

**Board of Forestry and Fire Protection**

**SUPPLEMENTAL STATEMENT OF REASONS**

**“Registered Professional Forester and Certified Specialty Amendments, 2019”**

**Title 14 of the California Code of Regulations (CCR)**

**Division 1.5, Chapter 10**

**Article 1, 2, 3, & 4**

The Board of Forestry and Fire Protection (Board) intends this Supplement to the Initial Statement of Reasons (ISOR) to reflect changes that have been made to the 45-Day proposed rule text and Initial Statement of Reasons, which was distributed on March 8, 2019.

**SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL (pursuant to GOV § 11346.2(b)(1)) AND THE RATIONALE FOR THE AGENCY’S DETERMINATION THAT EACH ADOPTION, AMENDMENT OR REPEAL IS REASONABLY NECESSARY TO CARRY OUT THE PURPOSE(S) OF THE STATUTE(S) OR OTHER PROVISIONS OF LAW THAT THE ACTION IS IMPLEMENTING, INTERPRETING OR MAKING SPECIFIC AND TO ADDRESS THE PROBLEM FOR WHICH IT IS PROPOSED (pursuant to GOV §§ 11346.2(b)(1) and 11349(a) and 1 CCR § 10(b)).**

**Amend § 1610**

The Board no longer proposes the amendments to this section as described in the Initial Statement of Reasons. The defined term “Executive Officer” has been capitalized throughout this section.

**Adopt § 1611.5**

The Board no longer proposes adoption of this section.

**Amend § 1612.1(c)(2)**

The Board no longer proposes amendments to this paragraph.

**Amend § 1650(c)(1)**

This amendment proposes elimination of an existing requirement that, for any internal certification panel for discipline within a Board recognized program, those members of the certification panel must be certified by the Board as meeting the professional qualifications and standards of the certified specialty. The purpose of this elimination is to clarify the distinction between Board disciplinary processes and those which may be extant within a recognized specialty program and to clarify that a disciplinary process under a certified specialty program is not an element which is generally necessary to protect the public interest as the Board maintains a regulatory disciplinary process within 14 CCR § 1612 *et. al.*, as well as statutory authority for discipline within Public Resources Code (PRC) §§ 772, 775, 776, 777, and 778, which are sufficient and appropriate to protect the public interest. This amendment is necessary to clarify this distinction and to eliminate undue regulatory burden on those recognized programs where such burden may be unnecessary in order to protect public interests.

**Amend §1650(c)(2)**

The proposed amendment states explicitly that, subsequent to the Board granting specialty certification to an individual, that the individual is subject to all Board disciplinary processes, both statutory and regulatory. The purpose of this amendment is to clarify those disciplinary measures which certified specialists are subject to pursuant to their Board certification and is necessary to

support this clarification and to provide this disciplinary information within regulation as to provide information in one, easily comprehensible location to the regulated public.

Additionally, the amendment requires that a professional society or public agency with a Board recognized certification program provide information related to violations of PRC § 778(c) to the Professional Foresters Examining Committee (PFEC) upon request. The purpose of this amendments is to both clarify this requirement of public agencies and professional societies with such programs, as well as to allow access to this information by the PFEC in order to best assess the nature of the violation in order to assess any potential violations pursuant to the Board's regulatory and statutory disciplinary process and to make an informed recommendation to the Board regarding discipline. This amendment is necessary to clarify these requirements as well as to provide for an effective disciplinary process.

Finally, the proposed amendment requires that a professional society or public agency with a Board recognized program inform the PFEC of all complaints of violations or misconduct of certified specialists. The purpose of this amendment is to provide pertinent and necessary information to the PFEC in order for the committee to make informed and accurate recommendations to the Board regarding disciplinary processes, and is necessary to maintain an effective disciplinary process.

#### **Amend § 1650(c)(3)**

The proposed amendment requires that any modifications to a specialty program must be approved by the PFEC prior to implementation, and those modification which significantly alter the qualification and accountability within the program must additionally be approved by the Board. The purpose of these amendments are to provide for PFEC and, ultimately, Board review of changes to a certification program which may alter the program's ability to protect public interests and is necessary to clarify that this review and approval is necessary prior to implementation of those changes.

#### **Amend § 1650(c)(4)**

The proposed amendment requires that that professional societies and public agencies with certification programs which have been recognized by the Board, submit to the executive officer of the PFEC a report annually prior to March 1<sup>st</sup>. The purpose of this amendment is to clarify that these requirements are applicable only to those professional societies and public agencies which have Board recognized certification programs, as well as to clarify to whom the reports should be submitted. These amendments are necessary to clarify these requirements to the regulated public in order to facilitate the orderly review of recognized programs and ensure that public interests are protected.

#### **Amend 1650(e)**

The proposed amendment requires a professional society of public agency to submit their independent certification program to the Board for recognition, pursuant to PRC § 772. Additionally, upon Board recognition of such a program, the public agency or professional society must make the terms of the certification program available to the public, and those terms must be posted on the Board's website. The purpose of these amendments are to both allow for Board review of the program in order to determine that the program protects public interests, as well as to provide information to the general public on the terms of those programs and what conditions and requirements are necessary in order to obtain certification under such a program. These amendments are necessary to clarify these requirements in order to maintain effective review of potential certification programs, as well as to make information related to those programs and their requirements available to the regulated public.

**Amend § 1651(c)**

The proposed amendment requires a potential applicant to submit to the Board evidence that the applicant has met the Certified Rangeland Manager qualifications under the terms of the program, which are publicly available pursuant to 14 CCR § 1650€, among other requirements. The purpose of this amendment is to ensure that the applicant has fully satisfied all requirements laid out by the public agency or professional society which may be necessary in order to obtain certification as a Certified Rangeland manager. This amendment is necessary to ensure that individuals are adequately meeting necessary criteria for certification and to ultimately maintain an individual certification process which fully protects the public interest.

**Amend § 1651(d)**

The proposed amendment formally recognizes the independent certification program of CalPac-SRM (formerly the California Section of the Society for Range Managers (CA-SRM)) as a certification program for the Certified Rangeland Management specialty, and also states the conditions under which recognition may be withdrawn. The purpose of this amendment is to provide this recognition to the regulated public, as well as to clarify that the Board's recognition is not permanent and is dependent upon the certification program's ability to protect the public interest. This amendment is necessary to provide such clarification related to an existing recognized certification program for the Certified Rangeland Management specialty.

**Non-substantive Amendments**

Defined terms, proper nouns, and words beginning sentences have been capitalized for grammatical purposes.