

**State of California
Office of Administrative Law**



In re:
Department of Resources Recycling and Recovery

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 17944.1, 17945.1, 17945.4, 17946, 17946.5, 17948.1, 17948.2

Amend sections: 17943, 17944, 17946(a)-(h) renumber as 17945.2 and amend, 17946(i) renumber as 17945.3 and amend, 17946.5 renumber as 17945.5 and amend, 17947, 17948, 17948.5, 17949

Repeal sections: 17942, 17944.2, 17944.5, 17945

**NOTICE OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2012-0210-07 S

This rulemaking action would have revised, clarified, simplified, and updated regulations in Title 14 of the California Code of Regulations governing the compliance certification process, compliance formulas and calculations, alternative compliance method, and penalty calculations for manufacturers of products sold or offered for sale in California and contained in rigid plastic packaging containers.

OAL disapproves this regulatory action for the following reasons:

The agency failed to follow the required procedure, pursuant to Government Code section 11347.1, regarding notice to the public of the availability for inspection of technical, theoretical, or empirical studies, reports, and similar documents which were added to the rulemaking file and relied upon by the agency in proposing the action.

The agency failed to follow the required procedure, pursuant to Government Code section 11346.8(c), regarding notice to the public of the availability for comment of substantive changes to the regulation text which were adopted by the agency.

The agency failed to follow the required procedure, pursuant to Government Code section 11347.3(b)(7), of including in the rulemaking file all data and other factual information, technical, theoretical, and empirical studies and reports on which the agency relied in proposing the action.

The disapproved regulations also fail to comply with the Reference standard of Government Code section 11349.1.

Within seven (7) calendar days of the date of this notice, the Office of Administrative Law will send the adopting agency a written decision detailing the reason(s) for disapproval of this regulatory filing. Pursuant to Government Code section 11349.4, the adopting agency may resubmit the regulation(s) within 120 calendar days of receipt of that written decision.

Date: 3/8/2012



Dale P. Mentink
Senior Staff Counsel

For: DEBRA M. CORNEZ
Assistant Chief Counsel/
Acting Director

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