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## THE CITY OF SAN DIEGO

April 21, 2010

California Health and Human Services  
Kimberly Belshe  
1600 9<sup>th</sup> Street, Room 460  
Sacramento, CA 95814

Dear Ms. Belshe:

Attached you will find the summary of revisions to Title 17 Subchapter 1 of Chapter 2 of Division 1 as required under Section 100703.(d) of the Health and Safety Code. The Forensic Alcohol Review Committee (FARC) is requesting the Health and Human Services Agency (HHS) review and comment.

### History

The FARC was legislatively mandated in August of 2004 with SB 1623, which acted, in part, to add Section 100703 to the Health and Safety Code relating to laboratories. This addition mandates the following:

- (a) On or before July 1, 2005, the department shall establish a review committee.
- (b) The review committee shall have eight members, including one person representing each of the following: (1) Prosecuting Attorneys, (2) Law Enforcement Agencies, (3) Defense Attorneys, (4) Coroners, Pathologists, or Medical Examiners, (5) Criminalists, (6) Toxicologists, (7) Crime Laboratory Directors, and (8) The Department of Health Services.
- (d) The review committee shall evaluate Group 8 (commencing with Section 1215) of Subchapter 1 of the Chapter 2 of Division 1 of Title 17 of the California Code of Regulations and determine revisions that will limit those regulations to those that the review committee determines are reasonably necessary to ensure the competence of the laboratories and employees to prepare, analyze, and report the results of the tests and comply with applicable laws.

A committee was established, and it is of note that its members represent hundreds of employees across the spectrum of law enforcement and the forensic science community. The members brought many unique and divergent opinions to the process and in the end put together a work product that was overwhelmingly approved.

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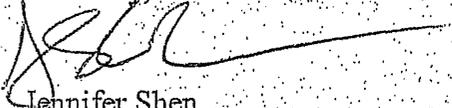
The review committee met fifteen times over the past five years to revise Title 17. As the regulations we were reviewing were last updated in 1986, the committee had several goals when considering revisions. These included updating the verbiage within the regulations to meet current APA guidelines, to modernize the scientific techniques and educational requirements, to divest laboratories of redundant oversight and inadequate proficiency testing programs, and to accommodate for a new era of accreditation with the advent of accrediting bodies that are utilized by a vast majority of the alcohol laboratories in California. Each and every change in these regulations have been dissected, discussed, contemplated, and reviewed. As a result, this committee feels that the revisions that we are submitting to you meet and exceed the goals of both the committee and the legislators.

Section 100703 (d) states, in part, that the review committee shall submit a summary of revisions to the California Health and Human Services Agency. It is our understanding that this submission does not trigger the 90 day period referred to in 100703 (e): Within 90 days of receiving the review committee's revisions, the California Health and Human Services Agency may disapprove of one or more of the revisions.

The Committee would appreciate feedback on these changes. Your comments would greatly facilitate our process, and would make the committee's ongoing efforts more efficient for updating these important regulations.

On behalf of the Forensic Alcohol Review Committee, thank you for your time,

Sincerely,



Jennifer Shen

FAR Committee CACLD Representative

JLS/lw

cc: Ms. Laura Tanney, CA District Attorney's Association  
Sergeant Ken Davis, California Highway Patrol  
Mr. Torr M. Zielenski, California Public Defender's Association  
Mr. Bruce Lyle, California State Coroner's Association  
Mr. Kenton S. Wong, California Association of Criminalists  
Mr. Paul R. Sedgwick, California Association of Toxicologists  
Dr. Paul Kimsey, California Department of Public Health

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