



## REGULATORY AGENCY ACTION

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

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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-



cluded in the pending DCA omnibus bill, SB 2044 (*see infra* LEGISLATION); clarification of section 19072.5 to indicate retailers' responsibility to obtain and affix labels from the manufacturer; the repeal of section 19175, to eliminate a requirement that license fees received by the home furnishings or insulation fund be expended only on the program for which they were collected; and amendments to sections 19213.1 and 19213.2 to set the maximum testing fees at actual cost. The Bureau is presently preparing proposed legislation to include these and other proposed changes. The draft legislation was expected to be submitted to DCA for review by July 1, and may be introduced during the 1993-94 legislative session.

**Bureau Initiates Budget Change Proposals for 1993-94.** In order to initiate budget change proposals (BCPs) for fiscal year 1993-94, the Bureau recently submitted preliminary BCP concept papers to DCA for review. The proposed BCPs request additional spending authority for six purposes: covering a possible increase in rent; instituting a toll-free consumer number; hiring a data processing specialist to maintain existing systems, acquire improvements, and conduct ongoing staff training; creating a new Textile Chemist I position to handle increased workload from inspections generated by Technical Bulletin 133; adding two Inspector II positions; and hiring a warehouse person.

**State Fire Marshal's Laboratory Transferred to BHFTI.** In an effort to consolidate and preserve valuable state resources, the State Fire Marshal's laboratory has been transferred to DCA. Pursuant to an interim agreement which became effective May 1, the laboratory has been transferred to BHFTI premises. The lab will provide analytical services and product performance evaluation for fire-resistant textiles and synthetic materials and fireworks. Additionally, forensic analyses of physical evidence from arson and explosives investigations will be performed in the lab. A final, detailed agreement between the State Fire Marshal and DCA, which will deal specifically with legislative, funding, budget, and policy issues, was expected to be finalized before July 1.

**DCA Pursues Partial Merger of BHFTI and the Bureau of Electronic and Appliance Repair.** The Bureau is preparing for an anticipated merger of selected functions of BHFTI and the Bureau of Electronic and Appliance Repair (BEAR). BHFTI and BEAR will continue to exist as two independent bureaus with separate administrative staff; however, several options are currently

being explored to facilitate the merger of common activities which could be shared by both bureaus. Possibilities under consideration include the merging of licensing, cashiering, complaint handling, consumer assistance, and inspection functions. Representatives of BHFTI and BEAR have met with the state planner assigned to the project; the planner, along with BHFTI and BEAR, will evaluate the feasibility of the proposed consolidation within BHFTI's current facility.

## LEGISLATION:

**SB 2044 (Boatwright),** as amended April 2, would declare legislative findings regarding unlicensed activity and authorize all DCA boards, bureaus, and commissions, including BHFTI, 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 activities for which a BHFTI 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. SB 2044 would also provide that if, upon investigation, BHFTI has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services, without being properly licensed by the Bureau to offer or perform those services, the Bureau may issue a citation containing an order of correction which requires the violator to cease the unlawful advertising and notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising. Additionally, SB 2044 would increase BHFTI's fees for licenses and registration. [A. CPGE&ED]

**AB 2370 (Canella).** Existing law requires dry cleaning plants to register with BHFTI, and expresses the intent of the legislature that the provisions relating to registration do not affect the statutes, regulations, or the jurisdiction of state agencies relating to control of toxic chemicals used in fabric care and dry cleaning. This bill would establish the California Dry Cleaning Industry Task Force, and would require the task force to prepare a report on prescribed matters relating to the effect of dry cleaning industry practices on the environment. [S. Appr]

**AB 1749 (Johnson)** would have revised to an unspecified amount the penalty fee for failure to timely renew a

BHFTI license prior to its expiration. This bill died in committee.

## LITIGATION:

In *People v. PMC, Inc.*, No. 523243 (Sacramento County Superior Court), PMC was ordered to pay \$13,851 in civil penalties, investigation costs, and attorneys' fees. Among other things, the final judgment requires PMC to initiate a recall by mailing a letter to all known California purchasers of the "Nintendo Super Mario Bros." video chair informing them that the article that they purchased did not contain fire-retardant foam as required by California law; the article is a fire hazard in their home; and purchasers should return the item to their local Levitz furniture store for a full refund or have the item replaced at no cost to the purchaser. Of the \$13,851 judgment, the Bureau will receive \$3,851 to cover its investigation costs in the matter.

In *People v. Nelson*, No. 522233 (Sacramento County Superior Court), David Nelson of Nelson Juvenile Products, Inc., a Washington corporation, was ordered to pay \$2,500 in civil penalties and directed to initiate and maintain a quality control program which will ensure that the inner material of his manufactured and/or imported upholstered furniture complies with BHFTI's Technical Bulletin 117 for fire-retardant inner materials, and with all applicable labeling laws.

## RECENT MEETINGS:

At the March 10 Advisory Board meeting, BHFTI staff reported that the Bureau would be holding a manager/supervisor retreat to discuss short- and long-term plans for BHFTI, such as personnel organization.

Also at the March 10 meeting, Bureau Chief Gordon Damant reported that a survey of waterbed liners revealed that 71% of the products being sold in California do not comply with California's requirements on thickness, and 26% failed to meet the Bureau's leakage requirements. Damant held a meeting in February with the Waterbed Manufacturers Association in Los Angeles; at that time, BHFTI put the entire industry on notice that another survey of waterbed liners would be conducted within the next few months. If violations are found, the Bureau intends to take severe disciplinary action against the industry.

## FUTURE MEETINGS:

To be announced.