



California Regulatory Notice Register

REGISTER 2016, NO. 53-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

DECEMBER 30, 2016

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Code — Notice File No. Z2016-1220-11 2207
Amendment

- State: Air Resources Board
- Multi-County: Cooperative Personnel Services
- Yolo County Public Agency Risk Management Insurance Authority
- Association of Bay Area Governments Pooled Liability Assurance Network

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine — Placer County — Notice File No. Z2016-1220-09 2208

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine — San Joaquin County — Notice File No. Z2016-1129-07 2210

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine — San Luis Obispo County — Notice File No. Z2016-1129-05 2213

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine — Santa Clara County — Notice File No. Z2016-1129-06 2216

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine — Santa Clara County — Notice File No. Z2016-1220-08 2219

TITLE 4. CALIFORNIA HORSE RACING BOARD

Racing Secretary to Establish Conditions and Rule 1843, Medication, Drugs and Other Substances —
Notice File No. Z2016-1220-13 2221

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Construction Safety Orders (CSO) Section 1637(n) Access — Notice File No. Z2016-1219-02 2225

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

General Industry Safety Orders (GISO) Section 3220(b) Elements — Notice File No. Z2016-1219-03 2228

(Continued on next page)

***Time-
Dated
Material***

TITLE 14. FISH AND GAME COMMISSION	
<i>Klamath River Basin Sport Fishing Regulations — Notice File No. Z2016–1220–06</i>	2231
TITLE 14. FISH AND GAME COMMISSION	
<i>Ocean Salmon — April 2017 — Notice File No. Z2016–1220–05</i>	2235
TITLE 14. FISH AND GAME COMMISSION	
<i>Ocean Salmon — May through November 2017 — Notice File No. Z2016–1220–04</i>	2237
TITLE 14. FISH AND GAME COMMISSION	
<i>Pacific Halibut Recreational Fishing — Notice File No. Z2016–1220–03</i>	2241
TITLE 17. AIR RESOURCES BOARD	
<i>Conflict-of-Interest Code — Notice File No. Z2016–1220–10</i>	2243
TITLE 21. DEPARTMENT OF TRANSPORTATION	
<i>Automatic Vehicle Identification Specifications — Notice File No. Z2016–1220–02</i>	2244
TITLE 22. DEPARTMENT OF PUBLIC HEALTH	
<i>Lesbian, Gay, Bisexual, and Transgender (LGBT) Training Requirements — Notice File No. Z2016–1213–04</i>	2248
GENERAL PUBLIC INTEREST	
DEPARTMENT OF FISH AND WILDLIFE	
<i>Monitoring California Least Tern Nesting Colonies — Debra Barringer</i>	2253
DEPARTMENT OF FISH AND WILDLIFE	
<i>Monitoring California Least Tern Nesting Colonies — Spencer Langdon</i>	2254
DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Settlement Agreement between Department of Toxic Substances Control (DTSC) and United Duralume Products (UDP)</i>	2254
PROPOSITION 65	
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Safe Use Determination (SUD) 1 — Part 2 — Issue Notice — Diisononyl Phthalate (DINP) Vinyl Floor</i>	2255

(Continued on next page)

RULEMAKING PETITION DECISION

STATE WATER RESOURCES CONTROL BOARD

Notice of Decision on a Petition from Stephen Wells Concerning Emergency Water

Use Regulations 2256

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

CALIFORNIA HORSE RACING BOARD — OAL

Governing Procedure 2257

DISAPPROVAL DECISIONS

DEPARTMENT OF INDUSTRIAL RELATIONS

Workers' Compensation — Self-Insurance 2257

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

Uniform Standards and Disciplinary Guidelines 2258

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 2259

Sections Filed, July 20, 2016 to December 21, 2016 2261

NOTICE OF EDITORIAL CORRECTION

DEPARTMENT OF FOOD AND AGRICULTURE 2265

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

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

**PROPOSED ACTION ON
REGULATIONS**

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

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, 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

STATE: Air Resources Board
 MULTI-COUNTY: Cooperative Personnel Services
 Yolo County Public Agency Risk
 Management Insurance
 Authority
 Association of Bay Area
 Governments Pooled Liability
 Assurance Network

A written comment period has been established commencing on December 30, 2016, and closing on February 13, 2017. 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 February 13, 2017. 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 October 6, 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 April 4, 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. The written comment period closes at 5:00 p.m. on February 13, 2017. 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
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 it is 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 Placer County by approximately 118 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 that would be under regulation is now approximately 56,061 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 two retail nurseries in the affected area. There are zero 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 majority 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, pro-

posed 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. 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).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department 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, 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 (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 24, 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 February 21, 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. The written comment period closes at 5:00 p.m. on February 13, 2017. 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
 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 it is 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 San Joaquin County by approximately 217 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 that would be under regulation is now approximately 55,503 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 is one citrus production nursery in the affected area that will be impacted. There is one retail nursery in the affected area. There are zero 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 majority 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 ef-

fective 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. 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).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department 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, 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 (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 25, 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 February 21, 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. The written comment period closes at 5:00 p.m. on February 13, 2017. 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
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 it is 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 San Luis Obispo County by approximately 115 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 that would be under regulation is now approximately 55,647 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 zero 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 majority 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. 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).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department 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, 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 (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 26, 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 February 22, 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. The written comment period closes at 5:00 p.m. on February 13, 2017. 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
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 it is 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 Santa Clara County by approximately 29 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 that would be under regulation is now approximately 55,532 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 is one retail nursery in the affected area. There are zero 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 majority 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. 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).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department 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, when completed, the final state-

ment 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 (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 September 20, 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 March 20, 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. The written comment period closes at 5:00 p.m. on February 13, 2017. 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
 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 it is 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 Santa Clara County by approximately three 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 that would be under regulation is now approximately 55,823 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 zero 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 majority 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, pro-

posed 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. 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).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department 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, 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 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1581, RACING SECRETARY TO ESTABLISH CONDITIONS AND RULE 1843, MEDICATION, DRUGS AND OTHER SUBSTANCES

The California Horse Racing Board (Board or CHRB) proposes to amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1581, Racing Secretary to Establish Conditions, to allow racing sec-

retaries to write medication-based race conditions if they are agreed to in advance by the acknowledged horsemen's organization and approved by the Board. The proposed amendment would also require that if such conditions are based on the results of a biological test sample, a description of the testing methods and procedures the racing association or fair will use to collect and analyze the biological test samples must be submitted to the Board for approval. Additionally, the Board proposes to amend Rule 1843, Medication, Drugs and Other Substances, to clarify that medication-based race conditions which establish medication thresholds that are lower than what is currently authorized by the Board are not in conflict with the Board's intent and other regulations.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, February 23, 2017**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, Baldwin Terrace Room, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on February 13, 2017**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Philip Laird, Staff Counsel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6025
Fax: (916) 263-6022
E-Mail: pjlaird@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19580, 19581, and 19582, Business and Professions Code. Reference: Sections 19401, 19440, 19580, 19581, and 19582, Business and Professions Code. Sections 337f, g and h, Penal Code.

Business and Professions Code sections 19440, 19580, 19581, and 19582 authorize the Board to adopt the proposed regulations, which would implement, interpret or make specific sections 19401, 19440, 19580, 19581, and 19582 of the Business and Professions Code, and Sections 337f, g and h of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Business and Professions Code section 19582 describes the potential punishments that the Board may impose on licensees for violations of section 19581. Furthermore, Business and Professions Code section 19401 explains that the intent of the Horse Racing Law is to allow pari-mutuel wagering on horse races while assuring protection of the public, encouraging agriculture and the breeding of horses in this state, providing for the maximum expansion of horse racing opportunities in the public interest, and providing uniformity of regulation for each type of horse racing. Penal Code sections 337f, g and h prohibit the administration of drugs and medications for the purpose of affecting the performance of a race horse.

The proposed amendment to Rule 1581, Racing Secretary to Establish Conditions, will clarify that when a racing secretary writes race conditions that are based on a participating horse's use or non-use of a drug substance or medication, or the presence or lack of presence of a drug substance or medication in a biological test sample taken from a participating horse, that such condition shall first be agreed to in advance in writing by the acknowledged horsemen's organization, and then approved by the Board before entries are taken for the race. In the case of Thoroughbreds — where there are two acknowledged horsemen's organizations — the proposed amendment states that only approval from the owner's organization is required. Furthermore, the proposed amendment requires that if such conditions are based on the results of a biological test sample other

than an official test sample collected by the CHRB, a description of the testing methods and procedures the racing association or fair will use to collect and analyze the biological test samples must be submitted to the Board for approval. The proposed amendment finally defines, “biological test sample” as any biological sample, including but not limited to, blood, urine, hair, tissue, or saliva, that is taken from a horse.

The proposed amendment to Rule 1843, Medication, Drugs and Other Substances, will add subsection (e), which states “Nothing in this Article shall prevent a racing association or fair from setting eligibility conditions, as agreed to with the acknowledged horsemen’s organization, for individual races, or for its entire race meet, that prohibit the use and/or presence of drug substances or medications in biological test samples collected from participating horses at detection levels lower than what is authorized by the Board. Such conditions, if established in accordance with Rule 1581, shall not be deemed in conflict with the rules and regulations of the Board.” This amendment will clarify the Board’s intent to allow racing associations and fairs to set medication thresholds that are more restrictive than what the Board presently authorizes when administering their own private pre-race testing program.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The broad objective of the proposed amendments to Rules 1581 and 1843 is to affirmatively reestablish and preserve licensed associations and fairs’ rights and abilities to implement medication-based race conditions which protect the wagering public from unfair advantages gained by trainers and owners who attempt to illegitimately enhance the performance of their horses using unauthorized medications. In a recent decision by Judge James Chalfant of the Los Angeles Superior Court,¹ it was determined that an apparent conflict existed between the Board’s medication regulations and a Racing Secretary’s ability to write medication-based race conditions which involve pre-race testing by the racing association or fair. These proposed amendments resolve the conflict by clarifying the Board’s intent to permit private pre-race eligibility testing by racing associations and fairs when it is used to implement race conditions with medication requirements equal to, or stricter than, those established by the Board. The anticipated benefits of such changes are that horses testing positive for medications not permitted under certain race conditions will not be allowed to race. By not racing, both horse and rider may avoid physical injuries

caused by the prohibited medication being present in the horse’s system. The public also enjoys greater protection because pre-race testing will further eliminate the chance that a horse will unlawfully have its performance enhanced during a race by an unauthorized medication. Accordingly, these amendments will benefit the health, safety and welfare of horses, licensees, and the wagering public.

CONSISTENCY EVALUATION

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

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.
 Cost or savings to any state agency: none.
 Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.
 Other non-discretionary costs or savings imposed upon local agencies: none.
 Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendments to Rules 1581 and 1843 will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none.

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.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendments to Rules 1581 and 1843 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendments to Rules 1581 and 1843 will affirmatively establish racing associations and fairs’ ability to write medication-based race

¹ *De La Torre v. California Horse Racing Board and Los Alamitos Racing Association*, LASC Case No. BS154412.

conditions that involve pre-race eligibility testing of horses wishing to compete at their tracks. This will not only serve to protect equine and human athletes from accidents caused by unauthorized medication use, but will also protect the wagering public from becoming victims of unlawful performance enhancing efforts by trainers and/or owners.

Effect on small businesses: none. The proposal to amend Rules 1581 and 1843 do not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Philip Laird, Staff Counsel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: pjlaird@chr.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
Policy and Regulations
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices 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 regulation, and the initial statement of reasons. Copies may be obtained by contacting Philip Laird, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Philip Laird at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Philip Laird at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Construction Safety Orders
Section 1637(n) Access

Use of Hook-On and Attachable Ladders with Scaffolds and Rest Platforms (HORCHER)

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 **February 16, 2017** in the **Council Chambers of the Walnut Creek City Hall, 1666 N. Main Street, Walnut Creek, CA**. 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 **December 30, 2016** and closes at 5:00 p.m. on **February 16, 2017**. 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 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.

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

In a memo dated January 27, 2016 from Juliann Sum, Division of Occupational Safety and Health (DOSH), to Marley Hart, Standards Board, the Division requested (DOSH F9-85) to add a new paragraph under Section 1637(n)(2)(A) to require rest platforms when hook-on and attachable ladders are used on supported scaffolds that are more than 35 feet high. Board staff also believes it is necessary to restrict the height of the bottom rung of the ladders from the scaffold supporting level to prevent employee slips and falls while transitioning from the support level to the ladder and vice versa. Such restriction is not currently present in the state standard.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated regulations as 29 Code of Federal Regulations, Part 1926, Section 451, the safety standards for scaffolds in the construction industry, on November 29, 1996. This standard addresses requirements for hook-on and attachable ladders in paragraph 451(e)(2), and includes the requirements for the height of the bottom rung of the ladder from the supporting level, and rest platforms for the ladder. The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 61, No. 170, pages 46026 – 46131, August 30, 1996, as the justification for the Board's proposed rulemaking action. The Board proposes to adopt regulations which are the same as the federal regulations except for editorial and format differences.

Federal Standard

1926.451(e)(2)

Paragraph 1926.451(e) of the federal standard for construction scaffolds sets the requirements for safe access to scaffolds, and paragraphs (2)(i)-(vi) of 1926.451(e) set particular requirements for hook-on and attachable ladders that are used on supported scaffolds. The requirements for the ladder rung height and rest platforms are provided in paragraphs (e)(2)(ii) and (e)(2)(iii) respectively.

1926.451(e)(2)(ii)

1926.451(e)(2)(ii) states that hook-on and attachable ladders shall be positioned so that their bottom rung is not more than 24 inches above the scaffold supporting level. Restricting the height of the bottom rung prevents employee slips and falls while transitioning from the

scaffolding supporting level to the ladder and vice versa.

1926.451(e)(2)(iii)

1926.451(e)(2)(iii) states that when hook-on and attachable ladders are used on a supported scaffold more than 35 feet high, they shall have rest platforms at 35-foot maximum vertical intervals. The rest platforms provide the employees safe places to rest and regain their strength and stability when ascending or descending long sections of scaffold ladders.

State Standard

Section 1637(n)(2)(A)

This State standard is specific to manufactured hook-on and attachable ladders when they are used on supported scaffolds. Currently, the State standard does not include requirements for the rung height from the scaffold supporting level, and rest platforms for the ladders, comparable to the federal standards contained in 1926.451(e)(2)(ii) and 1926.451(e)(2)(iii).

Consensus Standard

ANSI/ASSE A10.8-2001

This standard provides the general requirements for all scaffolds. Section 4.20 of this standard states that the distance from the supporting surface to the first step of a ladder or frame designed to be climbed shall not exceed 24 inches, and thus requires the height of the first rung of the hook-on or attachable ladder not to be over 24 inches from the scaffold supporting surface. Section 4.22 of this standard requires employers to provide rest platforms at vertical intervals not exceeding 35 feet, or a personal fall arrest system, when the attachable ladders or the horizontal scaffold frame surfaces are used to access the scaffold.

Proposed Additions to Section 1637(n)(2)(A)

Board staff proposes to add 1637(n)(2)(A)(4) and 1637(n)(2)(A)(5):

1637(n)(2)(A)(4)

This proposed subsection restricts the height of the bottom rung from the scaffold supporting level to a maximum of 24 inches. Board staff believes the height of the bottom rung in the hook-on and manufactured scaffolds should be restricted, as in the frame type rolling scaffold towers, which typically have the first rung of the ladder at about 22–23 inches above the ground when compensated for the castors supporting the scaffold. This amendment is necessary to prevent employee slips and falls while transitioning from the scaffold supporting level to the ladder and vice versa and to be at least as effective as Federal OSHA Standards.

1637(n)(2)(A)(5)

This proposed subsection requires hook-on and attachable ladders, when used in supported scaffolds that are more than 35 feet high, to have rest platforms at a maximum of 35 feet vertical intervals. This requirement is necessary to prevent employee fatigue when ascending and descending long stretches of such ladders by providing rest stations at reasonable intervals. Long climbs without rest stops pose the safety hazard of fatigue-induced accidents, slips, trips, and falls which might occur if the employees were required to scale long stretches without taking adequate rest. This amendment is necessary to make the California regulation at least as effective as the federal regulation by requiring rest platforms on hook-on and attachable ladders used on supported scaffolds over 35 feet in height.

The proposed regulations are substantially the same as those in the final rule promulgated by Federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting standards substantially the same as a federal standards. However, the Board still is providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing will be to:

1. Identify any clear and compelling reasons for California to deviate from the federal standards;
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking.

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

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).

DOCUMENTS RELIED UPON

- 1 Federal Register, Volume 61, No. 170, pages 46026–46131, August 30, 1996. This document is available online at the federal OSHA website: <https://www.gpo.gov/fdsys/pkg/FR-1996-08-30/pdf/96-21289.pdf>
- 2 Memorandum dated January 27, 2016 from the Division of Occupational Safety and Health (DOSH) to the Standards Board, DOSH Form 9 F9–85, Amendment of Title 8, Construction Safety Orders, Section 1637(n).
- 3 ANSI/ASSE A10.8–2001, American National Standard for Construction and Demolition Operations, Safety Requirements for Scaffolding.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

The Economic Assessment and Regulatory Flexibility Analysis section of the Federal Register containing the Final Rule for scaffolds in construction (Volume 61, No. 170, August 30, 1996) states that the estimated annual cost associated with the Final Rule was about \$12.62 million nationally. Based on the federal Bureau of Economic Analysis data, in 2015, the share of California’s gross domestic product (GDP) from the construction industry was 6.63% (California: \$87,497 Million, National: \$1,319,600 Million) of the national GDP for the construction industry. This share translates to an estimated cost of less than \$1 Million from the federal Final Rule to California.

Federal OSHA concluded the estimated compliance costs of the Final Rule as being minimal, and did not expect the cost to produce significant adverse impact on the firms in the construction industry. Board staff also believes the cost of the proposed amendment not to be significant for reasons including:

- Manufactured hook–on and attachable scaffold ladders represent a small portion of the total number of scaffolds used in California. Hook–on ladders are rarely used.
- Attachable ladders can be attached at any height; the first rung can easily be set at less than 24 inches, and thus makes the ladders already compliant.

- Rest platforms are required only when the hook–on and attachable scaffold ladders are over 35 feet high, and such scaffold ladders comprise a small subset of the total number of the hook–on and attachable scaffold ladders used in construction industry.

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

Per the Economic Assessment and Regulatory Flexibility Analysis section of the Federal Register, federal OSHA had assessed the small business impact of the federal construction scaffold standard, and certified that the federal Final Rule would not have a significant impact on a substantial number of small entities. For the same reasons mentioned under “COST ESTIMATES OF PROPOSED ACTION”, Board staff believes that the proposed amendments will not have any significant cost impact on small businesses utilizing the subject scaffold ladders.

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer), or 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 TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file, and all relevant information, 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 regulation, 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 regulation without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

AVAILABILITY OF THE MEMORANDUM TO
THE STANDARDS BOARD MEMBERS

Upon its completion, copies of the Memorandum 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 website. Copies of the text of the regulation in an underline/strikeout format and the Notice of Proposed Action 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
Section 3220(b) Elements

Emergency Action Plan (HORCHER)

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 **February 16, 2017** in the **Council Chambers** of the **Walnut Creek City Hall, 1666 N. Main Street, Walnut Creek, California**. 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 **December 30, 2016** and closes at 5:00 p.m. on **February 16, 2017**. 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 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 OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

In 2002, Federal OSHA amended its standard for Emergency Action Plans (EAP). One of the changes to the EAP standard concerned procedures for employees performing rescue or medical duties. After consultation with stakeholders, Federal OSHA realized that rescue personnel and medical personnel might only perform a single function but not necessarily both. Federal Register, Volume 67, No. 216, November 7, 2002, states ". . . The Agency has also changed 'rescue and medical duties' in the proposal to 'rescue or medical duties' since employees may do one or the other but not necessarily both."

The current state standard does not require, like its federal counterpart does, the employers to have an EAP that contains procedures for performing individual duties — rescue or medical.

Therefore, the current state standard is not commensurate with the federal standard. Board staff proposes an amendment in order to render it commensurate with the federal standard.

California also proposes to replace language contained in Section 3220(b)(1) in its entirety with federal

language contained in 29 CFR 1910.38(c)(2) verbatim because the state’s language does not require the emergency evacuation procedures to identify the type of evacuation, and is therefore, not at least as effective as the federal language.

The current federal and state standards, the proposed amendment, and the impact from the proposed amendments are discussed below:

29 CFR 1910.38. Emergency Action Plans.

Paragraph 1910.38(c) of this federal standard states that an EAP must include at a minimum the six (6) elements provided in paragraphs 1910.38(c)(1) through 1910.38(c)(6).

Paragraph 1910.38(c)(2) addresses emergency evacuation procedures and states that the evacuation procedures must identify the type of evacuation and exit route assignments.

Paragraph 1910.38(c)(5) states that the EAP must include the procedures to be followed by employees performing rescue or medical duties. By using the words “rescue or medical duties” in the standard, Federal OSHA also covers employees performing rescue or medical duties separately. Federal OSHA states in an email, dated October 4, 2016, to Board staff that the intent of “or” is not that a person has to do only one of those duties, but to cover a person who may do one or another, but not necessarily both.

CCR, Title 8, Section 3220(b). Elements.

Section 3220(b)(1) and (b)(4) are the state counterparts of the federal standard 1910.38(c)(2) and (5), respectively. Currently, the existing Title 8 regulation requires that emergency escape procedures and emergency routes are to be described in the plan. The employer’s EAP also includes procedures that employees need to follow while performing rescue and medical duties. However, the existing Title 8 regulations only require escape procedures and exit route assignments as an element of the EAP without regard to the type of evacuation and still use the words “rescue and medical duties” in the language, and thus do not cover an employee who may do exclusively one or another duty, but not necessarily both duties.

Proposed Amendment to Section 3220(b)(1).

As stated above, the State proposes to replace language contained in Section 3220(b)(1) with federal language contained in 29 CFR 1910.38(c)(2) verbatim because the state’s language does not require the emergency evacuation procedures to identify the type of evacuation, and is therefore, not at least as effective as the federal language.

Proposed Amendment to Section 3220(b)(4).

In addition, the current California standard does not require the employers to have an EAP that contains procedures for performing individual duties — rescue or medical — and is therefore, not commensurate with the federal standard. Board staff believes the state standard needs to be amended since the rescue personnel and medical personnel performing emergency duties in California may exclusively perform one single duty and not necessarily both duties. Therefore, Board staff proposes to replace the word “and” with the word “or” in Section 3220(b)(4) to delineate the duties of EAP employees who provide rescue or medical duties, but not necessarily both duties.

The proposed language for Section 3220(b)(4) is verbatim to the language from the federal standard 1910.38(c)(5), and therefore, renders the state standard commensurate with the federal counterpart standard.

The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 67, No. 216, pages 67950–67965, November 7, 2002, as a justification for the Board’s proposed rule-making action.

The proposed regulations are substantially the same as the final rule promulgated by Federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting standards substantially the same as a federal standard; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to:

1. Identify any clear and compelling reasons for California to deviate from the federal standards; and,
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking.

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The Board evaluated the proposed regulations pursuant to Government Code section 11346.5(a)(3)(D) and has determined that the regulation 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 the requirement of the federal gov-

ernment and the Labor Code to the effect that the state regulations be at least as effective as its federal counterpart, and the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

DOCUMENTS RELIED UPON

1. Federal Register, Volume 67, No. 216, pages 67950–67965, November 7, 2002. This document is available online at the Federal OSHA website: <http://www.gpo.gov/fdsys/pkg/FR-2002-11-07/pdf/02-27251.pdf>
2. Email transmission from Federal OSHA, Region IX to the Standards Board, dated October 4, 2016, regarding 29 CFR 1910.38(c)(5).

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

COST ESTIMATES OF PROPOSED ACTION

Federal Register, Volume 67, No. 216, November 7, 2002, pages 67950–67965, contains the final rule for exit routes, EAP, and fire prevention plans. The federal final rule mentions that the rule would not impose any additional costs on employers for emergency action plans. Board staff believes the proposed amendments will also not add any significant cost to California employers as this proposal does not add new equipment or work processes, and primarily serves to clarify existing requirements.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do 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 amendments may affect small business. However, no economic impact is anticipated. Federal OSHA had certified that the final rule that also covered EAP did not have a significant economic effect on a substantial number of small entities. Board staff believes the proposed amend-

ments will not have any significant economic impact on small businesses in California as well.

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer), or 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 TEXT OF THE PROPOSED REGULATION 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 regulation, 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 regulation without further notice even though modifications may be made to the original proposal in response to public comments or at the Board's discretion.

AVAILABILITY OF THE MEMORANDUM TO THE STANDARDS BOARD MEMBERS

Upon its completion, copies of the Memorandum 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 website. Copies of the text of the regulation in an underline/strikeout format and the Notice of Proposed Action can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 215, 220, 240, 315, and 316.5 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 215, and 316.5 of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River Basin Sport Fishing Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW — INLAND FISHERIES

The Klamath River Basin, which consists of the Klamath River and Trinity River systems, is managed through a cooperative system of State, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean sport, ocean commercial, river sport and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of sport and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport (inside three miles) and the Klamath River Basin sport fisheries which are consistent with federal fishery management goals.

Two tribal entities within the Klamath River Basin, the Hoopa Valley Tribe and the Yurok Tribe, maintain fishing rights for ceremonial, subsistence and commercial fisheries that are managed consistent with federal fishery management goals. Tribal fishing regulations for the river are promulgated by the Hoopa and Yurok tribes.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, salmon greater than 22 inches are defined as adult salmon (ages 3–5) and salmon less than or equal to 22 inches are defined as grilse salmon (age 2).

Klamath River Fall–Run Chinook Salmon

Klamath River fall–run Chinook Salmon (KRFC) harvest allocations and natural spawning escapement

goals are established by the PFMC. The KRFC harvest allocation between tribal and non-tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2017 KRFC in–river sport fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath River Basin and equitably distribute harvest while operating within annual allocations.

Klamath River Spring–Run Chinook Salmon

The Klamath River System also supports Klamath River spring–run Chinook Salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in–river sport fishery is managed by general basin seasons, daily bag limit, and possession limit regulations. KRSC harvest will be monitored on the Lower Klamath River in 2017 and ensuing years by creel survey.

KRFC Allocation Management

The PFMC 2016 allocation for the Klamath River Basin sport harvest was 1,110 adult KRFC. Preseason stock projections of 2017 adult KRFC abundance will not be available from the PFMC until March 2017. The 2017 basin allocation will be recommended by the PFMC in April 2017 and presented to the Commission for adoption prior to its April 2017 meeting.

For public notice requirements, the Department of Fish and Wildlife (Department) recommends the Commission consider an allocation range of 0–67,600 adult KRFC in the Klamath River Basin for the river sport fishery. This recommended range encompasses the historical range of the Klamath River Basin allocations and allows the PFMC and Commission to make adjustments during the 2017 regulatory cycle.

The Commission may modify the KRFC in–river sport salmon harvest allocation which is normally 15 percent of the non-tribal PFMC harvest allocation. Commission modifications need to meet biological and fishery allocation goals specified in law or established in the PFMC Salmon Fishery Management Plan otherwise harvest opportunities may be reduced in the California ocean fisheries.

The annual KRFC in–river harvest allocation is split into four geographic areas with subquotas assigned to each. They are as follows:

1. for the main stem Klamath River from 3,500 feet downstream of the Iron Gate Dam to the Highway 96 bridge at Weitchpec — 17 percent of the sport fishery allocation;

2. for the main stem Klamath River from downstream of the Highway 96 bridge at Weitchpec to the mouth — 50 percent of the sport fishery allocation;
3. for the Trinity River downstream of the Old Lewiston Bridge to the Highway 299 West bridge at Cedar Flat — 16.5 percent of the sport fishery allocation; and
4. for the Trinity River downstream from the Denny Road bridge at Hawkins Bar to the confluence with the Klamath River — 16.5 percent of the sport fishery allocation.

The spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) closes to all fishing after 15 percent of the total Klamath River Basin quota has been taken downstream of the Highway 101 bridge.

These geographic areas are based upon the historical distribution of angler effort and ensure equitable harvest of adult KRFC in the upper Klamath River and Trinity River. The subquota system requires the Department to monitor angler harvest of adult KRFC in each geographic area. All areas will be monitored on a real time basis except for the following:

Klamath River upstream of Weitchpec and the Trinity River: Due to funding and personnel reductions, the Department will be unable to deploy adequate personnel to conduct harvest monitoring in the Klamath River upstream of Weitchpec and in the Trinity River for the 2017 season. The Department has reviewed salmon harvest and run-timing data for these areas. Based on this review, the Department has developed a Harvest Predictor Model (HPM) which incorporates historic creel survey data from the Klamath River downstream of Iron Gate Dam to the confluence with the Pacific Ocean and the Trinity River downstream of Lewiston Dam to the confluence with the Klamath River. The HPM is driven by the positive relationship between KRFC harvested in the lower and upper Klamath River and the Trinity River. The HPM will be used by the Department to implement fishing closures to ensure that anglers do not exceed established subquota targets.

Current Sport Fishery Management

The KRFC in-river sport harvest allocation is divided into geographic areas and harvest is monitored under real time subquota management. KRSC in-river sport harvest is managed by general season, daily bag limit, and possession limit regulations.

The Department presently differentiates the two stocks by the following dates:

Klamath River

1. January 1 through August 14 — General Season KRSC. For purposes of clarity, daily bag and possession limits apply to that section of the Klamath River downstream of the Highway 96 bridge at Weitchpec to the mouth.
2. August 15 to December 31 — KRFC quota management

Trinity River

1. January 1 through August 31 — General Season KRSC. For purposes of clarity, daily bag and possession limits apply to that section of the Trinity River downstream of the Old Lewiston Bridge to the confluence with the South Fork Trinity River.
2. September 1 through December 31 — KRFC quota management

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

Proposed Changes

No changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

No changes are proposed for the Klamath River spit area.

No changes are proposed for the Blue Creek area.

The following changes to current regulations are proposed:

KRFC QUOTA MANAGEMENT: Seasons, Bag and Possession Limits

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2017 Klamath River Basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the subquota has been met.

The proposed open seasons and range of bag and possession limits for KRFC salmon stocks are as follows:

1. Klamath River — August 15 to December 31
2. Trinity River — September 1 to December 31
3. Bag Limit — [0–4] Chinook Salmon — of which no more than [0–4] fish over 22 inches total length may be retained until the subquota is met, then 0 fish over 22 inches total length.
4. Possession limit — [0–12] Chinook Salmon of which [0–12] fish over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

Necessity: The recommended ranges allow the Commission to make the final adjustments for alignment with the federal 2017 regulatory process. The final KRFC bag and possession limits will align with the final federal regulations to meet biological and fishery allocation goals specified in law or established in the

PFMC Salmon Fishery Management Plan, otherwise harvest opportunities may be reduced in the California ocean fisheries.

OTHER

Other changes are proposed for clarity and consistency.

BENEFITS OF THE REGULATIONS

It is the objective of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and inland waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State. In addition, it is the objective of this State to promote the development of local California fisheries in harmony with federal law respecting fishing and the conservation of the living resources of the ocean and inland waters under the jurisdiction and influence of the State. The objectives of this practice include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based Klamath River Basin salmon seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of salmon to ensure their continued existence.

The benefits of the proposed regulations are conformance with federal law, sustainable management of Klamath River Basin fish resources, and promotion of businesses that rely on sport salmon fishing in the Klamath River Basin.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (Sections 200, 202, 205, 315, and 316.5, Fish and Game Code). Commission staff has searched the California Code of Regulations and has found no other State regulations related to sport fishing in the Klamath River Basin.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rhonert Park, California, on Thursday, February 9, 2017 at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant

to this action at a hearing to be held by teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Thursday, April 13, 2017, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on March 29, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 7, 2017. All comments must be received no later than April 13, 2017, at the teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

AVAILABILITY OF DOCUMENTS

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Caren Woodson at the preceding address or phone number. **Wade Sinnen, Senior Environmental Scientist, Department of Fish and Wildlife, phone (707) 822-5119, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to have minor impact on the net revenues to local businesses servicing sport fishermen. If the 2017 KRFC quota is reduced, visitor spending may correspondingly be reduced and in the absence of the emergence of alternative visitor activities, the drop in spending could induce business contraction. However, this will not likely affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

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

The proposed regulations range from no fishing of KRFC adult salmon to a Klamath River Basin salmon season similar to 2016. The Commission anticipates some impact on the creation or elimination of jobs in California. The potential employment impacts range from 0 to 45 jobs which are not expected to create, eliminate or

expand businesses in California. The Commission anticipates impacts on the creation, elimination or expansion of businesses in California ranging from no impact to reduced revenues to approximately 30 businesses that serve sport fishing activities. However, the possibility of growth of businesses to serve substitute activities exists. Adverse impacts to jobs and/or businesses would be less if fishing of steelhead and grilse KRFC salmon is permitted than under a complete closure to all fishing. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, consequently promoting the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages a healthy outdoor activity and the consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California’s salmonid resources.

The Commission does not anticipate any benefits to worker safety because the proposed action does not affect working conditions.

- (c) Cost Impacts on a Representative Private Person or Business:
The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to

Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend subsection (c) of Section 27.80, Title 14, California Code of Regulations, relating to Ocean Salmon Recreational Fishing — April 2017 Season.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW — INLAND FISHERIES

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

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

Present Regulations

Regulations for 2016 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 16 through May 31, June 16 through June 30, July 16 through August 16, and September 1 through September 5, 2016. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 2 to November 13, 2016. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 2 to October 31, 2016. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to July 15, 2016. For areas south of Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to May 31, 2016. The bag limit for all areas in 2016 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2016 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length. Since the existing regulations pertained only to the 2016 season, amendment of these regulations is essential to allow for any fishing in State waters during 2017.

Proposed Regulations

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2017. The first action would amend subsection 27.80(c), establishing salmon fishing regulations for the month of April 2017 consistent with federal regulations for the federal fishery management zone off California. Recreational salmon fishing regulations for May 1 through the end of 2017 will be considered in the second rulemaking action, tentatively scheduled for adoption in April 2017.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife (Department) is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect April 1 through April 30, 2017. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters shortly after the federal rules are promulgated.

- (1) North of Horse Mountain and in Humboldt Bay: The fishery shall remain closed in this area during April. The remainder of the 2017 season will be decided in April by the PFMC and Commission and the section will be amended pursuant to the regulatory process.
- (2) South of Horse Mountain: The season, if any, may open on a date within the range of April 1 through April 30, 2017. The proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length. The exact opening date, along with daily bag limit, minimum size, and days of the week open will be determined by the Commission, considering federal regulations applicable to each area for April 2017 and may be different for each area.

BENEFITS OF THE REGULATIONS

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

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

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

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rhonert Park, California, on Thursday, February 9, 2017 at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held by teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Wednesday, March 15, 2017, at 8:30

a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on March 2, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on March 10, 2017. All comments must be received no later than March 15, 2017, at the teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

AVAILABILITY OF DOCUMENTS

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Caren Woodson at the preceding address or phone number. **Barry Miller, Environmental Scientist, Department of Fish and Wildlife, phone (707) 576-2860, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

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

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The Department anticipates status quo fishing levels for April 2017 as compared to the April 2016 ocean salmon sport fishing season.

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

The Commission does not anticipate that the proposed regulations will have any impact on the creation or elimination of jobs, the creation or elimination of businesses or the expansion of businesses in California because no changes in fishing activity levels are expected.

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

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

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

The Commission does not anticipate benefits to worker safety.

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

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

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 202, 205, 220, 240, 316.5 and 2084 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 202, 205, 316.5 and 2084 of said Code, proposes to amend subsection (d) of Section 27.80, Title 14, California Code of Regulations, relating to Ocean Salmon Recreational Fishing on and after May 1, 2017.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW — INLAND FISHERIES**

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

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

Present Regulations

Regulations for 2016 [subsections 27.80(c) and (d)] authorized ocean salmon recreational fishing seven days per week north of Horse Mountain including Humboldt Bay from May 16 through May 31, June 16 through June 30, July 16 through August 16, and September 1 through September 5, 2016. Between Horse Mountain and Point Arena, ocean salmon recreational fishing was authorized seven days per week from April 2 to November 13, 2016. Between Point Arena and Pigeon Point, ocean salmon recreational fishing was authorized seven days per week from April 2 to October 31, 2016. Between Pigeon Point and Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to July 15, 2016. For areas south of Point Sur, ocean salmon recreational fishing was authorized seven days per week from April 2 to May 31, 2016. The bag limit for all areas in 2016 was two fish per day (all species except coho). The areas north of Point Arena had a minimum size limit of 20 inches total length. The area between Point Arena and Pigeon Point had a minimum size limit of 24 inches total length through April 30, 2016 and 20 inches total length thereafter. Areas south of Pigeon Point had a minimum size limit of 24 inches total length. Since the existing regulations pertained only to the 2016 season, amendment of these regulations is essential to allow for any fishing in State waters during 2017.

Proposed Regulations

Two separate Commission actions are necessary to conform State regulations to federal rules that will apply in 2017. This proposed regulation would amend subsection 27.80(d), establishing salmon fishing regulations for May 1 through the end of 2017. Recreational

salmon fishing regulations for the month of April 2017 will be considered in a separate rulemaking action, tentatively scheduled for adoption in March 2017.

For public notice purposes and to facilitate Commission discussion, the Department of Fish and Wildlife is proposing the following regulations to encompass the range of federal ocean salmon regulations that are expected to be in effect on or after May 1, 2017. This approach will allow the Commission to adopt State ocean salmon recreational fishing regulations to conform to those in effect in federal ocean waters.

1. North of Horse Mountain and in Humboldt Bay: The season, if any, may occur within the range of May 1 through September 30, 2017.
2. Between Horse Mountain and Pigeon Point: The season, if any, may occur within the range of May 1 to November 12, 2017.
3. South of Pigeon Point: The season, if any, may occur within the range of May 1 to October 1, 2017.
4. For all areas, the proposed daily bag limit will be from zero to two fish, and the proposed minimum size will be from 20 to 26 inches total length.

The exact opening and closing dates, along with daily bag limit, minimum size, and days of the week open will be determined in April 2017 by the Commission considering federal regulations and may be different for each subarea.

BENEFITS OF THE REGULATIONS

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

**CONSISTENCY AND COMPATIBILITY WITH
STATE REGULATIONS**

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

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this

action at a hearing to be held in the DoubleTree by Hilton Hotel Sonoma, One Doubletree Drive, Rhonert Park, California, on Thursday, February 9, 2017 at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held by teleconference originating in the Fish and Game Commission conference room, 1416 Ninth Street, Suite 1320, Sacramento, California, on Thursday, April 13, 2017, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on March 29, 2017 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 7, 2017. All comments must be received no later than April 13, 2017, at the teleconference hearing. If you would like copies of any modifications to this proposal, please include your name and mailing address.

AVAILABILITY OF DOCUMENTS

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Caren Woodson at the preceding address or phone number. **Barry Miller, Environmental Scientist, Department of Fish and Wildlife, phone (707) 576-2860, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments dur-

ing the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

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

Although the recommendations of the PFMC for the 2017 ocean salmon season are unknown at this time, the Department anticipates that recreational salmon fishing effort will be similar to the 2015 season. For the purpose of evaluating potential economic impacts of the 2017 ocean salmon regulations, the Commission analyzed possible reductions in ocean salmon recreational effort ranging from 0 percent (no change) to a 5-percent and a 10-percent reduction from the number of angling trips in 2015. The base year used for estimating the 2017 economic impacts is the 2015 salmon season, the latest full year of economic data.

The projections conducted for 2017, representing 100-percent (82,000 angler days), and 95-percent (77,900 angler days), and 90-percent (74,000 angler days) levels of ocean salmon angling effort, are not likely to precipitate significant statewide adverse economic impacts directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Additionally, any reduction in angling opportunity would be undertaken with the intent of ensuring the health of the resource and thus also preventing longer term adverse economic impacts.

Data from the Department indicate that during the 2015 salmon season, recreational fishermen participated in 82,000 angler days of ocean salmon fishing and generated an estimated \$13.7 million (2016\$) in total economic output to the State. The projected levels of fishing effort for the 2017 salmon season are 82,000 angler days, 78,000 angler days, and 73,800 angler days, equivalent to 100-, 95-, and 90-percent levels of effort, respectively. With these projected 2017 levels of angler effort, the associated fishing expenditures by fishermen would generate an estimated \$13.7 million, \$13 million and \$12.3 million (2016\$) in total economic output for the State, respectively. Thus, relative to the 2015 salmon season, the total incremental effects (direct, indirect, and induced) of the 2017 projections on State economic output range from no change (the same \$13.7 million); a 5-percent decrease (-\$684 thousand); to a 10-percent decrease (-\$1.4 million) in total economic output from the recreational ocean salmon fishery.

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

Approximately 111 jobs were indirectly supported by recreational ocean salmon angling during the 2015 salmon season. Thus, relative to the 2015 salmon season, the 2017 projections (100-, 95-, and 90-percent levels of effort) represent potential incremental effects on employment ranging from zero new jobs (no change) to a loss of 6 to 11 jobs statewide; the potential incremental effects on the creation or elimination of businesses is anticipated to range from no impact to insignificant impacts on the elimination of businesses in the state. A 10-percent decrease in angling effort may have minimal impacts in some localized areas that lack industry diversification and have a heavy reliance on recreational fishing and tourism; and potential incremental effects on the expansion of businesses range from no effect to the minor contraction of some business activities in the recreational ocean salmon fishing areas.

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

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

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

The Commission does not anticipate benefits to worker safety.

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

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

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has

otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 219, 220, 240 and 316 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 203.1, 205, 207, 215, 219, 220 and 316 of said Code, 50 Code of Federal Regulations (CFR) Part 300, Subpart E; and 50 CFR 300.66, proposes to amend Section 28.20, Title 14, California Code of Regulations (CCR), relating to recreational fishing for Pacific halibut.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pacific halibut is internationally managed under the authority of the Northern Pacific Halibut Act of 1982 between the United States of America and Canada. Pacific halibut along the United States west coast is jointly managed through the International Pacific Halibut Commission (IPHC), Pacific Fishery Management Council (PFMC), and the National Marine Fisheries Service (NMFS), in conjunction with the west coast state agencies. The PFMC coordinates west coast management of all recreational and commercial Pacific halibut fisheries in United States waters through the Pacific Halibut Catch Sharing Plan (CSP), which constitutes a framework for recommending annual management measures. NMFS is responsible for specifying the final CSP language and management measures in federal regulations (50 CFR Part 300, Subpart E and the Federal Register) and noticing them on its halibut telephone hotline. Federal regulations for Pacific halibut are applicable in federal waters (three to 200 miles offshore) off Washington, Oregon, and California. Each state adjacent to federal waters adopts corresponding fishery regulations for their own waters (zero to three miles offshore).

For consistency, the Commission routinely adopts regulations to bring State law into conformance with federal and international law for Pacific halibut.

At its November 2016 meeting, the PFMC recommended changes to the 2017 CSP and recreational Pa-

cific halibut fishery in California. The November PFMC regulatory recommendation and NMFS final rule will be considered by the Commission when it takes its own regulatory action to establish the State's recreational Pacific halibut fishery regulations for 2017.

Summary of Proposed Amendments

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations and the CSP for Pacific halibut regulations in 2017. This approach will allow the Commission to adopt State recreational Pacific halibut regulations to conform in a timely manner to those taking effect in federal ocean waters on or before May 1, 2017.

The proposed regulatory changes modify Pacific halibut regulations to allow for timely conformance to federal fisheries regulations and in-season changes. The proposed regulatory changes would modify the seasons to include a range from May 1 to October 31, which may include periodic closures, and update the reference to the Federal Register specifying the 2017 federal quota amount. The final regulation will conform to the season established by federal regulations in May 2017.

Benefits of the Proposed Regulations

The benefits of the proposed regulations are: consistency with federal regulations, the sustainable management of California's Pacific halibut resources, and health and welfare of anglers.

Evaluation of Consistency and Compatibility with Existing State Regulations

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt sport fishing regulations (Fish and Game Code, sections 200, 202, and 205) and Pacific halibut fishing regulations specifically (Fish and Game Code, Section 316). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the CCR and has found no other State regulations related to the recreational take of Pacific halibut.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held on Thursday, February 9, 2017, at 8:00 a.m., or as soon thereafter as the matter may be heard, at the DoubleTree by Hilton Hotel Sonoma, One DoubleTree Drive, Rohnert Park, California.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a teleconference hearing originating in the Fish and Game Commission conference room, 1416

Ninth Street, Suite 1320, Sacramento, California, on Thursday, April 13, 2017, at 8:30 a.m., or as soon thereafter as the matter may be heard. Interested persons may also participate at the following locations:

- Department of Fish and Wildlife, Conference Room, 50 Ericson Court, Arcata, California;
- Department of Fish and Wildlife, Conference Room, 4665 Lampson Avenue, Los Alamitos, California; and
- Department of Fish and Wildlife Conference Room, 7329 Silverado Trail, Napa, California.

Written comments may be submitted by mail to the Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, or by email to FGC@fgc.ca.gov. Written comments mailed or emailed to the Commission office, must be received before 12:00 noon on April 7, 2017. All comments must be received no later than April 13, 2017, at one of the teleconference hearing locations listed above. If you would like copies of any modifications to this proposal, please include your name and mailing address.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission’s website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Sherrie Fonbuena at the preceding address or phone number. **Melanie Parker, Environmental Scientist, Department of Fish and Wildlife, phone (831) 649–2814, email Melanie.Parker@wildlife.ca.gov**, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments dur-

ing the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

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

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

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

The Commission does not anticipate any impacts on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of fish and wildlife.

The Commission anticipates benefits to the environment by the sustainable management of California’s Pacific halibut resources.

The Commission does not anticipate any benefits to worker safety.

Additional benefits of the proposed regulations are consistency with federal regulations and promotion of businesses that rely on recreational Pacific halibut fishing.

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

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

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

EFFECT ON SMALL BUSINESS

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

CONSIDERATION OF ALTERNATIVES

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

TITLE 17. AIR RESOURCES BOARD

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE AIR RESOURCES BOARD

NOTICE IS HEREBY GIVEN that the Air Resources Board (ARB), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendments to its Conflict-of-Interest Code. All inquiries should be directed to the contact listed below.

The Air Resources 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.

Sections Affected

ARB proposes to amend California Code of Regulations (CCR), title 17, section 95000 as follows:

- Several job classifications have been added or removed from the designated positions listing in Appendix A. The updates are needed in order to accurately reflect ARB’s most current organizational structure and employees’ duty statements.

ARB 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; and
6. Will not have any potential cost impact on private persons, businesses or small businesses.

Written Comment Period and Submittal of Comments

The public comment period for this regulatory action will begin on **December 30, 2016** and end on **February 13, 2017**. Any interested person may obtain a copy of this notice and the proposed changes by contacting the agency contact listed at the bottom of this notice.

Interested persons can submit comments electronically to Trinidad.Balcazar@arb.ca.gov or by mail at the address listed below. At this time, no public hearing is scheduled. A person may request a hearing no later than

January 31, 2017 by submitting a written request to the postal address listed below.

Written comments must be received no later than 5:00 p.m. on February 13, 2017, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street
Sacramento, California 95814

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

Inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Ms. Trini Balcazar, Regulations Coordinator, at (916) 445-9564.

TITLE 21. DEPARTMENT OF TRANSPORTATION

The California Department of Transportation (“Department”), pursuant to authority granted by Streets and Highways Code section 27565, proposes to amend the California Code of Regulations, Title 21, Division 2, Chapter 16, concerning Compatibility Specifications for Automatic Vehicle Identification Equipment used for toll collection after considering all comments, objections, and recommendations regarding the proposed action. Following the public comment period and public hearing, the proposal may be adopted substantially as set forth without further notice.

Date and Time: **PUBLIC HEARING**
February 16, 2017 — 9:00 a.m. to 3:00 p.m.
Place: Board Room — 1st Floor
Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
Purpose: To receive comments about this action.

The Department has scheduled a public hearing on this proposed action.

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. The written comment period closes at **5:00 p.m. on February 16, 2017**. To be considered by the Department, comments must be submitted to and received by the Department of Transportation, Traffic Operations, Attention: Steve Hancock, 1120 N Street, MS-36, Sacramento, California 95814; by fax at (916) 653-6080; or by e-mail with a subject line of “Title 21 Public Comment” at Title.21.Changes@dot.ca.gov before the close of the comment period.

CONTACT PERSONS

Please direct any inquiries regarding this action to: Steve Hancock at (916) 654-6007 or by e-mail at Title.21.Changes@dot.ca.gov.

The backup contact person for these inquiries is: Joe Rouse at (916) 654-6448 or by e-mail at Title.21.Changes@dot.ca.gov.

Questions regarding the substance of the proposed regulatory action should be directed to:

Department of Transportation, **Traffic Operations. Attention: Steve Hancock, 1120 N Street, MS-36, Sacramento, California 95814**

AUTHORITY

Streets and Highways Code section 27565 authorizes the Department to adopt the proposed regulatory actions concerning Compatibility Specifications for Automatic Vehicle Identification.

REFERENCE

Streets and Highways Code section 27564 provides that toll facilities shall adopt and promulgate compatible automatic vehicle identification systems.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

There are currently 20 toll facilities operating in California. These include eight toll bridges, five toll roads, and seven high-occupancy/toll lanes. The number of toll facilities is expected to nearly double in the next 10 to 15 years. These facilities are operated, or will be operated, by 11 different entities.

All toll facilities in California utilize electronic toll collection (ETC). Some facilities only use ETC while others use both ETC and traditional cash collection. An ETC system uses automatic vehicle identification

(AVI); a reader is placed at the toll collection point and communicates with a transponder in a vehicle as it passes through that point. The process for exchanging information between the reader and the transponder in an AVI system is known as a protocol.

Senate Bill 1523 (Chapter 1080, Statutes of 1990), mandated that the California Department of Transportation (Caltrans) work with the State's toll facility operators to develop an AVI protocol for ETC systems. The bill required that the protocol would allow for one transponder to be used on any toll facility in California, a concept known as interoperability. The bill also required that the protocol had to be an open standard, meaning that it be made publicly available so that multiple manufacturers and vendors can have an opportunity to develop and supply ETC equipment. The AVI protocol used in California was adopted in 1992 and published in Chapter 16 of Title 21 of the California Code of Regulations. It is known as "Title 21." It is one of several protocols used for ETC in the United States.

There are currently approximately 4.5 million active Title 21 protocol transponders in California. The toll facility operators bear the full costs of purchasing and distributing transponders for use by motorists. These costs are not borne by the users; when establishing an ETC account they are only required to prepay tolls, replenish the account, as needed, and pay any account maintenance fees. Transponder purchases make up a substantial portion of these agencies' operating expenditures.

In recent years, the state's toll facility operators have discussed the idea of transitioning away from the Title 21 protocol. The primary reason for this change is to reduce costs. The Title 21 protocol is used primarily in California and British Columbia. Due to the small market demand for Title 21 protocol readers and transponders, there are only two vendors that supply them. This limits competition and results in increased procurement costs. The functional specifications of the Title 21 protocol also make the transponders more expensive. The transponders, which require a battery, are hard plastic cases that mount on a vehicle windshield using Velcro strips. The transponders may also be equipped with a switch for vehicle occupancy declaration for use on high-occupancy/toll lanes. The cost of Title 21 transponders is, on average, about \$15 for one without the switch and \$20 for one with a switch.

In the spring of 2014, the state's toll facility operators began to formally examine the different protocols used for ETC in the United States to determine if one would work best for California. A protocol known as 6C quickly became a leading choice. The 6C protocol is an open standard protocol based on a system that is used by the retail and shipping industries to track objects in supply chains. The 6C protocol is currently used for ETC in

six other states (Washington, Utah, Colorado, Georgia, Michigan, and Alabama) and British Columbia.

The 6C protocol was shown to have several benefits that made it attractive. First, the transponders are less expensive than Title 21 protocol transponders. They do not require a battery to operate, so they can be used in a variety of formats, such as stickers. They are also available with occupancy declaration switches. Overall cost savings compared to Title 21 transponders have been estimated to be as much as 90 percent. 6C sticker tags cost approximately \$1, on average, while hard case tags (which would be used for switchable tags) are estimated to cost, on average, about \$10. Furthermore, because the 6C protocol is more widely used, there are multiple vendors who offer 6C protocol equipment. With California's potential market size, other vendors have expressed interest in entering the tolling market, including one company already based in California. This could drive procurement costs down further. The other protocols in use for tolling in the United States did not provide the cost savings advantages that 6C does because there are a limited number of manufacturers or because they use batteries like Title 21 transponders and are more expensive than 6C. One of them is proprietary and therefore ineligible for use in California.

Given these potential benefits, the state's toll facility operators determined that the 6C protocol would be the best option for California and in April 2015 they requested that Caltrans begin the process of modifying Title 21, Chapter 16 of the California Code of Regulations to adopt the 6C protocol. Caltrans proposes to amend this chapter to define the 6C protocol as the AVI protocol used for ETC in California effective January 1, 2019. It also establishes a sunset date of January 1, 2024 for the Title 21 protocol. This five-year overlap will give the toll facility operators the necessary time to eliminate their existing inventory of Title 21 transponders. They are given the option of working with Caltrans to move up the sunset date if they so choose.

Caltrans has determined that this change could reduce toll agency expenditures by as much as \$20 million annually. The resultant savings could be used by the toll agencies to help pay down any indebtedness they may have incurred to develop their facilities. They could also be reinvested into desired or needed improvements on the facilities or in the transportation corridors where they are located, which would result in safer, more efficient travel for the public.

After conducting an evaluation on any other regulations on this area, Caltrans has determined that these are the only regulations concerning the state's automated vehicle identification equipment and protocol used for electronic toll collection. Therefore, the proposed regu-

lations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to 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 impact on private person(s) or businesses: The Department is not aware of any cost impacts on private person(s) or businesses that would necessarily incur in reasonable compliance with the proposed regulatory action.

Significant effect on housing costs: None.

Small Business Determination

This regulation will not directly affect small businesses, as financial transactions to procure transponders are between toll agencies and corporations. Thus, there are no direct financial transactions with small businesses. However, positive “secondary” impacts to small businesses may occur if business or employment gains occur from increased construction activity due to the reinvestment of transponder procurement savings into the transportation infrastructure.

SUMMARY OF STANDARDIZED REGULATORY
IMPACT ASSESSMENT (SRIA)

(A) The creation or elimination of jobs within the state.

The implementation of this regulation will have a positive impact on California’s employment, as a portion of 6C transponders are currently manufactured within California and an increase in demand for this technology may spur the need for additional labor. Moreover, the greatest potential job creation comes from financially reinvesting in the transportation network, leading to additional jobs in construction and maintenance. Currently, T21 transponders are manufactured outside of California; therefore, this regulation would not eliminate jobs.

(B) The creation of new businesses or the elimination of existing businesses within the state.

This regulation will not lead to the direct creation or elimination of businesses within the state. Two T21 and three 6C manufacturers are located outside of California. One 6C manufacturer exists in California currently, but this regulation is not projected to result in current 6C companies relocating to the state. Indirectly, this regulation has the potential to create new businesses within California through the reinvestment of savings into the transportation network, resulting in an increased demand for construction labor.

(C) The competitive advantages or disadvantages for businesses currently doing business within the state.

This regulation potentially creates an indirect competitive advantage for businesses affected by the reallocation of transponder savings for infrastructure improvements, as better maintained highways can lead to increases in business productivity through travel efficiency gains for regions that rely on the affected transportation network surrounding the toll facility. Thus, these gains could attract and retain businesses to a region.

(D) The increase or decrease of investment in the state.

The implementation of this regulation would lead to an increase of investment into the state’s transportation infrastructure and result in an improvement to travel quality on affected highways such as higher throughput, larger buyer-supplier market access, and lower transportation costs. Thus, an improvement in travel quality may potentially attract new businesses, or aid in the retention of existing ones.

(E) The incentives for innovation in products, materials, or processes.

This regulation does not directly incentivize innovation of products, materials, or processes, as toll agencies expect to implement existing management and operation procedures. Indirectly, 6C transponder competitors may become motivated to improve existing transponder technology that is cheaper to produce in hopes of creating a superior product that leads to 6C becoming obsolete.

(F) The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state’s environment and quality of life, among any other benefits identified by the agency.

This regulation benefits California residents by: 1) increasing the financial investment from procurement savings to improve the state’s transportation network,

2) decreasing the amount of lithium ion battery disposal as 6C transponders do not require a battery to function, and 3) reducing packaging material consumption and improving courier service load capacity because of smaller packaging requirements.

The following are Department of Finance comments on the Standardized Regulatory Impact Assessment concerning three areas where more analysis was requested, and the California Department of Transportation's (Caltrans) responses.

DOF Comment 1. "First, the inclusion of a "no change" alternative is not informative for the public. A separate alternative that provided a genuine contract to the proposed regulations should have been used instead. One possibility could be the examination of other technologies that can generate similar or higher savings for toll agencies."

Caltrans Response to DOF Comment 1. The "no change" alternative was intended to serve as a baseline to compare against the change to the 6C technology. A "no build" alternative is a common practice in the project development process at Caltrans, and this was in keeping with that practice. As for the examination of other technologies, there are three other electronic toll collection protocols used in the United States. Of those three protocols, two are considered "open standard": the 6C protocol, and the Time-Division Multi-Plexing (TDM) protocol, which is used for the EZPass system within the northeastern United States. State law requires that the protocol used in California be an open standard; therefore, only these two options were available for consideration. The toll agencies did consider the TDM protocol, but found that the TDM transponders are only slightly less expensive than the Title 21 transponders, whereas 6C transponders are significantly less expensive than Title 21 transponders. Furthermore, there are only two manufacturers of TDM transponders, whereas there are currently four manufacturers of 6C transponders. The greater number of manufacturers is expected to help further reduce purchasing costs due to increased competition. Since cost savings is the primary factor for moving away from the Title 21 protocol, the lower cost savings with the TDM protocol indicates that it is not a feasible alternative. Information on the costs of the two protocols may be found on pages 7 and 9 of the "California Toll Operators Committee (CTOC) Plan for Transitioning from the Title 21 protocol to the 6C protocol," which is available for review on Caltrans' Title 21 support web page at: <http://www.dot.ca.gov/trafficops/tech/title21.html>.

DOF Comment 2. "[It] is surprising that despite the improvements in transport efficiency (less congestion and better roads), the transport sector is the only sector that consistently reports a yearly \$1 million decrease in output. As reported, the estimated output decrease of

the transport sector is not taking into account the positive effect on messenger demand of the improvement of transport efficiency. The benefits would thus be understated."

Caltrans Response to DOF Comment 2. The results listed in the table, "T21 — 6C Annual Differences for California Industry Outputs" (located on page 10 of the SRIA), are summary of direct, indirect, and induced output expectations for industries due to changes in the way the State's toll operators reinvest their monetary resources into the transportation network. Any travel (transport) efficiency gains are excluded from this analysis. Financially, a net loss in revenue for the shipping industry (NAICS 492) is expected because toll agencies would pay couriers \$2.00 less per unit to distribute 6C transponders even though the demand for courier service would increase. This is due to less packaging and postage required to ship the new transponder technology. Thus, an annual loss of revenue was input into the Regional Economic Models, Incorporated (REMI) economic analysis model for this sector. Solely looking from a financial aspect, the REMI model predicted that the loss in revenue for the shipping industry would negatively impact the output for transportation and warehousing industry (NAICS 48–49). As mentioned in the "Benefits to California Industries" section of the SRIA (located on page 4), accounting for travel (transport) efficiency gains is beyond the scope of this analysis due to the lack of research and ability to quantify this likely positive outcome.

The reinvestment into the transportation network would likely have some positive benefits that are not captured in the reported industry output table. Improvements to the transportation infrastructure or vehicle load capacity for couriers could yield efficiency gains through better travel speeds, throughput, or trip efficiency. Thus, these unaccounted benefits could reduce the negative output that is predicted for the transportation and warehousing industry by REMI. However, these unaccounted gains may not be significant enough to offset the overall negative output for these industries due to a loss in revenue for the shipping industry.

DOF Comment 3. "[The] SRIA does not discuss whether the adoption of this technology posed privacy and security concerns to its users. It is possible that unauthorized individuals could read the tags' information without the owner's knowledge or consent, resulting in the possibility of people being tracked without their knowledge or consent. There are separate regulations addressing privacy, and this is an issue with existing technology as well. However, the expected large-scale adoption of transponders facilitated by the new technology, greater privacy risks are an impact that should be discussed in the SRIA."

Caltrans Response to DOF Comment 3. While the number of transponders issued is expected to increase due to the transition to 6C protocol, Caltrans does not believe this will pose additional privacy or security issues. The 6C protocol has been used for many years in several states without any privacy or security issues. No personal information is stored on the transponder. The information shared by reader and transponder communications is a string of numbers that identify the toll agency that issued the transponder, and those numbers do not correlate to any individual. A 6C transponder may have the capability of having information written to it, but this information would only show the last location where the tag was read, and it is overwritten every time the transponder passes underneath a reader. Therefore, an unauthorized person cannot tie the information to the transponder's owner for tracking purposes. The information exchange covered by this regulation for the toll agencies is in compliance with California Streets and Highways Code section 31490, which defines personally identifiable information and the requirements that toll agencies must follow when sharing information. The proposed regulation emphasizes the need for toll agencies to comply with this statute. If any privacy concerns are raised during the rulemaking process, including the public comment period and hearing, Caltrans will address them accordingly.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address during regular business hours. 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, and the initial statement of reasons, which includes the Standardized Regulatory Impact Assess-

ment. Other related documents are also available. Copies may be obtained by contacting the Department of Transportation, Traffic Operations. Attention: Steve Hancock, 1120 N Street, MS-36, Sacramento, California 95814.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that 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 Department of Transportation, Traffic Operations. Attention: Steve Hancock, 1120 N Street, MS-36, Sacramento, California 95814. 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 the Department of Transportation, Traffic Operations. Attention: Steve Hancock, 1120 N Street, MS-36, Sacramento, California 95814.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, which includes the Standardized Regulatory Impact Assessment, and the text of the proposed regulations can be accessed through <http://www.dot.ca.gov/trafficops/tech/title21.html>. Other related documents are also available at that website.

TITLE 22. DEPARTMENT OF PUBLIC HEALTH

Title 22, California Code of Regulations DPH-14-006 LGBT Training Requirements

Notice is hereby given that the California Department of Public Health (Department) has amended the regulation described below. This notice of proposed rulemak-

ing commences a rulemaking to make the regulation permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

The California Department of Public Health (Department) is conducting a 45-day written public proceeding during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5:00 p.m. on February 13, 2017, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By email: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "**DPH-14-006 LGBT Training Requirement**" in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission: (916) 440-5747;
3. By Postal Service: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814;
4. Hand-delivered: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier, "**DPH-14-006 LGBT Training Requirements,**" author's name and mailing address.

AUTHORITY AND REFERENCE

The Department is proposing to amend Title 22, as it relates to LGBT Training Requirements, under the authority provided in California Health and Safety Code sections 1257.5, 1275, and 100275. This proposal implements, interprets and makes specific California Health and Safety Code sections 1257.5, 1276, and 1276.1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Health and Safety Code section 1257.5 enacted by Senate Bill (SB) 1729 (Migden, Chapter 550, Statutes of 2008) requires the California Department of Public Health to prescribe a training program that focuses on preventing and eliminating discrimination based on sexual orientation and gender identity in skilled nursing facilities and congregate living health facilities. The training will be mandatory for all registered nurses, certified nurse assistants, licensed vocational nurses, and physicians and surgeons working in skilled nursing facilities or congregate living health facilities.

The California Department of Public Health is charged with licensing skilled nursing facilities and congregate living health facilities (see Health and Safety Code sections 131051(b) and 1265.7). The Department also prescribes personnel standards for the healthcare practitioners in these facilities, standards that include trainings to ensure healthcare professionals are duly qualified (see Health and Safety Code section 1276(a)). Congregate living health facilities must adhere to the same regulations, with some exceptions, as skilled nursing facilities under Health and Safety Code section 1267.13(n).

With SB 1729, the Legislature sought to address the lack of cultural-competency training for healthcare providers regarding the needs of lesbian, gay, bisexual, and transgender (LGBT) seniors in long-term healthcare facilities. The Legislature found that to protect LGBT persons it was necessary to mandate training aimed at educating healthcare workers in these facilities about the unique and sometimes unexpected issues surrounding individuals who identify with the LGBT community and the importance of behaving in a nondiscriminatory way.

Older adults are the most frequent users of healthcare services. This is the case among the LGBT population as well; however, this population's use of health services may be complicated by a fear of discrimination. Discrimination against LGBT persons living in long-term-care facilities is common and leads to a poor quality of life and poor health outcomes. In a study examining nursing home staff perceptions of LGBT elders, the

staff's perceptions were reported as being negative and even hostile. And a 2006 study found that providers who care for the aged were more intolerant toward LGBT persons than were providers within the main-stream healthcare system.

It is estimated that the number of aging and older LGBT persons in the United States is approximately 3 million and could expand to 4 million by 2030. LGBT elders represent a social minority whose members may have experienced lifetimes of social indignities; employment, economic, and housing discrimination; physical and psychological abuse; and, often, substandard healthcare. Many of today's LGBT elders lived their lives in very hostile environments, coming of age in a time when same-sex behaviors were pathologized and criminalized. A large fraction of today's LGBT elders were in their 50s when the full range of homosexuality-related "disorders" was completely removed from the *Diagnostic and Statistical Manual of Mental Disorders*.

In a study of LGBT elders, over 80% of study participants had been victimized at least once in their lives because of their sexual orientation or gender identity, and over 60% had been victimized three or more times. In addition, discrimination is a chronic stressor, and lifetime experiences of discrimination and internalization of heterosexism are significantly associated with poor mental health, physical health, and disability among older LGBT adults.

Therefore, it is not surprising that many LGBT elders are reluctant to seek medical care and, when they do, to hide their sexual identity from healthcare providers. A recent survey found that 17% of LGBT respondents avoided or delayed seeking healthcare because of reasons having to do with their sexual orientation, making them 5 times less likely than heterosexual individuals to access available public and community services.

Additionally, it has been reported that as many as one in five LGBT persons hide their sexual identity from their primary care physician, and approximately 30% of LGBT elders are not publicly open about their sexuality. LGBT elders fear discrimination in long-term healthcare facilities, which can lead them to continue or once again hide their sexual orientation. Being able to be publicly open about their sexuality is often cited by older LGBT persons as being central to their satisfaction and safety within adult-care systems. Also, hiding sexual orientation at any age increases the risk of poor mental health outcomes.

LGBT persons not feeling able to be publicly open about their sexuality comes from and contributes to a general lack of exposure of healthcare workers to LGBT issues and experiences and a lack of LGBT-friendly practices and policies in the health arena. The

outcome can be a lack of understanding by healthcare workers of the specific needs of this population.

A lack of knowledge about and sensitivity to LGBT issues extends to long-term-healthcare facilities. In a recent study, 73% of LGBT survey respondents believed that LGBT residents of long-term-care facilities are victims of discrimination, and 68% of heterosexual residents believed this to be true. In this same study, 98% of LGBT individuals believed that a gay-friendly retirement facility would be a positive development for older LGBT people. A study of agencies servicing the elderly showed that agencies with LGBT training were significantly more likely to also have services and outreach to the older LGBT community.

With all this in mind, the Department has drafted a proposed regulatory amendment that prescribes the subject matter of the training course required by statute, the means of taking the training course, and the requisite timeframe for compliance.

Problem Statement: The Department is legislatively mandated to prescribe a training program that focuses on addressing the need for cultural-competency training for healthcare providers providing care to lesbian, gay, bisexual and transgender (LGBT) seniors in long-term healthcare facilities. This training is required to protect older LGBT persons from unnecessary discrimination from healthcare providers working in skilled nursing facilities or congregate living health facilities.

Objective: The broad objective of this proposed regulatory action is to effectuate the Department's statutory mandate for training aimed at educating healthcare providers working in long-term care facilities about the unique and sometimes unexpected issues surrounding older individuals who identify with the LGBT community.

Benefit: Approximately 30% of LGBT elders are not publically open about their sexuality. LGBT elders fear discrimination in long-term-healthcare facilities. This often creates a situation where they avoid seeking adequate care, which can result in long-term health complications, and depression. Benefits of the proposed regulation are:

- Improved quality of life for LGBT elders in long-term healthcare facilities.
- Improved health outcomes for LGBT elders in long-term healthcare facilities.
- Reduced reluctance by LGBT elders to seek and obtain medical care.
- Increased cultural-competence of staff providing care to elder LGBT persons in long-term healthcare facilities.

EVALUATION AS TO WHETHER THE REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The Department has evaluated this proposal as to whether the proposed regulations are inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect the LGBT community, the Department has concluded that no known statute or regulation conflicts with this proposed regulatory action.

MANDATED BY FEDERAL LAW OR REGULATIONS

Currently, there are no existing federal regulations or statutes applicable to the regulations.

DOCUMENTS OR FORMS INCORPORATED BY REFERENCE

None.

OTHER STATUTORY REQUIREMENTS

None.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The Department has made an initial determination that the proposed regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Thus, there will be no significant adverse economic impact on California businesses.

LOCAL MANDATE

The Department has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

FISCAL IMPACT ASSESSMENT

- A. **Cost to Any Local Agency or School District:** None.
- B. **Cost or Savings to Any State Agency:** The Department anticipates a minimal impact to workload, which includes review of facility training curriculum and personnel files to determine compliance. This task would be performed by existing health facility evaluators as part of their usual workload, and the Department does not anticipate any additional costs associated with the enforcement of the proposed regulation.
- C. **Other Nondiscretionary Cost or Savings Imposed on Local Agencies:** None.
- D. **Cost or Savings in Federal Funding to the State:** None.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

There will be a cost impact for skilled nursing and congregate living health facilities licensed by the Department and governed by these regulations. The total cost is estimated to be \$6580.66 per average-size facility to train all required staff. The amount will vary based on the size of the facility and number of staff employed. The costs would be incurred over an approximate two-year period for facilities to initially comply with the regulation and recur every two-year period for facilities to comply with the regulation's requirement for biennial re-training of staff.

EFFECT ON HOUSING

None.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations would affect small businesses that are legislatively mandated to comply with the proposed regulation, but not significantly. Of the total 1,244 skilled nursing facilities, 1,085 have 150 or fewer beds; however, not all of these qualify as "small business" under the Administrative Procedure Act because many are non-profits. Of the total 113 congregate living facilities, the bed size range is 4 to 25.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Department has made an initial determination that these regulations would not have a significant

statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal would not significantly affect the following:

The creation or elimination of jobs within the State of California: The LGBT–curriculum requirement is introduced in an existing regulation requiring a variety of facility staff training programs.

The creation of new businesses or the elimination of existing businesses within the State of California because there are existing advocacy organizations that train long–term care providers and LGBT organizations on the best ways to support older LGBT persons in long–term care settings.

The expansion of businesses currently doing business within the State of California. The training requirements may create a business need for training programs.

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

The regulation will benefit the residents of California by addressing the need for cultural–competency training for healthcare providers providing care to LGBT seniors in long–term healthcare facilities. This training will improve the quality of life of LGBT residents in long–term care facilities and reduce the likelihood of residents experiencing discrimination by care providers.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(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 this 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 law.

TECHNICAL, THEORETICAL, AND/OR
EMPIRICAL STUDIES, REPORTS OR
DOCUMENTS RELIED UPON

A: Fredriksen–Goldsen KI, Hoy–Ellis CP, Goldsen J, Emler CA, Hooyman NR. Creating a vision for the future: key competencies and strategies for culturally competent practice with lesbian, gay, bisexual, and transgender (LGBT) older adults in the health and human services. *J Gerontol Soc Work*. 2014;57(0):80–107.

B: Institute of Medicine. 2011. “Later Adulthood” in *The Health of Lesbian, Gay, Bisexual and Transgender People: Building a Foundation for Better Understanding*. Washington, DC: The National Academies Press.

C: Kimmel D, Rose T, David S. 2006. *Lesbian, Gay, Bisexual and Transgender Aging: Research and Clinical Perspectives*. New York, NY: Columbia University Press.

D: Hughes AK, Harold RD, Boyer JM. Awareness of LGBT aging issues among aging services network providers. *J Gerontol Soc Work*. 2011;54:659–677.

E: Fredriksen–Goldsen KI, Kim H–J, Barkan SE, Muraco A, Hoy–Ellis CP. Health disparities among lesbian, gay, and bisexual older adults: results from a population–based study. *Am J Public Health*. 2013;103(10):1802–1809.

F: Jackson NC, Johnson MJ, Roberts R. The potential impact of discrimination fears of older gays, lesbians, bisexuals and transgender individuals living in small– to moderate–sized cities on long–term health care. *J Homosexuality*. 2008;54(3):325–339.

G: Portz JD, Retrum JH, Wright LA, et al. Assessing capacity for providing culturally competent services to LGBT older adults. *J Gerontol Social Work*. 2014;57: 305–321.

H: Brotman S, Ryan B, Cormier R. The health and social service needs of gay and lesbian elders and their families in Canada. *The Gerontologist*. 2003;43(2):192–202.

I: Hardacker CT, Rubinstein B, Hotton A, Houlberg M. Adding silver to the rainbow: the development of the nurses’ health education about LGBT elders (HEALE) cultural competency curriculum. *J Nursing Management*. 2014;22:257–266.

J: National Senior Citizen Law Center. 2011. *LGBT Older Adults in Long–Term Care Facilities: Stories from the Field*. Available at: <http://www.nslc.org/wp-content/uploads/2011/07/LGBT-Stories-from-the-Field.pdf>. Accessed August 11, 2014.

K: Moone RP, Cagle JG, Croghan CF, Smith J. Working with LGBT older adults: an assessment of employee training practices, needs, and preferences of senior service organizations in Minnesota. *J Gerontol Social Work*. 2014; 57:322–334.

CONTACT PERSON

Inquiries regarding the proposed regulatory action can be directed to Dawn Basciano, with the Department's Office of Regulations at (916) 440-7367, or the designated backup contact, Linda Cortez at (916) 440-7367.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 558-1710 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FINAL STATEMENT OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

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

The Department of Fish and Wildlife (Department) received a proposal on August 31, 2016, from Debra Barringer in Ventura, California, requesting authorization to take California Least Terns (*Sternula antillarum browni*; tern), for research purposes, consistent with protection and recovery of the species. The tern is a Fully Protected bird, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Ms. Barringer is planning to conduct research on the tern at Ventura County beaches, in accordance with methods approved by the Department and the U.S. Fish and Wildlife Service (under Recovery Permit TE89964A-0).

The purpose of the research is to quantify nesting success and assess the populations that utilize Ventura beaches in order to provide management guidance to beach owners, managers, and government agencies with statutory responsibility to protect the species. Activities will include monitoring reproductive output of terns using passive survey techniques such as transects, point counts, and area searches, and active survey techniques including entering active tern nesting areas to visually survey, mark, and monitor nests and determine age class of individuals. Salvage of abandoned tern eggs and salvage of tern carcasses may also occur.

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

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after January 28, 2017, for an initial and renewable term of three years. Contact: Nancy Frost, nancy.frost@wildlife.ca.gov, Phone (858) 467-4208.

**DEPARTMENT OF FISH AND
WILDLIFE**

**PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES**

Monitoring California Least Tern Nesting Colonies

The Department of Fish and Wildlife (Department) received a proposal on May 4, 2016, from Spencer Langdon, of San Pedro, California, requesting authorization to take California Least Terns (*Sternula antillarum browni*; tern), for research purposes, consistent with protection and recovery of the species. The tern is a Fully Protected bird, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Mr. Langdon is planning to conduct research on the tern in Los Angeles County, in accordance with methods approved by the Department and the U.S. Fish and Wildlife Service (Service; under Recovery Permit TE839078-6, or any later amendments).

The purpose of the research is to conduct surveys, and locate and monitor tern nests, and quantify nesting success. Permitted activities are restricted to the Pier 400 tern nesting colony, Port of Los Angeles, Los Angeles County, unless otherwise authorized by the Department and the Service. Activities will include monitoring reproductive output of terns using passive survey techniques such as transects, point counts, and area searches, and active survey techniques including entering active tern nesting areas to visually survey, mark, and monitor nests and determine age class of individuals. Salvage of abandoned tern eggs and salvage of tern carcasses may also occur.

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

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after January 28, 2017, for an initial and renewable term of three years. Contact: Nancy Frost, nancy.frost@wildlife.ca.gov. Phone (858) 467-4208.

**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**

**SETTLEMENT AGREEMENT REGARDING
FORMER CHICAGO
MUSICAL INSTRUMENTS SITE**

30-Day Public Comment Period:
December 30, 2016, through January 30, 2017

WHAT IS BEING PROPOSED: The California Department of Toxic Substances Control (DTSC) invites public comment on a proposed Settlement Agreement with United Duralume Products, Inc. (the “Settling Party”) regarding the Former Chicago Musical Instruments site (the “Site”). The Site is located at 350 South Raymond Avenue, Fullerton, California 92831. Historical operations at the Site resulted in the contamination of soil at, and groundwater beneath, the Site by volatile organic compounds (VOCs). DTSC has overseen the investigation and remediation of the Site since 2010. The proposed Settlement Agreement between DTSC and the Settling Party is entered into pursuant to California Health and Safety Code sections 25355.5(a)(1)(C) and 25358.3. The proposed Settlement Agreement constitutes an administrative settlement for purposes of section 113(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9613(f)(2).

The proposed Settlement Agreement requires the Settling Party to reimburse DTSC’s past response costs in the amount of \$1,125,000.00. The proposed Settlement Agreement requires the Settling Party, as the current owner of the Site, to provide Site access and cooperate with DTSC and any third parties in connection with the further investigation and remediation of VOC contamination at and from the Site. The proposed Settlement Agreement includes a covenant by DTSC not to sue the Settling Party, subject to a reservation of rights, and contribution protection for the Settling Party pursuant to section 113(f)(2) of CERCLA, 42 U.S.C. § 9613(f)(2).

DTSC will receive written comments on the proposed Settlement Agreement from **December 30, 2016, through January 30, 2017**. DTSC will consider all comments received. DTSC may modify or withdraw its consent to the proposed Settlement Agreement if comments received disclose facts or considerations that indicate the proposed Settlement Agreement is inappropriate, improper, or inadequate.

WHERE DO I GET MORE INFORMATION:

Copies of the proposed Settlement Agreement and other Site-related documents are available by contacting the DTSC Project Manager listed below; online at the DTSC EnviroStor website https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60001251; at the DTSC Regional Records Office, File Room, 5796 Corporate Avenue, Cypress, CA 90630, Phone: Jone Barrio (714) 484-5336; or at the Fullerton Public Library, 353 W. Commonwealth Avenue, Fullerton, CA 92832, Phone: (714) 738-6333.

WHERE TO SEND COMMENTS: Comments on the proposed Settlement Agreement should include “Former Chicago Musical Instruments Proposed Settlement Agreement” in the subject line of the e-mail or letter. All comments must be postmarked or e-mailed by **January 30, 2017**, and submitted to: Hossein Nassiri, Project Manager, 5796 Corporate Avenue, Cypress, CA 90630 or Hossein.Nassiri@dtsc.ca.gov.

For more information contact:

Hossein Nassiri
Project Manager
5796 Corporate Avenue
Cypress, California 90630
Hossein.Nassiri@dtsc.ca.gov
(714) 484-5432

Marcia Rubin
Public Participation Specialist
9211 Oakdale Ave.
Chatsworth, California 91311
Marcia.Rubin@dtsc.ca.gov
(818) 717-6565

Russ Edmonson
Public Information Officer
1001 I Street
Sacramento, California 95814
Russ.Edmonson@dtsc.ca.gov
(916) 323-2208

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)
NOTICE TO INTERESTED PARTIES**

**ISSUANCE OF A SAFE USE DETERMINATION
FOR
EXPOSURE TO PROFESSIONAL INSTALLERS
TO
DIISONONYL PHTHALATE IN VINYL
FLOORING PRODUCTS**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986¹. OEHHA received a request from the Resilient Floor Covering Institute (RFCI) on behalf of its member companies that OEHHA issue a Safe Use Determination (SUD) for professional flooring installer exposures to diisononyl phthalate (DINP) in vinyl flooring products, pursuant to OEHHA’s authority under Section 25204(a) of Title 27 of the California Code of Regulations². The products that are the subject of this request are non-textile vinyl flooring products used in residential, commercial and institutional buildings. These products are available either as sheets or tiles, and can be installed by both flooring professionals and do-it-yourself consumers. DINP was listed under Proposition 65 as a chemical known to the state to cause cancer effective December 20, 2013.

In accordance with the process set forth in Section 25204(f), OEHHA held a written public comment period on this request from January 2 to February 25, 2015. OEHHA also held a public hearing on February 25, 2015, in Sacramento, California. No public comments were received.

As provided in Sections 25204(a) and (k), OEHHA is issuing the following SUD to RFCI for DINP in certain vinyl flooring products:

- OEHHA is issuing a safe use determination for *DINP exposures to professional vinyl flooring installers* from vinyl flooring products *containing 8.7% DINP by weight, or less.*

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

² All further references are to sections of Title 27 of the California Code of Regulations unless otherwise stated.

The essential elements and results of OEHHA’s assessment are described in the supporting document available at: <http://oehha.ca.gov/proposition-65/proposition-65-safe-use-determinations-suds>.

Based on the screening level exposure analysis described in the supporting documentation, an upper-end estimate of DINP exposure from vinyl flooring products was made for professional vinyl flooring installers and compared to the No Significant Risk Level (NSRL) for DINP of 146 micrograms/day.

The estimated exposure to DINP from vinyl flooring products corresponds to a calculated excess cancer risk of one in 100,000 for professional installers as a result of installing vinyl flooring products containing 8.7% DINP by weight. Thus OEHHA determined that exposure of professional installers to DINP is at or below the NSRL when the DINP content in the vinyl flooring product is 8.7% by weight, or less. A warning would not be required for workers (i.e., professional installers) for products meeting this DINP concentration limit.

Supporting documentation for this Safe Use Determination is available on OEHHA’s web site.

Questions regarding this notice should be directed to:

Michelle Ramirez
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-12B
Sacramento, California 95812-4010

P65Public.Comments@oehha.ca.gov
Telephone: (916) 445-6900

**RULEMAKING PETITION
DECISION**

**STATE WATER RESOURCES CONTROL
BOARD**

VIA FIRST CLASS AND ELECTRONIC MAIL

December 15, 2016

Mr. Stephen Wells
Executive Director
Animal Legal Defense Fund
525 E. Cotati Avenue
Cotati, CA 94931

Dear Mr. Wells:

RESPONSE TO REQUEST FOR REGULATIONS

This letter is in response to your petition dated November 10, 2016, requesting that the State Water Resources Control Board (State Water Board or Board) adopt emergency water use regulations. The Board received your petition on November 15. Specifically, you request that the Board prohibit approval of new water rights permits and registrations for new or expanded animal feeding operations, curtail surface water diversions for new or expanded animal feeding operations, and convene an Advisory Group on animal agriculture and the drought with the Department of Water Resources. The stated purpose of the regulations would be to conserve water during the drought and prevent an allegedly wasteful and unreasonable use of water. Your request would be met through a new provision of title 23 of the California Code of Regulations adopted pursuant to section 1058 or 1058.5 of the Water Code.¹

The State Water Board acknowledges and is deeply concerned with the impacts of the ongoing drought, including the effects on public health, jobs, and the environment described in your petition. The Board appreciates the thoughtfulness and creativity with which all Californians are working to address the drought and other pressing public policy challenges in our state. While the Board shares the very real concerns for our water supply and the human and ecosystem uses that depend on it, the Board is unable to move forward with the particular rulemaking proposed in your petition given available information and resources.

Your petition thoroughly documents water consumption and other environmental effects of animal agriculture relative to crops. While the current drought has required substantial reductions in water use, the State Water Board has relied primarily on application and enforcement of the water right priority system to achieve a level of diversion consistent with available supplies. Market forces have often been sufficient to guide the allocation of scarce water resources among competing residential, commercial, industrial, and agricultural demand. This has been particularly true within the agricultural sector, where improved efficiencies and voluntary transfers have helped to maintain economic output despite reduced supplies.

Whether a particular use is reasonable depends on the facts and circumstances of a particular case. What may be unreasonable in an area of water scarcity may be reasonable where water supplies exceed what is needed.

¹ In transmitting a denial of a request for rulemaking to the Office of Administrative Law, Government Code section 11340.7, subdivision (d) requires that the State Water Board include certain information, including the provisions of the California Code of Regulations requested to be affected, and reference to authority to take the action requested.

California also has a rich agricultural tradition, including ranching and raising of livestock. While there is a place for statewide water conservation requirements, particularly with respect to urban water use for ornamental landscaping, the diversity and complexity of California's agricultural sector and its demonstrated ability to improve efficiencies in response to shortage suggest that further study would be necessary before considering statewide restrictions against expansion of a particular agricultural use. This effort exceeds the resources currently available to the State Water Board, given the many demands on our staff in the ongoing drought emergency.

Thank you for your petition and for your interest in protecting California's scarce water resources.

Sincerely,

/s/

Thomas Howard
Executive Director

**SUSPENSION OF
ACTION REGARDING
UNDERGROUND REGULATIONS**

CALIFORNIA HORSE RACING BOARD

OFFICE OF ADMINISTRATIVE LAW

**SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the
California Code of Regulations)**

On October 17, 2016, the Office of Administrative Law (OAL) received a petition challenging the California Horse Racing Board as having underground regulations with respect to the following Governing Procedures for Disciplinary Hearings:

Governing Procedures for non-drug related violations before the Board of Stewards;

Governing Procedures for Class 1, 2, or 3 Drug Violations cases; and,

Governing Procedures for Class 1, 2, or 3 Drug Violation cases where revocation of license is the penalty sought.

On December 13, 2016, the California Horse Racing Board certified to OAL that the challenged rules had been rescinded; therefore, pursuant to Title 1, section

280 of the California Code of Regulations, OAL must suspend all action on this petition.

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 under the "Publications" button. 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, PHONE (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**DEPARTMENT OF INDUSTRIAL
RELATIONS**

In re:

Department of Industrial Relations

Regulatory Action:

Title 8, California Code of Regulations

Amend sections: 15203.2(d)

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2016-1028-02

OAL Matter Type: Regular (S)

SUMMARY OF RULEMAKING ACTION

In this rulemaking action, the Department of Industrial Relations, Office of Self-Insured Plans amends numerous sections in Title 8 of the California Code of Regulations (CCR), as well as a number of forms incorporated therein by reference, so as to streamline regulations for self-insured plans. The action establishes an online platform for the submission of annual reports, eliminates certain financial and reporting requirements, simplifies or replaces application and reporting forms, and simplifies requirements for the application and renewal processes.

DECISION

OAL disapproved proposed amendments to subdivision (d) of section 15203.2 of Title 8 of the CCR in the above-described rulemaking action for failure to com-

ply with the clarity standard of the Administrative Procedure Act (APA), pursuant to Government Code sections 11349(c) and 11349.1(a)(3).

CONCLUSION

For the foregoing reasons, OAL disapproved the proposed amendments of section 15203.2(d) in the above-referenced rulemaking action. Pursuant to Government Code section 11349.4(a), the Department may resubmit a revised section 15203.2(d) within 120 days of its receipt of this Decision of Disapproval. Prior to that, the Department shall make all substantial regulatory text changes, which are sufficiently related to the original text, available for at least 15 days for public comment pursuant to Government Code sections 11346.8 and Title 1 CCR section 44. OAL reserves the right to review the Department’s resubmitted regulation and rulemaking record for compliance with all substantive and procedural requirements of the APA.

Date: December 21, 2016

Dale P. Mentink
Senior Attorney

For: Debra M. Cornez
Director

Original: Christine Baker
Copy: Lyn Asio Booz

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

In re:
Osteopathic Medical Board of California

Regulatory Action:

Title 16, California Code of Regulations

Amend sections: 1661.2, 1663

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2016-1025-04

OAL Matter Type: Regular (S)

SUMMARY OF REGULATORY ACTION

This rulemaking action by the Osteopathic Medical Board of California (Board) was proposed to update the

Board’s existing Disciplinary Guidelines and incorporate the Uniform Standards Regarding Substance-Abusing Healing Arts Licensees, April 2011 in accordance with Business and Professions Code section 315.

DECISION

On October 25, 2016, the Board submitted the above-referenced regulatory action to the Office of Administrative Law (OAL) for review. On December 9, 2016, OAL notified the Board of the disapproval of this regulatory action. The reasons for the disapproval were failure to comply with the “consistency,” “clarity,” and “necessity” standards of Government Code section 11349.1. The Board also failed to follow all required procedures under the California Administrative Procedure Act (APA). This Decision of Disapproval of Regulatory Action explains the reasons for OAL’s action.

CONCLUSION

For the reasons set forth above, OAL has disapproved this regulatory action. Pursuant to Government Code section 11349.4, subdivision (a), the Board 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 issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR prior to adoption by the Board. Additionally, any supplement to the ISR or other document the Board may create or otherwise propose to add to the record in order to address the necessity issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11347.1 prior to adoption by the Board. The Board must document in the rulemaking file its approval of the final text after consideration of all public comments and relevant information, as well as 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: December 16, 2016

Eric Partington
Senior Attorney

For: Debra M. Cornez
Director

Original: Angelina Burton
Copy: Machiko Chong

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2016-1109-01
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS
Corner Record

This rulemaking by the Board for Professional Engineers, Land Surveyors, and Geologists (Board) amends section 464 in Title 16 of the California Code of Regulations regarding information needed to complete the Corner Record form. This action updates the Corner Record form to make it more relevant to the current practice of land surveying and provide additional clarity to the licensee and to the agency to which it is being submitted.

Title 16
AMEND: 464
Filed 12/21/2016
Effective 04/01/2017
Agency Contact: Billie Baldo (916) 263-2240

File# 2016-1101-01
BUREAU OF REAL ESTATE APPRAISERS
Disciplinary Guidelines

In this regulatory action, the Bureau adopts section 3733 in Title 10 of the California Code of Regulations. The adopted regulation incorporates by reference a Manual of Disciplinary Guidelines and Model Disciplinary Orders, which establishes disciplinary guidelines for administrative law judges to use when evaluating appropriate discipline to be imposed during enforcement actions. The guidelines detail each violation and assign that violation a minimum and maximum discipline. The guidelines also identify various mitigating and aggravating factors to assist in determining which minimum, maximum or some other discipline in between should be applied to the respondent.

Title 10
ADOPT: 3733
Filed 12/15/2016
Effective 04/01/2017
Agency Contact: Kyle Muteff (916) 341-6126

File# 2016-1205-04
CALIFORNIA DEBT LIMIT ALLOCATION
COMMITTEE
Bond Purchase and Compliance Expansion

In this emergency rulemaking, the California Debt Limit Allocation Committee (the "Committee") is adopting three, amending 31, and repealing one section(s) in title 4 of the California Code of Regulations. Government Code section 8869.84(c) states, "The [C]ommittee shall prepare application forms and announce procedures for receipt and review of applications from state and local agencies desiring to issue private activity bonds." The allocation system provides tax-exempt private activity bond allocation to state and local agencies. The changes in this emergency rulemaking affect (1) issuer accountability, (2) high-cost projects, (3) cash flow bond financing, and (4) coordination with the United States Department of Housing and Urban Development. Lastly, the Committee is adopting, amending, and repealing a total of 23 documents incorporated by reference.

Title 4
ADOPT: 5145, 5146, 5233 AMEND: 5000, 5020,
5031, 5033, 5050, 5051, 5054, 5062, 5063, 5106,
5144, 5170, 5191, 5192, 5194, 5200, 5220, 5230,
5240, 5250, 5255, 5258, 5260, 5300, 5342, 5350,
5370, 5400, 5450, 5560, 5600 REPEAL: 5221
Filed 12/15/2016
Effective 12/15/2016
Agency Contact: Felicity Wood (916) 651-8484

File# 2016-1103-06
COMMISSION ON TEACHER CREDENTIALING
Reauthorization of Elementary Subject Matter
Programs

The Commission on Teacher Credentialing (Commission) in this rulemaking is amending three sections in title 5 of the California Code of Regulations. Currently, all candidates for a Multiple Subject Credential must pass the Commission-adopted examination to satisfy the subject matter requirement. In this action the Commission is providing an alternative path of completing coursework at authorized institutions for candidates to satisfy the subject matter requirement. This rulemaking also allows Multiple Subject Credential candidates to use this new pathway when seeking to add an additional credential type. Finally, this rulemaking provides that individuals holding either the Reading and Literacy Leadership Specialist Credential or the Reading and

Literacy Added Authorization are exempt from verifying the completion of the reading course and the Reading Instruction Competence Assessment.

Title 5
AMEND: 80048.8, 80413, 80499
Filed 12/19/2016
Effective 04/01/2017
Agency Contact: David Crable (916) 323-5119

File# 2016-1205-05
DEPARTMENT OF FISH AND WILDLIFE
Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 14
AMEND: 782
Filed 12/21/2016
Effective 01/20/2017
Agency Contact: Craig Martz (916) 653-4674

File# 2016-1102-07
DEPARTMENT OF FOOD AND AGRICULTURE
Administrative Penalties for Egg Quality Control

This action adopts an administrative penalty schedule and procedures for the implementation of administrative penalties against persons violating statutes or regulations relating to eggs.

Title 3
ADOPT: 1358.6
Filed 12/19/2016
Effective 01/01/2017
Agency Contact: Nancy Grillo (916) 900-5033

File# 2016-1212-02
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture amends section 3435 of title 3 of the California Code of Regulations to prohibit the movement of bulk citrus within quarantine areas, except for shipments moved under the terms of a special permit as authorized under section 3154 of title 3 of the CCR.

Title 3
AMEND: 3435(d)
Filed 12/21/2016
Effective 12/21/2016
Agency Contact: Dean Kelch (916) 403-6650

File# 2016-1028-02
DEPARTMENT OF INDUSTRIAL RELATIONS
Workers' Compensation-Self-Insurance

In this rulemaking action, the Department of Industrial Relations, Office of Self-Insured Plans amends numerous sections in Title 8 of the California Code of Regulations, as well as a number of forms incorporated therein by reference, so as to streamline regulations for self-insured plans. The action establishes an online platform for the submission of annual reports, eliminates certain financial and reporting requirements, simplifies or replaces application and reporting forms, and simplifies requirements for the application and renewal processes.

Title 8
AMEND: 15201, 15203, 15203.2, 15203.3, 15203.5, 15203.6, 15203.7, 15203.10, 15204, 15205, 15209, 15210, 15210.1, 15210.2, 15211.1, 15211.2, 15216, 15220, 15220.2, 15230, 15251, 15353, 15405, 15422, 15426, 15431.1, 15471, 15472, 15475.2, 15475.3, 15476, 15479, 15480, 15481, 15482, 15482.1, 15482.2, 15483, 15484, 15486, 15486.1, 15487, 15491, 15496, 15497
Filed 12/14/2016
Effective 01/01/2017
Agency Contact: Lyn Asio Booz (916) 464-7105

File# 2016-1107-01
DEPARTMENT OF MOTOR VEHICLES
Registration Services

This action without regulatory effect by the Department of Motor Vehicles amends section 330.42 of title 13 of the California Code of Regulations to repeal Form REG 600 (New 03/27/03), which is incorporated by reference, and relocate regulatory provisions within Form REG 600 to section 330.42.

Title 13
AMEND: 330.42
Filed 12/21/2016
Agency Contact: Kari Johnson (916) 657-6469

File# 2016-1114-01
DIVISION OF WORKERS' COMPENSATION
Workers' Compensation — Official Medical Fee Schedule

The Department of Industrial Relations, Division of Workers' Compensation submitted this file and print action to amend five sections in title 8 of the California Code of Regulations that are under the Official Medical Fee Schedule and that pertain to the Hospital Outpatient Departments and Ambulatory Surgical Centers Fee Schedule. This action is exempt from the Administrative Procedure Act pursuant to Government Code section 11340.9(g).

Title 8
 AMEND: 9789.30, 9789.31, 9789.32, 9789.33,
 9789.39
 Filed 12/15/2016
 Effective 12/15/2016
 Agency Contact: Jarvia Shu (510) 286-0646

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN July 20, 2016 TO
 December 21, 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

12/12/16 AMEND: 1859.2, 1859.76
 12/08/16 AMEND: 22999
 12/01/16 AMEND: 18544, 18545, 18700, 18730,
 18940.2
 11/28/16 AMEND: 10500
 11/22/16 AMEND: 18940
 11/17/16 AMEND: 3001(a)(9), 3004(c)
 11/10/16 ADOPT: 554.2 AMEND: 554, 554.1,
 554.2, 554.3, 554.4, 554.5, 554.6, 554.7,
 554.8, 554.9, 554.10
 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
 09/07/16 ADOPT: 3000, 3001, 3002, 3003, 3004,
 3005, 3006, 3007, 3008, 3009, 3010,
 3011, 3012, 3013, 3014, 3015, 3016
 08/31/16 AMEND: 18531.5
 08/17/16 AMEND: 18239
 08/17/16 AMEND: 59000
 07/29/16 ADOPT: 599.860

Title 3

12/21/16 AMEND: 3435(d)
 12/19/16 ADOPT: 1358.6
 12/05/16 AMEND: 3435(b)
 12/05/16 AMEND: 3435(b)
 12/05/16 AMEND: 3435(b)
 12/05/16 ADOPT: 3591.27
 12/05/16 AMEND: 3435(b)
 12/01/16 AMEND: 3435(b)
 11/22/16 AMEND: 3024.8
 11/17/16 AMEND: 3435(b)
 11/14/16 AMEND: 3435(b)
 11/09/16 AMEND: 3
 11/09/16 AMEND: 3435(b)
 11/08/16 AMEND: 3435(b)
 11/03/16 AMEND: 3589(a)
 11/02/16 ADOPT: 3591.28
 11/02/16 AMEND: 3591.12
 10/28/16 AMEND: 3435(b)
 10/28/16 AMEND: 3435(b)
 10/19/16 AMEND: 3435(b)
 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
 10/13/16 AMEND: 3435(b)
 10/12/16 ADOPT: 6302 AMEND: 6414
 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
 09/20/16 AMEND: 3435(b)
 09/20/16 AMEND: 3435(b)
 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)

Title 4

12/15/16 ADOPT: 5145, 5146, 5233 AMEND:
 5000, 5020, 5031, 5033, 5050, 5051,
 5054, 5062, 5063, 5106, 5144, 5170,
 5191, 5192, 5194, 5200, 5220, 5230,
 5240, 5250, 5255, 5258, 5260, 5300,
 5342, 5350, 5370, 5400, 5450, 5560,
 5600 REPEAL: 5221
 12/07/16 ADOPT: 299 AMEND: 297, 300
 12/01/16 AMEND: 10170.16, 10170.17,
 10170.18, 10170.19, 10170.20,
 10170.21, 10170.22, 10170.23
 11/22/16 AMEND: 1699
 11/17/16 AMEND: 7113, 7116, 7121, 7051, 7055
 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

Title 5

12/19/16 AMEND: 80048.8, 80413, 80499
 12/05/16 AMEND: 80015, 80015.1, 80071
 11/15/16 ADOPT: 11524, 11525 AMEND: 11520,
 11521, 11522
 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

Title 7

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

Title 8

12/15/16 AMEND: 9789.30, 9789.31, 9789.32,
 9789.33, 9789.39
 12/14/16 AMEND: 15201, 15203, 15203.2,
 15203.3, 15203.5, 15203.6, 15203.7,
 15203.10, 15204, 15205, 15209, 15210,
 15210.1, 15210.2, 15211.1, 15211.2,
 15216, 15220, 15220.2, 15230, 15251,
 15353, 15405, 15422, 15426, 15431.1,
 15471, 15472, 15475.2, 15475.3, 15476,
 15479, 15480, 15481, 15482, 15482.1,
 15482.2, 15483, 15484, 15486, 15486.1,
 15487, 15491, 15496, 15497
 12/08/16 ADOPT: 3342
 12/05/16 AMEND: 3273
 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

Title 9

09/16/16 ADOPT: 4700, 4710, 4711, 4712, 4713,
 4714, 4715, 4716, 4717

Title 10

12/15/16 ADOPT: 3733
 12/12/16 AMEND: 2695.8(e)
 12/12/16 AMEND: 6658, 6660, 6664
 12/06/16 AMEND: 2318.6, 2353.1, 2354
 11/30/16 ADOPT: 2695.81, 2695.82 AMEND:
 2698.91
 11/29/16 AMEND: 2690, 2690.1, 2690.2
 11/28/16 ADOPT: 6464
 11/21/16 AMEND: 8000, 8030
 11/02/16 AMEND: 2498.6
 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	11/15/16	ADOPT: 131
08/29/16	AMEND: 3569	11/10/16	AMEND: 300, 311, 745.5
08/10/16	AMEND: 250.30 REPEAL: 5.2000, 5.2001	11/02/16	AMEND: 1.53, 27.00, 28.65
08/09/16	AMEND: 2498.6	10/31/16	AMEND: 1724.9
08/09/16	AMEND: 2498.4.9	10/27/16	AMEND: 29.45
08/09/16	AMEND: 2498.6	10/26/16	AMEND: 180.6
08/09/16	AMEND: 2498.4.9, 2498.6	10/17/16	AMEND: 665
08/08/16	AMEND: 2498.5	10/06/16	AMEND: 895.1, 898.2
Title 11		10/04/16	ADOPT: 17403.3.1 AMEND: 17402, 17403.0, 17405.0
11/22/16	AMEND: 1005	10/04/16	AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07
10/31/16	AMEND: 1950, 1953	09/27/16	AMEND: Appendix G
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: 18660.40
09/22/16	AMEND: 1001, 1052, 1053	09/13/16	ADOPT: 250.2
09/08/16	AMEND: 1001, 1014, 1015, 1055	09/08/16	AMEND: 913.4, 933.4
08/30/16	ADOPT: 3205 AMEND: 3000, 3001, 3003, 3201, 3203, 3204	09/01/16	ADOPT: 820.02
08/02/16	AMEND: 1003, 1055, 1081, 1950, 1959	09/01/16	ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797
07/28/16	AMEND: 1005, 1007, 1008	09/01/16	ADOPT: 817.04 AMEND: 790
Title 12		08/30/16	AMEND: 699.5
08/31/16	AMEND: 452, 453	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
08/30/16	ADOPT: 463, 464 AMEND: 461	08/03/16	AMEND: 29.85
Title 13		08/01/16	ADOPT: 131
12/21/16	AMEND: 330.42	08/01/16	AMEND: 1724.9
12/06/16	AMEND: 590	07/27/16	ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1
11/29/16	AMEND: 120.00, 120.01	07/27/16	ADOPT: 708.18 AMEND: 265, 353, 360, 361, 362, 363, 364, 364.1
11/29/16	AMEND: 152.00, 155.04	07/25/16	AMEND: 13055
11/22/16	AMEND: 1239	Title 15	
11/03/16	ADOPT: 345.44, 345.45, 345.46, 345.47 AMEND: 345.48, 345.56, 345.65, 345.66 REPEAL: 345.44, 345.45, 345.46, 345.47	11/17/16	AMEND: 8105
10/17/16	AMEND: Appendix Article 2.0	11/14/16	AMEND: 3140
10/17/16	AMEND: 268.12	11/09/16	ADOPT: 8106.1
10/06/16	AMEND: 15.08	10/20/16	ADOPT: 3401.6 AMEND: 3084.2, 3084.6, 3084.8, 3084.9, 3323, 3335, 3401.5
09/20/16	ADOPT: 222.00, 222.02	10/20/16	AMEND: 3134.1, 3136
09/01/16	AMEND: 550	10/19/16	ADOPT: 3999.21
08/23/16	AMEND: 1606, 16.08, Appendix	10/11/16	AMEND: 3000, 3078.1, 3078.2, 3078.3, 3078.4
07/25/16	AMEND: 1202.1, 1202.2, 1232	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
07/25/16	AMEND: 1900, 1956.8, 1968.2, 1968.5, 1971.1, 1971.5, 2485, 95302, 95662	09/06/16	ADOPT: 3040.2 AMEND: 3000, 3040.1, 3041, 3041.3, 3043.6, 3379
Title 14		08/17/16	AMEND: 3000, 3306, 3323
12/21/16	AMEND: 782	08/11/16	AMEND: 3375.1, 3377
12/12/16	AMEND: 28301		
12/08/16	ADOPT: 782.1		
12/01/16	AMEND: 895.1, 1032.7		
11/29/16	AMEND: 670.5		
11/17/16	AMEND: 670.5		
11/15/16	AMEND: 1104.1		

Title 16

12/21/16 AMEND: 464
 12/13/16 ADOPT: 1730, 1730.1 AMEND: 1730.2, 1731 [renumbered], 1749
 12/06/16 ADOPT: 1582 AMEND: 1516
 11/29/16 AMEND: 2760
 11/15/16 AMEND: 816, 832, 832.16, 864, 865, 867, 869.1, 869.5, 870 REPEAL: 817
 11/09/16 AMEND: 1536, 1571
 11/07/16 AMEND: 42
 10/27/16 AMEND: 1328.1
 10/25/16 ADOPT: 1399.140.1 AMEND: 1399.140, 1399.141, 1399.142, 1399.143, 1399.144
 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

Title 17

12/05/16 ADOPT: 100504
 10/26/16 AMEND: 94006
 08/11/16 AMEND: 6901, 6902, 6903
 07/25/16 ADOPT: 51000, 51001, 51002

Title 18

12/08/16 AMEND: 1597

11/17/16 ADOPT: 19195-1, 19195-2
 10/26/16 AMEND: 462.040
 10/26/16 AMEND: 282, 283
 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

Title 20

11/30/16 AMEND: 97174, 97176 REPEAL: 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97196, 97198
 11/28/16 AMEND: 40679
 11/01/16 AMEND: 1601, 1602, 1604, 1605.1, 1605.3, 1606, 1607
 10/31/16 AMEND: 1391, 1392, 1393, 1394

Title 21

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

Title 22

11/30/16 AMEND: 97174, 97176 REPEAL: 97178, 97180, 97182, 97184, 97186, 97188, 97190, 97192, 97196, 97198
 11/28/16 AMEND: 40679
 11/22/16 AMEND: 65523, 65529, 65530
 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
 09/12/16 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75
 08/31/16 REPEAL: 100031, 100032, 100033, 100034, 100035, 100036, 100037, 100038, 100039, 100040, 100041, 100042
 08/01/16 AMEND: 51516.1
 07/20/16 AMEND: 97212, 97215, 97225, 97226, 97227, 97228, 97229, 97248, 97252, 97258, 97259, 97260, 97264 REPEAL: 97261

Title 22, MPP

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

Title 23

12/13/16 ADOPT: 3919.17

11/22/16 AMEND: 5001
 11/14/16 AMEND: 2200, 2200.1, 2200.2, 2200.5,
 2200.6, 2200.7, 2200.8, 2200.9
 11/03/16 ADOPT: 3909.5
 11/03/16 AMEND: 1062, 1064, 1066
 11/02/16 AMEND: 645
 10/17/16 ADOPT: 879
 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
 08/17/16 ADOPT: 3939.50
 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

Title 25

10/31/16 AMEND: 8200, 8201, 8204, 8205, 8206,
 8208, 8210, 8211, 8212, 8212.3, 8214,
 8215, 8216, 8217, 8218
 07/28/16 ADOPT: 7062.5, 7065.5 AMEND: 7065

Title 27

11/30/16 AMEND: 25603.3
 11/14/16 AMEND: 27001
 11/07/16 AMEND: 27001
 10/06/16 AMEND: 25603.3
 09/08/16 AMEND: 27001
 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 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

08/10/16 AMEND: 27001
 08/09/16 AMEND: 27001
 07/28/16 AMEND: 27001
 07/27/16 AMEND: 25805

Title 28

11/28/16 AMEND: 1300.67.005

Title MPP

11/02/16 AMEND: 22-000, 22-001, 22-003,
 22-004, 22-009, 22-045, 22-047,
 22-049, 22-051, 2-053, 22-054,
 22-055, 22-059, 22-060, 22-061,
 22-063, 22-065, 22-071, 22-072,
 22-073, 22-077, 22-078, 22-085
 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
 08/01/16 ADOPT: 42-749 AMEND: 41-440,
 42-711, 42-716, 44-207

**NOTICE OF EDITORIAL
 CORRECTION**

**DEPARTMENT OF FOOD AND
 AGRICULTURE**

In the December 9, 2016 Notice Register 2016, 50-Z, under the PROPOSED ACTION ON REGULATIONS, three Notices of Proposed Rulemakings concerning the Department of Food and Agriculture were incorrectly published.

The correct versions of these Notices are being published in this Notice Register, along with new written comment deadlines.

We regret the error and apologize for any inconvenience.

