

**State of California  
Office of Administrative Law**

**In re:**

**Board of Forestry and Fire Protection**

**Regulatory Action:**

**Title 14, California Code of Regulations**

**Adopt sections:** 1667.1, 1667.2, 1667.3,  
1667.4, 1667.5, 1667.6

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF CERTIFICATE OF  
COMPLIANCE**

**Government Code Section 11349.1 and  
11349.6(d)**

**OAL File No. 2013-0918-02 C**

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The Board of Forestry and Fire Protection submitted a certificate of compliance for the emergency adoption of sections 1667.1 through 1667.6 of title 14 of the California Code of Regulations which identified those products subject to the "Lumber Products Assessment" imposed pursuant to Public Resources Code section 4629.5 and provided for a review procedure and annual update. The original emergency regulatory action and its readoption were deemed an emergency by the Legislature and exempt from review by the Office of Administrative Law pursuant to subdivision (b) of section 4629.4 of the Public Resources Code.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

**Date:** 10/30/2013

**Craig S. Tarpenning**

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**Craig S. Tarpenning  
Assistant Chief Counsel**

**For: DEBRA M. CORNEZ  
Director**

**Original: George Gentry  
Copy: Eric Huff**

**NOTICE PUBLICATION/REGULATIONS SUBMISSION**

**CERT**

(See instructions on reverse)

For use by Secretary of State only

ENDORSED FILED  
IN THE OFFICE OF

2013 OCT 30 PM 3:49

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER <b>Z-2013-0716-04</b>	REGULATORY ACTION NUMBER <b>2013-0918-02C</b>	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only	
2013 SEP 18 PM 3:53	OFFICE OF ADMINISTRATIVE LAW
NOTICE	REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY California Board of Forestry and Fire Protection	AGENCY FILE NUMBER (if any)
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**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
<b>OAL USE ONLY</b> ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER <b>2013 302</b>	PUBLICATION DATE <b>7-26-2013</b>	

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) "Lumber Products Assessment, 2013"	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2012-0921-09 EFP, 2013-0321-01 EFP
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT Chapter 14, Sections 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, and 1667.6
AMEND
REPEAL
TITLE(S) 14

3. TYPE OF FILING
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)	per agency request
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____	

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____

7. CONTACT PERSON Eric Huff, Regulations Coordinator	TELEPHONE NUMBER 916-653-9633	FAX NUMBER (Optional) 916-653-0989	E-MAIL ADDRESS (Optional) eric.huff@fire.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Eric Huff</i>	DATE September 18, 2013
TYPED NAME AND TITLE OF SIGNATORY Eric Huff, CAL FIRE/BOFFP Regulations Coordinator	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
OCT 30 2013
Office of Administrative Law

1                                   **“LUMBER PRODUCTS ASSESSMENT, 2013”**

2                                   **Title 14 of the California Code of Regulations (14 CCR):**  
3                                   **Division 1.5, Chapter 14 – Lumber Products Assessment**

4  
5    **ADOPT:**

6    **§ 1667.1. Authority.**

7    **§ 1667.2. Timber Regulation and Forest Restoration Fund.**

8    **§ 1667.3. Definitions.**

9    **§ 1667.4. Assessed Lumber Products.**

10   **§ 1667.5. Requests for Review.**

11   **§ 1667.6. Annual Update of Regulation.**

12  
13   **§ 1667.1. Authority.**

14           This chapter sets out procedures for identifying those products subject to the  
15 “Lumber Products Assessment” imposed pursuant to Public Resources Code Section  
16 4629.5 as required by Chapter 289, Statutes 2012. The lumber products and  
17 engineered wood products identified herein shall become subject to the Assessment  
18 commencing January 1, 2013.

19  
20 Note: Authority cited: Public Resources Code Section 4629.4. Reference: Public  
21 Resources Code Sections 4629.3, 4629.4, 4629.5.

22  
23   **§ 1667.2. Timber Regulation and Forest Restoration Fund.**

24           All revenues received from the Lumber Products Assessment, less amounts  
25 deducted for refunds and reimbursements, shall be deposited in the “Timber Regulation

1 and Forest Restoration Fund” created in the State Treasury pursuant to Public  
2 Resources Code Section 4629.3.

3  
4 Note: Authority cited: Public Resources Code Section ~~4629.3~~ 4629.4. Reference cited:  
5 Public Resources Code Section 4629.3.

6  
7 **§ 1667.3. Definitions.**

8  
9 **Board** means the California Board of Forestry and Fire Protection.

10  
11 **Engineered Wood Product** means wood composite products including inorganic-  
12 bonded and wood thermoplastic composites. It includes a range of derivative wood  
13 products which are manufactured by binding lumber or the strands, particles, fibers, or  
14 veneers of wood, together with adhesives, to form composite materials, in which wood  
15 is a principal component part as defined.

16  
17 **Fund** means the Timber Regulation and Forest Restoration Fund.

18  
19 **Lumber Product** means a product in which wood or wood fiber is a principal  
20 component part, including, but not limited to, a solid wood product, or an engineered  
21 wood product that is identified in these regulations. "Lumber Product" does not include  
22 furniture, paper products, indoor flooring products such as hardwood or laminated  
23 flooring, bark or cork products, firewood, or other products not typically regarded as  
24 lumber products.

1 **Principal Component Part** means at least ten percent (10%) of the total content by  
2 volume.

3  
4 Note: Authority cited: Public Resources Code Section ~~4629.3~~ 4629.4. Reference cited:  
5 Public Resources Code Section 4629.3.

6  
7 **§ 1667.4. Assessed Lumber Products.**

8 **(a)** Lumber products subject to the Lumber Products Assessment pursuant to Public  
9 Resources Code Section 4629.5 include the following products in which wood or wood  
10 fiber is a “principal component part” as defined:

11 **(1)** Solid wood products: All grades and dimensions of lumber, structural panels,  
12 cross-laminated timbers, decking, railings, fencing (poles, solid board), poles, roofing  
13 (shakes and wooden shingles), siding (beveled shingles, board and batten, log, tongue  
14 and groove, treated wood), lath, and sub-flooring.

15 **(2)** Engineered Wood Products: plywood, oriented strandboard, particleboard,  
16 fiberboard, glued-laminated timber, laminated veneer lumber, laminated strand lumber,  
17 oriented strand lumber, parallel strand lumber, hardboard, waferboard, flakeboard,  
18 veneer-based sheeting material, laminated beams, I-joists, and edge-glued material.

19 **(3)** Inorganic-bonded and wood thermoplastic composites: Gypsum-bonded  
20 composite materials (fiber reinforced gypsum), cement-bonded composite materials,  
21 ceramic bonded composite materials, and wood thermoplastic composite materials  
22 including plastic lumber and decking.

23  
24 **(b)** Products not subject to the Lumber Products Assessment include but are not limited  
25 to, furniture, paper products, indoor finished flooring products such as hardwood (solid

1 or engineered) or laminate flooring, decorative products such as wainscoting, paneling,  
2 shutters, and blinds, bark or cork products, firewood, musical instruments, sporting  
3 goods and equipment, carvings and craft products, cooperage and treatment materials  
4 (including staves, storage vessels, and oak chips for wine, beer, and spirits), signs,  
5 tools, tool handles, stakes, ladders, brooms, frames, kitchenware, windows, doors,  
6 cabinets, molding, millwork (window casings, baseboards), lattice, pre-constructed  
7 railing sections, trusses, pre-fabrication housing (pre-cut buildings, pre-cut or fabricated  
8 components of buildings), and pre-constructed fencing sections.

9  
10 **(c)** The number and types of lumber products subject to the lumber products  
11 assessment may be modified following annual review by the Board of Forestry and Fire  
12 Protection.

13  
14 Note: Authority cited: Public Resources Code Section 4629.4. Reference: Public  
15 Resources Code Sections 4629.3 and 4629.5.

16  
17 **§ 1667.5. Requests for Review.**

18 **(a)** The California Board of Equalization may petition the Executive Officer of the Board  
19 of Forestry and Fire Protection for review of a lumber product.

20 **(1)** The petition shall be sent to the Board's mailing address and shall include  
21 information that provides the specific basis upon which the petition is founded. The  
22 petition must provide the basis that a lumber product may or may not meet the criteria  
23 established by Public Resources Code Section 4629.3 and specified herein.

1           **(2)** After receipt of a petition, the Board's Executive Officer may request  
2 additional information from the California Board of Equalization prior to conducting the  
3 review.

4           **(3)** The Board's Executive Officer shall complete the review of the petition within  
5 thirty (30) days of its receipt or the receipt of additional information requested pursuant  
6 to item (2) above. All petitions received in a calendar year shall additionally be subject  
7 to review by the Board during its annual update of the regulations specified herein.

8           **(4)** Based on a review of the petition, the Board's Executive Officer shall  
9 determine whether or not the lumber product that is the subject of the petition meets the  
10 criteria specified herein. Upon a finding by the Board's Executive Officer that the lumber  
11 product does not meet the criteria, the Executive Officer may recommend that the Board  
12 remove the product from the assessed lumber products identified herein.

13  
14 Note: Authority cited: Public Resources Code Section ~~4629.3~~ 4629.4. Reference cited:  
15 Public Resources Code Section 4629.3.

16  
17 **§ 1667.6. Annual Update of Regulation**

18           Pursuant to Public Resources Code Section 4629.4, the Board shall annually  
19 update the regulations contained herein. The Board shall conduct the review at its  
20 regularly scheduled April meeting. The lumber products identified in the annually  
21 updated regulation adopted by the Board shall become subject to the assessment  
22 imposed pursuant to Section 4629.5 on the first day of the calendar quarter  
23 commencing more than sixty (60) days after adoption of the updated regulation.

1 Note: Authority cited: Public Resources Code Section 4629.4. Reference: Public  
2 Resources Code Section 4629.5.

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