process incurred by DFW be paid from the Timber Regulation and Forest Restoration Fund pursuant to AB 904 chaptered in PRC § 4597.18.
4. To adopt 14 CCR §§ 1090.28 and 1094.34, which would allow restoration projects, required as a condition in an NTMP or WFMP, that have a significant public benefit, to be eligible for State restoration grant funding pursuant to AB 904 chaptered in PRC § 4597.19.
5. To adopt § 1094.35 to disallow the application of the WFMP in the Southern Subdistrict of the Coast Forest District pursuant to AB 904 chaptered in PRC § 4597.22. PRC § 4597.22 originally contained an incorrect reference and was subsequently corrected pursuant to SB 1345 chaptered in PRC § 4597.22.
6. To amend 14 CCR § 1090.26 and adopt 14 CCR § 1094.30 regarding the change of ownership of land described in either an NTMP or a WFMP pursuant to AB 2239 chaptered in PRC §§ 4593.10 and 4597.9. Note: The balance of AB 2239 chaptered in PRC §§ 4597.2, 4597.15 and 4597.16 is related to clean up of AB 904 and is reflected in 14 CCR §§ 1094.3, 1094.7 and 1094.31, respectively.
7. To amend existing Forest Practice Rules to incorporate reference to the WFMP into existing rules in 14 CCR §§ 895.1 and 916.5 [936.5, 956.5].

The NTMP, from which the WFMP is modeled, was created by the Legislature in 1990 to allow landowners with no more than 2,500 acres to apply for a timber harvesting document that would allow for long–term approval with certain conditions, such as the use of unevenaged forest management and proof that operations provide for sustained yield. The proposed WFMP program is similar to the NTMP program; however, it applies to nonindustrial landowners with less than 15,000 acres of timberland and contains stricter environmental standards.

Through an NTMP or WFMP, a nonindustrial timberland owner first prepares a management plan that is subject to a multi-agency review process and acts as the functional equivalent of an EIR under CEQA. The cost of preparing this management plan is greater than a typical THP, much of which is the result of the required sustained yield analysis. However, unlike a THP, which is good for no more than seven years, an NTMP and WFMP last in perpetuity and the additional cost is recaptured over time because subsequent harvest entries can be conducted under a much simpler notice to the Department that is tiered off of the NTMP or WFMP.

In the long term, by relieving these landowners of some of the costs and burdens of meeting the regulatory requirements designed for industrial timber companies, NTMPs and WFMPs help keep ranches and other non-industrial forest properties economically viable and make them less likely to be subdivided for housing or converted into golf courses or vineyards. Additionally, incentivizing unevenaged management may afford increased carbon sequestration, conservation of scenic values, and protection of water quality and fish and wildlife habitat.

Today, NTMPs cover over 300,000 acres of California forests. Raising the acreage limit to 15,000 acres through the WFMP will make hundreds of thousands of additional timberland acreage eligible for long-term, sustainable management. A preliminary review of timberland ownership shows that there are at least 81 landowners who would qualify under the new WFMP program. Of these 81, at least 60 used evenaged management (i.e., clear cutting) at some point. These landowners would have an incentive to commit to long-term unevenaged management under the WFMP.

Additionally, NTMP landowners who are close to the NTMP's 2,500 acreage limit will have an incentive to purchase additional timberlands by transferring to the WFMP. Some NTMP landowners near the 2,500 acre limit have already indicated that they plan to acquire more timberlands if the WFMP program is enacted.

In 2003, CAL FIRE issued a report on the NTMP program. The report explained that the NTMP program provides significant benefits to the State in a number of terms including societal benefits.

- The report states that “[r]etaining our non-industrial private forest lands in forest use provides tremendous. . . benefits, including retention of open space, protection of watersheds, water quality and forest soils, maintenance of diverse habitat for fish and wildlife, preservation of important cultural and historical sites, and promotion of recreational opportunities.”
- “These benefits are all enhanced by the commitment of forest landowners to the long term

stewardship and sustainable production requirements of a NTMP. On the broad statewide scale, the overarching public benefit is in encouraging owners of these small wooded parcels to take advantage of their rich forest soils, to enrich and improve their timber stands, to manage them sustainably into the future, and cumulatively retain that part of the state’s rural, working landscape that characterizes California’s private timberlands.”

- The 2003 report concluded that “the NTMP program is meeting the uneven-aged management requirement of the Forest Practice Act. . . [and given] sufficient time to implement current NTMP management prescriptions, landowners will also be able to show that they are meeting the sustained yield requirement. Therefore, [CAL FIRE] has determined that the NTMP program is improving California’s timberlands and recommends that the program be continued.”
- Additionally, the report recommended that the NTMP acreage limit be increased to bring more timberlands into the program. “This change would benefit both landowners and the state by providing an opportunity for these additional timberlands to be placed into a sustained yield and uneven-aged management regime.” This proposed action essentially implements this recommendation by allowing larger nonindustrial timberland owners to participate in the WFMP program.

In conclusion, the primary purpose of the proposed action is to create the Working Forest Management Plan (WFMP) program, based on the model of the Nonindustrial Timber Management Plan (NTMP) program, to provide nonindustrial landowners (with less than 15,000 acres of timberland) greater opportunities for cost-effective timber management than currently exist through the application of a timber harvesting document that would allow for long-term approval with certain conditions, such as the use of unevenaged forest management and proof that operations provide for sustained yield and stricter environmental standards (relative to the NTMP). Raising the acreage limit to 15,000 acres through the WFMP will make hundreds of thousands of additional timberland acreage eligible for long-term, sustainable management. The benefits of which include:

- Making non-industrial forest properties more economically viable.
- Incentivizing unevenaged management, which may afford increased carbon sequestration, conservation of scenic values and protection of water quality and fish and wildlife habitat.

- Incentivizing the purchase of additional timberlands.

Other benefits may or may not result. These beneficial effects upon the environment could be related to fire resiliency, habitat, aesthetics, carbon sequestration and decreased timberland conversion. However, these prospective benefits are speculative, but it may be presumed, at a minimum, that the level of protective effect upon the environment will not be reduced as a result of the proposed action. The proposed action is not expected to have an effect upon the health and welfare of California residents, worker safety, the prevention of discrimination, or the promotion of fairness or social equity. Neither is the proposed action expected to result in an increase in the openness and transparency in business and government.

There is no comparable federal regulation or statute.

Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to GC section 11346.5(a)(3)(D). State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action, including portions of Title 14 of the California Code of Regulations (§§ 895.1, 912.7, 932.7, 952.7, 913.2, 913.11, 916.3, 916.4, 936.4, 956.4, 916.5, 936.5, 956.5, 919.11, 1032.9, 1032.10, 1035–1035.4, 1037.5, 1054, 1071, 1090–1090.27, 1093, 15380(d) and Subchapters 4 and 6 of Article 13), to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to the implementation of the Z’Berg–Nejedly Forest Practice Act and found no existing State regulations that meet the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposed regulation is entirely consistent and compatible with existing Forest Practice Rules and the Z’Berg–Nejedly Forest Practice Act.

The following document is incorporated by reference: “A Guide to Wildlife Habitats in California,” California Department of Fish and Wildlife, 1988.

**MANDATED BY FEDERAL LAW
OR REGULATIONS**

The proposed action is not mandated by federal law or regulations.

The proposed action neither conflicts with, nor duplicates Federal regulations.

There are no comparable Federal regulations for timber harvesting on State or private lands.

**OTHER STATUTORY REQUIREMENTS
(pursuant to GOV. CODE § 11346.5(a)(4))**

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulation or class of regulations.

**LOCAL MANDATE
(pursuant to GOV. CODE § 11346.5(a)(5)).**

The proposed action does not impose a mandate on local agencies or school districts.

**FISCAL IMPACT
(pursuant to GOV. CODE § 11346.5(a)(6))**

The proposed action does not impose a mandate on local agencies or school districts. Therefore, there is no cost (reimbursable or otherwise) to any local agency or school district.

Regarding costs or savings to any State agency, according to the Senate Appropriations Committee, the following costs and savings are projected:

1. One-time costs of at least \$150,000 from the Timber Regulation and Forest Restoration Fund to the Board of Forestry for the development of regulations as required by AB 904.
2. One-time costs of approximately \$75,000 from the Timber Regulation and Forest Restoration Fund to the regional water quality control boards (RWQCBs) for adoption and revision of general waste discharge requirements.
3. Assuming five WFMPs are submitted each year, annual costs of approximately \$500,000–\$750,000 in fiscal year (FY) 2014–15 and growing to \$600,000 to \$950,000 in FY 2018–19, from the Timber Regulation and Forest Restoration Fund to CAL FIRE, Department of Fish and Wildlife, the RWQCBs, and Department of Conservation for the approval, then ongoing review, of WFMPs. This cost will at least be partially offset by a decrease in timber harvest plans (THP) submitted.
4. CAL FIRE and the reviewing agencies will all incur costs in the review of a WFMP application, the review of harvest notices, and the five-year review of an approved WFMP. The costs to the agencies depend on the number of plans submitted and approved as well as the complexity of those plans.

5. Based on a February 2013 report from the Natural Resources Agency and CalEPA that was required by AB 1492, the Resources Agency, CAL FIRE, DFW, SWRCB, and DOC collectively need approximately \$25 million annually and 193 positions to review all discretionary harvest permits (THPs, NTMPs, etc.) received each year. The actual cost to review each THP can vary greatly depending on factors such as the quality of the THP submitted, the size of the plan, and the complexity of the plan. Based on the number of permits submitted in 2011–12, Department staff estimates that the average cost of reviewing a THP is in the high tens of thousands.
6. Staff assumes the workload involved in reviewing and approving a WFMP will be 25–50% higher than a THP because a WFMP allows harvesting indefinitely. Assuming five plans are submitted annually, this proposed action will likely result in costs to the reviewing agencies in the range of the mid to high hundreds of thousands of dollars. Once a WFMP is approved, the reviewing agencies will incur ongoing costs to review harvest notices and to conduct the five–year review. Each WFMP is likely to result in costs collectively across the review agencies of a couple thousand dollars annually. Continuing with the assumption of five WFMPs submitted annually, at the end of a five–year period, there will be review costs in the low hundreds of thousands of dollars.
7. Staff notes that aside from the initial costs of regulatory development for the WFMP program, the initial and ongoing costs caused by the proposed action may be at least partially offset by a decrease in THPs, depending on the extent that a WFMP supplants the submission of THPs. The extent to which a WFMP supplants THP submission is speculative.

The proposed action will not result in the imposition of other non–discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in federal funding to the State.

HOUSING COSTS

(pursuant to GOV. CODE § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV. CODE §§ 11346.3(a) and 11346.5(a)(7))

The proposed action will not have a significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Pursuant to GOV. CODE § 11346.5(a)(8), the agency shall provide in the record facts, evidence, documents, testimony, or other evidence upon which the agency relies to support this initial determination:

The proposed action does not affect small business as defined in GOV. CODE § 11342.610 based upon the fact that the WFMP program to be established by the proposed action is voluntary.

STATEMENTS OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to GC § 11346.5(a)(10) and prepared pursuant to GC § 11346.3(b)(1)(A)–(D). The proposed action: (A) will not create or eliminate jobs within California; (B) will not create new businesses or eliminate existing businesses within California; or (C) will not affect the expansion of businesses currently doing business within California. (D) It may be speculated that the proposed regulation could benefit the environment as described in the Informative Digest, but it is not expected to affect the health and welfare of California residents or improve worker safety.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

(pursuant to GOV. CODE § 11346.5(a)(9))

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The WFMP is a voluntary rather than a compulsory permitting process available for use at the discretion of nonindustrial timberland owners. In comparison to a conventional Timber Harvesting Plan (THP), the WFMP will be more costly (all else being equal). However, unlike a THP, which is good for no more than seven years, a WFMP lasts in perpetuity and the additional cost is recaptured over time because subsequent WFMP harvest entries can be conducted under a much simpler notice to the Department that is tiered off of the WFMP.

BUSINESS REPORT
(pursuant to GOV. CODE §§ 11346.5(a)(11)
and 11346.3(d))

The proposed action does not impose a business reporting requirement.

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

Small business, within the meaning of GOV. CODE § 11342.610, is not expected to be affected by the proposed action because small business:

- (1) Is not legally required to comply with the regulation (the WFMP is a voluntary permitting process for timber harvesting);
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation; and
- (4) Does not incur a detriment from the enforcement of the regulation.

ALTERNATIVES INFORMATION

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers, 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, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

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: Thembi Borrás
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-9633

The designated backup person in the event Ms. Thembi Borrás is not available is Mr. Matt Dias, Executive Officer of Professional Forester Registration. Mr.

Dias may be contacted at the above address or by phone at (916) 653-6634.

AVAILABILITY STATEMENTS
(pursuant to GOV. CODE § 11346.5(a)(16))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to GOV. CODE § 11346.5(b) and GOV. CODE § 11346.2(a)).
4. 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 testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board website at:

http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 203, 355, 356, 3003.1, 3004.5, 3800, 4009.5, and 4150 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 203, 203.1, 206, 207, 215, 220, 355, 356, 2005, 2055, 3003.1, 3004.5, 3683, 3800, 3950, 4000, 4001, 4002, 4003, 4004, 4009.5, 4150, and 4902 of said Code, proposes to amend Sections 311, 353, 464, 465, 475, and 485; repeal Section 355; and add Section 250.1, Title 14, California Code of Regulations, relating to prohibition on the use of lead projectiles and ammunition using lead projectiles for the take of wildlife with firearms.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 711 (Chapter 742, Statutes of 2013) was signed by the Governor on October 11, 2013, and took effect on January 1, 2014. This legislative action amended Section 3004.5 of the Fish and Game Code, and requires the Fish and Game Commission (Commission) to promulgate regulations to ban the use of lead ammunition when taking any wildlife with a firearm not later than July 2019. The new law expands the existing requirement to use nonlead ammunition within the California condor range and requires the Commission to:

- Promulgate regulations by July 1, 2015, that phase in the requirements of Section 3004.5;
- Require partial or full implementation of the new regulations, if practicable, before July 1, 2019; and
- Maintain existing condor range restrictions and nonlead certification process until the new regulations are implemented.

The Department of Fish and Wildlife (Department) held a series of 16 public meetings throughout the state between January and August 2014. In addition, the Department provided presentations at the Commission's Wildlife Resources Committee (WRC) meetings in January, July, and September 2014 outlining proposals to phase in the required use of nonlead ammunition for the taking of all wildlife with a firearm by July 2019.

The Department's revised regulatory recommendation, shown below, was presented at the Commission's September 2014 WRC meeting.

Phase 1 — Starting July 1, 2015, nonlead ammunition will be required for taking all wildlife on state Wildlife Areas and Ecological Reserves. These Department lands constitute approximately 925,000 acres in California, with high ecological values and relatively large numbers of hunters. In addition to hunters on Department lands, nonlead ammunition will be required for hunters taking Nelson bighorn sheep anywhere in California. This requirement will affect a small number of hunters as very limited numbers of Nelson bighorn sheep tags are issued annually. In 2014, fourteen tags were issued in California.

Phase 2 — Starting July 1, 2016, nonlead ammunition will be required when taking upland game birds with a shotgun, except for dove, quail, and snipe, and any game birds taken on licensed game bird clubs. In addition, nonlead ammunition will be required when using a shotgun to take resident small game mammals, furbearing mammals, nongame mammals, nongame birds, and any wildlife for depredation purposes. It will still be legal to take these animals with traditional lead rimfire and lead centerfire ammunition during phase 2. These revisions will allow partial implementation as required due to availability of nonlead shotgun ammunition as required by existing federal waterfowl regulations. The exception for permitted licensed game bird clubs takes into account the use of domesticated game birds at these facilities.

Phase 3 — Starting July 1, 2019, nonlead ammunition would be required when taking any wildlife with a firearm.

The proposed regulatory changes are intended to implement AB 711 while balancing the statutory requirements and deadlines with the complex nature of ammunition production, retail availability and consumer demand. The proposed regulations generally rely on more readily available nonlead rifle and shotgun ammunition during the first three years of the transition in order to give ammunition manufacturers more time to meet the increased demand for nonlead ammunition in California after July 1, 2019.

Proposed Changes

Amend Division 1, Subdivision 2, Title 14, CCR.

The title of the subdivision will be expanded to Game, Furbearers, Nongame, and Depredators.

Add Section 250.1, Title 14, CCR.

This new section will include the existing nonlead requirements that apply when taking specified wildlife in the California condor range and new requirements to phase in the statewide nonlead mandate pursuant to Section 3004.5 of the Fish and Game Code.

Subsection (a) describes the general purpose of the regulation.

Subsection (b) defines “projectile,” “nonlead ammunition,” “nonlead projectile,” and makes it clear that shotgun ammunition containing pellets composed of materials approved as nontoxic by the U.S. Fish and Wildlife Service, as identified in Section 507.1 of these regulations, is considered certified. These provisions increase public understanding and enhance the clarity of the regulation.

Subsection (c) includes general provisions.

- (1) It is unlawful to possess any projectile containing lead in excess of the amount allowed in these regulations and a firearm capable of firing the projectile while taking or attempting to take wildlife.
- (2) The possession of a projectile containing lead in excess of the amount allowed in these regulations without possessing a firearm capable of firing the projectile is not a violation of this section.
- (3) This section is not intended to prohibit the possession of concealable firearms containing lead ammunition, provided that the firearm is possessed for personal protection and is not used to take or assist in the take of wildlife.

Subsection (d) specifies the phased approach to prohibit the use of lead ammunition when taking wildlife, as required by the amendments to Section 3005.5 of the Fish and Game Code.

Phase 1 — Effective July 1, 2015, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking:

(A) Nelson bighorn sheep as authorized by Fish and Game Code Section 4902;

or

(B) All wildlife in any wildlife area or ecological reserve, as described in sections 551, 552 and 630 of these regulations.

Phase 2 — Effective July 1, 2016, it shall be unlawful to use, or possess with any shotgun capable of firing, any projectile(s) not certified as nonlead as described in subsection (b)(3) when taking:

(A) Upland game birds as included in Fish and Game Code Section 3683, except for dove, quail, snipe, and any game birds taken under the authority of a licensed game bird club as provided for in sections 600 and 600.4 of these regulations;

(B) Resident small game mammals as defined in Section 257 of these regulations;

(C) Fur-bearing mammals as defined by Fish and Game Code Section 4000;

(D) Nongame mammals as defined by Fish and Game Code Section 4150;

(E) Nongame birds as defined by Fish and Game Code Section 3800; or

(F) Any wildlife for depredation purposes, regardless of whether the take is authorized by a permit issued pursuant to sections 401 or 402 of these regulations.

Phase 3 — Effective July 1, 2019, it shall be unlawful to use, or possess with any firearm capable of firing, any projectile(s) not certified as nonlead when taking any wildlife for any purpose in this state.

Subsection (e) continues the existing restrictions on the use of lead ammunition in the condor range, as required by subdivision (i) of Fish and Game Code Section 3004.5. These restrictions are currently set forth in subsection (h) of Section 353 and subsection (f) of Section 475. This section will be repealed when the statewide ban on the use of lead ammunition when taking wildlife goes into effect on July 1, 2019.

Subsection (f) contains the language specifying the nonlead ammunition certification process moved and updated from existing Section 355.

Amend Section 311, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 353, Title 14, CCR.

This section will be amended to remove subsection (h) since the definition of nonlead projectiles and methods of take within the condor range are integrated in subsections (d)(3) and (e) of the new Section 250.1, Title 14, CCR, with an added cross reference to the new section. Other proposed amendments will revise the current exceptions in subsection (a) into two subsections (definitions and exceptions) along with minor changes to improve clarity and consistency of the regulations.

Amend Section 464, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 465, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Amend Section 475, Title 14, CCR.

This section will be amended to remove subsection (f) since the definition of nonlead projectiles and methods of take within the condor range are integrated in subsections (d)(3) and (e) of the new Section 250.1, Title 14, CCR, with an added cross reference to the new section.

Amend Section 485, Title 14, CCR.

This section will be amended to add cross reference to the new 250.1 regulations to improve clarity and consistency of the regulations. This revision will align and simplify Title 14 regulations.

Repeal Section 355, Title 14, CCR.

This section is proposed to be repealed since the ammunition certification process is integrated in subsection (f) of the new Section 250.1, Title 14, CCR.

Benefits of the Proposed Regulations

The benefits of the proposed regulations to the environment are through the elimination of a source of toxic lead substances that may be deleterious to wildlife and sustainable management of California's wildlife resources.

The proposed regulations are neither inconsistent nor duplicative of existing State or federal regulations. The proposed regulations will complement federal law because, unlike federal regulations prohibiting use of non-toxic shot when taking waterfowl, the proposed regulations will prohibit use of lead ammunition when taking any wildlife. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the prohibition on the use of lead projectiles and ammunition for the take of wildlife with firearms.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Resources Building Auditorium, 1416 Ninth St., in Sacramento, California, on February 12, 2015, at 8 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Flamingo Conference and Resort Center, 2777 Fourth St., in Santa Rosa, California, on April 9, at 8 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 26, 2015, at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before noon on April 3. All comments must be received no later than April 9, 2015, at the hearing in Santa Rosa, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency

representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Caren Woodson at the preceding address or phone number. **Craig Martz, Department of Fish and Wildlife, phone (916) 653-4674, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

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

The Commission does not anticipate significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The principle businesses that are expected to be impacted by the proposed regulatory changes are manufacturers and retailers of hunting equipment and businesses that serve hunters on recreational hunting trips. The proposed implementation schedule is structured to limit expected impacts on hunters and hunting-related businesses that may be affected by the regulation. The availability of ammunition types is a central factor that influenced the timing of the phases so as to minimize any interruption in hunting activity caused by nonlead ammunition supply deficiencies.

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

The Commission does not anticipate significant impacts on the creation of new business or the elimination of existing businesses in California. However, some new business activity may be spurred to serve hunters' needs for nonlead ammunition, hand-loaded bullets, and practice time on shooting ranges.

The Commission does not anticipate any significant impacts on the creation or elimination of jobs within the State because the nonlead ban will be phased in to minimize any disruptions in hunting activity across four years. The multiplier for jobs in the hunting, ammunition manufacturing, and outdoor sports retail sectors is 17 jobs per million dollars in direct expenditure. Although we anticipate less disruption, if full implementation precipitates a five percent reduction in hunting activity, approximately 230 jobs could be eliminated across the state.

The Commission anticipates the potential for the expansion of businesses currently doing business in California that manufacture or sell nonlead ammunition. Hunting guides and/or shooting ranges that may aid in the acquisition of and/or the transition to the use of nonlead ammunition may also have the potential to expand.

The Commission anticipates benefits to the health and welfare of California residents through better management of toxic lead substances that may be deleterious to those who consume wild game.

The Commission does not anticipate any benefits to worker safety because this regulatory action will not impact working conditions or worker safety.

The Commission anticipates benefits to the environment through the elimination of a source of toxic lead substances that may be deleterious to wildlife.

- (c) Cost Impacts on a Representative Private Person or Business:

A representative private person could spend an average of \$184 or expect to incur approximately a seven percent increase in annual hunting equipment expenditures in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department has an estimated \$45,000 in regulation development and outreach costs in the year prior to promulgation of the regulation that will be absorbable in that year. The regulation has the potential to reduce license and tag sales revenue for the Department. If full implementation precipitates a five percent decline in hunting activity, the Department license and tag sales revenue could be reduced by approximately \$1 million. However, past experience with restricting the use of lead ammunition in the condor range suggests that potential declines in license and tag sales will be less than five percent (for more detail on changes in tag sales within the condor range, please see pages 17-19 in the Standardized Regulatory Impact Assessment).

Any potential reduction in the number of licenses sold is not expected to significantly impact Federal Pittman-Robertson Funding allocations to the state. The impact of a potential decline in hunting activity of five percent is estimated to result in an approximately \$34,000 drop in the state's Pittman-Robertson allocation. The state may experience a decline, but it will be more a function of an anticipated drop in the total quantity of funds collected across the country.

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

PROPOSED REPEAL OF ARTICLE 6 AND ADOPTION OF NEW ARTICLE 6

**PROPOSITION 65
CLEAR AND REASONABLE WARNINGS**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to repeal the current Article 6 regulations and adopt new regulations in Article 6 in Title 27 of the California Code of Regulations. These new regulations would further the “right-to-know” purposes of the statute and provide more specific guidance on the content of safe harbor warnings for a variety of exposure situations, and corresponding methods for providing those warnings. It also would add a specific section to the regulations addressing the relative responsibilities for providing warnings for businesses in the chain of commerce versus retail sellers of a given product.

PUBLIC PROCEEDINGS

Public Hearing

A public hearing will be held on March 25, 2015, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The public hearing will com-

mence at 10:00 in the Coastal Hearing Room, California Environmental Protection Agency Building, 1001 I Street, 2nd Floor, Sacramento, California and will last until 12:00 noon.

Written Comment Period

Any written comments concerning this proposed regulatory action, regardless of the form or method of transmission, must be received by OEHHA by **5:00 p.m. on April 8, 2015**, the designated close of the written comment period. All comments will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information via e-mail, rather than in paper form. Send e-mail comments to P65Public.Comments@oehha.ca.gov. Please include “Clear and Reasonable Warning Regulations” in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

Monet Vela
Office of Environmental Health Hazard Assessment
P. O. Box 4010
Sacramento, California 95812-4010
Telephone: 916-323-2517
Fax: 916-323-2610
E-mail: P65Public.Comments@oehha.ca.gov

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be provided to third parties upon request.

CONTACT

Inquiries concerning the proposed Proposition 65 regulation described in this notice may be directed to Monet Vela at (916) 323-2517, or by e-mail at monet.vela@oehha.ca.gov, or by mail to OEHHA, P.O. Box 4010, Sacramento, California 95812-4010. Mario Fernandez is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2635 or mario.fernandez@oehha.ca.gov.

AUTHORITY

Health and Safety Code section 25249.12 and Health and Safety Code section 25249.8(a).

REFERENCE

Health and Safety Code sections 25249.5, 25249.6, 25249.8(a), 25249.10, 25249.11 and 25249.12.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

BACKGROUND

OEHHA is the state entity responsible for the implementation of Proposition 65.¹ OEHHA has the authority to adopt and amend regulations to make specific and further the purposes of Proposition 65. OEHHA maintains a list of chemicals known to cause reproductive toxicity or cancer. Proposition 65 requires businesses to provide a warning when they knowingly and intentionally cause an exposure to a listed chemical, and prohibits the discharge of listed chemicals into sources of drinking water.

Under the existing Article 6 regulations, a warning is “clear” if it clearly communicates that the chemical in question is known to the State of California to cause cancer, birth defects or other reproductive harm. It is “reasonable” if the method employed to transmit the message is reasonably calculated to make the warning message available to the individual prior to exposure. However, the existing safe harbor warnings lack the specificity necessary to ensure that the public receives useful information about potential exposures.

In proposing this regulatory action, OEHHA intends to address many of the issues that have surfaced since the original regulation was adopted in 1988 by clarifying the relative responsibilities of manufacturers and others in the chain of distribution for providing warnings for products that are eventually sold at retail. The proposed regulations would also make needed changes to the current requirements for a “safe harbor” warning by integrating new technology, providing more useful information to Californians about their exposures to listed chemicals and by providing more compliance assistance for affected businesses, thereby furthering the purposes of the Act.

SPECIFIC BENEFITS OF THE
PROPOSED REGULATIONS

These proposed regulations would repeal the current Article 6 and adopt a new Article 6 that includes two Subarticles. The proposed regulations would better serve the public by requiring more detailed information in Proposition 65 safe harbor warnings including how to avoid or reduce exposures to listed chemicals. This furthers the “right-to-know” purposes of the statute. This access to more detailed information would further promote public health and safety.

¹ The Safe Drinking Water and Toxics Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*, commonly referred to as “Proposition 65”.

The regulatory proposal also provides more clarity to the warning requirements and more specificity regarding the minimum elements for providing a “clear and reasonable” warning for exposures that occur from products, including foods, and exposures that occur in various environmental settings. Because businesses are given the option to use warning methods adopted by OEHHA, businesses can take advantage of the more detailed guidance and compliance assistance provided by the proposed regulations, while retaining the right to provide other non-safe-harbor warnings they believe are compliant with the Act.

NO INCONSISTENCY OR INCOMPATIBILITY
WITH EXISTING REGULATIONS

OEHHA has conducted an evaluation and has determined that these are the only regulations concerning Proposition 65 Clear and Reasonable Warnings. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations. The regulations do not change the existing mandatory requirements on businesses subject to Proposition 65, state or local agencies and do not address compliance with any other law or regulation.

LOCAL MANDATE/FISCAL IMPACT

Because Proposition 65 by its terms² does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action. Also, the proposed action will not create any cost or saving to any state agency, and will not create any cost or savings in federal funding to the state.

NO SIGNIFICANT ADVERSE ECONOMIC
IMPACT ON ANY BUSINESS

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulation does not impose any significant new requirements upon any private person or California businesses.

² See Health and Safety Code section 25249.11(b).

KNOWN COST IMPACTS

OEHHA is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulation does not impose any significant new requirements upon private persons.

RESULTS OF ECONOMIC IMPACT ANALYSIS
(Gov. Code section 11346.3(b))

OEHHA finds there will be no significant economic impact related to this proposed regulation. The proposed regulation would not impose any significant costs because businesses are already subject to the warning requirements of Proposition 65. Because businesses are given the option to use warning methods adopted by OEHHA, businesses can take advantage of the more detailed guidance and compliance assistance provided by the proposed regulations, while retaining the right to provide other non-safe-harbor warnings they believe are compliant with the Act. Therefore, OEHHA concludes that it is (1) unlikely that the proposal will eliminate any jobs, (2) unlikely that the proposal will create an unknown number of jobs, (3) unlikely that the proposal will create an unknown number of new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposal will affect the expansion of existing businesses.

This regulatory action will not impact the creation of new businesses or the elimination of existing businesses within the State of California. The regulation interprets and makes specific certain aspects of the Act and provides more specific and detailed guidance for safe harbor warning methods and content for businesses that decide to take advantage of this guidance.

Benefits of the Proposed Regulation: The proposed regulations will further the purposes of Proposition 65 by providing more informative warnings to the public and reduced uncertainty for businesses who must comply with the warning requirements of the Act.

EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any new mandatory requirements on any business.

REASONABLE ALTERNATIVES TO THE
REGULATION AND THE AGENCY'S REASONS
FOR REJECTING THOSE ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA, would be more effective in carrying out the purpose for which Proposition 65 is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

OEHHA held two pre-regulatory workshops, received 51 comment letters and participated in over 30 meetings with a wide range of stakeholders regarding the proposed regulations. Alternatives were offered by these stakeholders in the comments, letters and in the meetings. OEHHA carefully considered each alternative and OEHHA incorporated both substantive and non-substantive input offered by stakeholders into this regulatory proposal. However, OEHHA was also mindful of its statutory responsibility to ensure that this regulatory effort remains consistent with the purpose of the statute.³ Some of the suggested alternatives would not accomplish that goal and were therefore not included in this proposal.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulatory action will not impose any mandatory requirements on small businesses. Proposition 65 expressly exempts businesses with less than 10 employees⁴ from the warning and discharge requirements of the law.

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the regulation is based, and the text of the proposed regulation. These documents are available on OEHHA's web site at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

The full text of any proposed regulation that is changed or modified from the express terms of this pro-

³ Health and Safety Code section 25249.12(a).

⁴ Health and Safety Code section 25249.11(b).

posed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the revised proposed regulations and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice and the changed regulation will also be available on the OEHHA Website at www.oehha.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA's website at www.oehha.ca.gov.

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

PROPOSED ADOPTION OF SECTION 25205

PROPOSITION 65 LEAD AGENCY WEBSITE

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) is initiating a rulemaking to add section 25205 to Title 27, Article 2, of the California Code of Regulations. This regulation would establish the framework for a website operated by OEHHA that would provide supplemental information to the public about potential exposures to Proposition 65 listed chemicals

PUBLIC PROCEEDINGS

Public Hearing

A public hearing will be held on March 25, 2015, at which time any person may present statements or arguments orally or in writing relevant to the proposed regulatory action described in this notice. The public hearing will commence at 1:30 p.m. in the Coastal Hearing Room, California Environmental Protection Agency Building, 1001 I Street, 2nd Floor, Sacramento, Califor-

nia and will last until 4:00 p.m. or when all business is complete.

Written Comment Period

Any written comments concerning this proposed action, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on April 8, 2015, the designated close of the written comment period. All comments received will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information via e-mail, rather than in paper form. Send e-mail comments to P65Public.Comments@oehha.ca.gov. Please include "Lead Agency Website Regulation" in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

Monet Vela
Office of Environmental Health Hazard Assessment
P. O. Box 4010
Sacramento, California 95812-4010
Telephone: 916-323-2517
Fax: 916-323-2610
E-mail: P65Public.Comments@oehha.ca.gov

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be provided to third parties upon request.

CONTACT

Inquiries concerning the proposed Proposition 65 regulation described in this notice may be directed to Monet Vela at (916) 323-2517, or by e-mail at monet.vela@oehha.ca.gov, or by mail to OEHHA, P.O. Box 4010, Sacramento, California 95812-4010. Mario Fernandez is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2635 or mario.fernandez@oehha.ca.gov.

AUTHORITY

Health and Safety Code section 25249.12 and Health and Safety Code section 25249.8(a).

REFERENCE

Health and Safety Code sections 25249.5, 25249.6, 25249.8(a), 25249.11 and 25249.12.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

BACKGROUND

OEHHA is the state entity responsible for the implementation of Proposition 65.¹ OEHHA has the authority to adopt and amend regulations to make specific and further the purposes of Proposition 65. OEHHA maintains a list of chemicals known to cause reproductive toxicity or cancer. The law requires businesses to provide a warning when they knowingly and intentionally cause an exposure to a listed chemical, and prohibits the discharge of listed chemicals into sources of drinking water.

Currently, members of the public have no centralized source for obtaining supplemental information regarding the warnings that are being provided for chemical(s) that are listed under Proposition 65, or for information on how they might be exposed to the chemical(s) and how they might reduce or avoid such exposures. A key objective of the proposed regulation is to increase the availability of consistent, understandable information to the public regarding warnings provided for potential exposures to listed chemicals. The proposed regulation would establish a one-stop shop for supplemental information concerning the warnings Californians see on products and at locations throughout the state.

This proposed regulation is intended to leverage the public's existing and future use of the Internet in order to provide supplemental, contextual information about potential exposures to listed chemicals, in order to allow them to make informed choices concerning those exposures, thus furthering the purposes of the statute. OEHHA intends to develop chemical and exposure information, as resources allow, that is supplemental to the warnings required by the Act.

OEHHA believes that the supplemental information provided on the website will aid interested individuals who receive a warning to learn about the chemicals involved in a potential exposure, how they can be exposed to those chemicals, and any steps they could take to reduce or eliminate a potential exposure. This will further the purposes of the Act by supplementing the basic information conveyed by Proposition 65 warnings.

SPECIFIC BENEFITS OF THE
PROPOSED REGULATION

The proposed regulation would establish the general framework for a website operated by OEHHA that

would provide public access to information relevant to potential exposures to listed chemicals as well as general information on the health effects of listed chemicals and preventive measures to reduce the likelihood of significant exposures. This access to more detailed information would further promote public health and safety. The proposed regulation will further the "right-to-know" purposes of Proposition 65 by providing important supplemental and contextual information to the public regarding potential exposures to listed chemicals in furtherance of the purposes of the Act.

NO INCONSISTENCY OR INCOMPATIBILITY
WITH EXISTING REGULATIONS

After conducting an evaluation for any related regulations in this area, OEHHA has determined that the proposed regulation is the only provision establishing a Lead Agency Website for Proposition 65. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations. The regulation does not significantly change the existing mandatory requirements on any business, state or local agency and does not address compliance with any other law or regulation.

LOCAL MANDATE/FISCAL IMPACT

Because Proposition 65 by its terms² does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action. Also, the proposed action will not create any cost or saving to any state agency, and will not create any cost or savings in federal funding to the state.

NO SIGNIFICANT ADVERSE ECONOMIC
IMPACT ON ANY BUSINESS

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulation does not impose any significant new requirements upon private persons. While the regulation requires businesses to provide information regarding listed chemicals to OEHHA upon request, this information is similar to that obtained by the busi-

¹ The Safe Drinking Water and Toxics Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*, commonly referred to as "Proposition 65".

² See Health and Safety Code section 25249.11(b).

ness for the purpose of determining whether to provide a Proposition 65 warning. OEHHA anticipates that most businesses will voluntarily provide it with information and there will seldom be a need for it to specifically request information from a given business. The more likely approach would be to request information from an entire business sector through an association, thus reducing any potential costs.

KNOWN COST IMPACTS

OEHHA is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulation does not impose any significant new requirements upon private persons. As noted above, while the regulation requires businesses to provide information regarding listed chemicals to OEHHA upon request, this information is similar to that obtained by the business for the purpose of determining whether to provide a Proposition 65 warning. OEHHA anticipates that most businesses will voluntarily provide it with information and there will seldom be a need for it to specifically request information from a given business. The cost of providing existing information to OEHHA should be minimal.

RESULTS OF ECONOMIC IMPACT ANALYSIS (Gov. Code section 11346.3(b))

OEHHA finds there will be no significant economic impact related to this proposed regulation. The proposed regulation would not impose any significant costs because businesses are already subject to the warning requirements of Proposition 65. The proposed regulation will allow OEHHA to request existing information from businesses, but the cost of complying with these requests should be minimal. Therefore, OEHHA concludes that it is (1) unlikely that the proposal will eliminate any jobs, (2) unlikely that the proposal will create an unknown number of jobs, (3) unlikely that the proposal will create an unknown number of new businesses, and (4) unlikely that the proposal will eliminate any existing businesses.

Benefits of the Regulation: This regulatory action provides public access to more detailed information, and would further promote public health and safety. The proposed regulation will, further the “right-to-know” purposes of Proposition 65 by providing important supplemental and contextual information to the public regarding potential exposures to listed chemicals in furtherance of the purposes of the Act.

EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any significant new mandatory requirements on any business.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY’S REASONS FOR REJECTING THOSE ALTERNATIVES

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

OEHHA received numerous comment letters in response to the two pre-regulatory workshops and pre-regulatory drafts of the regulation. OEHHA also participated in over 30 meetings with a wide range of stakeholders. Alternatives to the proposed lead agency website regulation were offered by several stakeholders. OEHHA carefully considered each alternative and incorporated both substantive and non-substantive input offered by stakeholders into this regulatory proposal. The Agency’s statutory responsibility is to ensure that this regulatory effort remains consistent with the purpose of the statute. Some of the suggested alternatives would not accomplish that goal and were therefore not included in this proposal.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulatory action will not impose any mandatory requirements on small businesses. Proposition 65 expressly exempts businesses with less than 10 employees³ from the warning and discharge requirements of the law.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the regulation is based, and the text of the proposed regulation. This document is available on OEHHA’s web site at www.oehha.ca.gov.

³ Health and Safety Code section 25249.11(b).

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

The full text of any proposed regulation that is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the revised proposed regulations and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice and the changed regulation will also be available on the OEHHA Web site at www.oehha.ca.gov.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA's web site at www.oehha.ca.gov.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF A PUBLIC HEARING FOR
COMMENT ON
A REQUEST FOR A SAFE USE
DETERMINATION
FOR DIISONONYL PHTHALATE (DINP)
IN TANDUS CENTIVA ER3® MODULAR
VINYL CARPET TILE**

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

Health and Safety Code section 25249.5 *et seq.*). OEHHA has received a request for a Safe Use Determination (SUD) for the use of diisononyl phthalate (DINP) in Tandus Centiva ER3® modular vinyl carpet tile, specifically that exposures to DINP in the carpet tile do not present significant cancer risks under Proposition 65, and do not require a warning. The request is made by Fulbright & Jaworski LLP pursuant to Title 27 of the California Code of Regulations, section 25204(b)(3).

This SUD request is limited to exposures to DINP only. Exposure to other listed substances, if any, that may be present in the Tandus Centiva ER3® modular vinyl carpet tile will not be reviewed by OEHHA in the context of this request.

In accordance with the process set forth in section 25204(f)¹, a public hearing has been scheduled for **Wednesday, February 25, 2015**, in the Sierra Hearing Room on the 2nd Floor of the California Environmental Protection Agency Headquarters, 1001 I Street, Sacramento, CA 95814, as an opportunity for public comment on this request for a safe use determination. The hearing will be held between 2:00 p.m. and 5:00 p.m.

The public may also submit written comments on this request. In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Wednesday, February 25, 2015**. We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov. Please include "SUD — ER3 Modular Vinyl Carpet Tile" in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below.

Mailing Address: Ms. Monet Vela
Office of Environmental
Health Hazard Assessment
P.O. Box 4010, MS-23A
Sacramento, California
95812-401
Fax: (916) 323-2610
Address: 1001 I Street
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA website after the close of the comment period. If you have any questions, please contact Ms. Monet Vela at (916) 323-2517 or Monet.Vela@oehha.ca.gov.

¹ All referenced sections are from Title 27 of the Cal. Code of Regulations.

**OAL REGULATORY
DETERMINATIONS**

OFFICE OF ADMINISTRATIVE LAW

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

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

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**

Date: January 2, 2015
To: Alvaro Quezada
From: Chapter Two Compliance Unit
Subject: **2015 OAL DETERMINATION NO. 1 (S)
(CTU2014-1103-01)**
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation a memorandum titled:
“Addendum to Operational Procedure #062 Custody Designations for Inmate Work/Education Assignments”

On November 3, 2014, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the memorandum titled “Addendum to Operational Procedure #062 Custody Designations for Inmate Work/Education Assignments” constitutes an underground regulation. The memorandum is dated September 8, 2014, issued by Neil McDowell, the warden at the Ironwood State Prison and is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as

defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

- (1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

¹“Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

Similarly, the rule challenged by your petition was issued by Ironwood State Prison and applies solely to the inmates of Ironwood State Prison. Inmates housed at other institutions are governed by those other institutions' criteria for inmate work and education assignments. Therefore, the rule is a "local rule" and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

_____/s/
Debra M. Cornez
Director

_____/s/
Elizabeth A. Heidig
Senior Attorney

Copy: Dr. Jeffrey Beard
Tim Lockwood

**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

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

- (f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.
- (2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:
 - (A) The challenged rule has been superseded.
 - (B) The challenged rule is contained in a California statute.
 - (C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
 - (D) The challenged rule has expired by its own terms.
 - (E) **An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.** [Emphasis added.]

contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2014-1114-07
AIR RESOURCES BOARD
Cap and Trade Regulation Amendments September 2014

This rulemaking action by the California Air Resources Board (ARB) amends the California Cap-and-Trade Program in an effort to provide additional details to clarify implementation, address stakeholder concerns regarding registration of corporate associations, clarify offset transfer price reporting, modify allocation for two entities and modify existing offset protocols. Specific areas of amendment include: Clarify how producers quantify their product data; Alter allowance allocation for two covered entities based on new information; Include a compliance obligation for imported carbon dioxide; Update the Ozone Depleting Substances Protocol, the Livestock Protocol, and the U.S. Forest Protocol for quantification methods; and Modify requirements related to compliance, corporate association disclosures, and offset transfer price reporting.

Title 17
California Code of Regulations
AMEND: 95802, 95830, 95833, 95852, 95852.2, 95890, 95892, 95895, 95921, 95973, 95975, 95976, 95981, 95983, 95985, 95990
Filed 12/31/2014
Effective 01/01/2015
Agency Contact: Amy Whiting (916) 322-6533

File# 2014-1125-02
AIR RESOURCES BOARD
Truck and Bus 2014

This action by the Air Resources Board amends section 2025 of Title 13, California Code of Regulations, referred to as the truck and bus regulation. The purpose of the truck and bus regulation is to reduce the emission of pollutants from nearly one million trucks that operate annually in California. This amendment preserves more than 90 percent of the emissions benefits of the regulation necessary to meet California's air quality obligations, while providing additional regulatory flexibility to small fleets, lower mileage fleets, and fleets in certain areas that have made substantial progress towards cleaner air. The changes include a longer phase-in period, extended timelines, a lower cost pathway to achieve compliance, and adjusted implementation schedules. The same emission levels as the existing regulation would be achieved by 2020.

Title 13
 California Code of Regulations
 AMEND: 2025
 Filed 12/31/2014
 Effective 01/01/2015
 Agency Contact: Trini Balcazar (916) 445-9564

File# 2014-1114-08
 AIR RESOURCES BOARD
 AB32 Cost of Implementation Fee

Through this regular rulemaking, the Air Resources Board is amending the Cost of Implementation Fee Regulation (the "Fee Regulation") to more closely align the Fee Regulation provisions with the Mandatory Reporting of Greenhouse Gas Emissions Regulation and the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation.

Title 17
 California Code of Regulations
 AMEND: 95201, 95202, 95203, 95204
 Filed 12/31/2014
 Effective 01/01/2015
 Agency Contact: Trini Balcazar (916) 445-9564

File# 2014-1114-06
 AIR RESOURCES BOARD
 Mandatory Reporting Regulation 2014

This action amends reporting requirements in connection with the Cap-and-Trade program. The numerous amendments in this rulemaking action address various specific reporting definitions, measurements, formulas, and other requirements as applied to refinery product data, hydrogen production, petroleum and natural gas systems, fuel suppliers, electric power utilities, legacy contract generators, and natural gas transmission and distribution leaks. The action would also (1) add verification requirements to ensure the quality and completeness of collected data; and (2) improve the clarity and strength of related conflict of interest provisions.

Title 17
 California Code of Regulations
 AMEND: 95101, 95102, 95103, 95104, 95111, 95112, 95113, 95114, 95115, 95119, 95121, 95122, 95124, 95130, 95131, 95132, 95133, 95152, 95153, 95156, 95157
 Filed 12/31/2014
 Effective 01/01/2015
 Agency Contact: Trini Balcazar (916) 445-9564

File# 2014-1231-01
 DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action creates a quarantine area for the Asian Citrus Psyllid (ACP) (*Diaphorina citri*) in Madera County.

Title 3
 California Code of Regulations
 AMEND: 3435(b)
 Filed 01/02/2015
 Effective 01/02/2015
 Agency Contact: Sara Khalid (916) 654-1017

File# 2014-1222-03
 DEPARTMENT OF INSURANCE
 Disability Fraud Assessment — Grant Program

This filing by the Department of Insurance amends 10 CCR § 2698.95 pursuant to 1 CCR § 100(a)(6) in response to the passage of Senate Bill 1142 (2014, Monday). SB 1142 amended Insurance Code § 1872.85 so that the annual special purpose assessment is paid for each person in this state covered under an individual or group policy regardless of the situs of the contract or master group policyholder, and regardless of whether the insured has been issued an individual certificate of coverage, including blanket insurance. The amendments to are necessary to align Section 2698.95 with the amended statute.

Title 10
 California Code of Regulations
 AMEND: 2698.95
 Filed 01/02/2015
 Agency Contact: George Teekell (415) 538-4390

File# 2014-1114-02
 OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
 Proposed Revisions of CCORP Data Elements

In this regulatory action, the Office of Statewide Health Planning and Development is amending title 22, section 97174, of the California Code of Regulations to update certain hospital reported data elements in the California Coronary Artery Bypass Graft Outcomes Reporting Program (CCORP) to confirm to the national Society of Thoracic Surgeons (STS) database and to improve risk analysis and outcomes reporting.

Title 22
 California Code of Regulations
 AMEND: 97174
 Filed 12/31/2014
 Effective 01/01/2015
 Agency Contact:
 Lisa Ann Christensen Cook (916) 326-3867

File# 2014-1114-05
 SECRETARY OF STATE
 Escrow of Source Codes

This rulemaking action updates regulations in Title 2 of the California Code of Regulations to conform to statutory changes made by Assembly Bill 829, Chapter 268 of 2013, and Senate Bill 360, Chapter 602 of 2013. The action replaces ballot tally source code with Election Management System, Ballot Marking System, and Voting System Sources Codes. It also updates the regulations to reflect changes in business practices, such as changes to the list of potential languages that source code is expressed in and changes in the approval and certification processes for escrow companies and facilities, among other changes. The action also repeals Application and Notice of Approval forms and adopts a new Escrow Company and Facility Application form.

Title 2

California Code of Regulations

ADOPT: 20620 AMEND: 20610, 20611, 20612, 20613, 20622 and renumber as 20621, 20623 and renumber as 20622, 20624 and renumber as 20623, 20625 and renumber as 20624, 20626 and renumber as 20625, 20627 and renumber as 20626, 20630, 20631, 20632, 20633, 20635 and renumber as 20634, 20636 and renumber as 20635, 20637 and renumber as 20636, 20638 and renumber as 20637, 20639 and renumber as 20638, 20640, 20641, 20642, 20645 and renumber as 20643, 20646 and renumber as 20644, 20650, 20651, 20652, 20653, 20654, 20660, 20661, 20662, 20663, 20670, 20672, 20680, 20681, 20682 REPEAL: 20620, 20621, 20671, Appendices A and B to Chapter 6

Filed 12/31/2014

Effective 04/01/2015

Agency Contact: Ryan Macias (916) 651-7835

File# 2014-1118-01

STATE WATER RESOURCES CONTROL BOARD

Edits and Updates to Central Valley Basin Plans

The Central Valley Regional Water Quality Control Board is amending the Water Quality Control Plans for the Sacramento-San Joaquin River Basins and for the Tulare Lake Basin. The amendments incorporate new and revised policies adopted by the State Water Resources Control Board. Additional changes are the incorporation of the State Water Board's Water Quality Control Policy for Siting Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems to both Basin plans. The amendments also include numerous non-substantive changes throughout both Basin plans.

On March 27, 2014 the Central Valley Regional Water Quality Control Board adopted Resolution R5-2014-0036, R5-2014-0037 and R5-2014-0038 amending the Water Quality Control Plans for the Sacramento-San Joaquin River Basins and for the Tulare

Lake Basin. On September 9, 2014, SWRCB approved these amendments by adopting Resolutions 2014-0046, 2014-0047 and 2014-0048.

Title 23

California Code of Regulations

ADOPT: 3946(b), 3946(c), 3946(d) AMEND: 3946(a)

Filed 01/05/2015

Effective 01/05/2015

Agency Contact: Betty Yee (916) 464-4643

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN August 6, 2014 TO
January 7, 2015**

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

Title 1

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

10/29/14 AMEND: 86

Title 2

12/31/14 ADOPT: 20620 AMEND: 20610, 20611, 20612, 20613, 20622 and renumber as 20621, 20623 and renumber as 20622, 20624 and renumber as 20623, 20625 and renumber as 20624, 20626 and renumber as 20625, 20627 and renumber as 20626, 20630, 20631, 20632, 20633, 20635 and renumber as 20634, 20636 and renumber as 20635, 20637 and renumber as 20636, 20638 and renumber as 20637, 20639 and renumber as 20638, 20640, 20641, 20642, 20645 and renumber as 20643, 20646 and renumber as 20644, 20650, 20651, 20652, 20653, 20654, 20660, 20661, 20662, 20663, 20670, 20672, 20680, 20681, 20682 REPEAL: 20620, 20621, 20671, Appendices A and B to Chapter 6

12/18/14 ADOPT: 1859.167.1, 1859.167.2, 1859.167.3 AMEND: 1859.2, 1859.77.4, 1859.106.1, 1859.160, 1859.161, 1859.162, 1859.163, 1859.163.1, 1859.163.4, 1859.163.5, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.166.1, 1859.167,

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 3-Z

	1859.167.2 (renumbered as 1859.167.4), 1859.167.3 (renumbered as 1859.167.5), 1859.168, 1859.171, 1859.172	599.718, 599.718.1, 599.719, 599.719.1, 599.720, 599.720.1, 599.721, 599.722, 599.723, 599.723.1, 599.723.2, 599.724, 599.724.1, 599.725, 599.726, 599.727, 599.728, 599.729, 599.730, 599.731, 599.732, 599.733, 599.734, 599.736, 599.737, 599.737.5, 599.738, 599.739, 599.739.1, 599.739.2, 599.740, 599.741, 599.742, 599.742.1, 599.743, 599.744, 599.745, 599.745.1, 599.746, 599.747, 599.748, 599.749, 599.750, 599.751, 599.752, 599.752.1, 599.752.2, 599.752.3, 599.753, 599.754, 599.770, 599.771, 599.772, 599.773, 599.774, 599.775, 599.776, 599.776.1, 599.777, 599.778, 599.779, 599.779.1, 599.779.2, 599.779.3, 599.779.4, 599.779.5, 599.779.6, 599.779.7, 599.780, 599.781, 599.782, 599.783, 599.784, 599.785, 599.785.5, 599.786, 599.787, 599.788, 599.789, 599.790, 599.791, 599.792.5, 599.793, 599.794, 599.795, 599.796, 599.796.1, 599.797, 599.798, 599.800, 599.801, 599.802, 599.803, 599.804, 599.805, 599.806, 599.807, 599.808, 599.809, 599.810, 599.815, 599.817, 599.818, 599.819, 599.825, 599.826, 599.827, 599.828, 599.830, 599.831, 599.832, 599.833, 599.834, 599.835, 599.836, 599.837, 599.854, 599.854.1, 599.854.2, 599.854.3, 599.854.4, 599.856, 599.857, 599.858, 599.859, 599.866, 599.867, 599.868, 599.870, 599.873, 599.874, 599.876, 599.877, 599.880, 599.881, 599.882, 599.883, 599.888, 599.893, 599.910, 599.911, 599.912, 599.913, 599.920.5, 599.920.6, 599.921, 599.922, 599.922.1, 599.922.2, 599.922.3, 599.923, 599.924, 599.924.5, 599.925, 599.925.1, 599.925.5, 599.926, 599.927, 599.929, 599.930, 599.931, 599.933, 599.934, 599.935, 599.936, 599.937, 599.937.1, 599.937.2, 599.937.3, 599.937.4, 599.939, 599.940, 599.941, 599.942, 599.943, 599.944, 599.946, 599.947, 599.950, 599.951, 599.952, 599.953, 599.954, 599.955, 599.956, 599.957, 599.958, 599.959, 599.960, 599.961, 599.962, 599.963, 599.964, 599.965, 599.966, 599.985, 599.986, 599.987, 599.988, 599.990, 599.992, 599.993, 599.994, 599.995
12/16/14	ADOPT: 557	
12/15/14	AMEND: 18545, 18703.4, 18730, 18940.2	
12/15/14	AMEND: 18704.1, 18705.1	
12/15/14	AMEND: 18704	
12/10/14	ADOPT: 20700, 20701, 20702, 20703, 20704, 20705, 20706, 20707	
12/03/14	AMEND: 51.7	
11/24/14	AMEND: 18942	
11/24/14	AMEND: 18705.2	
11/20/14	AMEND: 1859.73.2, 1859.76, 1859.78.7, 1859.82	
11/03/14	ADOPT: 559.518	
10/29/14	AMEND: 18705.3	
10/27/14	AMEND: 10001, 10002, 10005, 10006, 10007, 10008, 10009, 10011, 10012, 10013, 10015, 10021, 10022, 10024, 10025, 10029, 10030, 10031, 10033, 10035, 10037, 10038, 10039, 10041, 10042, 10046, 10047, 10050, 10053, 10054, 10056, 10057, 10061, 10062, 10063, 10065	
10/20/14	AMEND: 18705.2	
10/17/14	AMEND: 3435	
10/17/14	AMEND: 3435(b)	
10/13/14	AMEND: 599.615, 599.615.1, 599.616, 599.616.1, 599.619, 599.621, 599.622, 599.623, 599.624, 599.624.1, 599.625, 599.625.1, 599.626, 599.626.1, 599.627, 599.627.1, 599.628, 599.628.1, 599.629, 599.629.1, 599.630, 599.631, 599.633, 599.633.1, 599.634, 599.635, 599.635.1, 599.636, 599.636.1, 599.637, 599.638, 599.638.1, 599.640, 599.641, 599.642, 599.643, 599.644, 599.645, 599.646, 599.647, 599.648, 599.649, 599.650, 599.651, 599.652, 599.655, 599.656, 599.657, 599.658, 599.659, 599.660, 599.661, 599.662, 599.663, 599.664, 599.665, 599.666, 599.666.1, 599.667, 599.668, 599.669, 599.670, 599.671, 599.672, 599.672.1, 599.673, 599.674, 599.675, 599.676, 599.676.1, 599.677, 599.678, 599.679, 599.680, 599.681, 599.682, 599.683, 599.684, 599.685, 599.686, 599.687, 599.688, 599.689, 599.690, 599.691, 599.700, 599.701, 599.702, 599.703, 599.703.1, 599.704, 599.705, 599.705.1, 599.706, 599.707, 599.708, 599.709, 599.710, 599.711, 599.714, 599.714.1, 599.715, 599.715.1, 599.716, 599.716.1, 599.717, 599.717.1,	09/25/14 AMEND: 18438.5 09/09/14 ADOPT: 599.839, 599.844.1, 599.844.2, 599.848, 599.849, 599.968, 599.969,

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 3-Z

599.970, 599.971, 599.972, 599.973,
 599.974, 599.975, 599.976, 599.977,
 599.978, 599.979 AMEND: 599.600,
 599.601, 599.602, 599.603, 599.604,
 599.605, 599.606, 599.607, 599.608,
 599.609, 599.610, 599.840, 599.841,
 599.850 REPEAL: 599.842, 599.843,
 599.844, 599.845, 599.846, 599.847,
 599.849, 599.978, 599.979, 599.980
 09/09/14 ADOPT: 4.5, 54.2, 56, 249 AMEND: 37,
 53.2, 151.3, 151.5, 153, 171, 174, 174.6,
 174.8, 176, 185, 187, 188, 190, 194, 195,
 196, 197, 197.5, 199, 199.1, 200, 203,
 203.1, 203.7, 205, 206, 207, 211, 213.4,
 213.5, 232, 234, 235, 239, 241, 264, 265,
 266, 266.1, 266.2, 266.3, 282, 302.2,
 302.3, 303, 500, 501, 502, 503, 504, 505,
 506, 511, 512, 513, 547.54, 547.55,
 547.56 REPEAL: 8, 172.1, 172.3, 172.4,
 172.5, 172.6, 172.7, 172.8, 172.9,
 172.10, 172.11, 201, 458, 470, 470.1,
 471, 471.1, 472
 08/25/14 ADOPT: 2980.5, 2980.11 AMEND:
 2980.1, 2980.3, 2980.5(a) (Renumbered
 to 2980.6(b)), 2980.5(b) (Renumbered to
 2980.6(c)), 2980.5(c) (Renumbered to
 2980.6(d)), 2980.6 (Renumbered to
 2980.7), 2980.7(a) (Renumbered to
 2980.8(a) and 2980.8(b)), 2980.7(b)
 (Renumbered to 2980.9(a)), 2980.7(c)
 (Renumbered to 2980.9(b)), 2980.8
 (Renumbered to 2980.10), 2980.9
 (Renumbered to 2980.12)
 08/19/14 AMEND: 1859.90.2, 1859.90.3,
 1859.193, 1859.197
 08/12/14 ADOPT: 18700.3 AMEND: 18438.5
 REPEAL: 18703.1
 08/12/14 ADOPT: 649.24 AMEND: 649, 649.4,
 649.8, 649.26, 649.29, 649.32, 649.40,
 649.43
 08/07/14 ADOPT: 18422, 18422.5 AMEND:
 18215, 18427.1 REPEAL: 18412

Title 3

01/02/15 AMEND: 3435(b)
 12/23/14 AMEND: 1380.19, 1442.7
 12/01/14 AMEND: 1310, 1310.1
 11/19/14 AMEND: 3435(b)
 11/03/14 AMEND: 3591.11(a)
 10/23/14 ADOPT: 2326.1, 2326.2
 10/23/14 AMEND: 3435(b)
 10/17/14 AMEND: 3435
 10/17/14 AMEND: 3435(b)
 10/14/14 AMEND: 3435(b)
 09/25/14 AMEND: 3435 (b)

09/17/14 AMEND: 3435(b)
 09/15/14 AMEND: 3435(b)
 09/04/14 AMEND: 3700(b)
 08/25/14 AMEND: 3435(b)
 08/25/14 AMEND: 6800
 08/18/14 ADOPT: 3162
 08/06/14 AMEND: 6000, 6196, 6400, 6624
 REPEAL: 6446, 6446.1

Title 4

12/24/14 AMEND: 106(d)
 12/15/14 AMEND: 10080, 10081, 10082, 10083,
 10084, 10085, 10086
 12/05/14 ADOPT: 10080, 10081, 10082, 10083,
 10084, 10085, 10086, 10087
 11/19/14 ADOPT: 12006, 12012, 12035, 12052,
 12054, 12056, 12058, 12060, 12062,
 12064, 12066, 12068 AMEND: 12002,
 12015, (Renumbered 12047), 12017,
 (Renumbered 12048), 12050 REPEAL:
 12218.5, 12234
 11/10/14 ADOPT: 8130, 8131, 8132, 8133, 8134,
 8135, 8136, 8137, 8138
 11/10/14 AMEND: 10030, 10031, 10032, 10033,
 10033, 10035, 10036
 10/27/14 ADOPT: 10170.16, 10170.17, 10170.18,
 10170.19, 10170.20, 10170.21,
 10170.22, 10170.23, 10170.24
 10/23/14 ADOPT: 4190, 4191
 10/06/14 ADOPT: 7113, 7114, 7115, 7116, 7117,
 7118, 7119, 7120, 7121, 7122, 7123,
 7124, 7125, 7126, 7127, 7128, 7129
 09/17/14 AMEND: 1658, 1656
 09/15/14 AMEND: 1844
 09/08/14 ADOPT: 10080, 10081, 10082, 10083,
 10084, 10085, 10086, 10087
 09/08/14 AMEND: 1536
 08/13/14 AMEND: 7051, 7052, 7057, 7058, 7059,
 7065, 7066, 7068
 08/13/14 AMEND: 7030, 7031, 7036, 7037, 7038,
 7044, 7045, 7047
 08/06/14 ADOPT: 10170.1, 10170.2, 10170.3,
 10170.4, 10170.5, 10170.6, 10170.7,
 10170.8, 10170.9, 10170.10, 10170.11,
 10170.12, 10170.13, 10170.14, 10170.15
 08/06/14 ADOPT: 10170.16, 10170.17, 10170.18,
 10170.19, 10170.20, 10170.21,
 10170.22, 10170.23, 10170.24

Title 5

12/04/14 AMEND: 76120
 12/04/14 AMEND: 30040, 30042.5
 12/01/14 AMEND: 1514, 3380
 11/18/14 ADOPT: 27200, 27201, 27300, 27301,
 27400, 27401, 27500, 27501, 27502,
 27600, 27601, 27602

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 3-Z

11/10/14	AMEND: 80225	09/17/14	AMEND: 10205.13
11/05/14	ADOPT: 19810 REPEAL: 19810, 19812, 19813, 19814, 19815, 19816, 19816.1, 19817, 19817.1, 19817.2, 19817.5, 19818, 19819, 19820, 19821, 19821.5, 19822, 19823, 19824, 19824.1, 19825, 19825.1, 19827, 19828, 19828.1, 19828.2, 19828.3, 19828.4, 19829, 19829.5, 19830, 19830.1, 19831, 19832, 19833, 19833.5, 19833.6, 19834, 19835, 19836, 19837, 19837.1, 19837.2, 19837.3, 19838, 19840, 19841, 19843, 19844, 19845, 19845.1, 19845.2, 19846, 19846.1, 19847, 19848, 19849, 19850, 19851, 19851.1, 19852, 19853, 19854, 19854.1, 19855	09/15/14	AMEND: 10205.14
10/30/14	AMEND: 26000	08/27/14	ADOPT: 9767.5.1, 9767.16.5, 9767.17, 9767.17.5, 9767.18, 9767.19 AMEND: 9767.1, 9767.2, 9767.3, 9767.4, 9767.5, 9767.6, 9767.7, 9767.8, 9767.9, 9767.10, 9767.11, 9767.12, 9767.13, 9767.14, 9767.15, 9767.16
10/27/14	ADOPT: 15494, 15495, 15496, 15497	08/25/14	AMEND: 3314
10/07/14	REPEAL: 19839	Title 9	
09/10/14	AMEND: 80037	09/29/14	AMEND: 4210
09/08/14	AMEND: 55518	08/12/14	AMEND: 531, 532, 532.1, 532.2, 532.3, 532.4, 532.5, 532.6, 533, 534, 535
08/27/14	REPEAL: 11968.5	Title 10	
08/27/14	ADOPT: 853.7 AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868	01/02/15	AMEND: 2698.95
08/25/14	ADOPT: 15498, 15498.1, 15498.2, 15498.3	12/12/14	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620
08/25/14	ADOPT: 12030, 12031, 12032, 12033, 12034, 12035, 12036, 12037, 12038, 12039, 12040, 12041, 12042, 12043, 12044	12/12/14	ADOPT: 6657, 6658, 6660, 6664, 6670
Title 8		12/10/14	AMEND: 2498.4.9
12/04/14	AMEND: 9789.39	12/08/14	AMEND: 2498.6
12/02/14	AMEND: 5620, 6165, 6180, 6181, 6182, 6183, 6184	12/04/14	AMEND: 2717
12/01/14	AMEND: 1514, 3380	11/25/14	ADOPT: 2548.7, 2548.8 AMEND: 2548.2, 2548.4, 2548.5, 2548.7 (renumbered to 2548.9), 2548.9 (renumbered to 2548.10), 2548.10 (renumbered to 2548.11), 2548.11 (renumbered to 2548.12), 2548.12 (renumbered to 2548.13), 2548.13 (renumbered to 2548.14), 2548.14 (renumbered to 2548.15), 2548.15 (renumbered to 2548.16), 2548.16 (renumbered to 2548.17), 2548.17 (renumbered to 2548.18), 2548.18 (renumbered to 2548.19), 2548.19 (renumbered to 2548.20), 2548.20 (renumbered to 2548.21), 2548.21 (renumbered to 2548.22), 2548.22 (renumbered to 2548.23), 2548.23 (renumbered to 2548.24), 2548.24 (renumbered to 2548.25), 2548.25 (renumbered to 2548.26), 2548.26 (renumbered to 2548.27), 2548.27 (renumbered to 2548.28), 2548.28 (renumbered to 2548.29), 2548.29 (renumbered to 2548.30), 2548.30 (renumbered to 2548.31), and 2548.31 (renumbered to 2548.32) REPEAL: 2548.8
11/26/14	AMEND: 5155	11/17/14	ADOPT: 6460
10/15/14	ADOPT: 10390, 10391, 10392, 10393, 10414, 10416, 10417, 10470, 10548, 10549, 10552, 10555, 10563, 10563.1, 10592, 10760, 10995, 10996 10770 AMEND: 10397, 10561, 10593, 10740, 10750, 10751, 10753, 10754, 10755, 10770.1, 10845, 10957.1 REPEAL: 10213, 10241, 10246, 10253, 10256, 10294, 10227, 10230, 10233, 10236, 10240, 10243, 10244, 10250, 10251, 10252, 10254, 10260, 10272, 10275, 10280, 10281, 10295, 10296, 10561.5, 10958		
10/02/14	AMEND: 1903		
09/30/14	AMEND: 9792.5.1		
09/23/14	AMEND: 9789.32		

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 3-Z

11/17/14	ADOPT: 8000, 8010, 8020, 8030, 8040	70.6201; 70.6300; 70.6301; 70.6302;
11/10/14	AMEND: 2498.6	70.6303; 70.6304; 70.7000; 70.7001;
11/03/14	AMEND: 2318.6, 2353.1, 2354	70.7002; 70.8000; 70.8001; 70.8002;
10/22/14	ADOPT: 2187.31, 2188.10 AMEND: 2186, 2186.1, 2187, 2187.1, 2187.2, 2187.3, 2187.4, 2187.5, 2187.6, 2187.7, 2188, 2188.1, 2188.2, 2188.25, 2188.3, 2188.4, 2188.5, 2188.5.5, 2188.50, 2188.6, 2188.65, 2188.7, 2188.8, 2188.9	70.8050; 70.8051; 70.8052; 70.8053; 70.8054; 70.8055; 70.8056; 70.8057; 70.8058; 70.8059; 70.8060; 70.8061; 70.8062; 70.8100; 70.8101; 70.8102; 70.8103; 70.8104; 70.8105; 70.8106; 70.8107; 70.8108; 70.8200; 70.8201; 70.8203; 70.8205; 70.8206; 70.9000; 70.9001; 70.9002
10/02/14	ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538	
10/02/14	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718	09/02/14 ADOPT: 6800, 6802, 6804, 6806
10/02/14	ADOPT: 6462	09/02/14 ADOPT: 6424, 6440
09/30/14	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620	08/28/14 AMEND: 2498.6
09/17/14	ADOPT: 6464	08/21/14 AMEND: 2498.5
09/03/14	ADOPT: 6420, 6422	08/18/14 ADOPT: 8000, 8010, 8020, 8030, 8070 (re-numbered to 8040) REPEAL: 8040, 8050, 8060
09/02/14	ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552	08/14/14 AMEND: 2548.3, 2548.19, 2548.21, 2548.24, 2548.25
09/02/14	REPEAL: 5.6000; 5.6000.5; 5.6001; 5.6002; 5.6003; 5.6004; 5.6005; 5.6006; 5.6007; 5.6100; 5.6101; 5.6102; 5.6110; 5.6111; 5.6112; 5.6113; 5.6114; 5.6115; 5.6117; 5.6130; 5.6131; 5.6140; 5.6141; 5.6150; 5.6151; 5.6152; 5.6153; 5.6160; 5.6161; 5.6162; 5.6163; 5.6164; 5.6170; 5.6171; 5.6180; 5.6181; 5.6182; 5.6183; 5.6190; 5.6191; 5.6192; 70.1; 70.2; 70.3; 70.4; 70.5; 70.6; 70.7; 70.8; 70.9; 70.100; 70.125; 70.126; 70.128; 70.150; 70.151; 70.152; 70.153; 70.154; 70.155; 70.156; 70.157; 70.158; 70.159; 70.160; 70.161; 70.161.5; 70.162; 70.163; 70.164; 70.165; 70.166; 70.167; 70.168; 70.169; 70.170; 70.171; 70.172; 70.173; 70.174; 70.175; 70.176; 70.177; 70.178; 70.179; 70.180; 70.181; 70.182; 70.183; 70.184; 70.185; 70.186; 70.188; 70.189; 70.190; 70.4000; 70.4100; 70.4101; 70.4102; 70.4103; 70.4104; 70.4105; 70.4106; 70.4107; 70.4108; 70.4109; 70.4110; 70.4111; 70.4112; 70.4113; 70.4114; 70.4115; 70.4117; 70.4118; 70.4119; 70.4120; 70.4121; 70.4123; 70.4124; 70.4125; 70.4126; 70.4127; 70.4200; 70.4201; 70.4202; 70.4300; 70.4301; 70.4302; 70.4306; 70.4307; 70.4308; 70.4309; 70.4310; 70.4311; 70.4312; 70.6000; 70.6100; 70.6101; 70.6200;	08/13/14 AMEND: 250.9, 250.10, 250.11, 250.15, 250.60, 250.61, 260.100.1, 260.100.3, 260.102.8, 260.102.14, 260.102.16, 260.102.19, 260.103.6, 260.105.33, 260.110, 260.131, 260.140.71.2, 260.141.50, 260.146, 260.151, 260.165, 260.241, 260.302, 260.507, 260.608, 260.608.2, 280.100, 280.150, 280.152, 280.153, 280.200, 280.250, 280.300, 280.400, 310.002, 310.100.2, 310.101, 310.106, 310.156.1, 310.156.2, 310.156.3, 310.303, 310.304, 1436, 1454, 1718, 1723, 1726, 1787.1, 1799, 1805.204.1, 1950.122.2, 1950.122.4, 1950.204.3, 1950.206, 1950.314.8, 2030 REPEAL: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10
		Title 11
		09/17/14 ADOPT: 51.29
		08/28/14 AMEND: 1001, 1057, 1058
		08/11/14 AMEND: 999.121, 999.129, 999.133, 999.137, 999.141, 999.143, 999.144, 999.145, 999.146, 999.165, 999.166, 999.168, 999.171, 999.172, 999.173, 999.174, 999.176, 999.178, 999.179, 999.190, 999.191, 999.192, 999.193, 999.195, 999.203, 999.204, 999.206, 999.207, 999.209, 999.210, 999.211, 999.217, 999.219, 999.220, 999.221, 999.223
		Title 13
		12/31/14 AMEND: 2025

12/17/14	ADOPT: 2416, 2417, 2418, 2419, 2419.1,2419.2,2419.3,2419.4	17356, 18420, 18423, 18424, 18425, 18426, 18427, 18428, 18429, 18431, 18432, 18433, 18450(a)(1), 18450(a)(6), 18450(a)(8), 18450(a)(10), 18450(a)(11), 18450(a)(15), 18450(a)(16), 18450(a)(17), 18450(a)(18), 18450(a)(19), 18450(a)(21), 18450(a)(24), 18450(a)(25), 18450(a)(26), 18450(a)(27), 18450(a)(28), 18450(a)(29), 18450(a)(30), 18450(a)(31), 18450(a)(32), 18450(a)(33), 18450(a)(34), 18450(a)(35), 18450(a)(36), 18450(a)(37), 18450(a)(38), 18450(a)(39), 18450(a)(40), 18456.4, 18459, 18460.1.1, 18460.2 ,18461, 18462
12/17/14	ADOPT: 2416, 2417, 2418, 2419, 2419.1,2419.2,2419.3,2419.4	
12/01/14	ADOPT: 16.00, 16.02, 16.04, 16.06, 16.08,16.10,16.12,16.14	
10/29/14	AMEND: 1239	
10/23/14	AMEND: 423.00	
10/23/14	AMEND: 115.04	
10/22/14	AMEND: 425.01	
10/08/14	ADOPT: 2428	
09/24/14	AMEND: 156.00,156.01	
09/15/14	AMEND: 1233	
09/15/14	AMEND: 2030,2031	
Title 13, 17		
12/05/14	AMEND: Title 13: 1900, 1956.8, 2036, 2037, 2112, 2139, 2140, 2147, 2485; Title 17: 95300, 95301, 95302, 95303, 95305	
Title 14		
12/30/14	ADOPT: 1751, 1761, 1777.4, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1784, 1784.1, 1784.2, 1785, 1785.1,1786,1787,1788,1789	09/29/14 AMEND: 670.2
12/29/14	AMEND: 1665.7	09/22/14 AMEND: 18660.40
12/29/14	AMEND: 670.5	09/03/14 AMEND: 502
12/16/14	AMEND: 790,791.6,791.7,795	08/29/14 AMEND: 300
12/10/14	AMEND: 895.1, 1038, 1039.1, 1041, 1092.01,1092.28 REPEAL: 1038	08/25/14 AMEND: 7.50
11/26/14	AMEND: 923.2 [943.2, 963.2], 923.4 [943.4, 963.4], 923.5 [943.5, 963.5], 923.9[943.9,963.9]	08/21/14 AMEND: 7.00,7.50,8.00
11/25/14	AMEND: 1038,1038.2	08/12/14 AMEND: 632
11/24/14	AMEND: 917.2,937.2,957.2	08/11/14 ADOPT: 550, 550.5, 551, 630 AMEND: 552, 703 REPEAL: 550, 551, 553, 630
11/17/14	AMEND: 1051(a)	08/07/14 AMEND: 13055
11/14/14	AMEND: 790, 817.02, 819.02, 819.03, 819.04,820.01	Title 15
11/13/14	AMEND: 895.1, 929.1, 949.1, 969.1, 1052	12/22/14 ADOPT: 3620, 3621, 3622, 3623, 3624, 3625, 3626 AMEND: 3000, 3521.1, 3521.2, 3545, 3800.2 REPEAL: 3620, 3625
11/05/14	ADOPT: 5200, 5200.5, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303,5304,5304.5,5305,5306,5307	12/04/14 AMEND: Renumber 8125 to 8199
10/24/14	ADOPT: 786.9	12/03/14 AMEND: Renumber Section 8002 to 8901
10/23/14	AMEND: 870.15, 870.17, 870.19, 870.21	12/01/14 AMEND: 4604, 4605
10/23/14	ADOPT: 180.6	11/26/14 REPEAL: 2600, 2603, 2604, 2605, 2606, 2615, 2616, 2617, 2618, 2619, 2620, 2635, 2635.1, 2636 , 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2646.1, 2647, 2647.1, 2648, 2649, 2710, 2711, 2712, 2714
10/13/14	AMEND: 200.12,200.29,200.31	11/06/14 ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
10/13/14	AMEND: 163,164	11/05/14 ADOPT: 1
10/08/14	AMEND: 18720	10/17/14 ADOPT: 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8
09/29/14	ADOPT: 17225.821, 17225.822, 17225.850, 17357, 17358, 17359, 18420.1, 18431.1, 18431.2, 18431.3, 18450(a)(25) AMEND: 17346, 17350, 17351, 17352, 17353, 17354, 17355,	

	AMEND: 3000, 3023, 3043.4, 3044, 3077, 3139, 3269, 3269.1, 3314, 3315, 3321, 3323, 3334, 3335, 3341.5, 3375, 3375.2, 3375.3, 3376, 3376.1, 3377.2, 3378 (subds. (c)(6)–(c)(6)(G) re–numbered to 3378.2(c)–(c)(7)), 3378.1 (re–numbered to 3378.5), 3378.2 (re–numbered to 3378.5(e)), 3378.3 (re–numbered to 3378.7), 3504, 3505, 3545, 3561, 3651, 3721		1887.3, 1887.4, 1887.6, 1887.7, 1887.8, 1887.9, 1887.10, 1887.11, 1887.12, 1887.13, 1887.14
10/09/14	AMEND: 100, 101, 102, 103, 130, 131, 132, 171, 176, 179, 180, 181, 184, 185, 235, 260, 261, 262, 263, 291, 292, 295, 296, 297, 298, 299, 300, 301, 303, 304, 305, 306, 317, 318, 319, 351, 352, 353, 354, 355, 356, 357, 358	09/10/14	AMEND: 2285
10/08/14	ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1	09/02/14	ADOPT: 2064, 2066, 2066.1 AMEND: 2065, 2065.5, 2065.6, 2065.7, 2065.8, 2065.8.1, 2065.8.2, 2065.8.3, 2065.9
10/02/14	ADOPT: 3410.1 AMEND: 3173.2	08/28/14	AMEND: 1399.99.2
09/18/14	AMEND: 3290, 3315	08/21/14	AMEND: 2526, 2581
09/17/14	AMEND: 3043	08/19/14	ADOPT: 2403
08/27/14	ADOPT: 3750, 3751, 3752, 3753, 3754, 3756, 3760, 3761, 3761.1, 3762, 3763, 3764, 3765, 3766 AMEND: 3000, 3075.2, 3768.2, 3768.3	08/18/14	AMEND: 1150
08/14/14	ADOPT: 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, 1850.1 AMEND: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 REPEAL: 1857	08/13/14	AMEND: 1399.621
Title 16		Title 17	
12/30/14	ADOPT: 832.22, 833	12/31/14	AMEND: 95802, 95830, 95833, 95852, 95852.2, 95890, 95892, 95895, 95921, 95973, 95975, 95976, 95981, 95983, 95985, 95990
12/23/14	AMEND: 116	12/31/14	AMEND: 95201, 95202, 95203, 95204
12/22/14	AMEND: 1948	12/31/14	AMEND: 95101, 95102, 95103, 95104, 95111, 95112, 95113, 95114, 95115, 95119, 95121, 95122, 95124, 95130, 95131, 95132, 95133, 95152, 95153, 95156, 95157
12/17/14	AMEND: 109	12/30/14	ADOPT: 30180.1, 30180.2, 30180.3, 30180.4, 30180.5, 30180.6, 30180.7, 30181, 30192.7, 30195.4, 30196, 30237, 30332.9 AMEND: 30180, 30190, 30192.1, 30194, 30195, 30195.2, 30195.3, 30235, 30253, 30254, 30257, 30330, 30332, 30332.5, 30332.6, 30332.8, 30333, 30333.1, 30334, 30336, 30336.1, 30336.5, 30346, 30346.2, 30348.1, 30350 REPEAL: 30192, 30210.2, 30237
12/17/14	AMEND: 1399.541	12/10/14	AMEND: 94014, 94016
12/03/14	AMEND: 2610	12/05/14	ADOPT: 95660, 95661, 95662, 95663, 95664
11/19/14	AMEND: 950.2, 950.9	10/13/14	AMEND: 2606.4
11/13/14	AMEND: 3003	09/17/14	AMEND: 94501, 94506, 94508, 94509, 94512, 94513, 94515, 94520, 94521, 94522, 94523, 94524, 94525, 94526, 94528, 94700 REPEAL: 94560, 94561, 94562, 94563, 94564, 94565, 94566, 94567, 94568, 94569, 94570, 94571, 94572, 94573, 94574, 94575
11/10/14	AMEND: 3005	08/21/14	REPEAL: 60040, 60041, 60042, 60043, 60044, 60045, 60046, 60047, 60048, 60049, 60050, 60051, 60052, 60053
11/05/14	ADOPT: 1032.7, 1032.8, 1032.9, 1032.10, 1036.01 AMEND: 1021, 1028, 1030, 1031, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1033, 1033.1, 1034, 1034.1, 1035, 1036	Title 18	
10/22/14	AMEND: 1018	12/09/14	AMEND: 18662–0, 18662–3, 18662–4, 18662–5, 18662–6, 18662–8
10/20/14	AMEND: 1387, 1387.1	11/05/14	AMEND: 1603
10/20/14	AMEND: 4110, 4112, 4120, 4121, 4123, 4127	09/29/14	AMEND: 1684
09/16/14	ADOPT: 1887, 1887.2, 1887.3, 1887.4.0, 1887.4.1, 1887.4.2, 1887.4.3, 1887.11.0, 1887.15 AMEND: 1887, 1887.1, 1887.2,	09/25/14	ADOPT: 1525.4

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 3-Z

08/21/14	AMEND: 133	09/15/14	ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101
Title 19			AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75
10/08/14	AMEND: 2735.1, 2735.3, 2735.4, 2735.5, 2740.1, 2745.1, 2745.2, 2745.3, 2745.6, 2745.7, 2745.10, 2745.10.5, 2750.2, 2750.3, 2750.4, 2750.7, 2755.2, 2755.3, 2755.4, 2755.5, 2755.6, 2755.7, 2760.1, 2760.2, 2760.5, 2760.6, 2760.7, 2760.8, 2760.9, 2760.12, 2765.1, 2765.2, 2770.2, 2770.5, 2775.2, 2775.5, 2775.6, 2780.1, 2780.2, 2780.3, 2780.4, 2780.6, 2780.7 and Appendix A	09/04/14	AMEND: 97215, 97225, 97226, 97227, 97228, 97229, 97231, 97244, 97247, 97248, 97258, 97259, 97260, 97261, 97264
08/28/14	ADOPT: 902.2, 905.1, 906.3, 907, 908 AMEND: 901, 903.1, 903.2, 904, 904.1, 904.2, 905, 905.1 (renumbered to 905.2), 905.2 (renumbered to 905.3), 906.1, 906.2, 906.3 (renumbered to 906.4)	08/18/14	AMEND: 51305
		08/18/14	AMEND: 51309, 51331
Title 20		Title 22, MPP	
09/02/14	AMEND: 1682(c)	11/10/14	AMEND: 85001, 85075.1, 85075.2, 85075.3
08/28/14	AMEND: 2901, 2908, 2913	Title 23	
Title 22		01/05/15	ADOPT: 3946(b), 3946(c), 3946(d) AMEND: 3946(a)
12/31/14	AMEND: 97174	11/25/14	AMEND: 2050, 2050.5, 2051
12/17/14	AMEND: 51341.1	10/30/14	AMEND: 1062, 1064, 1066, 3833.1
12/01/14	REPEAL: 63000.10, 63000.13, 63000.16, 63000.17, 63000.19, 63000.25, 63000.28, 63000.31, 63000.34, 63000.35, 63000.37, 63000.40, 63000.43, 63000.46, 63000.47, 63000.48, 63000.49, 63000.62, 63000.65, 63000.66, 63000.67, 63000.68, 63000.70, 63000.71, 63000.74, 63000.77, 63000.80, 63000.81, 63000.83, 63000.84, 63000.85, 63000.86, 63000.87, 63000.88, 63000.89, 63000.90, 63000.92, 63000.95, 63010, 63011, 63012, 63013, 63014, 63015, 63020, 63021, 63025, 63026, 63027, 63028, 63029, 63030, 63040, 63050, 63051, 63052, 63055, 63056, 63057, 63058	10/29/14	ADOPT: 3979.8
11/18/14	AMEND: 97240, 97241, 97246	10/29/14	ADOPT: 3929.13
10/14/14	ADOPT: 65530, 65534, 65540, 65546 AMEND: 65501, 65503, 65511, 65521, 65523, 65525, 65527, 65529, 65531, 65533, 65535, 65537, 65539, 65541, 65545, 65547, 65551 REPEAL: 65505, 65507, 65509, 65543, 65549	10/27/14	AMEND: 2200, 2200.2, 2200.5, 2200.6, 2200.7, 3833
10/08/14	AMEND: 51051, 51135 REPEAL: 51221, 51222	10/13/14	ADOPT: 3939.46
		10/13/14	AMEND: 3930
		10/01/14	ADOPT: 3959.6
		Title 27	
		11/19/14	AMEND: Appendix A of 25903
		Title 28	
		12/22/14	ADOPT: 1300.65.2, 1300.89.21 AMEND: 1300.65, 1300.65.1
		Title MPP	
		12/12/14	ADOPT: 40-039 AMEND: 22-071, 22-072, 22-305, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115, 44-133, 44-205, 44-207, 44-211, 44-304, 44-305, 44-313, 44-315, 44-316, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 48-001, 80-301, 80-310, 82-612, 82-812, 82-820, 82-824, 82-832, 89-110, 89-201
		11/13/14	AMEND: 30-763

