



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

### TITLE 2. CALIFORNIA WORKFORCE DEVELOPMENT BOARD

*Conflict-of-Interest Code — Notice File No. Z2016-1018-03* ..... 1927

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

*Conflict-of-Interest Code — Notice File No. Z2016-1018-02* ..... 1927

#### *Amendment*

Multi-County:            Access Services  
                                   Glenn-Colusa Irrigation District

State Agency:            California Workforce Development Board  
                                   Department of Public Health

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Asian Citrus Psyllid Interior Quarantine — Notice File No. Z2016-1017-03* ..... 1928

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

*Fruit Tree, Nut Tree, and Grapevine Assessment — Notice File No. Z2016-1017-02* ..... 1931

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

*Construction Safety Orders (CSO)*  
*Reinforcing Steel Concrete Construction and Post-Tensioning Operations —*  
*Notice File No. Z2016-1017-04* ..... 1933

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

*General Industry Safety Orders (GISO) — Notice File No. Z2016-1017-05* ..... 1941

### TITLE 9. DEPARTMENT OF STATE HOSPITALS

*End of Life Option Act — Notice File No. Z2016-1018-06* ..... 1944

### TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

*Amend Definitions, Minimum Standards for Training, and Basic Course Waiver and Requalification*  
*Requirement — Jail Deputies — Notice File No. Z2016-1018-05* ..... 1947

(Continued on next page)

***Time-  
Dated  
Material***

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION	
<i>Safety Element Review, 2017 — Notice File No. Z2016–1017–01</i> .....	1949
<b>GENERAL PUBLIC INTEREST</b>	
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>J.P. Morgan Settlement Agreements</i> .....	1952
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Initiation of Process to Update Public Health Goals (PHGs)</i> .....	1953
<b>DISAPPROVAL DECISIONS</b>	
ACUPUNCTURE BOARD	
<i>Sponsored Free Health Care Events</i> .....	1953
PROFESSIONAL FIDUCIARIES BUREAU	
<i>Client Notification</i> .....	1955
<b>SUMMARY OF REGULATORY ACTIONS</b>	
Regulations filed with the Secretary of State .....	1955
Sections Filed, May 18, 2016 to October 19, 2016 .....	1958

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

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. CALIFORNIA WORKFORCE  
DEVELOPMENT BOARD**

NOTICE IS HEREBY GIVEN that the **California Workforce Development Board**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on **October 28, 2016** and closing on **December 12, 2016**. All inquiries should be directed to the contact listed below.

The **California Workforce Development Board** proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include:

- Name changed to California Workforce Development Board
- Revised disclosure category assignment for Research Program Specialist II
- 3 new positions were added: Chief Deputy Director (Vacant), Deputy Director and Research Program Specialist I, and other minor technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than December 12, 2016 or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than November 27, 2016.

The **California Workforce Development Board** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Douglas Sale, Chief of Operations, 916-657-1445, [douglas.sale@cwdb.ca.gov](mailto:douglas.sale@cwdb.ca.gov).

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:	Access Services Glenn-Colusa Irrigation District
STATE AGENCY:	California Workforce Development Board Department of Public Health

A written comment period has been established commencing on October 28, 2016, and closing on December 12, 2016. 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 or 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.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

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 December 12, 2016. 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 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 (ACP) Interior Quarantine as an emergency action which was effective on August 3, 2016. 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 January 30, 2017.

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

#### **PUBLIC HEARING**

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

#### **WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on December 12, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@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 she 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 that the Secretary 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 that is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance

of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest, which is a mandated statutory goal.

The 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. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine area boundary.

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 that 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 of ACP hosts.

The Department has 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 that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for ACP in Merced County by approxi-

mately 112 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area which would be under regulation is now approximately 55,265 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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. There are zero citrus production nurseries in the affected area that will be impacted. There are zero retail nurseries in the affected area. There are two citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500-\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150-\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300-\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding 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 is: Sara Khalid, 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: [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). In her absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://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 3. DEPARTMENT OF FOOD AND AGRICULTURE**

The Department of Food and Agriculture proposes to adopt Section 3070 in Title 3 of the California Code of Regulations pertaining to Nursery Stock Assessment.

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 regulation to the Department. Comments may be submitted by mail, FAX or email. The written comment period closes at 5:00 p.m. on December 12, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
 916.654.1017  
 916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, 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/PLAIN ENGLISH OVERVIEW

Existing law establishes an annual assessment on the sales of fruit tree, nut tree, and grapevine nursery stock sold in the state. The Secretary may, upon recommendation from an industry advisory board, create exemptions from the assessment for certain species and varieties of nursery stock (Section 6981, Food and Agricultural Code).

The proposed adoption of Section 3070 pertaining to Nursery Stock Assessment will establish those species and varieties of nursery stock which are exempted from assessment by the Secretary as authorized in statute.

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 that can implement this proposed regulation. As required by Government Code (GC) Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this proposed regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

Anticipated Benefits from This Regulatory Action

The proposed regulation will exempt specific types of nursery stock from assessment and prevent addition-

al cost for consumers of such nursery stock where the programs funded by the assessment provide no benefit.

There are no known specific benefits to the worker safety or the health or public safety of California residents.

#### ADOPTED TEXT

The adoption of this proposed regulation will establish those species and varieties of nursery stock that are exempted from assessment by the Secretary as authorized in statute.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Small Business Determination:

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

Significant effect on housing costs: None.

#### ASSESSMENT

The Department has made an assessment that the proposed regulation would not: 1) create or eliminate jobs within California; 2) create new business or eliminate existing businesses within California; or, 3) affect the expansion of businesses currently doing business within California.

There are no known specific benefits to worker safety or the health of California residents. The Department is not aware of any specific benefits this proposed regulation will have to the protection of public safety of California residents or worker safety. Based upon the eco-

nomics analysis, the Department believes this proposed regulation benefits the general welfare of California residents (GC Section 11346.3(b)).

#### ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the proposed 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. The Department considered taking no action. If no action is taken, the species and/or varieties of nursery stock for which the exemption is proposed will require an assessment, resulting in additional cost for consumers of such nursery stock where the programs funded by the assessment provide no benefit.

#### AUTHORITY

The Department proposes to adopt Section 3070 pursuant to the authority vested by Sections 407 and 6981 of the Food and Agricultural Code of California.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 6981, 6982, 6983, and 6986 of the Food and Agricultural Code.

#### CONTACT

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

Sara Khalid  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

In her absence, you may contact Laura Petro at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, 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, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended 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 amendment. 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 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**Construction Safety Orders  
Sections 1711, 1712, 1713, 1717 and 1721**

**Reinforcing Steel Concrete Construction and  
Post-Tensioning Operations**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **December 15, 2016** in the **Auditorium** of the **State Resources Building, 1416 9th Street, Sacramento**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **October 28, 2016**, and closes at 5:00 p.m. on **December 15, 2016**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking is initiated as the result of OSHSB Petition File No. 537 submitted by Mr. Walter Wise, General President of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, dated September 11, 2013. In the Board's Decision dated February 20, 2014, the Petitioner's request was granted to the extent that Board staff convene an advisory committee (committee) to consider amending Title 8 construction industry standards to address the Petitioner's concerns over the fact that Construction Safety Orders (CSO) Section 1712 contain limited references to rebar in conjunction with post-tensioning operations.

As stated by the Petitioner, there is a relationship between the hazards and injuries to workers in concrete reinforcing steel and post-tensioning operations. "Post-tensioning operation" is a method for reinforcing concrete involving the placement of steel cables inside plastic ducts or sleeves which are placed in concrete forms prior to placement of the concrete. This proposal is intended to reduce material-handling related accidents due to site conditions, structural collapse of verti-

cal formwork and decks, collapse of vertical and horizontal columns due to improper or faulty guying and bracing, insufficient, cramped working spaces and platforms from which to position heavy equipment, impalement, and post-tensioning accidents in post-tensioning operations attributable to lack of training. The Petitioner suggested proposed language to address his concerns, which was discussed and considered by the committee convened by Board staff on October 27 and 28, 2014, in Sacramento, California.

As stated in the minutes of the committee meeting, consensus was reached on proposed amendments that would address a number of issues including but not limited to: definitions, site access and layout, notification and approval prior to the commencement of rebar installation, impalement protection, hoisting and rigging operations, post-tensioning operations, fall protection and employee training. Portions of the proposal pertaining to rebar and post-tensioning operations were based on various chapters of the American National Standard (ANSI)/American Society of Safety Engineers (ASSE) A10.9–2013 consensus standard “Safety Requirements for Concrete and Masonry Work,” Section 10.3 standards for post-tensioning work. A synopsis of the proposed changes and relocation of existing Title 8 standards is as follows (sections refer to those contained in the ANSI A10.9–2013 standard):

Section 1711

- Of the 16 proposed Section 1711 definitions [*subsection b*], five originate from Section 3, and the definition of controlling contractor is taken from the ANSI definition of project constructor. Remaining definitions are terms already defined elsewhere in Title 8 (e.g. competent person) or were developed with advisory committee assistance (e.g. reinforcing steel assemblies).
- Site access and layout standards [*subsection c*] are derived from Section 10.3 with cross reference to existing Title 8 benching and shoring standards.
- Standards for written notification prior to commencement of reinforcing steel activities [*subsection d*] come from Section 10.3.2. While falsework and excavation inspections are not new, the written verification requirement is new. Subsection (d) addresses written notification prior to the start of reinforcing steel activities, to be given by the controlling contractor to the reinforcing steel contractor, that all formwork, falsework and any excavation benching and shoring have been inspected and determined to be safe. [This requirement is based on Section 10.3.2.]

- Stability standards for vertical and horizontal columns, walls, and other reinforcing assemblies [*subsection e*] come from Section 10.3.3. Portions of this subsection come from existing Section 1712 requirements.
- Standards for impalement protection and custody of covers [*subsection f*] come from Section 10.3.4 with cross reference to existing Title 8 impalement protection standards.
- Standards for hoisting and rigging of reinforcement assemblies [*subsection g*] come from Section 10.3.5 with cross references to existing Title 8 load handling standards.
- Standards for post-tensioning operations [*subsection h*] come from Section 10.3.6 with cross references to existing Title 8 standards for guardrails and toeboards.
- Standards for fall protection [*subsection i*] come from Section 10.3.7, with cross references to existing Title 8 fall protection standards.
- Standards for formwork and falsework stability [*subsection j*] internally cross reference Sections 1713 and 1717, which are based on Section 10.3.8.1.
- Standards for training [*subsection k*] are based on existing Title 8 injury and illness prevention standards and Section 10.3.9.

Section 1712

- Fall protection requirements for employees engaged in placing or tying reinforcing steel and requirements for vertical and horizontal columns have been deleted and relocated to proposed Section 1711 as subsections (e) and (i).

Section 1713

- Subsection (c) contains language prohibiting the use of reinforcing steel as a guy or brace and is similar to what is contained in the proposed Section 1711(e)(3), which is based on Section 5.4.

Section 1717

- Proposed subsection (f) standards pertaining to controlling contractors prohibiting employee access to bridge decks during jacking and grading operations are derived from Section 10.6.5.

Section 1721

- The existing Section 1721 post-tensioning operations are deleted and proposed to be relocated to Section 1711(h).

The bulk of the proposal’s new language is contained in Section 1711 and is based on the ANSI A10.1–2013 standard. This language is new and is not contained anywhere else in Title 8 to the detail presented herein.

The regulated public engaged in post-tensioning operations will benefit from the creation of an identifiable, stand-alone vertical standard that is cross referenced to clarify the employer's duty and protect job-site employees from the post-tensioning related occupational hazards described in Petition No. 537, which can result in serious employee injury and/or fatality. This issue was discussed extensively during the advisory committee deliberations.

In addition to the relocation of some existing Title 8 standards and cross references, the proposal consists largely of consensus document-based regulatory text specifically addressing post-tensioning operations in greater detail than that addressed by Federal OSHA in its 29 CFR 1926.701(c) standards, which consist of minimal provisions similar to those contained in CSO Section 1721. The proposal contains a list of defined terms that are not addressed by current federal OSHA standards, more detailed post-tensioning specific site access requirements, written notification before commencing work provisions, placement of support system design responsibility upon the controlling contractor (CC), and more expanded rebar impalement protection standards than what is addressed in 29 CFR 1926.701(c)(1).

This proposal establishes the duties of controlling contractors (also known as project constructors) placing a number of responsibilities including, but not limited to: site access and layout, written notification, prohibiting other construction processes below or near the erection of reinforcement assemblies and impalement protection and cover custody. This is entirely consistent to what is provided in the ANSI A10.9-2013 standard, which is the primary basis for this proposal. Placing the controlling contractor in the primary responsibility role is also consistent with other Title 8 standards such as CSO Section 1710 steel erection and, as reflected in the advisory committee minutes, the consensus of the committee. The controlling contractor or project constructor is in the best position to ensure that the various trades that come onto, work, and depart from a jobsite, are protected from falls, impalement and other hazards related to post-tensioning operations, as was determined on a national level via the ANSI A10.9 committee and reflected in the A10.9-2013 standard and the Board staff's advisory committee.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupa-

tional safety and health rulemaking be channeled through a single entity (the Standards Board).

The specific changes are as follows:

#### Section 1711. Oiling Forms.

This section addresses the oiling of floor panels used to protect employees conducting rebar operations and requires that such panels not be removed until carpentry work on the form has been completed.

This section is proposed to be relocated to Section 1713(d). Section 1713 is retitled to read, "Framed Panels and Concrete Forms." Section 1711 is renamed "Reinforcing Steel and Post-Tensioning in Concrete Construction" to clarify to the employer the location of the related post-tensioning standards.

A proposed subsection (a), entitled "Scope and Application," establishes the application of the proposed provisions relating to the use of reinforcing steel used in concrete and masonry construction including post-tensioning operations. This subsection also establishes the duties of the CC. The proposed amendment will clarify to the employer where the pertinent rebar and post-tensioning requirements are located and where the CC duties/responsibilities are located. This subsection also contains two Notes that further clarify to the employer where additional rebar and concrete construction requirements may be found and provides information to the employer that other relevant General Industry Safety Order and CSO provisions may apply to concrete and masonry construction operations.

A proposed subsection (b), entitled "Definitions," clarifies to the employer the application and meaning of 16 new definitions that are used in the subsequent proposed rebar and post-tensioning standards.

A proposed subsection (c), entitled "Site Access and Layout," establishes responsibilities of the CC. The proposed amendments will ensure that the responsibilities for ensuring adequate site access, site conditions, platforms and safe excavations will be consolidated under the responsibility of the CC. The proposed amendments will also ensure safe access, site conditions and means are provided to perform reinforcing and post-tensioning work safely.

A proposed subsection (d), entitled "Written Notification Prior to Commencement of Reinforcing Steel Activities," requires the CC to obtain written verification that the reinforcing steel contractor has received notification that the formwork and falsework have been inspected by a competent person prior to, during and immediately after the installation of rebar and concrete placement. Subsection (d) also requires that all elevated platforms are structurally sound and stable, and that all related excavation benching and shoring have been inspected by the competent person. While inspection requirements for falsework and excavations are existing

requirements, the written verification requirement is new. Proposed subsection (d) ensures that the systems and equipment critical to performing rebar and post-tensioning activities, both on and above the ground, and the site conditions where the work is to be done, are stable and secure such that the work can be conducted safely, thus minimizing the risk of collapse, or catastrophic failure that could result in serious employee injury or fatality.

A proposed subsection (e), entitled Stability Requirements for “Vertical and Horizontal Columns, Walls and Other Reinforcing Assemblies,” consists of procedural safe practice steps. Portions of these requirements were relocated to subsection (e) from Section 1712(f). These amendments will ensure that the assemblies and supporting structures erected for reinforcing steel and post-tensioning operations will not be subject to catastrophic failure and collapse, which could result in serious employee injury or fatality.

A proposed subsection (f), entitled “Requirements for Impalement Protection and Custody of Protective Covers,” requires employees to be protected against impalement in accordance with existing CSO Section 1712 impalement protection standards. This is an existing requirement with no new or added effect other than to remind employers performing post-tensioning operations involving reinforcing steel that Section 1712 applies to their operations.

The second requirement of subsection (f) has multiple parts, and provides that the CC must accept transfer from the reinforcing steel contractor of responsibility for rebar protective covers remaining in place after completion of reinforcing steel operations, and provides for subsequent transfer of responsibility for the rebar protective covers from the CC to another contractor. These requirements are new and come directly from Section 10.3.4 of the ANSI A10.9–2013 standard.

The effect of these requirements is prevention of impalement of workers of other trades who work on the jobsite. The CC, who already has oversight of the actions of the various trades, is in the best position to oversee this issue and take appropriate action. It is imperative that a sufficient number of approved reinforcing steel (rebar) caps be provided and used to protect workers from impalement. An employee who falls or is pushed onto an exposed rebar end is at risk of potentially disabling or fatal impalement. These requirements seek to make clear the necessity of carefully securing rebar caps to each and every exposed rebar end, and of keeping those end caps securely in place over the entire period of time the rebar end is exposed.

A Note is proposed following subsection (f), clarifying that the CC’s responsibility to maintain control and custody of the protective covers does not relieve other contractors from their responsibility to ensure all em-

ployees are protected from impalement hazards. The proposed requirements will ensure that protection from impalement hazards is provided to all employees working on jobsites where reinforcing steel and post-tensioning work is done (not just those performing reinforcing steel and post-tensioning operations).

A proposed subsection (g), entitled “Requirements for Hoisting and Rigging Reinforcement Assemblies,” addresses the use of qualified riggers to regularly inspect rigging, and precluding work under suspended loads through layout of roads by pre-work planning except when employees place or connect the initial assembly or when employees must hook or unhook the load. The proposed amendments also provide criteria that must be met when employees work under suspended loads, use of a qualified rigger and proper rigging hardware. The proposal also requires all lifting devices used to lift and suspend pre-assembled cages, walls and columns must be rated to suspend the intended loads and fabricated under the direction of a California professional engineer. Finally, the proposal requires the controlling contractor to prohibit any activity in the hazardous hoisting area including loading and unloading and staging areas for reinforcement assemblies.

The proposed amendments ensure that suspended loads are safely secured and rigged for hoisting as verified by qualified rigging personnel. Site workers will be protected against being struck by suspended loads of reinforcing steel and post-tensioning assemblies that become unstable/unsecured as a result of breaking loose or spilling from their rigging. By prohibiting employees from working under a suspended load or one that is unloaded for staging, hazardous and potentially catastrophic contact that could result in serious employee injury or fatality will be prevented.

A proposed subsection (h), called “Post-Tensioning Operations,” addresses various post-tensioning safety issues/procedures. The proposal relocates existing language from Section 1721(a) and (b) relating to prohibiting employees from being behind the jack during post-tensioning and use of signs and barricades to proposed subsection (h); the remainder of the proposed text comes from Section 10.3.6 of the ANSI standard.

The proposed amendments ensure that properly stressed concrete is used and employees are protected from being injured during concrete stressing and tensioning operations whether caused by inadvertent contact or catastrophic failure of the stressing equipment or failure of the support systems to secure and stabilize the various stressing and post-tensioning components and systems. The above grade process of stressing tendons, cutting tendon tails and grouting has proven to be among the most dangerous operations associated with post-tensioning operations. It involves very heavy and awkward equipment which, when used in the absence

of adequate space, has led to crushing injuries to the extremities. Providing the specified platform ensures that employees will gain access to perform post-tensioning operations in a manner that accommodates tools while working from a secure and stable working surface with sufficient room to prevent inadvertent contact with machinery and equipment and prevent falls to the level below. The platform is a consensus standard requirement contained in Section 10.3.6.5 of the ANSI standard.

New subsection (i), “Fall Protection,” establishes a six-foot trigger height for employees who place or tie reinforcing steel in walls, piers, columns, etc., above an adjacent surface unless a personal fall protection system in accordance with CSO Section 1670 or other method providing equivalent fall protection is used. An exception to this requirement is provided as it is in Section 10.3.7.1 of the ANSI for reinforcing steel iron workers who may be permitted limited point-to-point travel horizontally or vertically on reinforcing steel up to 24 feet above the surface below, in the absence of impalement hazards. The point-to-point travel exception is an element of the existing CSO Section 1712 reinforcing steel standard, which is relocated to new subsection (i), since point-to-point travel is an issue in post-tensioning work that involves the use of reinforcing steel.

These proposed amendments control the fall risk to all jobsite employees involved in various reinforcing steel placement operations including point-to-point travel. A fall from elevation during reinforcing steel placement operations could result in serious injury or fatality.

A proposed subsection (j) requires formwork and falsework stability and securing be provided in accordance with CSO Sections 1713 and 1717. This requirement clarifies to the employer that the formwork and falsework used in conjunction with reinforcing steel and post-tensioning operations are subject to existing Title 8, Sections 1713 and 1717 scaffolding (aka falsework) and formwork requirements.

A proposed subsection (k), “Training Requirements,” addresses the need to train employees who perform reinforcing steel and/or post-tensioning operations, with training in the hazards unique to these operations in addition to that already required by Section 1509 (injury and illness prevention program for construction). The training is to be conducted by a qualified person and addresses: post-tensioning and reinforcing steel hazards, and the proper procedures and equipment to perform the operations.

These amendments ensure employees involved in the various reinforcing steel and post-tensioning, stressing operations understand how to perform those operations safely, how to take precautions to safeguard themselves

and others and be able to recognize an unsafe condition that could result in serious employee injury or fatality.

#### Section 1712. Reinforcing Steel and Other Similar Projection.

This section contains various requirements that apply to all worksites where employees are exposed to the hazards of impalement by exposed reinforcing steel. An amendment is proposed to revise the section title for clarity to read, “Requirements for Impalement Protection.”

#### Subsection (e) Fall Protection.

This subsection prohibits employees from placing or tying the reinforcing steel in walls, piers, columns, etc., more than six feet above the adjacent surface unless a personal fall protection system or equivalent is used. It excludes limited point-to-point, horizontal or vertical travel on reinforcing steel up to 24 feet above the surface providing there are no impalement hazards.

An amendment is proposed to delete this subsection in its entirety as it has been relocated to Section 1711 as new subsection (i).

The proposed deletion and relocation of fall protection requirements is made to clarify by way of consolidating these requirements under the proposed Section 1711, which contains the relevant requirements pertaining to reinforcing steel and post-tensioning operations.

#### Subsection (f) Securing Reinforcing Steel.

The regulatory text of subsection (f) is relocated and placed under new Section 1711(e) as it addresses issues that are recognizably connected to the use of rebar for walls, piers, columns, prefabricated reinforcing steel assemblies and similar vertical structures which are to be guyed, braced or supported. The clarifying relocation of this text consolidates issues for easy recognition and access by the regulated public.

#### Section 1713. Framing and Concrete Forms.

This section addresses the securing of framed and formed panels against movement and requires panels in excess of 500 pounds to utilize lifting attachments with a safety factor of 4. It also prohibits nailed lifting attachments. A proposed amendment revises the section title to read, “Framed Panels and Concrete Forms” for clarity and consistency with the regulatory text that follows. A proposed amendment to subsection (b)(1) adds the words “and forms” after “panels,” thus rendering the requirement inclusive of forms. This ensures that forms will be safely hoisted in a manner that will prevent falling or collapse onto employees resulting in serious employee injury or fatality. Subsection (c) prohibits reinforcing steel from being used as a guy attachment, for which an amendment is proposed to delete the word “attachments” and add language to read, “. . . as a guy or brace to support framed panels or concrete forms from

falling.” This amendment is derived from Section 5.4 of the ANSI standard and improves the stability of reinforcing steel by making sure employees do not use reinforcing steel as a guy or brace which could lead to instability and catastrophic failure.

A proposed subsection (d) prohibits the application of form release oil to horizontal formwork until the carpentry work is completed and the form is able to support the loads imposed upon it. The proposed language is relocated from an existing single-sentence requirement contained in Section 1711 and ensures that the form is not released prematurely and suddenly which could cause the form to come in contact with carpenters.

Section 1717. Falsework and Vertical Shoring.

This section contains requirements to assure the safety of falsework and vertical shoring from an engineering and design standard. A proposed subsection (f) requires the CC to prohibit employees from accessing the bridge decks during the jacking and grading operations. This amendment, based on Section 10.6.5 of the ANSI standard, will ensure that employees are protected from coming in contact with deck equipment, materials and debris that could be accidentally released during these operations, which could strike the employee and result in serious injury or fatality.

Section 1721. Post-Tensioning Operations.

This section consists of two subsections pertaining to prohibiting employees behind the jack during tensioning operations and signs and barricades to limit employee access to the post-tensioning area during tensioning operations. It is proposed that these two subsections be deleted and relocated for clarity and consistency to new Section 1711(h), which contains the relevant requirements pertaining to post-tensioning operations. These requirements are based on Sections 10.6, .3, .4 and .5 of the ANSI standard. This is also proposed to be done so that post-tensioning requirements can be consolidated into a vertical set of standards so that the employer’s duty to comply will be clearer and easier to locate.

Anticipated Benefits

This regulatory action pertains to safe work practices for the installation and placement of rebar in conjunction with post-tensioning operations and is intended to reduce the number of injuries, accidents attributable to rebar impalement, falls from elevation, improper landing of materials, and injuries experienced during the post-tensioning of concrete prior to placement of the concrete mix. The proposal addresses the accident potential created by impalement hazards, misuse of material handling equipment, inadequate work space and insufficient work platform area which could result in contact between workers and such equipment. It also serves to avert accidents resulting from the lack of communication between workers performing these operations,

their immediate supervisors and the CC in charge of the overall operation. It will inform and instruct employees to a higher level of competence through training to ensure the safest possible work procedures are carried out and used from the planning stages through the completion of the project. This rulemaking proposal has no effect on the state’s environment.

DOCUMENTS INCORPORATED  
BY REFERENCE

None.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

Mandate on Local Agencies and School Districts:  
None.

Cost or Savings to State Agencies:

The Board staff is not able to ascertain any state agencies including the California Department of Transportation (Cal-Trans) that conduct post-tensioning operations in conjunction with highway and bridge operations. According to a Cal-Trans representative, this type of work is typically conducted by contracted construction companies, not by Cal-Tran’s employees. Consequently, there would be no direct cost impact upon State agencies as a result of this proposal. Indirect or trickle-down costs are difficult to ascertain, but according to two individuals representing State and local government entities who submit projects out to bid involving the type of work regulated by the proposal, both agreed that such costs would be proportionally insignificant in comparison to the overall project cost. The costs to government entities is further softened because bidding contractors are not necessarily imposing costs on any one contractee/client but spreading incremental costs over many clients/bids.

Cost to any Local Government or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630:

None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies:

See “Cost or Savings to State Agencies.”

Cost or Savings in Federal Funding to the State:  
None.

Cost Impacts on a Representative Private Person or Business:

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

**Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals: Including the Ability of California Businesses To Compete:**

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

The proposal contains a provision in proposed Section 1711(h)(5), which requires an adequate work platform of at least three feet for post-tensioning operations. In testimony received at the October 27 and 28, 2014, advisory committee meeting, it was learned that certain types of building construction such as those constructed with “flying deck” forms might present a challenge for the employer to provide such platforms. However, it is important to note that many manufacturers are providing space for safe work platforms on their flying deck systems. The cost of these platforms is estimated to be in the thousands of dollars, the cost being a function of the square footage size of the platform, how many individual platforms are used and whether parts of the platforms can be reused for other jobs. However, the committee reasoned that any challenge to the use of such platforms as prescribed by subsection (h)(5) could be easily overcome or greatly softened by planning for the use of the platforms during the project’s design and contract stage. In fact, one stakeholder testified that many of the large concrete form suppliers in Southern California have the added space allowed for in their flying deck form systems.

The committee also reasoned that use of a three-foot working platform in post-tensioning operations would reduce accidents, increase productivity and ultimately result in a cost savings for all employers; the committee agreed that many costly serious and fatal accidents would be prevented by the proposal. A single employee injury or fatality can result in direct and indirect costs in the hundreds of thousands of dollars, not to mention the costs associated with delays if the project is curtailed or shut down following a serious accident that involves one or more employees. Multiple employee incidents are likely to result in a multiplication of these costs. There may also be significant litigation costs imposed upon employers. Consequently, incidents involving multiple employees could create costs easily reaching into the millions of dollars. It can be seen from the committee minutes that the sum total response of stakeholders is focused on the belief that the remainder of the proposal does not appear to present any concerns related to new or added costs since the proposal in large part addresses procedures and practices that should already be

taking place, such as providing a safe worksite, impalement protection, fall protection and safe and secure working surfaces (i.e. reinforcing steel formwork and falsework) from which post-tensioning is performed.

**Significant Affect on Housing Costs:** None.

DETERMINATION OF MANDATE

The Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school districts which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. The proposal contains a provision in proposed Section 1711(h)(5) which requires an adequate work platform of at least three feet for post-tensioning operations. In testimony received at the October 27 and 28, 2014, advisory committee meetings, it was learned that certain types of building construction such as those constructed with “flying deck” forms might present a challenge for the employer to provide such platforms. However, it is important to note that many manufacturers are providing space for safe work platforms on their flying deck systems. The committee reasoned that any challenge to the use of such platforms as prescribed by subsection (h)(5) could be easily overcome by planning for the use of the platforms during the project’s design and contract stage. In fact, one stakeholder testified that many of the large concrete form suppliers in Southern California have the added space necessary allowed for in their flying deck form systems.

The committee also reasoned that use of a three-foot working platform in post-tensioning operations would reduce accidents, increase productivity and ultimately result in a cost savings for all employers; the committee agreed that many costly serious and fatal accidents would be prevented by the proposal. It can be seen from the committee minutes that the sum total response of stakeholders is focused on the belief that the remainder of the proposal does not appear to present any concerns related to new or added costs since the proposal in large part addresses procedures and practices that should already be taking place such as providing a safe worksite, impalement protection, fall protection and safe and secure working surfaces (i.e. reinforcing steel formwork, falsework) from which post-tensioning is performed.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses. With regard to the proposal’s requirement in Section 1711(c)(3) pertaining to the erection of exterior platforms for material handling purposes, the proposal requires engineered exterior platforms for all construction trades to safely hoist and access materials on multi-floor buildings and is considered to be a “safety through design” provision with an approximate cost of \$8,000.00 per platform. These platforms can be used for several purposes and trades other than reinforcing steel contractors, as needed. It should be noted that proposed Section 1711(h)(5) and the requirement for a 3-foot exterior formwork platform for safe access for post-tensioning operations is another example of what is referred to as a “safety by design” element of the proposal and has an approximate cost of \$1,144.00 for each platform. This platform will have a widespread protective effect to all workers and trades who need access along the structure perimeter.

The October 27 and 28, 2014, committee reasoned that use of platforms, when it is feasible to use them, would reduce accidents and increase productivity; the committee agreed that many costly serious and fatal accidents would be prevented by the proposal.

The cost to comply with proposed subsection (k) training costs of tailoring the Injury and Illness Prevention Program (IIPP) training to address reinforcing steel and post-tensioning issues will be approximately \$170.00 per employee. The training can be conducted by anyone selected by the employer who meets the definition of qualified person and could be someone from the employer’s workforce at large as opposed to having to hire a trainer or contracting out for the service.

Specific cost breakdowns are outlined on the attachment to the Economic and Fiscal Impact Statement.

BENEFITS OF THE PROPOSED ACTION

The proposal would:

- Reduce accidents relating to material handling mishaps due to site conditions, structural collapse of vertical formwork and decks, collapse of vertical and horizontal columns, impalement, and post-tensioning accidents attributable to ignorance of the safety and health issues addressed by Section 1711(k) training requirements.

- Increase productivity resulting from work practice improvements, including the provision of additional space via platforms and platform extensions to perform post-tensioning, safely land materials and ensure a more efficient (coordinated) approach to accomplishing post-tensioning safely by site personnel.
- Result in a cost savings for all employers vis a vis the reduction in serious and fatal accidents and their related costs that can result in project/job site down time, enforcement investigation and liability, litigation, medical expenses, and all other associated worker compensation costs attributable to falls from elevation and/or impalement.
- Result in a more user friendly standard for the post-tensioning issue, thus better compliance from the consolidation and “verticalization” of reinforcing steel and post-tensioning standards in the proposed subsections.
- Lead to an overall improvement in the level of clarity needed to ensure employers and employees are competent to perform post-tensioning operations safely and in accordance with the proposed standards by knowing where such requirements are located (ready identification).
- Lead to enhanced clarity as afforded by the proposed, amended definitions that define the meaning and context of the proposed standards which again translates into employees who will work in the greatest safety by virtue of the training required by the proposal.
- Lead to an improvement in the overall level of communication on the jobsite between host and contract employers ensuring that the parties involved in post-tensioning operations are working in a synchronous and safe manner.
- Ensure that all equipment and components whose integrity and good condition is critical to safe performance during post-tensioning operations and preventing catastrophic failures is maintained throughout the process.

CONSIDERATION OF ALTERNATIVES

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

The Construction Employers Association (CEA) who represents many CCs (as defined in the proposal), was represented at the October 27 and 28, 2014, advisory committee convened by Board staff and was afforded extra time following conclusion of the committee to comment on the consensus proposal. In their letter to the Board dated March 30, 2015, they expressed comments related to various proposed requirements which speak to mostly CC responsibilities and which include but are not limited to: the CC providing adequate site conditions for the staging of post-tensioning and reinforcing steel supplies, the CC providing landing platforms for materials placed on multi-story building floors, tasking reinforcing steel contractors with the responsibility for onsite excavation checks by a competent person, ensure written notifications to the reinforcing steel contractor prior to the start of reinforcing steel activities, and requiring the CC to prohibit all other construction processes from taking place in the vicinity of vertical steel erection until they are secured to prevent collapse. The thrust of the CEA's comments and suggested alternatives, appear to be aimed at transferring a number of the proposal's CC responsibilities to the reinforcing steel contractor and placing additional responsibilities upon the reinforcing steel contractor which, as demonstrated by the advisory committee minutes, is contrary to the consensus of that committee and contrary to the requirements set forth in the ANSI A10.9-2013, which is clearly oriented towards the CC, in terms of their responsibilities. The Board staff does not believe that in light of the committee testimony and discussion the arguments set forth in the CEA letter are presently compelling enough to warrant revision of the proposal.

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

#### CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and the back-up contact person, Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

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

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed

regulation available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons and supporting documents. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on any modified regulations for at least 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

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

General Industry Safety Orders (GISO)  
Section 3650(t)(17)

#### **Powered Industrial Truck Operation — Exception**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to

adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

### PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **December 15, 2016**, in the **Auditorium** of the **State Resources Building, 1416 9th Street, Sacramento**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

### WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **October 28, 2016**, and closes at 5:00 p.m. on **December 15, 2016**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or  
By e-mail sent to oshsb@dir.ca.gov.

### AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

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

Title 8, Section 3650 contains design and construction standards addressing powered industrial trucks (PITs). Section 3650, subsection (t) contains 33 operating rules and instructions. This rulemaking addresses the exception to (t)(17) which has allowed the driver to be out of the driver's seat with the forks raised no more than 42 inches for loading and unloading above the level where the operator/loaders are standing. The excep-

tion was initially developed and adopted in 1996 at the request of the Standards Board's chairman following the granting of a variance request for a similar exception (OSHSB Variance File No. 95-V-004). It was determined that allowing the forks to be elevated when the PIT operator was dismounted and loading/unloading the PIT would enhance employee safety because there would be less risk of injury due to repetitive bending, stooping, lifting, and twisting.

It has been determined that a safety hazard exists when the forks are elevated more than 42 inches above the level on which the PIT is located. If loaders are standing on an elevated surface, the forks could be raised to an unsafe level placing workers at risk should the load or the PIT become unstable.

The Board evaluated the proposed regulations pursuant to Government Code section 11346.5(a)(3)(D) and has determined that the regulations are not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

### Section 3650. Industrial Trucks. General.

Section 3650 contains design and construction standards addressing PITs, the operation by authorized drivers, and 33 operating rules and instructions (subsection t). Subsection (t)(17) states that "when the operator of an industrial truck is dismounted and within 25 feet (7.6 meters) of the truck which remains in the operator's view, the load engaging means shall be fully lowered, controls placed in neutral, and the brakes set to prevent movement". The exception to (t)(17) states "forks on fork-equipped industrial trucks may be in the raised position for loading and unloading if the forks are raised no more than 42 inches above the level where the operator/loaders are standing, and the power is shut off, controls placed in neutral and the brakes set. If on an incline, the wheels shall be securely blocked".

Amendments are proposed to specify that PIT forks may be in the raised position for loading and unloading by the operator, if the forks are raised no more than 42 inches above the same level on which the PIT is located rather than where the operator/loaders are standing. Further amendments for consistency are proposed to replace the term "forks" with the more inclusive term "load engaging means" which refers to any part of the PIT that comes in contact with the load. This term is also used in subsection (t)(17). The proposal also requires

the operator to be in the driver's seat of the PIT when not involved with loading/unloading operations.

The proposed amendments will reduce the risk of the PIT becoming unstable and materials falling and striking employees. It will clarify that loads are not to be elevated more than 42 inches above the level of the PIT, which would subject the PIT and load to tipping. It will ensure the PIT operator will remain in the driver's seat to oversee the process and ensure control of the PIT if not engaged in the actual loading/unloading operation.

**Anticipated Benefits**

The benefits of the proposal include but are not limited to:

1. clarifying to employer the need for the loading/unloading process to take place at the same level the PIT is located with the operator in attendance.
2. ensuring PITs are not left unattended causing struck-by/rollover accidents from inadvertent movement from the units.
3. lessening the hazard from materials falling, property damage, and additional injuries to co-workers and third parties.

DISCLOSURES REGARDING THE PROPOSED ACTION

**Mandate on Local Agencies and School Districts:** None.

**Cost or Savings to State Agencies:** None.

**Cost to any Local Government or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630:** None.

**Other Nondiscretionary Cost or Savings Imposed on Local Agencies:** None.

**Cost or Savings in Federal Funding to the State:** None.

**Cost Impacts on a Representative Private Person Or Business:**

The 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.

**Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals: Including the Ability of California Businesses To Compete:**

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

proposed amendment is necessary to ensure PITs are operated in a safe manner in accordance with established operating rules.

**Significant Affect on Housing Costs:** None.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated. The proposal adds requirements to reduce injuries by ensuring PITs are not left unattended and that employees are unloading and loading materials safely.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses. Therefore, the rulemaking will not impact the following:

- The creation or elimination of jobs within the State of California,
- The creation of new businesses or the elimination of existing businesses within the State of California,
- The expansion of businesses currently doing business within the State of California.

BENEFITS OF THE PROPOSED ACTION

Benefits of the proposed action are as follows:

- The risk of the powered industrial truck becoming unstable due to a load that has been excessively elevated is averted and ensures workers will not be struck by and/or crushed by the load and truck as a result of tipping and toppling.
- The proposed action will ensure that it is clear to the regulated public that elevating the forks for loading and unloading is never to exceed 42 inches above the level the industrial truck is parked on.
- The proposal further clarifies that the operator will remain present in control of the industrial truck when not involved in loading and unloading to prevent vehicle instability.

- There are no anticipated benefits to the state's environment.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in

this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

### **TITLE 9. DEPARTMENT OF STATE HOSPITALS**

#### **TITLE 9. REHABILITATIVE AND DEVELOPMENTAL SERVICES DIVISION 1. DEPARTMENT OF MENTAL HEALTH**

The Department of State Hospitals (Department) encourages adoption of the proposed regulations below after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

A public hearing will be held if any interested person, or his or her duly authorized representative, requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (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 regulatory action to the Department. Comments may also be submitted by facsimile (FAX) at (916) 651-3090 or by e-mail to [DSH.Regulations@dsh.ca.gov](mailto:DSH.Regulations@dsh.ca.gov). The written comment period closes at 5:00 p.m. on December 12, 2016. The Department will consider only comments received at the Department office by that time. Submit comments to

Regulations Unit  
 Department of State Hospitals  
 1600 9th Street, Room 410  
 Sacramento, CA 95814

AUTHORITY AND REFERENCES

Authority: Welfare and Institutions Code sections 4005.1, 4027, and 4101.

References: Health and Safety Code sections 443, 443.1, 443.2, 443.9, and 443.15; Code of Federal Regulations, title 45, sections 164.502, and 164.504.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department proposes to adopt regulations to ensure the Department is in compliance with the law. These regulations will also provide safety and security to the public by providing some guidance as to how the End of Life Option Act may be available to the patients while not available on the premises of the Department.

Policy Statement Overview

These proposed regulations will:

- Provide guidelines as to the Department’s policy under the End of Life Option Act (Act).
- Provide patients in the custody and care of the Department the ability to obtain services under the Act, based on court determination.
- Provide guidance of the recordkeeping needed under the Act.

The Department has conducted an evaluation and determined that these regulations are not inconsistent or incompatible with existing state regulations.

Existing Law

Current laws provide terminally ill patients the means of participating in the decision-making process that affects the end of their lives, also known as the “end of life option.” The Department has patients who are terminally ill, and wants to allow the patients to participate in this option if they choose. Health and Safety Code sec-

tion 443 et seq. provides specific processes that a patient needs to go through in order to participate in the end of life option. Based upon the existing law, the Department implemented emergency regulations, requiring that a patient obtain a court order in order to access the Act, since the courts have ordered the patients committed to our facilities. While Department employees may not participate in the Act, the Department wants to allow patients the option to seek participation if they meet the criteria required by the statute.

Disclosures Regarding the Proposed Regulations

The Department has made the following initial determinations:

- Mandates on Local Agencies or School Districts: There will be no mandates imposed on local agencies or school districts.
- Mandate Requires State Reimbursement Pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Costs to Any Local Agency or School District that Requires Reimbursement Pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Non-discretionary Costs or Savings Imposed on Local Agencies: The Department anticipates there will be no fiscal impact in the current State Fiscal Year to Local Agencies.
- Costs or Savings to Any State Agency: The Department does not anticipate there to be many costs to the Department or any state agency.
- Costs or Savings in Federal Funding to the State: None.
- Significant, Statewide Adverse Economic Impact Directly Affecting Business: There will not be a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. We do not foresee that this regulation will be utilized and only a small fraction of the state hospital population may be eligible.
- Cost Impacts on Representative Private Person or Businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Small Businesses: There will be no cost impact on small businesses because the proposed regulation only affects individual patients who are terminally ill in state hospitals.

Results of the Economic Impact Analysis

These proposed regulations are intended to allow the Department to set forth the policy of the Department under the Act.

Creation or Elimination of Jobs within the State of California

The proposed regulations would not create or eliminate jobs within the State of California. The Act allows medical providers, if the provider chooses, to provide another end of life option available to a patient who is terminally ill.

Creation of New Businesses or the Elimination of Existing Businesses within the State of California

The proposed regulations would not create new businesses or eliminate existing businesses. The Department already contracts for hospice services and other services in providing the proper medical care to terminally ill patients. The Act has now created a new option available to every individual in the state, therefore there may be an increase in the aid-in-dying medications for the end of life.

Expansion of Businesses Currently Doing Business within the State of California

The Department may need to have more contractors who provide the spectrum of medical care to terminally ill patients. The Act expands services that health care providers can provide to patients.

Anticipated Benefits of the Regulation

The proposed regulations provide the policy of the Department. The proposed regulations also provide clear direction to the public, employees, and patients as to how a patient may get access to the end of life option under the Act.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, 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.

DSH invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

**CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Dennalee Folks  
Department of State Hospitals  
Regulations Unit  
1600 9th Street, Room 410  
Sacramento, CA 95814  
Telephone: (916) 651-8544  
E-mail: [Dennalee.Folks@dsh.ca.gov](mailto:Dennalee.Folks@dsh.ca.gov)

The back-up contact person for these inquiries is:

Shazida Chechi  
Department of State Hospitals  
1600 9th Street, Room 410  
Sacramento, CA 95814  
Regulations' Telephone: (916) 651-3222  
E-mail: [shazida.chechi@dsh.ca.gov](mailto:shazida.chechi@dsh.ca.gov)

Please direct requests to Ms. Folks at the above address for copies of the proposed text (the "expressed terms") of the regulation, the initial statement of reasons, the modified text of the regulation or any other information upon which the rulemaking is based.

**AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF THE PROPOSED REGULATION AMENDMENT, AND THE RULEMAKING FILE**

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Ms. Folks.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

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

AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS

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

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation can be accessed through our website at:  
[www.dsh.ca.gov/About\\_Us/regulations.aspx](http://www.dsh.ca.gov/About_Us/regulations.aspx).

**TITLE 11. COMMISSION ON PEACE  
OFFICER STANDARDS AND TRAINING**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

**Public Comments Due December 12, 2016, at 5:00 p.m.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by emailing them to [valerie.tanguay@post.ca.gov](mailto:valerie.tanguay@post.ca.gov), by fax at (916) 227-5271, or by letter to:

Commission on POST  
Attention: Valerie Tanguay  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

At the June 23, 2016 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B — Regulations 1001 Definitions, 1005 Minimum Standards for Training and 1008 Basic Course Waiver and Requalification Requirement, which upon approval of the Office of Administrative Law will implement the provisions of Assembly Bill (AB) 1168 *Peace Officers: Basic Training Requirements*.

Assembly Bill 1168 was signed by the Governor on August 13, 2015 and became effective on January 1, 2016. The bill amended Penal Code section 832.3 by adding two years to the existing three year requalification time period (for a total of five years) for sheriff's deputies that have completed, the Regular Basic Course and are appointed to perform duties exclusively or initially relating to custodial assignments pursuant to Penal Code section 830.1(c) (referred to as "Jail Deputies").

The proposed regulatory revisions are intended to make POST regulations consistent with the dictates of Penal Code sections 830.1(c) and 832.3 (including the amendments to section 832.3(e)(3) dictated by Assembly Bill 1168). The regulatory revisions create a definition for the Jail Deputy classification (Penal Code section 830.1(c), clarify entry level training requirements (Penal Code section 832.3(e)(2)), specify the type of training that meets the Continuing Professional Training (CPT) required for Jail Deputies and delineate the Jail Deputy requalification exemption requirements (Assembly Bill 1168).

The specific benefits anticipated by the proposed changes to the regulations will be to provide clarity on the jail deputy classification and entry level and in-service training requirements, delineate the eligibility requirements for the jail deputy exemption from the three-year requalification requirement and establish a retention period for written documentation of the basis for an exemption. This amendment will reduce delays by keeping the reassignment decision at the agency level (subject to review by the Commission). There would be no effect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code Sections 17500-17630 requires reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California business, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOV. CODE SEC. 11346.3(B)

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

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to provide a definition of the custodial peace officer (JDEP) classification, clarify entry level and in-service training requirements for JDEPs, and delineate the requirements to qualify for the Jail Deputy Exemption to the requalification requirement as specified in Assembly Bill 1168. There would be no impact that would affect worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the 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 provisions of the law.

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Valerie Tanguay, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at [valerie.tanguay@post.ca.gov](mailto:valerie.tanguay@post.ca.gov) or (916) 227-0472. The backup contact is Jeff Dunn at [jeff.dunn@post.ca.gov](mailto:jeff.dunn@post.ca.gov) or (916) 227-4552. General questions regarding the regulatory process may be directed to Brian Clark at [brian.clark@post.ca.gov](mailto:brian.clark@post.ca.gov), (916) 227-4847, or FAX (916) 227-5271.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting Brian Clark at [brian.clark@post.ca.gov](mailto:brian.clark@post.ca.gov), (916) 227-4847, or FAX (916) 227-5271.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to

Brian Clark, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon from the Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

**TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION**

**“Safety Element Review, 2017”  
Title 14 of the California Code of Regulations  
(14 CCR), Division 1.5, Chapter 7  
Adopt Article 6 1210.00-1210.03**

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 January 24, 2017 at its regularly scheduled meeting commencing at 8:30 a.m. 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 written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 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 December 13, 2016.

The Board will consider only written comments received at the Board office by that time and those written

comments received at the public hearing, including written comments submitted 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: Edith Hannigan  
Board Analyst  
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 § 11346.5(a)(2) and 1 CCR § 14)

**14 CCR §§ 1666.0 to 1666.16** Authority Cited: Section 65302.5, Government Code; Section 4111, Public Resources Code. Reference: Sections 65302, 65302.5, Government Code; Sections 4102, 4112, 4113, 4114, 4740 and 4741, Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

(pursuant to 11346.5(a)(3)(A)-(D))

California Government Code Section 65302.5(b)(1) requires a draft element of or draft amendment to the safety element of a county or a city’s general plan to be submitted to the Board of Forestry and Fire Protection (Board) if that county or city contains State Responsibility Area (SRA) or Very High Fire Hazard Severity Zone (VHFHSZ), and Section 65302.5(b)(3) requires the Board to review the submitted safety elements for how well it addresses wildland fire risk reduction and mitigation in the planning area. Although this requirement has been in place since 1989, until this proposed action there have been no implementing regulations for this program.

The problem is that no review program exists in regulation under the Board of Forestry and Fire Protection to complete the review required under GOV § 65302.5(b)(3).

The purpose of the proposed action is to create a procedure to standardize the review of safety elements submitted to the Board.

The effect of the proposed action is the establishment of a review process to analyze and assess general plan safety elements for their wildland fire risk reduction and mitigation efforts that is clearly communicated and readily available to Board members, the public, and members of the review team.

The specific anticipated benefit of the proposed action is a clear, direct, and standardized review process that maximizes efficiency, provides transparency to the regulated public, and is utilized effectively to prevent property and life losses in the wildland–urban interface due to fire. As a result, this regulatory action will have a positive effect on the protection of public health and safety, worker safety, and the environment.

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 **GOV § 11346.5(a)(3)(D)**. Board staff assessed existing State regulations related to safety element reviews and found no existing State regulations that met 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 Board rules.

#### FORMS INCORPORATED BY REFERENCE

General Plan Safety Element Assessment, adopted by the Board of Forestry and Fire Protection September 29, 2016.

#### 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 general plan safety element review. No existing Federal regulations that met the same purpose as the proposed action were identified.

#### OTHER STATUTORY REQUIREMENTS (pursuant to GOV § 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 § 11346.5(a)(5))

The proposed action does impose a mandate on local agencies or school districts.

#### FISCAL IMPACT (pursuant to GOV § 11346.5(a)(6))

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the act, within the meaning of Section 17556 of the Government Code.

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 § 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 §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

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

Pursuant to **GOV §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:

- Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of experience reviewing general plan safety elements for cities and counties in California that the Board brings to bear on regulatory development.

- Staff participation in the development of Governor’s Office of Planning and Research *Fire Hazard Planning General Plan Technical Advice Series*, May 2015.
- Discussions with Department staff on implementation of the enabling statute, GOV § 65302.5.

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

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)–(D)**. The proposed action:

- (A) will not create jobs within California;
- (A) will not eliminate jobs within California;
- (B) will not create new businesses within California;
- (B) will not eliminate existing businesses within California;
- (C) will not affect the expansion or contraction of businesses currently doing business within California.
- (D) will yield nonmonetary benefits through the mitigation of wildfire risk in the planning area and additional government transparency. Due to these pre-planning efforts to protect wildland–urban interface areas, the protection of health and welfare of California residents, worker safety, and the state’s environment will benefit in perpetuity.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

(pursuant to GOV § 11346.5(a)(9))

There are no cost impacts that a representative private person or representative business would necessarily incur in reasonable compliance with the proposed action, because general plan safety elements are developed by governmental agencies.

BUSINESS REPORT

(pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement on business.

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

Small business, within the meaning of GOV § 11342.610, are not expected to be affected by the proposed action.

Small business:

- (1) Is not legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) Does not incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

ALTERNATIVES INFORMATION

In accordance with **GOV § 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: Edith Hannigan  
Board Analyst  
P.O. Box 944246  
Sacramento, CA 94244–2460  
Telephone: (916) 653–8007

The designated backup person in the event Ms. Edith Hannigan is not available is Mr. Matt Dias, Executive Officer for the Board of Forestry and Fire Protection. Mr. Matt Dias may be contacted at the above address or by phone at (916) 653–8007.

AVAILABILITY STATEMENTS  
(pursuant to GOV § 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 § 11346.5(b)** and **GOV § 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 web site at: [http://bofdata.fire.ca.gov/regulations/proposed\\_rule\\_packages/](http://bofdata.fire.ca.gov/regulations/proposed_rule_packages/)

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF TOXIC SUBSTANCES CONTROL

#### **BKK Landfills Facility: Settlement & Funding for Future Work**

#### **NOTICE OF PUBLIC COMMENT PERIOD: October 31, 2016 through November 30, 2016**

The Department of Toxic Substances Control (DTSC) invites you to comment on two related consent decrees concerning the closed BKK Landfills Facility, which is located at 2210 South Azusa Avenue in West Covina, California 91792 (the BKK Facility). A consent decree is an agreement reached by parties and submitted to a court for approval. The first of the consent decrees is between DTSC and JPMorgan Chase, N.A. (JPMorgan) and the other is between DTSC and the BKK Working Group (BWG), a group of former customers of the BKK Facility who are currently conducting response actions to address hazardous substances contamination at the BKK Facility. Under the two consent decrees, JPMorgan will pay \$85 million, which will fund or reimburse future response actions that DTSC or the BWG conduct at the BKK Facility. A more detailed description of the consent decrees may be found at: <http://www.dtsc.ca.gov/HazardousWaste/Projects/BKK.cfm>.

Following the comment period, DTSC will report to the United States District Court for the Central District about any comments that DTSC received regarding the consent decrees and ask the Court to approve the consent decrees. If approved by the District Court, the JPMorgan Consent Decree will resolve JPMorgan's responsibility for the BKK Facility and provide JPMorgan with contribution protection pursuant to section 113(f)(2) of the Comprehensive Environmental Response, Compensation, and Recovery Act (CERCLA), 42 U.S.C. § 9613(f)(2).

#### WHERE DO I SUBMIT MY COMMENTS?

Comments on Proposed Settlement Agreements should include "JPMorgan Settlement" in the subject line of the email or letter. All comments must be post-marked or emailed by November 30, 2016, and submitted to: Kamili Siglowide, Project Manager, 8800 Cal Center Drive, Sacramento, CA 95826 or [Kamili.Siglowide@dtsc.ca.gov](mailto:Kamili.Siglowide@dtsc.ca.gov).

WHERE TO GET MORE INFORMATION

Copies of the Proposed Settlement Agreement and other Site Related documents are available by contact the DTSC Project Manager; online at the DTSC EnviroStor website [https://www.envirostor.dtsc.ca.gov/public/profile\\_report.asp?global\\_id=60001251](https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60001251); or West Covina Library, 1601 W. West Covina Parkway, West Covina, CA 91790, (626) 962-3541

**For questions about the BKK Facility:**

Jesus Cruz  
Public Participation Specialist  
8800 Cal Center Drive  
Sacramento, California 95826  
(916) 255-3315;  
1-866-495-5651  
[Jesus.Cruz@dtsc.ca.gov](mailto:Jesus.Cruz@dtsc.ca.gov)

Kamili Siglowide  
Project Manager  
8800 Cal Center Drive  
Sacramento, California 95826  
(916) 255-3657  
[Kamili.Siglowide@dtsc.ca.gov](mailto:Kamili.Siglowide@dtsc.ca.gov)

Russ Edmondson  
Public Information Officer  
1001 I Street  
Sacramento, California 95814  
(916) 323-3372  
[Russ.Edmondson@dtsc.ca.gov](mailto:Russ.Edmondson@dtsc.ca.gov)

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**ANNOUNCEMENT OF PROCESS TO UPDATE  
PUBLIC HEALTH GOALS FOR CHEMICALS  
IN DRINKING WATER**

The Calderon-Sher California Safe Drinking Water Act of 1996<sup>1</sup> requires the Office of Environmental Health Hazard Assessment (OEHHA) to post a notice on its website when initiating the development or update of public health goals (PHGs) for contaminants in drinking water. PHGs are concentrations of chemicals in drinking water that are not anticipated to produce adverse health effects. PHGs are non-regulatory in nature but are to be used as the health basis to support California's primary drinking water standards (Maximum Contaminant Levels, or MCLs) established by the State

<sup>1</sup> See Health and Safety Code section 116365.

Water Resources Control Board (SWRCB) for chemicals subject to regulation.

This public notice announces the initiation of reviews for four chemicals:

- Cis-1,2-Dichloroethylene
- Trans-1,2-Dichloroethylene
- Hexavalent Chromium
- Nickel

Updates of existing PHGs for these chemicals are being initiated based on the availability of new data, methodology updates, occurrence in California drinking water supplies, and/or potential public health significance. OEHHA is requesting information on these contaminants that could assist in updating the risk assessments and potentially calculating revised PHGs. A notice has also been posted on OEHHA's website that provides information the office has identified to date as relevant to the preparation of the PHGs for the chemicals listed here.

All information submitted to OEHHA in response to this request is considered public. Please do not submit proprietary information. In order to be considered during the update process, **information must be received by 5:00 p.m. on Monday, November 28, 2016. OEHHA encourages submission of information in electronic form, rather than in paper form. Information transmitted by e-mail should be addressed to [PHG.Program@oehha.ca.gov](mailto:PHG.Program@oehha.ca.gov) with the chemical name in the subject line.** Information submitted in paper form may be mailed or delivered in person to the address below:

Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
P.O. Box 4010, MS-12B  
Sacramento, California 95812  
Attention: PHG Program

If you have any questions, please contact Ms. Hermelinda Jimenez at (916) 324-7572 or email [PHG.Program@oehha.ca.gov](mailto:PHG.Program@oehha.ca.gov).

**DISAPPROVAL DECISIONS**

**DECISIONS OF DISAPPROVAL OF  
REGULATORY ACTIONS**

Printed below are the summaries of Office of Administrative Law disapproval decisions. The full text of disapproval decisions is available at [www.oal.ca.gov](http://www.oal.ca.gov) under the "Publications" tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA

95814-4339, (916) 323-6225 – FAX (916) 323-6826.  
Please request by OAL file number.

**ACUPUNCTURE BOARD**

**State of California  
Office of Administrative Law**

**In re:  
Acupuncture Board**

**Regulatory Action:  
Title 16, California Code of Regulations**

**Adopt sections: 1399.480, 1400.1,  
1400.2, 1400.3**

**DECISION OF DISAPPROVAL OF  
REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2016-0830-01**

**OAL Matter Type: Regular (S)**

**SUMMARY OF REGULATORY ACTION**

This rulemaking action by the California Acupuncture Board (Board) proposes to adopt sections 1399.480, 1400.1, 1400.2, and 1400.3 in title 16 of the California Code of Regulations (CCR) to establish application and registration requirements for participation in sponsored free health care events. This action also includes provisions regarding the termination of authorization to participate in sponsored free health care events. Lastly, the Board seeks to incorporate by reference two forms that will be utilized as part of the application and registration process.

On August 30, 2016, the Board submitted the above-referenced rulemaking action to the Office of Administrative Law (OAL) for review. On October 12, 2016, OAL notified the Board that OAL disapproved the proposed regulations. This Decision of Disapproval of Regulatory Action explains the reasons for OAL’s action.

**DECISION**

OAL disapproved the above-referenced rulemaking action for the following reasons:

1. The proposed regulations failed to comply with the clarity standard of Government Code section 11349.1, subdivision (a)(3); and
2. The Board did not meet the required Administrative Procedure Act (APA) procedural requirements due to its failure to:
  - a. properly notice the addition, to the rulemaking record, documents relied upon by the Board, pursuant to Government Code section 11347.1;
  - b. include in the rulemaking record the original public comment or a copy of the original public comment submitted in connection with this rulemaking action, pursuant to Government Code section 11347.3, subdivision (b)(6); and
  - c. provide supporting information to justify the Board’s reasonable alternatives determination, pursuant to Government Code section 11346.9, subdivision (a)(4).

All APA issues must be resolved prior to OAL’s approval of any resubmission.

**CONCLUSION**

For the foregoing reasons, OAL disapproved the above-referenced rulemaking action. Pursuant to Government Code section 11349.4, subdivision (a), the Board may resubmit revised regulations within 120 days of its receipt of this Decision of Disapproval. The Board shall make all substantive regulatory text changes, which are sufficiently related to the original text, and any additional documents relied upon available to the public for at least 15 days for public comment pursuant to Government Code sections 11346.8 and 11347.1. Any comments made in relation to these proposed modifications must be presented to the Board for consideration, any objections and recommendations must be summarized and responded to in the FSOR, and the Board must approve the final version of the regulation text. Additionally, the Board must make all proposed modifications to the regulation text available to the director of the Department of Consumer Affairs prior to resubmitting this regulatory action to OAL for review. If you have any questions, please contact me at (916) 323-6820.

Date: October 19, 2016

\_\_\_\_\_/s/  
Lindsey S. McNeill  
Attorney

For: Debra M. Cornez  
Director

Original: Benjamin Bodea  
 Copy: Marc Johnson

**PROFESSIONAL FIDUCIARIES BUREAU**

State of California  
 Office of Administrative Law

**In re:**  
**Professional Fiduciaries Bureau**

**Regulatory Action:**  
**Title 16, California Code of Regulations**

**Adopt section: 4640**

**DECISION OF DISAPPROVAL OF  
 REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2016-0825-01**

**OAL Matter Type: Regular (S)**

**SUMMARY OF REGULATORY ACTION**

This rulemaking action by the Professional Fiduciaries Bureau (Bureau) of the Department of Consumer Affairs proposed to add section 4640 to title 16 of the California Code of Regulations. This section establishes client notification requirements for Bureau licensees.

**DECISION**

On October 7, 2016, the Office of Administrative Law (OAL) notified the Bureau of the disapproval of this regulatory action. The reasons for the disapproval were failure to comply with the “clarity” and “necessity” standards of Government Code section 11349.1, and failure to follow procedures set forth in Government Code sections 11346.8 and 11346.9.

**CONCLUSION**

For the reasons set forth above, OAL disapproved this regulatory action. Pursuant to Government Code section 11349.4, subdivision (a), the Bureau may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval.

Any changes made to the regulation text to address the clarity and procedural issues discussed above must be made available for at least 15 days for public com-

ment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR. The Bureau must resolve all other issues raised in this Decision of Disapproval before resubmitting to OAL.

If you have any questions, please contact me at (916) 322-3761.

Date: October 13, 2016

/s/

Eric Partington  
 Senior Attorney

For: Debra M. Cornez  
 Director

Original: Gil DeLuna  
 Copy: Angela Cuadra

**SUMMARY OF REGULATORY  
 ACTIONS**

File# 2016-0909-01  
 BUREAU OF AUTOMOTIVE REPAIR  
 Windshield Replacement Standards

In this rulemaking action, the Department of Consumer Affairs adopts section 3365.1 in Title 16 of the California Code of Regulations. The regulation establishes windshield replacement standards for automotive repair dealers performing windshield installations. It defines the term “cure time” and requires the dealers to use windshield adhesives that meet or exceed vehicle manufacturer’s specifications and to notify customers that installation of the windshield will prevent operation of the vehicle for a period of time. It also requires dealers to provide an invoice containing the cure time, date and time the installation was completed, and whether the windshield is an original or nonoriginal equipment manufacturer part.

Title 16  
 ADOPT: 3365.1  
 Filed 10/17/2016  
 Effective 01/01/2017  
 Agency Contact: Nina Tantraphol (916) 403-8534

File# 2016-0913-02  
 CALIFORNIA HORSE RACING BOARD  
 Penalties for Medication Violations

The California Horse Racing Board amended section 1843.3 of title 4 of the California Code of Regulations, which pertains to penalties for violations of prohibited medications administered to race horses. The amendments to section 1843.3 make changes to various penalty categories to bring the section in line with the Association of Racing Commissioners International model rules of racing and make other changes for purposes of clarity or consistency.

Title 4  
 AMEND: 1843.3  
 Filed 10/17/2016  
 Effective 01/01/2017  
 Agency Contact: Harold Coburn (916) 263-6026

File# 2016-0926-03  
**CALIFORNIA HORSE RACING BOARD**  
 Whipping

The California Horse Racing Board (CHRB) amended section 1734 of title 4 of the California Code of Regulations, which currently provides that no driver shall use unreasonable or unnecessary force in whipping a horse during harness races. The amendments provide significantly greater clarity and detail about prohibited uses of whips for harness drivers and are intended to make the regulation consistent with the United States Trotting Association rules, the Association of Racing Commissioners International Model Rules of Racing, and the rules of other jurisdictions in the country.

Title 4  
 AMEND: 1734  
 Filed 10/13/2016  
 Effective 01/01/2017  
 Agency Contact: Laurel Houle (916) 274-6043

File# 2016-0908-02  
**DEPARTMENT OF CORRECTIONS AND REHABILITATION**

Audio/Video Recording Technology – Pilot Program  
 This action by the Department of Corrections and Rehabilitation adopts section 3999.21 of title 15 of the California Code of Regulations as a pilot program on audio/video recording technology. This filing is exempt from Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of Administrative Law. This filing is effective on filing with the Secretary of State and remains in effect for two years pursuant to Penal Code section 5058.1.

Title 15  
 ADOPT: 3999.21  
 Filed 10/19/2016  
 Effective 10/19/2016  
 Agency Contact: Anthony Carter (916) 445-2220

File# 2016-0909-04  
**DEPARTMENT OF FOOD AND AGRICULTURE**  
 Asian Citrus Psyllid Interior Quarantine

This is an action to make permanent emergency regulatory action 2016-0317-01E by the Department of Food and Agriculture, which expanded the quarantine area for the Asian Citrus Psyllid (ACP), *Diaphorina citri*,

to approximately 26 square miles in the Milpitas area of Santa Clara County and into Alameda County. The effect of the emergency action was to provide authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas.

Title 3  
 AMEND: 3435(b)  
 Filed 10/19/2016  
 Effective 10/19/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-1011-02  
**DEPARTMENT OF FOOD AND AGRICULTURE**  
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture will establish a quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) covering all of Fresno County. The effect of the emergency action provides authority for the state to perform quarantine activities against ACP within this established area, along with the many already existing regulated areas in the state.

Title 3  
 AMEND: 3435(b)  
 Filed 10/13/2016  
 Effective 10/13/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-1005-01  
**DEPARTMENT OF JUSTICE**  
 Major League Sports Raffle Program

The Department of Justice submitted this emergency readopt action to maintain the regulations adopted in OAL File No. 2016-0418-03E. The emergency rule-making action adopted sections in CCR title 11, to implement SB 549 (chapter 509, statutes of 2015), effective January 1, 2016. The legislation authorizes major league sports raffles at a home game conducted by an eligible organization, as defined in the legislation.

Title 11  
 ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132  
 Filed 10/17/2016  
 Effective 10/25/2016  
 Agency Contact: Jennifer Tatge (916) 227-7873

File# 2016-0902-03  
**DEPARTMENT OF MOTOR VEHICLES**  
 Appendix of Approved Identity Documents

This action by the Department of Motor Vehicles makes a change without regulatory effect by adding a

Korean Identification Car (09/2016 version) to the list of documents that have been deemed to provide satisfactory proof of an applicant's identity for purposes of section 16.04, subdivision (a)(1).

Title 13  
 AMEND: Appendix Article 2.0  
 Filed 10/17/2016  
 Agency Contact: Randi Calkins (916) 657-8898

File# 2016-0902-05  
 DEPARTMENT OF MOTOR VEHICLES  
 Surety Bond for Motorcycle Dealers

This filing of changes without regulatory effect by the Department of Motor Vehicles amends section 268.12 in title 13 of the California Code of Regulations to update the revision date of an existing form, OL 25B. No other changes are made to the section. Form OL 25B is revised to remove a duplicative NAME box at the top of the form.

Title 13  
 AMEND: 268.12  
 Filed 10/17/2016  
 Agency Contact: Randi Calkins (916) 657-8898

File# 2016-0902-01  
 DEPARTMENT OF PESTICIDE REGULATION  
 Sales of Agricultural & Restricted Use Pesticides.

This action by the Department of Pesticide Regulation adopts section 6302 and amends section 6414 in title 3 of the California Code of Regulations to set forth prohibitions on the sale of agricultural use and restricted material pesticides for registrants, licensed pesticide brokers, and licensed pesticide brokers and establish a permit exemption for licensed pesticide brokers.

Title 3  
 ADOPT: 6302  
 AMEND: 6414  
 Filed 10/12/2016  
 Effective 01/01/2017  
 Agency Contact:  
 Linda Irokawa-Otani (916) 445-3991

File# 2016-0902-02  
 DEPARTMENT OF PESTICIDE REGULATION  
 Worker Protection Standard

In this rulemaking action, the Department of Pesticide Regulation (DPR) amends various sections of Title 3 of the California Code of Regulations (CCR) and adopts one new Title 3 CCR section regarding worker safety so as to conform state regulations to recently revised federal worker protection standard regulations that become effective January 2, 2017. The proposed action revises requirements for training, notification,

pesticide safety and hazard communication information, use of personal protective equipment, and emergency decontamination when using a pesticide for the commercial or research production of an agricultural commodity.

Title 3  
 ADOPT: 6722 AMEND: 6000, 6618, 6619, 6720, 6723, 6723.1, 6724, 6726, 6732, 6734, 6768.3, 6738.4, 6744, 6761, 6761.1, 6762, 6764, 6766, 6768, 6769, 6770, 6771, 6776, 6782  
 Filed 10/17/2016  
 Effective 01/02/2017  
 Agency Contact:  
 Linda Irokawa-Otani (916) 445-3991

File# 2016-0919-02  
 FAIR POLITICAL PRACTICES COMMISSION  
 Surplus Funds

This rulemaking action by the Fair Political Practices Commission amends the definition of "Surplus Funds" in section 18951 of title 2 of the California Code of Regulations.

Title 2  
 AMEND: 18951  
 Filed 10/18/2016  
 Effective 11/17/2016  
 Agency Contact: Cesar R. Cuevas (916) 324-3859

File# 2016-0907-03  
 FISH AND GAME COMMISSION  
 Meeting Procedures

The Fish and Game Commission in this rulemaking is amending title 14, section 665 to establish meeting procedures. Among the procedures being developed in this rulemaking are the procedures establishing what constitutes a quorum and the process for public participation.

Title 14  
 AMEND: 665  
 Filed 10/17/2016  
 Effective 01/01/2017  
 Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2016-0916-01  
 OCCUPATIONAL SAFETY AND HEALTH  
 STANDARDS BOARD  
 Respirable Crystalline Silica (HORCHER)

This File and Print action adopts and conforms California regulations to federal standards governing Respirable Crystalline Silica. This regulatory action is exempt from Articles 5 and 6 of the Administrative Procedure Act, and therefore, from OAL review pursuant to Labor Code section 142.3.

Title 8  
 ADOPT: 1532.3, 5204  
 AMEND: 5155  
 Filed 10/17/2016  
 Effective 10/17/2016  
 Agency Contact: Marley Hart (916) 274-5721

Title 23  
 ADOPT: 879  
 Filed 10/17/2016  
 Effective 10/17/2016  
 Agency Contact:  
 Andrew Tauriainen (916) 341-5445

File# 2016-0909-05  
 RESPIRATORY CARE BOARD  
 Sponsored Free Health Care Events

This change without regulatory effect filing by the Respiratory Care Board revises Form 901-A, which is incorporated by reference into section 1399.344 of title 16 of the California Code of Regulations, to include updated contact information. A corresponding change is made to section 1399.344 to reflect a new revision date for the incorporated form.

Title 16  
 AMEND: 1399.344  
 Filed 10/18/2016  
 Agency Contact: Stephanie Nunez (916) 999-2212

File# 2016-0830-03  
 STRUCTURAL PEST CONTROL BOARD  
 Application For Revision

This rulemaking by the Structural Pest Control Board (Board) amends sections in Title 16 of the California Code of Regulations regarding applications for licenses and certification and updates the relevant application forms. This action implements AB 1904, which requires the Board to expedite the applications of spouses and domestic partners of active duty members of the military, and AB 1057, which requires the Board to inquire about an applicant's military service.

Title 16  
 AMEND: 1936, 1936.1, 1936.2  
 Filed 10/12/2016  
 Effective 01/01/2017  
 Agency Contact: David Skelton (916) 561-8722

File# 2016-0831-01  
 STATE WATER RESOURCES CONTROL BOARD  
 Underground Storage Tank Regulations

This rulemaking action by the State Water Resources Control Board amends regulations in title 23 of the California Code of Regulations related to the Underground Storage Tank (UST) Program.

Title 23  
 AMEND: 2610, 2611, 2632, 2634, 2635, 2636, 2640, 2643, 2644.1, 2652, 2655, 2663, 2664, 2711, 2712, 2713, 2714, 2715, 2722, 2725, 2726, 2727  
 Filed 10/13/2016  
 Effective 01/01/2017  
 Agency Contact: Laura Fisher (916) 341-5870

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN May 18, 2016 TO  
 October 19, 2016**

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 2**  
 10/18/16 AMEND: 18951  
 10/03/16 ADOPT: 649.49 AMEND: 649, 649.3, 649.4, 649.18, 649.50, 649.52, 649.57, 649.60 REPEAL: 649.1, 649.46, 649.51, 649.62  
 09/19/16 ADOPT: 18751 REPEAL: 18751  
 09/19/16 AMEND: 18215.3, 18232  
 09/15/16 AMEND: 18942  
 09/13/16 AMEND: 1181.2, 1181.3, 1181.6, 1183.1, 1183.2, 1183.3, 1183.8, 1183.9, 1183.10, 1183.11, 1183.14, 1183.15, 1183.17, 1183.18, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1187.4, 1187.6, 1187.7, 1187.8, 1187.9, 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5

File# 2016-1006-02  
 STATE WATER RESOURCES CONTROL BOARD  
 Informational Orders Authority During Drought

The State Water Resources Control Board (Board) submitted this emergency action to readopt section 879 of title 23 of the California Code of Regulations, previously adopted in OAL file nos. 2014-0708-02E, 2015-0320-07EE, and 2015-1211-01EE. The emergency regulations pertain to informational orders issued by the Board's Deputy Director or Assistant Deputy Director for the Division of Water Rights to water right holders, diverters, or users under specified circumstances.

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 44-Z**

09/07/16	ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016	10/17/16	ADOPT: 6722 AMEND: 6000, 6618, 6619, 6720, 6723, 6723.1, 6724, 6726, 6732, 6734, 6768.3, 6738.4, 6744, 6761, 6761.1, 6762, 6764, 6766, 6768, 6769, 6770, 6771, 6776, 6782
08/31/16	AMEND: 18531.5		
08/17/16	AMEND: 18239		
08/17/16	AMEND: 59000	10/13/16	AMEND: 3435(b)
07/29/16	ADOPT: 599.860	10/12/16	ADOPT: 6302 AMEND: 6414
07/13/16	AMEND: 1859.2, 1859.102 REPEAL: 1866, 1866.1, 1866.2, 1866.3, 1866.4, 1866.4.1, 1866.4.2, 1866.4.3, 1866.4.4, 1866.4.6, 1866.4.7, 1866.5, 1866.5.1, 1866.5.2, 1866.5.3, 1866.5.4, 1866.5.5, 1866.5.6, 1866.5.7, 1866.5.8, 1866.5.9, 1866.7, 1866.8, 1866.9, 1866.9.1, 1866.10, 1866.12, 1866.13, 1866.14	10/06/16	REPEAL: 3963
		10/06/16	AMEND: 3435(b)
		09/30/16	AMEND: 3435(b)
		09/27/16	AMEND: 3435(b)
		09/27/16	AMEND: 4603, 3883 REPEAL: 3885
		09/21/16	ADOPT: 302, 303, 304, 304.1, 304.2, 305, 305.1, 305.2, 305.3, 306, 306.1, 306.2, 306.3, 307, 308, 309, 310, 310.1, 311, 312, 313, 314, 315, 316.1, 316.2, 316.3, 316.4, 317, 318, 319, 320.1, 320.2, 320.3, 321, 322, 322.1, 322.2, 322.3, 323, 323.1, 323.2, 324.1, 324.2, 325, 326, 327, 328, 329, 330.1, 330.2, 340
07/11/16	AMEND: 59560	09/20/16	AMEND: 3435(b)
06/27/16	AMEND: 1897	09/20/16	AMEND: 3435(b)
06/23/16	ADOPT: 17010, 17011, 17012, 17013, 17014, 17030, 17031, 17032, 17033, 17034, 17035, 17036, 17037, 17038, 17039, 17040, 17041, 17042, 17043, 17044, 17045, 17046, 17047 REPEAL: 17010, 17030, 17111, 17112, 17113, 17120, 17121, 17122, 17130, 17140, 17141, 17142, 17150, 17151, 17152, 17153, 17160, 17200, 17201, 17210, 17220, 17300, 17400, 17402, 17403, 17404, 17405, 17406, 17408, 17412, 17414, 17416, 17418, 17420, 17422, 17424, 17426, 17430, 17432, 17434, 17435, 17436, 17440, 17442, 17444, 17446, 17448, 17450, 17452, 17454, 17458, 17460, 17461, 17463, 17464, 17466, 17468, 17470, 17471, 17473, 17475, 17477, 17478, 17481, 17482, 17483, 17485, 17486, 17488, 17490, 17491, 17493, 17495, 17498, 17500, 17502, 17504, 17508, 17510, 17512, 17514, 17515, 17516, 17518, 17519, 17520, 17521, 17525, 17527, 17528, 17530, 17532, 17534, 17538, 17542, 17544, 17546, 17548, 17550, 17551, 17552, 17553, 17554, 17555, 17556, 17557, 17558, 17559, 17560, 17561, 17562, 17563, 17564, 17565, 17566, 17567, 17570, 17571, 17572, 17575, 17576, 17580, 17581, 17582, 17588, 17590, 17592	09/16/16	AMEND: 3435(b)
		09/14/16	AMEND: 3435(b)
		09/07/16	ADOPT: 3442
		09/07/16	ADOPT: 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016
		08/29/16	ADOPT: 3591.26
		08/29/16	AMEND: 3435(b)
		08/29/16	AMEND: 3591.2
		08/26/16	AMEND: 3435(b)
		08/25/16	AMEND: 3435(b)
		08/24/16	AMEND: 3435(b)
		08/24/16	AMEND: 1358.7
		08/23/16	AMEND: 3435(b)
		08/03/16	AMEND: 3435(b)
		08/02/16	AMEND: 3435(b)
		08/01/16	AMEND: 3435(b)
		08/01/16	AMEND: 3435(b)
		07/25/16	AMEND: 3024.5
		07/25/16	AMEND: 3435(b)
		07/25/16	AMEND: 3435(b)
		07/25/16	AMEND: 3435(b)
		07/21/16	AMEND: 3435(b)
		07/20/16	AMEND: 3435(b)
		07/07/16	AMEND: 3435(b)
		07/05/16	AMEND: 3435(b)
		07/05/16	AMEND: 3435(b)
		06/30/16	ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452
		06/30/16	AMEND: 3435(b)
		06/30/16	AMEND: 3435(b)
		06/28/16	AMEND: 3435(b)
<b>Title 3</b>			
10/19/16	AMEND: 3435(b)		

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 44-Z**

06/22/16 AMEND: 3435(b)  
 06/22/16 AMEND: 3435(b)  
 06/20/16 AMEND: 3591.12  
 06/16/16 AMEND: 3435(b)  
 06/13/16 AMEND: 3435(b)  
 06/13/16 AMEND: 3435(b)  
 06/08/16 AMEND: 850  
 06/06/16 ADOPT: 1358.7  
 06/02/16 AMEND: 3439(b)  
 06/02/16 AMEND: 3435(b)  
 06/01/16 AMEND: 3435(b)  
 05/25/16 AMEND: 3435(b)  
 05/23/16 AMEND: 3435(b)  
 05/18/16 AMEND: 3435

**Title 4**

10/17/16 AMEND: 1843.3  
 10/13/16 AMEND: 1734  
 10/11/16 ADOPT: 610  
 09/28/16 AMEND: 1107  
 09/28/16 AMEND: 1007  
 09/15/16 ADOPT: 424, 425, 426, 830, 831, 832, 833, 834, 835, 836 AMEND: 201.5, 303  
 09/13/16 ADOPT: 1489.2  
 08/29/16 ADOPT: 8078.8, 8078.9, 8078.10, 8078.11, 8078.12, 8078.13, 8078.14  
 08/09/16 AMEND: 10031, 10032, 10033, 10035, 10036  
 07/25/16 AMEND: 1581, 1843  
 07/19/16 AMEND: 5170  
 07/19/16 ADOPT: 1866.1 AMEND: 1844  
 07/05/16 AMEND: 1689.1  
 06/29/16 AMEND: 8034, 8035  
 06/15/16 ADOPT: 299 AMEND: 297, 300  
 06/14/16 AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230

**Title 5**

09/22/16 ADOPT: 11533, 11534 AMEND: 11530, 11531  
 08/30/16 ADOPT: 1700  
 08/26/16 AMEND: 27000, 27004  
 08/16/16 ADOPT: 80022 AMEND: 80025.3  
 08/03/16 AMEND: 19810  
 07/27/16 AMEND: 19810  
 07/20/16 AMEND: 30950, 30951, 30951.1, 30952, 30953, 30954, 30955, 30956, 30957, 30958, 30959  
 07/14/16 ADOPT: 74117 AMEND: 74110, 74112  
 07/05/16 REPEAL: 6100, 6101, 6102, 6103, 6104, 6105, 6110, 6111, 6112, 6113, 6115, 6116, 6120, 6125, 6126  
 06/15/16 REPEAL: 3820, 3822, 3823, 3824, 3831, 3840, 3860, 3870  
 05/31/16 REPEAL: 9517.1, 9531, 9532, 9535

05/31/16 ADOPT: 11533, 11534 AMEND: 11530, 11531  
 05/31/16 ADOPT: 11524, 11525 AMEND: 11520, 11521, 11522  
 05/18/16 ADOPT: 851.5, 853.6, 853.8, 860 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 861, 862, 862.5, 863, 864

**Title 7**

10/06/16 AMEND: 211.5, 213, 215, 218

**Title 8**

10/17/16 ADOPT: 1532.3, 5204 AMEND: 5155  
 09/20/16 AMEND: 334  
 08/02/16 ADOPT: 346, 346.1, 346.2, 350.3, 350.4, 355.1, 355.2, 355.3, 355.4, 355.5, 372.8, 372.9, 376.8 AMEND: 347, 348, 352, 354, 356, 356.1, 356.2, 359, 359.1, 361.3, 364.2, 371, 371.1, 371.2, 372.6, 376.1, 376.4, 376.7, 378, 380, 383, 391.1, 392, 392.4, 392.5 REPEAL: 355  
 07/28/16 ADOPT: 9792.24.4 AMEND: 9792.23, 9792.24.2  
 06/28/16 AMEND: 5148(c)  
 05/18/16 AMEND: 362, 364, 364.1

**Title 9**

09/16/16 ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717  
 06/27/16 ADOPT: 4600, 4601, 4602  
 06/06/16 AMEND: 811, 812, 823, 836.2, 862, 865, 865.4, 865.5  
 05/31/16 ADOPT: 7006.5 AMEND: 7019.1, 7020, 7024, 7029.9, 7054, 7055, 7060, 7062, 7062.3, 7122, 7143, 7157, 7164, 7164.4, 7194, 7198 REPEAL: 7004.3, 7019.2, 7022, 7029.3

**Title 10**

09/30/16 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538  
 09/30/16 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, 6622  
 09/29/16 AMEND: 3542, 3570, 3577  
 09/27/16 AMEND: 3543  
 09/01/16 ADOPT: 6864  
 08/29/16 AMEND: 3568  
 08/29/16 AMEND: 3569  
 08/10/16 AMEND: 250.30 REPEAL: 5.2000, 5.2001  
 08/09/16 AMEND: 2498.6

08/09/16 AMEND: 2498.4.9  
 08/09/16 AMEND: 2498.6  
 08/09/16 AMEND: 2498.4.9, 2498.6  
 08/08/16 AMEND: 2498.5  
 07/11/16 AMEND: 2053, 2053.1, 2054, 2054.1, 2054.2, 2054.3, 2054.5, 2054.6, 2054.7, 2055, 2056, 2057, 2058, 2059, 2061, 2061.1, 2061.2, 2061.3, 2061.4, 2061.5, 2062, 2062.1, 2062.2, 2063, 2063.1, 2063.2, 2063.3, 2064, 2065, 2066, 2066.1, 2066.2, 2066.3, 2066.4, 2066.5, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2077.1, 2078, 2079, 2079.1, 2080, 2081, 2082, 2083, 2083.1, 2084, 2086, 2087, 2088, 2088.1, 2088.2, 2088.3, 2089, 2090, 2091, 2092, 2094, 2094.1, 2094.2, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2101.1, 2101.2, 2101.3, 2102, 2103, 2104 REPEAL: 2054.4, 2060  
 06/14/16 ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552  
 06/07/16 ADOPT: 8100, 8110, 8120, 8130, 8140, 8150  
 06/06/16 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, 6622  
 05/31/16 AMEND: 2500, 2501, 2503, 2504, 2505, 2507.1, 2507.2, 2508 REPEAL: 2502  
 05/26/16 ADOPT: 6858  
 05/23/16 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718

**Title 11**

10/17/16 ADOPT: 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2130, 2131, 2132  
 09/22/16 AMEND: 1001, 1052, 1053  
 09/08/16 AMEND: 1001, 1014, 1015, 1055  
 08/30/16 ADOPT: 3205 AMEND: 3000, 3001, 3003, 3201, 3203, 3204  
 08/02/16 AMEND: 1003, 1055, 1081, 1950, 1959  
 07/28/16 AMEND: 1005, 1007, 1008  
 07/08/16 AMEND: 310, 312, 999.1  
 06/22/16 AMEND: 1004, 1011  
 06/09/16 AMEND: 1005, 1007, 1008, 1009, 1010, 1011, 1054, 1058, 1070, 1081, 1082, 1084, 1960

06/01/16 AMEND: 51.22

**Title 12**

08/31/16 AMEND: 452, 453  
 08/30/16 ADOPT: 463, 464 AMEND: 461  
 06/17/16 ADOPT: 509  
 05/23/16 ADOPT: 462

**Title 13**

10/17/16 AMEND: Appendix Article 2.0  
 10/17/16 AMEND: 268.12  
 10/06/16 AMEND: 15.08  
 09/20/16 ADOPT: 222.00, 222.02  
 09/01/16 AMEND: 550  
 08/23/16 AMEND: 1606, 16.08, Appendix  
 07/25/16 AMEND: 1202.1, 1202.2, 1232  
 07/25/16 AMEND: 1900, 1956.8, 1968.2, 1968.5, 1971.1, 1971.5, 2485, 95302, 95662  
 07/07/16 AMEND: 15.01  
 06/23/16 ADOPT: 15.08 AMEND: 15.07  
 06/23/16 AMEND: 268.10

**Title 14**

10/17/16 AMEND: 665  
 10/06/16 AMEND: 895.1, 898.2  
 10/04/16 ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0  
 10/04/16 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07  
 09/27/16 AMEND: Appendix G  
 09/22/16 AMEND: 18660.40  
 09/13/16 ADOPT: 250.2  
 09/08/16 AMEND: 913.4, 933.4  
 09/01/16 ADOPT: 820.02  
 09/01/16 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797  
 09/01/16 ADOPT: 817.04 AMEND: 790  
 08/30/16 AMEND: 699.5  
 08/15/16 ADOPT: 1666.0, 1666.1, 1666.2, 1666.3, 1666.4, 1666.5, 1666.6, 1666.7, 1666.8, 1666.9, 1666.10, 1666.11, 1666.12, 1666.13, 1666.14, 1666.15, 1666.16 AMEND: 1665.2 REPEAL: 1665.8  
 08/03/16 AMEND: 29.85  
 08/01/16 ADOPT: 131  
 08/01/16 AMEND: 1724.9  
 07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1  
 07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1  
 07/25/16 AMEND: 13055  
 07/18/16 AMEND: 1038  
 07/07/16 AMEND: 1120 REPEAL: 1121  
 06/30/16 AMEND: 190, 195  
 06/30/16 AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 44-Z**

06/23/16 AMEND: 502, 507  
06/16/16 AMEND: 120.7  
06/15/16 ADOPT: 8.01  
06/09/16 AMEND: 7.50  
05/25/16 AMEND: 1670

**Title 15**

10/19/16 ADOPT: 3999.21  
10/11/16 AMEND: 3000, 3078.1, 3078.2, 3078.3, 3078.4  
10/10/16 ADOPT: 3570, 3572, 3573, 3580  
AMEND: 3560, 3561, 3562, 3563, 3564, 3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3  
09/06/16 ADOPT: 3040.2 AMEND: 3000, 3040.1, 3041, 3041.3, 3043.6, 3379  
08/17/16 AMEND: 3000, 3306, 3323  
08/11/16 AMEND: 3375.1, 3377  
07/13/16 AMEND: 8000, 8001, 8100, 8901  
06/29/16 AMEND: 3000, 3054, 3054.1, 3054.2, 3054.3, 3054.4, 3054.5  
06/21/16 ADOPT: 3359.8  
06/02/16 AMEND: 3000, 3084.7, 3312, 3313, 3314, 3315, 3316, 3317, 3317.1, 3317.2, 3320, 3322, 3326, 3340, 3341.3, 3376, 3378.6  
05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317

**Title 16**

10/18/16 AMEND: 1399.344  
10/17/16 ADOPT: 3365.1  
10/12/16 AMEND: 1936, 1936.1, 1936.2  
10/05/16 ADOPT: 965.1  
09/29/16 ADOPT: 119.8 AMEND: 118.5  
09/27/16 AMEND: 1313.4  
09/19/16 AMEND: 1399.621  
09/15/16 AMEND: 1004  
09/14/16 AMEND: 1399.523  
09/13/16 ADOPT: 1751.8, 1751.9, 1751.10, 1752, 1753, 1754 AMEND: 1735, 1735.1, 1735.2, 1735.3, 1735.4, 1735.5, 1735.6, 1735.7, 1735.8, 1751, 1751.1, 1751.2, 1751.3, 1751.4, 1751.5, 1751.6, 1751.7, 1751.8  
09/13/16 AMEND: 2620  
09/12/16 ADOPT: 635.1 AMEND: 631, 631.1, 633, 635  
09/07/16 ADOPT: 1328.1  
09/01/16 AMEND: 1399.696  
08/30/16 REPEAL: 1054, 1054.1, 1054.2  
08/25/16 ADOPT: 1746.4  
08/23/16 AMEND: 2043  
08/22/16 AMEND: 1023.16  
08/22/16 AMEND: 1495.1  
08/15/16 AMEND: 4110

08/10/16 ADOPT: 1730.2  
08/03/16 AMEND: 1397.12 (renumbered to section 1395.2)  
08/01/16 ADOPT: 2071.1, 2087, 2087.1, 2087.2, 2087.3 AMEND: 2034, 2035, 2036.5  
07/28/16 ADOPT: 3395.5 AMEND: 3340.1, 3340.10, 3340.28, 3395.4  
07/19/16 AMEND: 1355.35  
07/12/16 AMEND: 36.1  
07/12/16 ADOPT: 1399.469.3  
06/22/16 AMEND: 438  
06/16/16 AMEND: 109  
06/07/16 ADOPT: 1100  
06/07/16 ADOPT: 1101, 1121, 1122, 1124, 1126, 1127, 1133  
06/07/16 ADOPT: 1104, 1104.1, 1104.2  
05/26/16 ADOPT: 1815.5

**Title 17**

08/11/16 AMEND: 6901, 6902, 6903  
07/25/16 ADOPT: 51000, 51001, 51002  
07/01/16 AMEND: 6540  
07/01/16 AMEND: 6508  
05/25/16 AMEND: 1050  
05/24/16 AMEND: 2500, 2502, 2505

**Title 18**

09/15/16 AMEND: 25136-2  
08/31/16 AMEND: 1597  
08/16/16 AMEND: 1590  
08/02/16 AMEND: 17000.30  
07/27/16 ADOPT: 4076  
07/27/16 AMEND: 1506  
06/28/16 AMEND: 1698, 4901  
06/21/16 AMEND: 1432

**Title 19**

06/30/16 AMEND: 1980.00, 1980.02, 1980.04, 1980.05, 1980.06 1990.00, 1990.01, 1990.02, 1990.03, 1990.04, 1990.05, 1990.06, 1990.07, 1990.08, 1990.11, 1990.12  
06/20/16 ADOPT: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710

**Title 20**

06/30/16 AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607

**Title 21**

07/26/16 ADOPT: 1475, 1476, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491

**Title 22**

09/30/16 ADOPT: 66387.1, 66387.2, 66387.3, 66387.4, 66387.5, 66387.6, 66387.7, 66387.8, 66387.9  
09/16/16 AMEND: 97174

**CALIFORNIA REGULATORY NOTICE REGISTER 2016, VOLUME NO. 44-Z**

09/12/16	ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101	07/11/16	AMEND: 3939.19
	AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75	06/02/16	ADOPT: 3919.16
08/31/16	REPEAL: 100031, 100032, 100033, 100034, 100035, 100036, 100037, 100038, 100039, 100040, 100041, 100042	05/31/16	ADOPT: 863, 864, 864.5, 865, 866
08/01/16	AMEND: 51516.1	<b>Title 25</b>	
07/20/16	AMEND: 97212, 97215, 97225, 97226, 97227, 97228, 97229, 97248, 97252, 97258, 97259, 97260, 97264	07/28/16	ADOPT: 7062.5, 7065.5
	REPEAL: 97261	07/05/16	ADOPT: 6924, 6932 REPEAL: 6924, 6932
06/28/16	REPEAL: 75047	<b>Title 27</b>	
06/20/16	AMEND: 51179.7	10/06/16	AMEND: 25603.3
06/09/16	ADOPT: 69600.1, 69600.2, 69600.3, 69600.4, 69600.5, 69600.6, 69600.7	09/08/16	AMEND: 27001
06/08/16	AMEND: 7000	08/30/16	ADOPT: 25600, 25600.1, 25600.2, 25601, 25602, 25603, 25604, 25605, 25606, 25607, 25607.1, 25607.2, 25607.3, 25607.4, 25607.5, 25607.6, 25607.7, 25607.8, 25607.9, 25607.10, 25607.11, 25607.12, 25607.13, 25607.14, 25607.15, 25607.16, 25607.17, 25607.18, 25607.19, 25607.20, 25607.21, 25607.22, 25607.23, 25607.24, 25607.25, 25607.26, 25607.27, 25607.28, 25607.29, 25607.30, 25607.31
<b>Title 22, MPP</b>			AMEND: 25603.3(f) (renumbered to Section 25607.30), 25603.3(g) (renumbered to Section 25607.31) REPEAL: 25601, 25602, 25603, 25603.1, 25603.2, 25604, 25604.1, 25604.2, 25605, 25605.1, 25605.2
08/17/16	AMEND: 86500, 86501, 86501.5, 86505.1, 86506, 86522, 86524, 86528, 86561, 86565, 86565.5, 86568.1, 86568.2, 86568.4, 86570, 86575, 86577, 86580, 86587, 86587.1	08/10/16	AMEND: 27001
07/07/16	AMEND: 83074, 83087, 84074, 84087, 86074, 86087, 86574, 86587, 89374, 89387	08/09/16	AMEND: 27001
<b>Title 23</b>		07/28/16	AMEND: 27001
10/17/16	ADOPT: 879	07/27/16	AMEND: 25805
10/13/16	AMEND: 2610, 2611, 2632, 2634, 2635, 2636, 2640, 2643, 2644.1, 2652, 2655, 2663, 2664, 2711, 2712, 2713, 2714, 2715, 2722, 2725, 2726, 2727	06/27/16	AMEND: 27001
08/17/16	ADOPT: 3939.50	06/22/16	AMEND: 27001
08/15/16	ADOPT: 350, 350.2, 350.4, 351, 352, 352.2, 352.4, 352.6, 353, 353.2, 353.4, 353.6, 353.8, 353.10, 354, 354.2, 354.4, 354.6, 354.8, 354.10, 354.12, 354.14, 354.16, 354.18, 354.20, 354.22, 354.24, 354.26, 354.28, 354.30, 354.32, 354.34, 354.36, 354.38, 354.40, 354.42, 354.44, 355, 355.2, 355.4, 355.6, 355.8, 355.10, 356, 356.2, 356.4, 357, 357.2, 357.4, 358, 358.2, 358.4	06/13/16	AMEND: 27001
07/18/16	AMEND: 2922	06/13/16	AMEND: 25805
07/18/16	ADOPT: 3909.2	<b>Title MPP</b>	
07/18/16	ADOPT: 3909.4	08/16/16	ADOPT: 31-136 AMEND: 31-001, 31-002, 31-003, 31-005, 31-040, 31-066, 31-075, 31-101, 31-105, 31-110, 31-115, 31-120, 31-125, 31-135, 31-201, 31-205, 31-206, 31-310, 31-315, 31-335, 31-405, 31-406, 31-410, 31-420, 31-425, 31-430, 31-445, 31-510 REPEAL: 31-515, 31-520
07/14/16	ADOPT: 3909.3	08/01/16	ADOPT: 42-749 AMEND: 41-440, 42-711, 42-716, 44-207
07/12/16	ADOPT: 3929.14	07/19/16	AMEND: 30-754.2
		06/13/16	ADOPT: 30-754 AMEND: 30-701

