

# California

## State Regulatory Processes

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### **Rulemaking Process**

The Office of Administrative Law (OAL) is responsible for ensuring that California state agencies comply with the rulemaking procedures and standards set forth in California's Administrative Procedure Act (APA). A "regulation" is any rule, regulation, order or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it. When adopting regulations, every department, division, office, officer, bureau, board or commission in the executive branch of the California state government must follow the rulemaking procedures in the Administrative Procedure Act (APA) and regulations adopted by the Office of Administrative Law (OAL), unless expressly exempted by statute from some or all of these requirements. The APA requirements are designed to provide the public with a meaningful opportunity to participate in the adoption of regulations or rules that have the force of law by California state agencies and to ensure the creation of an adequate record for the OAL and judicial review.

#### **Regular Rulemaking Process**

The vast majority of regulations adopted pursuant to the Administrative Procedure Act (APA) are submitted to OAL as "regular" rulemakings. The regular rulemaking process includes comprehensive public notice and comment requirements. It also requires that documents and information on which the rulemaking action is based are available for review and inspection. This comprehensive process is intended to further the goal of public participation in the rulemaking process and to create an adequate rulemaking record for review by OAL and the courts.

#### **Proposed Regulations Under Review**

#### **Recent Actions Taken By OAL on Regulations**

#### **Agency Links to Recently Approved Regulations**

#### **About the Regular Rulemaking Process**

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The APA requires a minimum 45-day period for the public to comment to the agency in writing on the proposed regulation. The notice of proposed action specifies the rulemaking agency name, contact person and address where the comments must be directed and the date the written comment period closes. Members of the public should not submit written comments on regular rulemaking actions to OAL.

A rulemaking agency has the option whether to hold a public hearing on a proposed rulemaking action. If an agency does not schedule a public hearing, any interested person can submit a written request for a hearing to be held. The written request for a hearing must be submitted at least 15 days prior to the close of the written public comment period. If timely requested, the agency must hold a public hearing. If a public hearing is held, the hearing must be scheduled for a date at least 45 days after the notice of proposed action was published. At the public hearing, both written and oral comments must be accepted.

### **Emergency Rulemaking**

A state agency may adopt emergency regulations in response to a situation that calls for immediate action to avoid serious harm to the public peace, health, safety, or general welfare, or if a statute deems a situation to be an emergency under the APA. Because emergency regulations are intended to avoid serious harm and require immediate action, the emergency rulemaking process is substantially abbreviated compared to the regular rulemaking process. OAL reviews emergency regulations for compliance with the APA's emergency rulemaking requirements.

#### **Emergency Regulations Under Review**

#### **Recent Actions Taken on Proposed Emergency Regulations**

#### **About the Emergency Rulemaking Process**

### **California Register**

## California Administrative Procedure Act