



MEMORANDUM

DATE	October 8, 2013
TO	Veterinary Medical Board
FROM	Sue Geranen Executive Officer DCA/Veterinary Medical Board
SUBJECT	Pet Lovers License Plate Proposed Regulations

Background:

At its January 2013 meeting the Board approved proposed pet lovers license plate regulations and delegated to staff to initiate the rulemaking process. Subsequently, Judie Mancuso along with Board staff and legal counsel reviewed and suggested amendments to the proposed language that strengthens assurances that the grant funds are properly distributed and accounted.

The Board reviewed the proposed language at its July meeting, approved amendments, and directed staff to schedule a public hearing.

Staff issued the 45-day Notice for public comment on August 23, 2013 and held the regulatory hearing on October 8, 2013. There were no public comments received during the 45-day comment period or public hearing.

Action Requested:

Review and approved proposed language and direct staff to proceed with the rulemaking action and make any necessary non-substantive changes.

**Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

Notice of Proposed Changes

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Donner Room at 2005 Evergreen Street, Sacramento, California at 10 a.m. on Tuesday, October 8, 2013.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on Monday, October 7, 2013, or must be received by the Board at the hearing.

The Board upon its own motion or at the instance of any interested party may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference:

Pursuant to authority vested by Business and Professions Code Section 4808 and Vehicle Code (VC) Section 5156 to implement, interpret or make specific VC Section 5156 and 5157, the Board is considering changes to Division 20 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC section 4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinarian Medicine Practice Act.

This regulatory proposal adopt CCR sections 2090, 2090.1, 2091, 2091.1, 2092, 2092.1, 2093, 2094, 2095, 2095.1, 2095.2, and 2095.3.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The California Spay and Neuter License Plate Fund Incorporated (Fund) established a need for no and low cost animal sterilization due to the lack of access to affordable animal sterilization services as well as the increasing number of animal euthanasia. In accordance with Vehicle Code, a state agency may sponsor a specialized license plate program.

The regulatory action will define the Fund's relationship as the administrator of the license plate program and the Board as the sponsoring state agency. The Board, as the

sponsoring state agency, will provide oversight authority and is able to ensure funds raised by the specialized license plate program are allocated for their intended purpose.

C. Consistency and Compatibility with Existing State Regulations

The Board has evaluated this regulatory proposal and it is not inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

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

Business Impact:

The proposed regulation 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. VC Section 5060 establishes the Board may sponsor a DMV specialized license plate program at the request of a tax-exempt organization. The proposed language specifies certain eligibility, expenditure and reporting requirements for both the Fund and grantees.

Reporting Requirement

The Board finds that it is necessary for the health, safety, or welfare of the people of this state that the proposed regulation which requires a report apply to businesses.

The proposed regulation requirements impose grantees, who may be a business, provide receipts and records of sterilization services and that the grantee will maintain its records as open for inspection or audit in order to ensure grant funds are expended for their intended purpose. The Board anticipates this reporting requirement will not significantly impact businesses as individual veterinarians are already obligated to keep records for any act requiring a license, including animal sterilization procedures, in accordance with the Veterinary Medicine Practice Act.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The proposed regulation will not have a significant adverse economic impact on small businesses. VC Section 5060 establishes the Board may sponsor a DMV specialized license plate program at the request of a tax-exempt organization.

Grantees of the program, which may be a small business, would be required records relative to animal sterilizations for the purpose of reporting to the Fund.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Fund, with the Board's oversight as the sponsoring entity, will provide no and low cost animal sterilization due to the lack of access to affordable animal sterilization services as well as the increasing number of animal euthanasia.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would 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 proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Sacramento, California 95815

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ethan Mathes
Address: Veterinary Medical Board
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815
Telephone No.: 916-263-1598
Fax No.: 916-263-2621
E-Mail Address: ethan.mathes@dca.ca.gov

The backup contact person is:

Name: Susan Geranen, Executive Officer
Address: same as above
Telephone No.: 916-263-2610
Fax No.: 916-263-2621
E-Mail Address: vmb@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.vmb.ca.gov.

Title 16. Professional and Vocational Regulations Division 20. Veterinary Medical Board

*Changes to the modified language are shown in
strikeout for deleted text and underline for new text.*

2090. Program Overview

The Veterinary Medical Board of California ("Board"), as the sponsoring state agency, recognizes the California Spay and Neuter License Plate Fund Inc. ("Fund"), a non-profit California corporation, as the organization that will administer and manage the California Pet Lovers License Plate Program ("Program"), which uses revenues from the original issuance, renewal, retention, replacement, or transfer of the license plates to provide funding to no or low cost animal sterilization services from approved providers of those services ("Grantees").

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2090.1. Ownership of Program Title

The title "California Pet Lovers License Plate Program" is wholly owned by the Fund. If at any time the Fund's role for administration and management of the Program terminates, the Board shall immediately cease use of this title.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2091. Withdrawal of Recognition by Board

The Board may withdraw its recognition of the Fund in the following circumstances:

(a) If the Fund employs fraud, misrepresentation, or deception in administering or managing the Program or its funds.

(b) If the Fund fails to provide any documents or records that are requested by the Board.

(c) If the Fund fails to qualify for non-profit status under Section 501(c)(3) of the Internal Revenue Code and Section 23701(d) of the Revenue and Taxation Code.

(d) If the Fund fails to comply with this Article, or any state or federal tax requirements, and it fails to correct the lack of compliance within 120 days of its discovery.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2091.1. Notice and Opportunity to be Heard

Prior to taking any action to withdraw recognition of the Fund, the Board shall provide the Fund due notice and an opportunity to be heard.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2092. Reporting Requirements

The Fund shall prepare and submit an accounting report to the Board by May 31 of each year. The report shall be made available for presentation at the public meeting of the board, and the report shall include all of the following:

(a) A list of the Fund's board members.

(b) A copy of the Fund's bylaws.

(b) A list of all Grantees approved by the Fund.

(c) The amount of funds given to Grantees.

(d) The total amount of revenue collected by the Fund.

(e) The amounts of expenditures for administrative costs, marketing, or other promotional activities associated with encouraging application for, or renewal of, the specialized plates.

(f) The number of animal sterilization procedures performed by Grantees with Program funds, per geographic region.

(g) All comments, complaints, or feedback, received by the Fund about the Program or any Grantee.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156 and 5160, Vehicle Code

2092.1. Notifications

The Fund shall notify the Board in writing within 15 working days of any of the following:

(a) The departure of any board member.

(b) The appointment of any board member.

(c) Any change to the Fund's current bylaws, or

(d) Any change in the Fund's California non-profit 501(c)(3) status.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156 and 5160, Vehicle Code

2093. Grantee Eligibility

An entity is eligible to be a Grantee of the Program if it meets the following criteria:

(a) An entity is eligible to be a Grantee of the Program if it is at least one of the following:

(1) A California licensed Veterinarian or Veterinary Medical Association;

(2) A California City, County, or City and County;

(3) A California City, County, or City and County Animal Care and Control Department or Police Department that provides animal care and control services;

(4) A California non-profit 501(c)(3) organization.

(b) An entity is eligible to be a Grantee of the Program if it does at least one of the following:

(1) Currently provides, or has the ability to provide, animal sterilization services;

(2) Currently contracts with, or has the ability to contract with, providers of animal sterilization services;

(3) Operates, or has the ability to operate, a voucher program for animal sterilization service providers.

(c) An entity is eligible to be a Grantee of the Program if it complies with all of the following as applicable:

(1) The Veterinary Medicine Practice Act;

(2) The U.S. Internal Revenue Service;

(3) The California Franchise Tax Board; and

(4) The California Veterinary Public Health Section, including mandated rabies control activities and reporting for the Local Rabies Control Activities Annual Report.

(5) Hold a valid veterinary premises registration as required by Section 4853 of the Code.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2093.1 Grantee Application

The Fund reserves the right, on an annual basis, to approve applications on a “first come/first served” basis depending on availability of funds and other criteria that promotes the official work of this program.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2094. Grantee Requirements

Every Grantee shall agree to the following Program requirements prior to receipt of funding:

(a) Grantee shall provide information and records as requested by the Fund, including but not limited to, receipts and records of sterilization procedures.

(b) Grantee shall maintain its operations and records as open for inspection or audit by the Fund.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2095. Funding Purposes

(a) Grantees receive funding to provide specific services in addition to existing services already funded and provided by that Grantee.

(b) Grantees shall use Program funds for no or low cost sterilization of only dogs, cats, and rabbits.

(c) Grantees shall not use Program funds for any of the following:

(1) To replace or supplant existing sterilization procedures, including any sterilization already required by Food and Agriculture Code § 30503 i.e., impounded animals.

(2) To fund overhead and/or operational costs.

(3) To offset any other budget reductions or shortcomings in the Grantee's general fund.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2095.1. Separation of Funds

Grantees, including governmental entities, shall keep and maintain all Program funds segregated from all other revenue, such that there shall be no commingling of Program funds with other revenue. Grantees, including governmental entities, may segregate these funds by use of "special" funds, trust funds, or other methods to prevent these funds from being commingled with general fund revenue. In no event shall the monies from the Fund be diverted to any government entity's general fund.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.
Reference: Section 5156, Vehicle Code

2095.2. DMV Reports

The Board shall request, on a quarterly basis, a report from DMV that outlines the following for each month of the quarter and overall for the quarter:

(a) Number of license plates, sold, renewed or canceled

(b) Total revenue received from the sale and renewal of the license plates

(c) Total revenue designated for the Fund

(d) Total revenue deposited into the Environmental License Plate Fund

(e) Total revenue for administrative services and the detail of services required.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.

Reference: Section 5156, Vehicle Code

2095.3. Fund Transfers

The Board shall request transfer of funds on no less than an annual basis and may request quarterly or biannual fund transfers. The Board may request funds be transferred directly to the Fund.

Authority cited: Section 4808, Business and Professions Code and Section 5156, Vehicle Code.

Reference: Section 5156 and 5157, Vehicle Code

**Title 16. Professional and Vocational Regulations
Division 20. Veterinary Medical Board**

Initial Statement of Reasons

Hearing Date: 10 a.m. on October 8, 2013

Subject Matter of Proposed Regulations: Spay and Neuter Specialized License Plate

Sections Affected: Title 16, Division 20, California Code of Regulations (CCR) sections 2090, 2090.1, 2091, 2091.1, 2092, 2092.1, 2093, 2094, 2095, 2095.1, 2095.2, and 2095.3.

Specific Purpose of each adoption, amendment, or repeal:

1. Problem being addressed:

Vehicle Code (VC) Section 5060 establishes the Veterinary Medical Board (Board) may sponsor a Department of Motor Vehicles (DMV) specialized license plate program at the request of a tax-exempt organization.

The California Spay and Neuter License Plate Fund Incorporated (Fund) requested the Board sponsor its effort to establish a specialized license plate program in order to provide no or low cost animal sterilization services.

The Fund established there is currently a problem with pet overpopulation and increasing need for animal euthanasia. Part of the pet overpopulation problem can be attributed to the lack of access to affordable sterilization services. The Fund will use revenues received from the issuance and renewal of the specialized license plates to fund no or low cost animal sterilization services.

The proposed regulations will specify the Board and Fund relationship as well as establish a framework for the Fund to approve and issue grants for no or low cost animal sterilization services. The proposed language will also establish a mechanism where the Fund would report to the Board in order to ensure revenues received from the specialized license plates are allocated for their intended purpose.

Specifically the proposed language would:

Adopt CCR section 2090

The proposed language establishes the Board as the sponsoring agency of the Fund who will administer and manage the California Pet Lovers License Plate Program (Program). The Fund will use revenue from the issuance, renewal, retention, replacement or transfer of Program specialized license plates to fund low-cost spay and neuter services.

Adopt CCR section 2090.1

The proposed language establishes the Program is owned by the Fund and provides termination terms of the Fund's relationship with the Board if the Fund terminates its relationship with the Program.

Adopt CCR section 2091

The proposed language establishes specific provisions the Board may utilize for withdrawing recognition of the Fund. Provisions include fraud, misrepresentation, or deception in administering funds, failure to qualify for non-profit status, failure to provide documentation to the Board, or failure to comply with laws specific to the regulation of the Fund.

Adopt CCR section 2091.1

The proposed language establishes that the Board shall notify the Fund prior to withdrawal of recognition and provide the Fund the opportunity to be heard.

Adopt CCR section 2092

The proposed language requires the Fund provide an annual accounting report to the Board and that the report meets certain criteria. Criteria include a reporting of the Fund's board members, the Fund's bylaws, a list of approved grantees, amount of funds distributed, total revenue collected, amount of overhead expenses, number of spay and neuters performed, and feedback from grantees.

Adopt CCR section 2092.1

The proposed language requires the Fund to notify the Board, within a specified time, if there is a departure or appointment of a Fund board member, a change to the bylaws, or change to the Fund's non-profit status.

Adopt CCR section 2093

The proposed language establishes eligibility criteria for grant consideration. Criteria include compliance with certain laws related to veterinary medicine, tax exemptions and public health. Grantees must also be city, county, city and county owned, or non-profit who are able to provide animal sterilization services or a voucher program for sterilization services.

Adopt CCR section 2093.1

The proposed language establishes the Fund may approve grant applications of a first come, first served basis, criteria that promotes the official work of the program and availability of funds.

Adopt CCR section 2094

The proposed language requires grantees, prior to receipt of funding, provide records of sterilization procedures and ensure their operations open for inspection.

Adopt CCR section 2095

The proposed language establishes grantees use funds for no or low cost sterilization of dogs, cats and rabbits. Grantees are not allowed to use funds for supplanting existing procedures offered, funding overhead or operational costs, or offset budget reductions.

Adopt CCR section 2095.1

The proposed language establishes parameters for segregating grant monies and establishes that those funds may not be diverted or commingled with any other revenue.

Adopt CCR section 2095.2

The proposed language establishes the Board shall request the DMV provide a report to the Board that includes license plates sold, revenue received, revenue designated for the Fund, DMV revenue deposited, and DMV costs.

Adopt CCR section 2095.3

The proposed language establishes the Board shall request transfer of funds on no less than an annual basis and that funds be transferred directly to the Fund.

2. Anticipated benefits from this regulatory action:

The Fund established a need for no and low cost animal sterilization due to the lack of access to affordable animal sterilization services as well as the increasing number of animal euthanasia. In accordance with Vehicle Code, a state agency may sponsor a specialized license plate program.

The regulatory action will define the Fund's relationship as the administrator of the license plate program and the Board as the sponsoring state agency. The Board, as the sponsoring state agency, will provide oversight authority and is able to ensure funds raised by the specialized license plate program are allocated for their intended purpose.

Factual Basis/Rationale

Adopt CCR section 2090

The proposed language establishes the relationships between the Board, Fund and Program in order to define each party's responsibilities for the purpose of oversight and the administration of funds received from the specialized license plate program.

Adopt CCR section 2090.1

The proposed language establishes Fund ownership of the Program and provides general termination terms of the Fund's relationship with the Board in order to protect the Fund, provide notice to the public and assign the Fund its authority over the Program.

Adopt CCR section 2091

The proposed language defines specific Board terms for withdrawal of Fund recognition in order to establish the Board's authority over the Fund and provide clear notice to the Fund of specific terms that are the basis for termination of its relationship with the Board.

Adopt CCR section 2091.1

The proposed language establishes a notice process for Board withdrawal of Fund recognition in order to provide the Fund the opportunity to contest withdrawal of recognition.

Adopt CCR section 2092

The proposed language defines specific Fund accounting and reporting requirements in order to provide for Fund accountability to the Board, transparency in the distribution of funds to grantees, and provide information that is required to be reported to the DMV by the Board.

Adopt CCR section 2092.1

The proposed language specifies Fund notification provisions in order to establish the Board's authority over the Fund and provide clear notice to the Fund of specific terms required to be reported to the Board so that the Board may take account of how grant funds are expended.

Adopt CCR section 2093

The proposed language establishes criteria for grant consideration in order to provide clear requirements to the grantee for determining grant eligibility. Eligibility requirements have been established to ensure funds are granted to specific entities, funds are in compliance with specific control agency laws, and the funds are distributed to specific entities that already provide specified services.

Adopt CCR section 2093.1

The proposed language establishes application approval criteria in order to provide clear notice regarding the basis for approving grantee applications and ensure that available funds are equitably distributed.

Adopt CCR section 2094

The proposed language sets specific grantee requirements prior to receipt of funding in order to establish the Fund's authority and grantee's accountability for funds received. Information provided by the grantee will be used by the Fund to report to the Board and DMV.

Adopt CCR section 2095

The proposed language establishes the grantee provide specific services and defines the ineligible use of funds in order to ensure funds are only spent on no or low-cost sterilization of cats, dogs, and rabbits, in that order, which are the highest number of animals entering California shelters and being euthanized.

Adopt CCR section 2095.1

The proposed language establishes accounting requirements for grant funds in order to ensure funds cannot be diverted or commingled with other revenue for purposes of funding anything other than what the funds were intended.

Adopt CCR section 2095.2

The proposed language establishes DMV reporting requirements in order to ensure accurate and transparent accounting of the funds being transferred from the DMV to the Fund and so that the Board may monitor how grant funds are expended.

Adopt CCR section 2095.3

The proposed language establishes a transfer frequency of funds from the Fund and sets expenditure limits in order to ensure funds are consistently distributed, protect the integrity of the program, and maximize the number of animal sterilizations.

Underlying Data

- Social Compassion in Legislation (SCIL) Fact Sheet regarding pet euthanasia in United States shelters
- SCIL Fact Sheet regarding California Department of Public Health report on pet euthanasia
- Letter from Veterinary Medical board, dated June 28, 2010, to Assembly Member

Business Impact

The proposed regulation will not have a significant adverse economic impact on businesses. VC Section 5060 establishes the Board may sponsor a DMV specialized license plate program at the request of a tax-exempt organization. The proposed language specifies certain eligibility, expenditure and reporting requirements for both the Fund and grantees.

Specific to grantee reporting requirements, grantees are required to provide receipts and records of sterilization services and the grantee will maintain its records as open for inspection or audit. The Board anticipates city/county animal shelters will receive the majority of grants; however, the reporting requirement will not significantly impact businesses or city/county animal shelters as they regularly track grant funds. Additionally, individual veterinarians working at a veterinary premise or city/county animal shelters are already obligated to keep records for any act requiring a license, including animal sterilization procedures, in accordance with the Veterinary Medicine Practice Act.

Economic Impact Assessment

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the proposal provides a framework for the distribution of grant funds from the DMV specialized license plate program.
- It will not create new business or eliminate existing businesses within the State of California because the proposal provides a framework for the distribution of grant funds from the DMV specialized license plate program.
- It will not affect the expansion of businesses currently doing business within the State of California because the proposal provides a framework for the distribution of grant funds from the DMV specialized license plate program.
- This regulatory proposal does not affect the health and welfare of California residents because the proposal provides a framework for the distribution of grant funds from the DMV specialized license plate program. However, the proposal would help the Fund provide grant funds for no or low cost animal sterilization that would limit the amount of animals who are euthanized each year.
- This regulatory proposal does not affect the health and welfare of California residents because the proposal provides a framework for the distribution of grant funds from the DMV specialized license plate program. However, the proposal would help the Fund provide grant funds for no or low cost animal sterilization that would limit the amount of animals who are euthanized each year.
- This regulatory proposal does not affect worker safety because the proposal provides a framework for the distribution of grant funds from the DMV specialized license plate program. However, the proposal would help the Fund provide grant funds for no or low cost animal sterilization that would limit the amount of animals who are euthanized each year.
- This regulatory proposal does not affect the state’s environment because the proposal provides a framework for the distribution of grant funds from the DMV specialized license plate program. However, the proposal would help the Fund provide grant funds for no or low cost animal sterilization that would limit the amount of animals who are euthanized each year.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.