



Professional Engineers and Land Surveyors.

Although the Board has concluded that its current enabling statute authorizes it to create the hydrogeology specialty by regulation, it believes that legislation is required to enable the regulations to operate with a "grandparent" clause which would allow certain qualified geologists presently practicing hydrogeology to be certified without having to pass the specialty examination. The Board's proposed regulations and legislation are responsive to AB 892 (Tanner), which would have renamed the Geologist and Geophysicist Act as the Earth Scientist Act and authorized BRGG to regulate the practice of hydrologists. [12:1 CRLR 63] BRGG contends that regulating hydrology, as opposed to hydrogeology, is beyond the scope of the Board's expertise and mandate.

BRGG had hoped to have the regulatory and legislative packages proceed simultaneously so that by the time the legislation is enacted, the regulations would be ready for formal adoption. However, the Board has thus far been unsuccessful in its attempts to locate a legislator willing to sponsor the necessary legislation. Although the last day to introduce a new bill was February 21, the Board has until July 4 to locate a legislator willing to integrate BRGG's proposal into existing legislation. If BRGG is unable to locate a "host" bill to carry the proposal, it will be forced to postpone introduction of the legislation until next term. In such a case, the Board would also have to defer adoption of the corresponding regulations until next year. As a result of these complications, the Board has not yet published notice of its intent to adopt the regulations in the *California Regulatory Notice Register*.

**Automation of Enforcement and Application Tracking Systems.** In early May, BRGG automated its enforcement tracking system by gaining access to the state's mainframe computers, which utilize the Teale Data Center and enable BRGG to compile information necessary for the efficient monitoring and discipline of practitioners requiring enforcement activity. The system is operated by BRGG's recently-hired enforcement analyst and is expected to significantly improve BRGG's enforcement capabilities. [12:1 CRLR 63]

BRGG is still on the waiting list, however, for access to the Department of Consumer Affairs' (DCA) Sun Micro Data Center, which would enable BRGG to use scantron computers to automatically determine if an applicant's qualifications to take the examination are lacking in any

way. BRGG is not expected to gain access to DCA's mainframe until after 1994, and has therefore implemented a substitute automated application tracking system which utilizes smaller computers already in BRGG's possession. Although the new system is expected to save considerable time in reviewing applications, the program's limitations will still prevent BRGG from administering its examination twice per year until 1994.

**BRGG Examination Development and Validation Process Update.** On April 24, BRGG's Examination Committee met with Donnoe & Associates, the private firm BRGG contracted with to develop and validate its examination, as well as a group of experts in the fields of geology and geophysics who have been chosen to assist the firm in validating BRGG's examination. The validation process requires the experts to determine the "state of the industry" and ensure that the Board's current examination properly tests the knowledge, skills, and abilities necessary to function within that industry. [12:1 CRLR 63] At the meeting, the Committee was presented with preliminary validation information which will be utilized in updating BRGG's current examination. BRGG Executive Officer Frank Dellechiaie stated that the validation process is progressing smoothly and is expected to be completed by the scheduled deadline of January 1993.

**BRGG Increases Fees.** On January 14, the Office of Administrative Law approved BRGG's regulatory amendments to sections 3005, 3025, 3036, and 3037, Division 29, Title 16 of the CCR, which will increase the Board's revenue by increasing application, registration, and renewal fees, and discontinuing the 50% refund of the application fee previously given to applicants who lack the qualifications required for admission to the examination. [12:1 CRLR 63] The revised fee schedules and related changes are now in effect and will apply to all future application, registration, and renewal requests.

#### LEGISLATION:

**SB 2044 (Boatwright)**, as amended April 2, would declare legislative findings regarding unlicensed activity and authorize all DCA boards, bureaus, and commissions, including BRGG, to establish by regulation a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. This bill would also provide that the unlicensed performance of ac-

tivities for which a BRGG license or registration is required may be classified as an infraction punishable by a fine not less than \$250 and not more than \$1,000. [A. CPGE&ED]

**AB 2743 (Lancaster)**, as amended April 9, would authorize BRGG to establish a system of staggered certificate expiration dates and a pro rata formula for the payment of renewal fees by certificate holders affected by the implementation of the program. This bill would also authorize BRGG to establish a "cost recovery program"—that is, in a disciplinary proceeding, the Board could request the administrative law judge to direct the licentiate, in certain circumstances, to pay to the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case. [A. Floor]

**AB 892 (Tanner)** would have renamed the Geologist and Geophysicist Act as the Earth Scientist Act and revised specified provisions to authorize BRGG to regulate the practice of groundwater hydrology. This bill died in committee.

**SB 958 (Rogers)** would have amended Public Resources Code section 2774, which currently specifies that those conducting surface mine inspections must be state-registered geologists, state-registered civil engineers, state-licensed architects, or state-registered foresters. SB 958 would have deleted the requirement for state registration or licensure, and stated that the proposed inspections could be conducted by a qualified professional with experience in land reclamation. This bill died in committee.

#### RECENT MEETINGS:

At its March 9 meeting, the Board approved Executive Officer Frank Dellechiaie's proposal to publish BRGG's consumer brochure, which will inform the public about topics ranging from how to file a complaint to what a geologist's work entails. [11:4 CRLR 79] Although publishing and disseminating the brochure will cost between \$1,500 and \$3,000, the Board stated that the brochure will serve a valuable purpose which justifies the cost.

#### FUTURE MEETINGS:

To be announced.

#### BOARD OF GUIDE DOGS FOR THE BLIND

*Executive Officer: Manuel Urena*  
(916) 445-9040

The Board of Guide Dogs for the Blind has three primary functions. The Board



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protects the blind guide dog user by licensing instructors and schools to ensure that they possess certain minimum qualifications. The Board also enforces standards of performance and conduct of these licensees as established by law. Finally, the Board polices unlicensed practice.

The Board, authorized by Business and Professions Code section 7200 *et seq.*, consists of seven members, two of whom must be dog users. In carrying out its primary responsibilities, the Board is empowered to adopt and enforce regulations, which are codified in Division 22, Title 16 of the California Code of Regulations (CCR).

The Board currently licenses three guide dog schools and 48 trainers.

### LEGISLATION:

**SB 2044 (Boatwright)**, as amended April 2, would declare legislative findings regarding unlicensed activity and authorize all DCA boards, bureaus, and commissions, including the Board, to establish by regulation a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. [A. CPG&ED]

**AB 567 (Hunter)** would have abolished the Board of Guide Dogs for the Blind and required trainers of guide, signal, or service dogs to register with the Department of Consumer Affairs (DCA); these registered trainers would have been permitted to authorize other personnel to train the dogs. DCA would have been required to establish and maintain a registry of these persons and issue registration certificates. This bill died in committee.

**SB 756 (Marks)** would have changed the composition of the Board by providing that one member shall be the Director of the Department of Rehabilitation or his/her representative, one shall be a veterinarian, one shall be a member of the general public, and the remaining members shall be blind persons who use guide dogs. This bill died in committee.

### RECENT MEETINGS:

At its February 28 meeting in Rancho Mirage, the Board heard from various speakers on issues concerning dog usage and animal rights. For example, the Board was addressed by Steve Hazard, whose guide dog was taken away by the guide dog school which trained it based on an animal control officer's allegations of abuse. Mr. Hazard, who was without his dog for five months, complained that because he did not own his dog, he had no

due process rights. The Board stated that it could not provide any recourse for Mr. Hazard against the school, because he did not have ownership. Although the Board resolved last October to study the issue of guide dog ownership, it has taken no action since then. [12:1 CRLR 64] Currently only one school, International Guiding Eyes, provides graduates with the option of dog ownership; another school, Guide Dogs of the Desert, has made a proposal to provide graduates with this option.

### FUTURE MEETINGS:

To be announced.

### BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

Chief: Gordon Damant  
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The Bureau of Home Furnishings and Thermal Insulation (BHFTI) is charged with regulating the home furnishings and insulation industries in California. As a division of the state Department of Consumer Affairs (DCA), the Bureau's mandate is to ensure that these industries provide safe, properly labeled products which comply with state standards. Additionally, the Bureau is to protect consumers from fraudulent, misleading, and deceptive trade practices by members of the home furnishings, insulation, and dry cleaning industries. The Bureau is established in Business and Professions Code section 19000 *et seq.*

The Bureau establishes rules regarding furniture and bedding labeling and sanitation. To enforce its regulations, which are codified in Division 3, Title 4 of the California Code of Regulations (CCR), the Bureau has access to premises, equipment, materials, and articles of furniture. The Bureau may issue notices of violation, withhold products from sale, and refer cases to the Attorney General or local district attorney's offices for possible civil penalties. The Bureau may also revoke or suspend a licensee's registration for violation of its rules.

The Bureau is also charged with the registration of dry cleaning plants throughout the state. The registration process includes submission of information regarding the plant's onsite storage, treatment, and disposal of toxic wastes. The Bureau, however, has no enforcement authority regarding this function.

The Bureau is assisted by a thirteen-member Advisory Board consisting of seven public members and six industry representatives.

### MAJOR PROJECTS:

#### **Bureau Eases Transition Period for Compliance with Technical Bulletin 133.**

As of March 1, Technical Bulletin 133 became law in California. This Technical Bulletin, which is comprised of amendments to sections 1374 and 1374.3, Title 4 of the CCR, establishes higher flammability standards for furniture in certain public occupancy buildings. [12:1 CRLR 65] In order to ease the transition to the new regulations, the Bureau has prepared a question-and-answer booklet which addresses 35 of the most commonly asked questions about testing, compliance, fabric, fire blockers, labeling, and costs. BHFTI intends to update the booklet as more industry concerns are uncovered. In addition, the Bureau has prepared a comprehensive informational package which includes copies of the current flammability law and flammability regulations; information about flammability labeling; a copy of the Technical Bulletin 133 seating product description form; Technical Bulletin 133; and a copy of the question-and-answer booklet.

In addition to its publications, BHFTI has scheduled a series of statewide seminars relating to Technical Bulletin 133. The three-hour seminars, which were to be conducted through June, have met with initial success and have been attended by over 100 industry representatives.

**Bureau Drafts Technical Bulletin 129.** The Bureau has drafted an initial copy of a full-scale fire performance test for evaluating mattresses intended for use in a variety of public buildings. The procedure, which will be a complementary test to the recently-implemented full-scale fire test for seating furniture (Technical Bulletin 133), will provide a method to measure the fire performance of an entire mattress system, including bed foundations and other bedding components. BHFTI's Advisory Board was expected to discuss the proposed standard at its June 9 meeting.

**Bureau Undertakes Extensive Review of Home Furnishings Act.** In an ongoing effort to improve the Bureau's goal of consumer protection, BHFTI staff met with DCA Deputy Director Tom Maddock on May 5 to identify areas of the Home Furnishings Act in the Business and Professions Code that should be addressed in future Bureau-initiated legislation. Nine specific areas of the Act were identified as needing amendments or repeal. For example, BHFTI may seek the repeal of Article 11, Dry Cleaning and Fabric Care; amendments to sections 19051 and 19055 to incorporate the upholstered furniture and bedding retailer's licenses in-