



According to Smyth, protective chaps are more of a hazard than a help to timber fallers in that they are bulky and inhibit one's ability to run, jump, or dodge dangerous situations. OSB unanimously agreed to grant the petition to the extent that Board staff will convene a representative advisory committee to review the clarity and effectiveness of the existing regulations and, if needed, develop new language to be presented to the Board for public comment, and address the issues concerning the design and application of leg protection devices used in the logging industry.

Also on October 24, the Board considered a petition submitted by Hal Lindsey of Southern California Edison Company, seeking to revise section 2940.6(c)(1) of the High Voltage Electrical Safety Orders, which requires that linemen's body belts, safety straps, and lanyards be labeled as meeting the requirements of the American National Standards Institute (ANSI) A10.14-1975. Lindsey contended that the reference to ANSI A10.14-1975 should be changed to that of American Society for Testing Materials (ASTM) F 887-88 (later changed to ASTM F 887-91), noting that the cited ANSI standard is expressly not applicable to "linemen's belts and pole straps, window washers' belts, or safety ladder belts." OSB unanimously agreed to adopt the petition to the extent that the reference be changed to ASTM F 887-91, the most current national consensus standard concerning the design, testing, and labeling of linemen's body belts and pole straps. The Board also directed staff to convene an advisory committee to review existing state and federal safety belt, harness, and related regulations, along with the national consensus standards, for the purpose of updating California's fall protection regulations.

At its November 21 meeting, OSB considered Petitions 296 and 297, requesting lower guardrail height requirements on metal scaffolds. Section 1644(a)(6), Title 8 of the CCR (Construction Safety Orders), currently requires that guardrails for metal scaffolds be installed at a height of 42 to 45 inches. Fed-OSHA requires that guardrails be "approximately 42 inches" high, but permits them to be located anywhere from 36 to 42 inches. The petitioners contended that California's requirement forces scaffold manufacturers to produce special guardrail posts for California, and virtually precludes the interchange of equipment with other states. Following discussion of the matter, OSB directed staff to convene a representative advisory committee to re-

view all sections in the Construction Safety Orders that address guardrail heights to identify whether amendments are warranted to accommodate manufactured system scaffolds. The Board will consider the committee's recommendations at a future meeting.

During its December 19 public meeting, OSB heard a proposal organized by Kim Mueller, representing the California Firefighters, requesting the Board to enact safety and inspection regulations regarding aerial ladders used by firefighters. Various firefighter, union, city, and AFL-CIO representatives spoke in support of Mueller's request; numerous speakers related anecdotal evidence on the infrequency of fire departments' voluntary inspections of their aerial ladders, and the high failure rate of ladders that are inspected.

After considerable public testimony, Board members explained OSB's position regarding the adoption of such regulations. The problem is one of state reimbursement of local costs: Currently, if a local fire department decides to have its aerial ladder inspected, it disburses funds to pay for the inspection (\$350 to \$700 per ladder) by private-sector inspectors, and seeks reimbursement from the relevant municipal budget. If OSB adopts state regulations requiring the inspections, the state will have to reimburse cities for these costs. OSB Executive Director Steve Jablonsky stated that the Department of

Finance (DOF) refused to approve OSB's past efforts to adopt safety regulations in this area, as such regulations would require reimbursement from the state for the costs of such inspections. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 144 for background information.) OSB Chair Mary-Lou Smith instructed staff to investigate safety regulations that may already encompass aerial ladders and any other available remedies. In the absence of DOF approval, however, OSB members stated that the Administrative Procedure Act prohibits it from even noticing a 45-day public comment period on any proposed regulations.

During its December 19 business meeting, OSB considered a petition submitted by Fred Dunn, Safety Director of Hoffman Electric, Inc., which requested amendments to section 1526, Title 8 of the CCR (Construction Safety Orders), to require all construction site portable toilet units to have lockable doors. Currently, section 1526 does not require an inside lock on a portable toilet unit door; Dunn noted that some toilet facilities do not even have doors. OSB unanimously granted Dunn's petition and directed staff to commence the regulatory process to effect such a change.

FUTURE MEETINGS:

April 16 in Sacramento.
May 28 in Los Angeles.
June 25 in San Francisco.



DEPARTMENT OF FOOD AND AGRICULTURE

DEPARTMENT OF FOOD AND AGRICULTURE

Director: Henry Voss
(916) 654-0433

The California Department of Food and Agriculture (CDFA) promotes and protects California's agriculture and executes the provisions of Food and Agricultural Code section 101 *et seq.*, which provides for CDFA's organization, authorizes it to expend available monies, and prescribes various powers and duties. The legislature initially created the Department in 1880 to study "diseases of the vine." Today the Department's functions are numerous and complex. Among other things, CDFA is authorized to adopt regulations to implement its enabling legislation; these regula-

tions are codified in Chapters 1-7, Title 3, Chapters 8-9, Title 4, and Division 2, Title 26 of the California Code of Regulations (CCR).

The Department works to improve the quality of the environment and farm community through the exclusion, control, and eradication of pests harmful to the state's farms, forests, parks, and gardens. The Department also works to prevent fraud and deception in the marketing of agricultural products and commodities by assuring that everyone receives the true weight and measure of goods and services.

CDFA collects information regarding agriculture and issues, broadcasts, and exhibits that information. This includes the conducting of surveys and investigations, and the maintenance of



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laboratories for the testing, examining, and diagnosing of livestock and poultry diseases.

The executive office of the Department consists of the director and chief deputy director, who are appointed by the Governor. The director, the executive officer in control of the Department, appoints two deputy directors. In addition to the director's general prescribed duties, he/she may also appoint committees to study and advise on special problems affecting the agricultural interests of the state and the work of the Department.

The executive office oversees the activities of six operating divisions:

1. Division of Animal Industry—provides inspections to assure that meat and dairy products are safe, wholesome, and properly labeled, and helps protect cattle producers from losses from theft and straying;

2. Division of Plant Industry—protects home gardens, farms, forests, parks, and other outdoor areas from the introduction and spread of harmful plant, weed, and vertebrate pests;

3. Division of Inspection Services—provides consumer protection and industry grading services on a wide range of agricultural commodities;

4. Division of Marketing Services—produces crop and livestock reports, forecasts of production and market news information, and other marketing services for agricultural producers, handlers, and consumers; oversees the operation of marketing orders and administers the state's milk marketing program;

5. Division of Measurement Standards—oversees and coordinates the accuracy of weighing and measuring goods and services; and

6. Division of Fairs and Expositions—assists the state's 80 district, county, and citrus fairs in upgrading services and exhibits in response to the changing conditions of the state.

In addition, the executive office oversees the Agricultural Export Program and the activities of the Division of Administrative Services, which includes Departmental Services, Financial Services, Personnel Management, and Training and Development.

The State Board of Food and Agriculture is an advisory body which consists of the Executive Officer, Executive Secretary, and fifteen members who voluntarily represent different localities of the state. The State Board inquires into the needs of the agricultural industry and the functions of the Department. It confers with and advises the Governor and the director as to how the De-

partment can best serve the agricultural industry and the consumers of agricultural products. In addition, it may make investigations, conduct hearings, and prosecute actions concerning all matters and subjects under the jurisdiction of the Department.

At the local level, county agricultural commissioners are in charge of county departments of agriculture. County agricultural commissioners cooperate in the study and control of pests that may exist in their county. They provide public information concerning the work of the county department and the resources of their county, and make reports as to condition, acreage, production and value of the agricultural products in their county.

MAJOR PROJECTS:

Proposed Amendments Pertaining to the San Joaquin Valley Quality Cotton District. In December, CDFA proposed amendments to sections 3552, 3800, 3802, 3803, 3810, 3811, 3815, 3816, 3821, 3823, 3824, 3826, and 3830, Title 3 of the CCR. These regulatory changes are intended to address the obligation of the CDFA Director to protect the planting and growing of cotton in California through restricting, within certain areas, the planting and growing of cotton to the most superior varieties to maintain purity and cotton grade quality. CDFA scheduled no public hearing, but accepted written comments until January 27.

The amendments to sections 3552, 3800, 3802, 3824, and 3830 would change the names "One Variety Cotton District" and "Acala Cotton Board" to "San Joaquin Valley Quality Cotton District" and "San Joaquin Valley Cotton Board," respectively. These changes are necessary to reflect statutory amendments which became effective January 1, 1991, altering these names in the Food and Agricultural Code.

Existing law restricts the growing of cotton within the District to the Acala and Pima varieties; however, growers may conduct research on nonapproved varieties in compliance with CDFA regulations. Under existing section 3803, the CDFA Director may allow an applicant desiring to evaluate a nonapproved cotton variety or strain additional limited acreage for seed increase; the proposed amendment to section 3803 would remove an existing requirement that the seed increase be in conjunction with the Board's evaluation and testing programs. The amendments to sections 3810, 3811, 3815, and 3816 would increase the maximum number of planting locations for nonapproved cotton breeding programs

within the District from four to five, while increasing the total maximum acreage from 48 to 100 acres; increase the acreage for nonapproved cotton performance testing from 160 to 200; and increase the distance by which nonapproved cotton planting and testing must be separated from Acala or Pima cottonseed production from one-quarter mile to one-half mile. The rationale for these changes is to encourage research of improved cotton varieties while continuing to protect the integrity of current cotton production.

The proposed amendments to section 3821 would establish that restrictions on cottonseed arriving from outside the District apply to all cotton, and increase the sample size for angular leafspot testing from 400 to 1,200 seeds. Section 3823 would be amended to establish that Pima seed cotton shall only be roller ginned unless otherwise authorized by the CDFA Director. Roller ginning is the only ginning method which does not cut up the Pima cotton fibers (which are longer than Acala cotton fibers), and this method is necessary to maintain high fiber quality. The amendment to section 3826 would specify that nonapproved cottonseed shall be delinted by cooperating delinters only on enumerated days in February or March; it is necessary to restrict the delinting of nonapproved cottonseed to a short period to prevent inadvertent mixing of nonapproved with approved cotton.

Fruit Fly Quarantine and Eradication Areas. In October, CDFA's amendments to sections 3423(b) and 3591.2(a), Title 3 of the CCR, were approved by the Office of Administrative Law (OAL) as emergency regulations. The amendment to section 3423(b) established an additional quarantine area for the Oriental fruit fly of approximately 152 square miles in the Ontario area of Los Angeles, Riverside, and San Bernardino counties. The effect of the amendment is to provide authority for the state to regulate movement of hosts and possible carriers of Oriental fruit fly within and from the area under quarantine in order to prevent artificial spread of the fly to noninfested areas. The amendment to section 3591.2(a) established San Bernardino County as an eradication area for the Oriental fruit fly. This amendment provides authority for the state to perform eradication and control activities against the Oriental fruit fly in San Bernardino County. CDFA bases its actions on numerous findings of Oriental fruit flies—including one mated female fly with partially developed eggs in Rancho Cucamonga and four infested



properties in the Guasti area—during September 1991. These actions open the door to aerial malathion spraying should the CDFA Director deem it necessary; CDFA has estimated that the cost of not eradicating the Oriental fruit fly in California would range from \$44–176 million in crop losses, additional pesticide use, and quarantine requirements.

In December, CDFA proposed to permanently adopt these amendments, and plans no public hearing unless requested. The comment period was scheduled to end on January 20.

On October 16, CDFA's amendments to section 3406(b), Title 3 of the CCR, were approved by OAL as emergency regulations. These amendments establish an additional quarantine area for the Mediterranean fruit fly of approximately 46 square miles surrounding the Hancock Park area of Los Angeles County this action is based on the fact that, beginning on October 7, numerous male and female Mediterranean fruit flies were discovered in Hancock Park. This amendment also removed from the area under quarantine approximately 1,300 square miles of Los Angeles, Orange, Santa Clara, and San Bernardino Counties from which the fly was declared eradicated on November 9, 1990.

In December, CDFA proposed to permanently adopt these amendments, and plans no public hearing unless requested. The comment period was scheduled to end on February 3.

Market Milk Hearings. On October 11, CDFA's Milk Stabilization Branch held a public hearing to consider proposed changes to its Stabilization and Marketing Plans. After reviewing the hearing testimony and evidence, CDFA amended all of its Stabilization and Marketing Plans. These amendments are designed to help better align California's Class 1 prices with national dairy product prices. These provisions will override the Class 1 price formula only when national dairy product prices increase suddenly. Otherwise, the current Class 1 price formula will be used. The override provisions will be in place from December 1, 1991 through May 31, 1993. Class 1 prices will continue to be announced on a bimonthly basis.

On another front, CDFA held a public hearing to consider emergency amendments to the Stabilization and Marketing Plans for Market Milk for all milk marketing areas, as well as the Pooling Plan for Market Milk, on November 20 in Sacramento. The Department called the hearing in response to petitions from two producer organizations: California Association of Family

Farmers and Western United Dairymen. The hearing was called in accordance with AB 2203 (Costa) (Chapter 311, Statutes of 1991). Under this urgency statute, the CDFA Director may temporarily increase the price of Class 1, 2, and 3 products and distribute the resulting revenue increase equally to all milk production in the pool. The Director must determine through the hearing process that an emergency exists, which is defined under AB 2203 as "... an extreme economic hardship on a significant number of milk producers for an extended period of time."

Following enactment of AB 2203 on August 2, the legislature passed and the Governor signed AB 1232 (Harvey) (Chapter 840, Statutes of 1991), which revised the emergency standard. Effective January 1, 1992, AB 1232 amended the definition of emergency as follows: "... the existence of a critical condition, as determined by the Director, that arises suddenly and unexpectedly, such as, but not limited to, a prolonged dry period, drought or freeze, that causes severe economic distress to a significant portion of milk producers for an extended period of time as a result of rapid increases in operating costs."

At the November 20 hearing, Joe Paris, Western Operations Director of the National Farmers Organization, argued that emergency conditions as defined in AB 2203 currently exist. He stated that when statewide average producer blend prices are compared to statewide average costs of production, dairies lost \$264 million between August 1990 and April 1991. Paris said that given a total of 2,170 dairy farms in the state, the average loss was \$122,000 per farm. He explained that during this period, the average blend price was \$11.33 per hundredweight (cwt.), while the simple average cost of production was \$13.05 cwt. Paris noted that on June 21, CDFA's Milk Stabilization Branch projected for the next twelve months an average blend price of \$11.00 cwt. and average costs of production of \$13.13 cwt. He concluded that the numbers showed not only a dramatic decline in dairy farm income between August 1990 and April 1991 but also a continuing loss trend for the subsequent twelve months. In Paris' opinion, this situation constitutes an emergency as defined in AB 2203.

Not all milk producers agreed with this assessment. The Milk Producers Council (MPC) submitted written testimony asserting that no emergency exists. MPC argued that the legislative histories of AB 2203 and AB 1232 provide that only the definition of emer-

gency in AB 1232 should apply. MPC based this conclusion on its argument that when the legislature approved AB 2203, it did so on the condition that the definition of emergency set forth therein would be modified prior to the closure of the 1991 legislative session and that the modified definition would control in any subsequent milk price hearings. MPC supported both bills, it stated, recognizing the need for statutory authority to "assist" the milk industry in times of significant hardship. The Council believed, however, that it would be a disservice to all milk producers if CDFA were to adopt a price increase in reliance on the definition of emergency provided by AB 2203. Given the legislative history, MPC expressed doubt that a price increase based on AB 2203 could withstand legal challenge.

The desire of dairy representatives to give further testimony prompted CDFA to continue the hearing to December. No decision was reached after additional dairy industry testimony in December; the matter was continued again to January.

Meanwhile on November 15, the Dairy Institute of California, the Dairyman's Cooperative Creamery Association, the Danish Creamery Association, and the San Joaquin Valley Dairymen petitioned CDFA for a consolidated statewide Stabilization and Marketing Plan hearing to determine whether Class 4a and 4b price formulas under CDFA's Stabilization and Marketing Plans should be amended pursuant to section 102 of the federal Food, Agriculture, Conservation, and Trade Act of 1990 (FACT). The relevant portion of the FACT Act provides that "... no state shall provide for (and no processor shall collect, directly or indirectly) a greater make allowance for the processing of milk than is permitted under a Federal program to establish a Grade A price for manufacturing butter, nonfat dry milk, or cheese."

Since section 102 of the FACT Act went into effect on November 28, these processors and producers of milk products desired a hearing to consider the impact of this federal statute on California's Stabilization and Marketing Plans. Petitioners viewed this hearing as necessary in order to determine whether section 102 of the FACT Act applies to them. Given the severe financial penalties imposed on milk buyers for noncompliance under the FACT Act, petitioners felt an urgent need to resolve this issue. CDFA scheduled the requested hearing for December 20, but was forced to postpone it indefinitely when the U.S. Department of Agricul-



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ture (USDA) failed to publish proposed regulations implementing section 102 by that date.

Status Update on Other Proposed Regulatory Changes. The following is an update on the status of other regulatory changes proposed and/or adopted by CDFA and discussed in recent issues of the *Reporter*:

-Minimum Maturity Standard for Granny Smith Apples. On October 29, CDFA held a public hearing on its proposed adoption of section 1400.9.1 and amendments to section 1400.11, Title 3 of the CCR. These sections would establish minimum maturity standards and testing procedures for Granny Smith apples, and restrict the dates when such apples could be picked. These regulations would combat the practice of picking apples too early in the season for economic gain, resulting in low customer satisfaction and fewer repeat customers.

At CDFA's request, Administrative Law Judge (ALJ) John D. Wagner conducted the rulemaking hearing. On November 15, CDFA published a modified version of the proposed regulatory language, and extended the public comment period until November 28. At this writing, CDFA is waiting for recommendations from the ALJ before proceeding. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 151 for background information.)

-Cotton Pests Host-Free District. On December 2, OAL approved CDFA's amendment of section 3595, which establishes host-free districts and periods for the control of pink bollworm and cotton boll weevil. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 151 and Vol. 11, No. 3 (Summer 1991) p. 147 for background information.)

LEGISLATION:

AB 2165 (Floyd), as amended May 28, would require any person engaged in business in this state as a game fowl breeder, as defined, to register with the CDFA Director and pay an annual registration fee. This bill would require the Director to revoke the certificate of registration of any person who is convicted of violating designated Penal Code provisions relating to cock fighting and would specify a procedure for the reissuance of the certificate of registration to that person. This two-year bill is pending in the Assembly Ways and Means Committee.

AB 1122 (Sher). The Governor's Reorganization Plan No. 1 of 1991, which took effect in July 1991, created the California Environmental Protection Agency (Cal-EPA) and transferred pes-

ticide regulation from CDFA to a new Department of Pesticide Regulation within Cal-EPA, accomplishing the original goals of this bill. AB 1122 is pending in the Senate Governmental Organization Committee.

AB 1213 (Jones) would require the CDFA Director to commence a state-wide survey of food consumption among children, taking into account variations in consumption based on age, ethnic origin, socioeconomics, and geographic location. This two-year bill is pending in the Assembly Agriculture Committee.

AB 936 (Areias) would require CDFA to establish demonstration projects in Sacramento and Santa Clara counties, and authorize the issuance of nutrition coupons for use by recipients, as defined, to purchase fresh agricultural products from certified farmers' markets. This two-year bill is pending in the Assembly Agriculture Committee.

AB 884 (Areias), as amended April 25, would recast and transfer existing provisions regarding the use of the "California-grown seal" to an area of the law which authorizes the Director to provide various marketing services to improve, broaden, and extend the distribution and sale of products of this state throughout the world market. This two-year bill is pending in the Senate Agriculture and Water Resources Committee.

SB 536 (Alquist) and **SB 535 (Alquist)**. The Budget Act of 1990 appropriated \$7,586,000 for the support of CDFA's plant pest disease prevention program. SB 536 would appropriate \$2,000,000 to CDFA in augmentation of that amount for the program. SB 535 would require the Controller to augment the budgeted amount in accordance with a specified formula. Both two-year bills are pending in the Senate Committee on Budget and Fiscal Review.

AB 104 (Tanner) would prohibit the CDFA Director, on and after July 1, 1992, from using specified pesticides and economic poisons in an aerial application in an urban area unless the Department of Health Services (DHS) first finds that the use of the material in the manner proposed by the Director will not result in a significant risk to the public health, and a scientific review panel established by this bill determines that the health risk assessment has been carried out in a scientifically acceptable manner. This two-year bill is pending in the Assembly Committee on Environmental Safety and Toxic Materials.

LITIGATION:

Macias v. State of California, et al., No. BC024501, in which a 15-year-old boy claims he became permanently blind from direct exposure to CDFA's aerial malathion spraying, is pending in Los Angeles County Superior Court. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 150 for background information.) One of the defendants, a malathion manufacturer, filed a demurrer which was scheduled for hearing on January 14; the manufacturer argues that it was unaware the chemical was being used without proper warnings and has no duty to warn bystanders or "downstream users" who might be injured.

The consolidated **Medfly Eradication Cases**, No. 2487 (Los Angeles County Superior Court), in which numerous California cities have challenged CDFA's 1989-90 aerial malathion spraying as a public nuisance, are currently on hold because CDFA has not sprayed since July 1990. All proceedings are stayed while both sides prepare environmental impact reports, tentatively scheduled for release during the spring of 1992. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 150; Vol. 11, No. 1 (Winter 1991) p. 112; and Vol. 10, No. 4 (Fall 1990) p. 137 for background information.)

RECENT MEETINGS:

At the State Board's November 14 meeting in Sacramento, CDFA Director Henry Voss reported that Governor Wilson declared a state of emergency in Imperial and Riverside counties on November 12 because of a widespread whitefly infestation. He reported that the fall melon and broccoli crops were severely stunted. Voss distributed a paper on the sweet potato-poinsettia whitefly problem in California. Because there is no known effective chemical to control the problem, a natural predator must be found. USDA personnel have met with county agricultural commissioners and representatives from the UC Riverside Entomology Department and the State of Florida to share ideas. Researchers believe the state may have to go to the Middle East to find natural predators. Members of the agriculture industry in Imperial County, acting through their irrigation district, have joined to assess themselves fifty cents per acre to provide funds for research and necessary leadership.

Voss added that a disaster proclamation at the federal level would mean extended unemployment benefits through the Disaster Unemployment Assistance program, as well as low-interest loans from the Small Business



Administration and the Farmers Home Administration.

Also in November, Director Voss reported that he had a telephone conference call with the Medfly Science Advisory Panel and that CDFA would follow the Panel's recommendation to continue trapping and ground spraying for medflies in the Los Angeles area (see *supra* MAJOR PROJECTS).

At the Board's December meeting in South San Francisco, Director Voss detailed CDFA's budget problems. Having suffered a 22% budget cut in general fund money during 1991-92, CDFA identified an additional \$3.9 million in cuts to be made by the end of June. CDFA was told to make an additional 10% cut for the 1992-93 budget. Thus, the Department will be looking at every program after the first of the year for inefficiencies and to ensure that state, USDA, and county programs are not duplicated.

Board Executive Officer Howard Reed Heritage reviewed SB 2374 (Chapter 1455, Statutes of 1990), which requires the Governor's 1992-93 budget to include an evaluation of the need for all state-funded bodies. Following discussion of the Board's accomplishments, it was moved and seconded that the Board's primary charge is to make recommendations to the Director and the Governor on specific agricultural policy issues. To carry out this charge, the Board identified what it believes are the four most significant policy areas facing agriculture. These include water, pest control, pollution, and land use. The Board established four committees which will study and review specific issues relating to these four policy areas.

FUTURE MEETINGS:

The State Board of Food and Agriculture usually meets on the first Thursday of each month in Sacramento.

On November 21, the Board took its second step in the process of changing the chemical composition of gasoline by adopting so-called "Phase 2 Reformulated Gasoline" specifications. These regulatory changes set new standards for seven gasoline characteristics: Reid Vapor Pressure (RVP), distillation temperatures, and sulfur, benzene, olefin, aromatic hydrocarbon, and oxygen content, applicable on January 1, 1996. The Board's first phase of gasoline reformulation began in September 1990, when it adopted regulations covering RVP and deposit control additives, and phased out leaded gasoline. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 113 for background information.) These changes were limited to those that would achieve emission reductions without requiring fuel producers to make substantial capital investments. Phase 2 mandates changes in the chemical components of gasoline that will require a \$2-\$5 billion investment by oil companies. If the producers pass the entire cost on to consumers—as is normally the case—the Board expects drivers' average annual fuel costs to rise 12-17%. This amounts to an approximate 2% increase in the annual cost of operating a motor vehicle.

The benefits expected in 1996 by the Board are a 15% reduction in emissions of hydrocarbons or volatile organic compounds (VOCs, prime ingredients in the creation of smog), a 6% decrease in oxides of nitrogen (the other primary smog ingredient), a 17% reduction in carbon monoxide (a poisonous compound), an 80% cut in sulfur dioxide (a prime component of acid rain), and an unspecified but substantial contribution to an expected overall 40% decline in benzene (carcinogenic) emissions. These anticipated reductions should result in emission decreases from all sources (stationary and mobile) of 4% for VOCs, 2% for nitrogen oxides, and 10% for carbon monoxide. In addition to reducing the mass of emissions, the Board expects the regulations to result in a decrease in the "reactivity" (smog-forming potential) of exhaust gases and of the emissions that result from the evaporation of fuel.

Most oil companies believe the price is too high compared to the pollution reduction achieved. They maintain that weaker standards would be cheaper and nearly as beneficial. Gasoline producers also advocate shifting the pollution reduction burden to industrial and other stationary sources. However, ARB justifies its action by pointing to California's severe air quality problems in California. For example, state

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY (CAL-EPA)

AIR RESOURCES BOARD

Executive Officer: James D. Boyd
Chair: Jananne Sharpless
(916) 322-2990

Pursuant to Health and Safety Code section 39003 *et seq.*, the Air Resources Board (ARB) is charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solutions to air pollution, and to systematically attack the serious problem caused by motor vehicle emissions, which are the major source of air pollution in many areas of the state. ARB is empowered to adopt regulations to implement its enabling legislation; these regulations are codified in Titles 13, 17, and 26 of the California Code of Regulations (CCR).

ARB regulates both vehicular and stationary pollution sources. The California Clean Air Act requires attainment of state ambient air quality standards by the earliest practicable date. ARB is required to adopt the most effective emission controls possible for motor vehicles, fuels, consumer products, and a range of mobile sources.

Primary responsibility for controlling emissions from stationary sources rests with local air pollution control dis-

tricts. ARB develops rules and regulations to assist the districts and oversees their enforcement activities, while providing technical and financial assistance.

Board members have experience in chemistry, meteorology, physics, law, administration, engineering, and related scientific fields. ARB's staff numbers over 400 and is divided into seven divisions: Administrative Services, Compliance, Monitoring and Laboratory, Mobile Source, Research, Stationary Source, and Technical Support.

MAJOR PROJECTS:

ARB Adopts Phase 2 Reformulated Gasoline Specifications. ARB's ongoing struggle for cleaner air in California consists of two major elements. The first is a low-emission vehicles/clean fuels program. This program requires phasing in new types of vehicles that meet stringent exhaust emission standards and mandates alternative fuels to power them. ARB adopted regulations to accomplish this objective in September 1990. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 113 for background information.) The second element works in the short run to reformulate gasoline. The intention is to have a more immediate impact by reducing emissions of the existing motor vehicle fleet.