



REGULATORY AGENCY ACTION

ing, CIWMB approved its Program application, which seeks "approved state" status for California; the application was subsequently submitted to EPA Region IX officials for review.

At its April 29 meeting, CIWMB announced that it completed its report to the legislature regarding the number of tires recycled or diverted from landfill disposal and stockpiling. The report estimates that, of the 27 million used tires generated in 1990, approximately 9.5–11.5 million are used again for varying alternatives including reuse, retreading, and combustion.

FUTURE MEETINGS:

August 27–28 in Santa Barbara.
September 23–24 in Fresno.
October 29–30 in Santa Rosa.

DEPARTMENT OF PESTICIDE REGULATION

Director: James Wells
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The California Department of Food and Agriculture's Division of Pest Management officially became the Department of Pesticide Regulation (DPR) within the California Environmental Protection Agency (Cal-EPA) on July 17, 1991. DPR's enabling statute appears at Food and Agricultural Code section 11401 *et seq.*; its regulations are codified in Titles 3 and 26 of the California Code of Regulations (CCR).

With the creation of Cal-EPA, all jurisdiction over pesticide regulation and registration was removed from CDFA and transferred to DPR. Pest eradication activities (including aerial malathion spraying, quarantines, and other methods of eliminating and/or preventing pest infestations) remain with CDFA. The important statutes which DPR is now responsible for implementing and administering include the Birth Defect Prevention Act (Food and Agricultural Code section 13121 *et seq.*), the Pesticide Contamination Prevention Act (section 13141 *et seq.*), and laws relating to pesticide residue monitoring (section 12501 *et seq.*), registration of economic poisons (section 12811 *et seq.*), assessments against pesticide registrants (section 12841 *et seq.*), pesticide labeling (section 12851 *et seq.*), worker safety (section 12980 *et seq.*), restricted materials (section 14001 *et seq.*), and qualified pesticide applicator certificates (section 14151 *et seq.*).

DPR includes the following branches:

1. The Pesticide Registration Branch is responsible for product registration and

coordination of the required evaluation process among other DPR branches and state agencies.

2. The Medical Toxicology Branch reviews toxicology studies and prepares risk assessments. Data are reviewed for chronic and acute health effects for new active ingredients, label amendments on currently registered products which include major new uses, and for reevaluation of currently registered active ingredients. The results of these reviews, as well as exposure information from other DPR branches, are used in the conduct of health risk characterizations.

3. The Worker Health and Safety Branch evaluates potential workplace hazards resulting from pesticides. It is responsible for evaluating exposure studies on active and inert ingredients in pesticide products and on application methodologies. It also evaluates and recommends measures designed to provide a safer environment for workers who handle or are exposed to pesticides.

4. The Environmental Monitoring and Pest Management Branch monitors the environmental fate of pesticides, and identifies, analyzes, and recommends chemical, cultural, and biological alternatives for managing pests.

5. The Pesticide Use and Enforcement Branch enforces state and federal laws and regulations pertaining to the proper and safe use of pesticides. It oversees the licensing and certification of dealers and pest control operators and applicators. It is responsible for conducting pesticide incident investigations, administering the state pesticide residue monitoring program, monitoring pesticide product quality, and coordinating pesticide use reporting.

6. The Information Services Branch provides support services to DPR's programs, including overall coordination, evaluation, and implementation of data processing needs and activities.

Also included in DPR is the Agricultural Pest Control Advisory Committee, established in Food and Agricultural Code section 12042 *et seq.*, which makes recommendations on how the state can improve its existing analytical methods for testing produce and processed foods for the presence of pesticide residues.

MAJOR PROJECTS:

DPR Enforces the Birth Defect Prevention Act. In February, DPR initiated suspension action against 57 pesticide active ingredients contained in more than 3,000 products sold in California, stating that the manufacturers of the chemicals failed to provide toxicity

studies needed to assess the health effects of their use, as mandated by the Birth Defect Prevention Act of 1985. Pursuant to SB 550 (Petris) (Chapter 1228, Statutes of 1991), which amended the Act, DPR must suspend the registration of any pesticide on its priority list for which registrants have not submitted all required chronic health effects studies as of December 31, 1991; these 57 chemicals are on that priority list.

According to DPR Director James Wells, "[a]lthough the word 'pesticide' is most often associated with chemicals that kill insects and weeds, disinfectants and other chemicals that kill bacteria and other microbes are also pesticides." The chemicals facing suspension include the following: the active ingredient in widely used household disinfectants, such as Lysol Brand Disinfectant, Pine-Sol Cleaner, and Extra Strength Vanish; deet, used in almost all human and many animal insect repellants; boric acid, a widely used insecticide; carbaryl, an insecticide used on most food crops against most insects; ethylene oxide, a low-heat sterilant for medical, dental, hospital, and museum uses; and sulfuryl fluoride, commonly known by the tradename Vikane, a chemical used as a structural fumigant to control termites and other wood-destroying insects.

If a pesticide is actually suspended, sales of the product in the channels of trade may continue for up to two years; however, wholesale sales by registrants would be prohibited. Deferrals from suspension may be granted if the data generator has submitted eight of the required ten studies, has initiated the other two by January 15, 1992, and has a record of timely and appropriate compliance with previous requests for data. Suspension may also be deferred while studies are being completed if the suspension would result in substantial economic hardship or impacts on public health would occur, and there are no feasible alternatives. If suspension is deferred, all studies for the active ingredient must be initiated by June 15, or registration will be suspended.

In support of DPR's actions, Cal-EPA Secretary James Strock noted that pesticide manufacturers have known since the 1984 passage of the Act that they would have to submit chronic health effects data on California-registered pesticides. According to Strock, in instigating suspension actions against companies which have not performed health effect studies, the state is "placing the burden for demonstrating safety where it should be: upon those who create the chemicals." Strock also stressed that the chemicals are



facing suspension not because they pose known hazards, but because their manufacturers have failed to meet deadlines to submit the required studies. DPR Director Wells added that the submission of the health studies is just one step in the state's evaluation of a chemical, explaining that if significant adverse health effects are identified in the studies, the products will still be subject to cancellation if mitigation measures cannot provide an adequate margin of safety.

At the April 17 meeting of DPR's Pesticide Registration and Evaluation Committee, Barry Cortez of the Pesticide Registration Branch reported that DPR had received 47 petitions for extensions of time, or deferrals of suspension, or both. For three of the active ingredients, the remaining mandatory health effects studies have been submitted since the notices were mailed. On five ingredients, DPR received requests for exemption or waiver of the data requirements.

Procedures for Suspension of Pesticide Products. On April 3, DPR published notice of its intent to amend section 6196 and adopt section 6196.1, Titles 3 and 26 of the CCR, to establish procedures for the suspension of pesticide products under the Birth Defect Prevention Act and the Pesticide Contamination Prevention Act.

Sections 13127(c) and 13146(c) of the Food and Agricultural Code state that the DPR Director has the same authority to require information from registrants of active pesticide ingredients that the Administrator of the U.S. Environmental Protection Agency (EPA) has pursuant to 7 U.S.C. section 136a(c)(2)(B) (also known as section 3(c)(2)(b)), part of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Section 3(c)(2)(B) includes both powers and limitations. These powers and limitations apply to the DPR Director unless the Food and Agricultural Code specifically provides different mandates, in which case those statutes apply. The proposed amendments to section 6196 establish, for the regulated public, which of the provisions from FIFRA section 3(c)(2)(B) are deemed to apply.

The Birth Defect Prevention Act was amended in 1991 by SB 550 (Petris) and AB 1742 (Hayden). [11:4 CRLR 166] Section 13123(m) was added and states that the term "suspend" means that the Director has issued a notice of intent to suspend the registration of a pesticide product. Section 13123(m) also states that "[t]he director shall issue a suspension order at the earliest possible time." Section 13127(c)(1) of the Food and Agricul-

tural Code was amended to state that "[i]n order to carry out this section, the director has the same authority to require information from registrants of active pesticide ingredients and to suspend registration that the Administrator of the Environmental Protection Agency has...." Section 13127(c)(1) was also amended to add the sentence: "If a hearing is requested regarding the proposed suspension of registration, it shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code." The proposed adoption of section 6196.1 establishes which of the provisions of Chapter 5 of the Government Code (also known as the Administrative Procedure Act) are deemed to apply.

DPR did not schedule a hearing on these proposed regulatory changes, but accepted public comments until May 22.

Restrictions on the Use of Pesticides Containing Thiophanate-Methyl. On February 11, the Office of Administrative Law (OAL) approved DPR's adoption of section 6795, Titles 3 and 26, regarding use restrictions on thiophanate-methyl in furtherance of worker safety. During two months in 1989, a cluster of illnesses occurred in a group of eleven potato processing workers exposed to a fungicide dust containing thiophanate-methyl; the symptoms included eye irritation, skin rashes, short-term fevers, and an asthma-like illness known as reactive airways disease, which is most often caused by heavy exposure to respiratory irritants. Data on file with DPR indicate that exposure to thiophanate-methyl, a fungicide dust sprinkled onto cut potatoes, causes respiratory illnesses in laboratory animals at certain inhalation levels. According to DPR, it is likely that the level of thiophanate-methyl to which the employees who became ill were exposed was about the same order of magnitude as the occupational exposure standard for nuisance dust.

Originally adopted as an emergency regulation in April 1991 [11:3 CRLR 147-48], section 6795 requires employers to provide and ensure that employees who handle pesticides containing thiophanate-methyl for the treatment of potato seed pieces wear respiratory protection approved by a specified entity for dusts. Under section 6795, indoor applications of thiophanate-methyl for potato seed-piece treatment are prohibited if there are persons within the room or enclosed space where the treatment is taking place, unless the persons are protected as described above.

DPR Adopts Emergency Regulations

Regarding Fumigants. On April 14, DPR adopted new section 6455 and amendments to section 6454, Titles 3 and 26 of the CCR, regarding the use of methyl bromide and sulfuryl fluoride in the fumigation of structures. The revisions—which were adopted on an emergency basis—generally increase the length of time occupants must wait before re-entering the fumigated structure. If methyl bromide is used, the waiting period may be up to seven days, depending on whether fans are used to help ventilate the structure, the amount used, and results of air tests to determine how much gas, if any remains; if the more expensive sulfuryl fluoride is used, the waiting period is significantly less, usually about one day. Also, the regulations require that lower levels of methyl bromide be reached before a building is cleared for re-entry. Further, DPR's regulations require that the Structural Pest Control Board (SPCB) licensee performing the fumigation have in his/her possession at the fumigation site a Structural Fumigation Fact Sheet, available from DPR, which must be signed by specified individuals. (See *supra* agency report on SPCB for related discussion.)

DPR has prepared two separate fact sheets regarding structural fumigants; one addresses the use of methyl bromide and the second addresses the use of sulfuryl fluoride. The fact sheets explain why and how buildings are fumigated, how to tell if one has been exposed to the applicable pesticide, the health risks of the pesticide, and ways to reduce the chance of exposure. To ensure that consumers receive the document, DPR's regulations require that owners and occupants of property to be fumigated sign the applicable form on the last page, acknowledging that they have had an opportunity to read the information.

Rulemaking Update. The following is a status update on DPR regulatory proposals reported in recent issues of the *Reporter*:

—Pesticide Sales Reporting and Mill Assessment Reports. On January 22, OAL approved DPR's amendments to section 6388, Titles 3 and 26 of the CCR. [12:1 CRLR 149] Among other things, the amendments require registrants to report quarterly in a specified format to the DPR Director the total dollar sales and quantity of each registered pesticide product sold for use in California.

—Monitoring of Human Participants for Pesticide Exposure. DPR is currently reviewing public comments received in response to its proposed amendments to sections 6177, 6183, and 6170, Titles 3 and 26 of the CCR, which would establish



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procedures for the review of protocols for any study, the purpose of which includes the monitoring of human participants for pesticide exposure. [12:1 CRLR 149] DPR is expected to revise the proposal and release the modified version for an additional public comment period.

—Rulemaking Under the Pesticide Contamination Prevention Act. DPR's proposed amendments to section 6802, Titles 3 and 26 of the CCR, would add 94 new pesticide management zones in eight counties to its list of geographic areas demonstrated to be sensitive to groundwater contamination by pesticides containing atrazine, simazine, bromacil, and duiron. [12:1 CRLR 149] At this writing, this proposal still awaits review and approval by OAL.

On April 3, OAL approved DPR's proposal to amend section 6800(b), which adds 38 chemicals to those already identified in the Groundwater Protection List as having the potential to pollute groundwater due to the mobility and longevity in soil; consolidate section 6572 with section 6562 into revised section 6562, entitled "Dealers Record and Sales Reporting"; and repeal section 6417 and amend section 6416, permitting the use of the chemicals listed on the Groundwater Protection List for research purposes subject to authorization by the DPR Director. [12:1 CRLR 149]

—Specific Numerical Values for Aerobic Soil Metabolism. DPR's proposed amendments to section 6804, Titles 3 and 26 of the CCR, would revise the existing specific numerical values (SNVs) for aerobic soil metabolism and establish a SNV for anaerobic soil metabolism. [12:1 CRLR 149] DPR expects to submit its rulemaking file to OAL for review and approval by the end of the summer.

—Conflict of Interest Code. On February 19, DPR submitted its proposed conflict of interest code to the Fair Political Practices Commission for review and approval. The proposed code would designate employees who must disclose certain investments, income, interests in real property, and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. [12:1 CRLR 149] If approved by the FPPC, the code will be forwarded to OAL for approval.

—Dietary Risk Assessment. On February 27, OAL approved DPR's proposed adoption of new section 6193.5 and amendments to section 6194, Titles 3 and 26 of the CCR. The revisions establish which acute effects data are needed to

conduct dietary risk assessments, specify that such data must be submitted prior to registration of pesticides containing new active ingredients for use on food, and establish procedures to obtain acute effects pursuant to Food and Agricultural Code section 13060 for currently-registered pesticides. [12:1 CRLR 150]

—Standards for Use of Chloropicrin and Methyl Bromide in Field Fumigation. DPR's proposed amendments to section 6450 and 6784 and adoption of section 6451, Titles 3 and 26 of the CCR, would establish stringent use requirements for field applications of methyl bromide and chloropicrin, and would shift responsibility for worker and public safety from the person applying the fumigant to the operator of the property to be treated. [12:1 CRLR 150] At this writing, the proposed changes still await review and approval by OAL.

LEGISLATION:

SB 1794 (Hart), as amended March 24, would require each regional poison center that receives a report from a physician who knows, or has reasonable cause to believe, that a patient is suffering from a pesticide poisoning or any disease or condition caused by a pesticide to immediately notify the county agricultural commissioner and the Office of Environmental Health Hazard Assessment of each report. This bill would also require the Department of Health Services Director, on or before July 1, 1993, to take specified actions with respect to the testing, monitoring and reporting of cases of pesticide poisoning. It would require that each clinical laboratory or public health laboratory performing certain tests for pesticide poisoning to be certified, as specified, and comply with regulations governing pesticide poisoning. [A. L&E]

AB 2430 (Bronzan), as amended April 9, would require the CDFA Director to maintain a program to develop new methods and modify existing methods for testing produce for the presence of pesticide residues. [S. AWR]

AB 103 (Tanner) would require DPR, on and after July 1, 1992, as a condition of registration, to require the applicant to submit specified information to DPR, and file this information with the Office of Emergency Services, concerning the hazards associated with a sudden release of the economic poison into the environment, unless exempted by DPR. [S. Appr]

AB 2292 (Hannigan). Existing law authorizes a county to develop and establish a program for the collection of banned, unregistered, or outdated agricultural waste from an eligible participant,

who is defined as a person who stores specified amounts of these wastes and operates a farm. Existing law specifies requirements for the transportation of waste to and from collection sites. As amended February 19, this bill would additionally include, as an eligible participant, a person who stores that waste in those amounts and operates an agricultural pest control business, an agricultural pesticide dealership, a park, a cemetery, or a golf course. [S. T&PSM]

AB 2787 (Areias). Existing law makes it unlawful for any person to manufacture, deliver, or sell any economic poison or any substance or mixture of substances that is represented to be an economic poison, or to retail any formula for an economic poison in conjunction with the sale or gift of materials that are represented to be the essential ingredients necessary to constitute an economic poison, or to possess or use any economic poison, which is not registered with DPR. As amended May 14, this bill would prohibit any of the above activities with respect to an economic poison for which the registration has been suspended, with specified exceptions. This bill would also require the DPR Director, in consultation with the CDFA Director, to review specified regulations proposed to be adopted by the federal Environmental Protection Agency relating to agricultural pesticide containers and to make specified recommendations relating to the findings in the bill. [A. W&M]

AB 3395 (Hayden). Existing law requires DPR to notify registrants of data requirements for certain pesticide active ingredients. As introduced February 21, this bill would require the DPR Director to suspend the registration of certain pesticides containing an active ingredient for which the Director notifies a registrant and for which the registrant or data generator fails to respond to the Director's notification of data requirements or the final notice of data gaps. [S. H&HS]

AB 3650 (Tanner). Existing law requires each registrant of an economic poison, until June 30, 1992, to pay to DPR an assessment of \$0.018 per dollar of sales for all sales of registered and labeled economic poisons for use in this state; and reduces the assessment rate commencing July 1, 1992, to \$0.009 per dollar of sales. Existing law requires the DPR Director, until July 1, 1992, to pay 31.25% of the funds received pursuant to that assessment to counties as reimbursement for costs incurred by counties in the administration and enforcement of specified provisions of law relating to pest control, economic poisons, restricted materials, and environ-



mentally harmful material. As amended April 6, this bill would repeal the dates on which those existing rates would otherwise become inoperative and would impose an assessment rate of \$0.026 per dollar of sales, and a reimbursement rate to counties of 21.64% of that assessment. [S. Rules]

SB 1850 (Petris). Existing law required the DPR Director, by January 15, 1992, to issue a notice of intent to suspend the registration of any pesticide product containing certain active ingredients for which the registrant did not submit the required data by December 31, 1991. Under existing law, a study required pursuant to these provisions is deemed to be submitted until it is determined to be unacceptable by DPR. As introduced February 21, this bill would provide that a study shall be deemed to be submitted until it has been determined by DPR to be unacceptable and not capable of being upgraded. This bill would also require that the Director issue a notice of the impending suspension of the registration of certain pesticide products, rather than a notice of intent to suspend the registration.

Existing law requires the Director to levy a charge on data generators of up to \$1,000 per day for each day a data gap continues to exist after January 15, 1992. This bill would, instead, require the Director to levy the charge on data generators for each day a data gap continues to exist after the date the Director issues a deferral of suspension of registration pursuant to other specified provisions of existing law. [A. Agri]

SB 1969 (McCorquodale), as introduced February 21, would delete existing law which exempts officials of specified recreation and park districts from having to obtain an agricultural pest control adviser license from DPR if they make a recommendation in writing as to a specific application of pesticide on a specific parcel. [S. Appr]

The following is a status update on bills reported in detail in CRLR Vol. 12, No. 1 (Winter 1992) at pages 150-51:

SB 926 (Petris) would enact the School Pesticide Use Reduction Act, requiring, among other things, the DPR Director to cancel the registration of any school-use pesticide, as defined, that contains any active or inert ingredient known to cause cancer or known to cause reproductive harm during its registration renewal period in 1993, or any renewal period thereafter, unless the label specifically proscribes the use of the pesticide at a school facility and a child day care facility. [A. W&M]

AB 1325 (Jones) would authorize the

DPR Director to cancel the registration of, or refuse to register, any economic poison if the Director determines that the registrant has failed to submit data required to be submitted as part of the reevaluation of the registrant's product. [A. inactive file]

AB 1206 (Areias). Existing law authorizes the DPR Director to seize and hold any lots of produce, or any unharvested produce that is within one week of being in harvestable condition, which carries or is suspected of carrying pesticide residue or other added deleterious ingredients in violation of designated provisions regulating pesticide residue. This bill would include any agricultural commodity grown for food within that provision. [S. AWR]

The following bills died in committee: **AB 1715 (Hayden),** which would have—among other things—established the amount of the assessment required of each registrant of an economic poison, commencing July 1, 1992, to be 14 mills per dollar of sales; **AB 1214 (Jones),** which would have required the DPR Director to conduct a study to evaluate recommendations relating to the various uses of economic poisons, taking into consideration variations in the use of pesticides based on variations in pest populations, weather, geographic areas, and agricultural products; **AB 1854 (Connelly),** which would have required the DPR Director to adopt permissible tolerances for pesticide chemicals in or on produce, and required those tolerances to be the tolerances determined by Department of Health Sciences (DHS); **SB 46 (Torres),** which would have revised the definition of toxic air contaminant to delete an exclusion for pesticides and to include specified substances; and **AB 816 (Jones),** which would have declared that designated provisions of the Food and Agricultural Code relating to the storage of economic poisons are of statewide concern and occupy the whole field of regulation, thereby preventing local governments from regulating any matter relating to the storage of economic poisons; and **AB 1377 (Areias),** which would have authorized the DPR Director to cancel the registration of any economic poison if the Director determines that the registrant has failed to submit data required to be submitted.

RECENT MEETINGS:

At its January 17 meeting, DPR's Pesticide Advisory Committee continued to discuss the devastating infestation of the poinsettia strain of the sweet potato whitefly. [12:1 CRLR 151] Although this

strain of the whitefly has been found in Arizona, Texas, Georgia, Florida, Mexico, and California, no effective pesticides currently registered adequately control the pest. The Committee reported that Governor Wilson's Blue Ribbon Task Force on the whitefly, of which DPR is a member, has attempted to organize various concerned parties in order to discuss the current status of the problem and possible resolutions. According to the Committee, measures currently being implemented include host management, adjusting planting dates for the affected crops, and sanitation procedures used both with the affected crops and adjacent weeds. Also, three University of California schools are engaging in a number of research efforts; the universities at looking at both ongoing efforts that may be applicable to solving some of the problems and additional research needed to better understand the whitefly, in addition to what measures may be applicable to control it and reduce its populations. DPR does not believe that chemicals will provide long-term control of the whitefly, but acknowledges that some temporary chemical controls may be needed. DPR's focus for long-term control of the whitefly remains on the use of "beneficials," such as predator insects and fungi, which will eat the pest targeted for extermination.

Also at its January meeting, the Pesticide Advisory Committee reviewed the results of its annual residue report resulting from its market surveillance program. As part of the program, DPR took 8,278 fruit and vegetable samples at retail, wholesale, and packing shed levels; 80% of those samples did not have any detectable residues. DPR found an illegal residue level of .79%, which is a decrease from last year's 2% finding. Of the 2,598 samples of commodities known to be treated with pesticides, 92% did not have any detectable pesticide residues using a specific analysis method; 7.9% had residues within the tolerance and only one sample had residue exceeding the tolerance level.

At its March 20 meeting, DPR's Pesticide Registration and Evaluation Committee discussed control measures for the pesticide carbofuran; its use on grapes has been closely monitored because of reported bird kills implicated with its use. The Committee noted that the Department of Fish and Game reviewed the use of carbofuran and recommended that DPR reevaluate the pesticide. Based on its review, the Committee recommended to the DPR Director that no permits be issued for carbofuran on grapes in Napa, Mendocino, and Sonoma counties, and that



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other counties comply with strict permit use requirements.

FUTURE MEETINGS:

DPR's Pesticide Advisory Committee and Pesticide Registration Evaluation Committee regularly meet to discuss issues of practice and policy with other public agencies; both committees meet in the annex of the Food and Agriculture Building in Sacramento. The Pesticide Advisory Committee, which meets every other months, is scheduled to meet September 18 and November 20. The Pesticide Registration Evaluation Committee is scheduled to meet September 18, October 16, November 20, and December 18.

WATER RESOURCES CONTROL BOARD

Executive Director: Walt Pettit
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The state Water Resources Control Board (WRCB) is established in Water Code section 174 *et seq.* The Board administers the Porter-Cologne Water Quality Control Act, Water Code section 13000 *et seq.*, and Division 2 of the Water Code, with respect to the allocation of rights to surface waters. The Board consists of five full-time members appointed for four-year terms. The statutory appointment categories for the five positions ensure that the Board collectively has experience in fields which include water quality and rights, civil and sanitary engineering, agricultural irrigation, and law.

Board activity in California operates at regional and state levels. The state is divided into nine regions, each with a regional board composed of nine members appointed for four-year terms. Each regional board adopts Water Quality Control Plans (Basin Plans) for its area and performs any other function concerning the water resources of its respective region. Most regional board action is subject to State Board review or approval.

The State Board has quasi-legislative powers to adopt, amend, and repeal administrative regulations for itself and the regional boards. WRCB's regulations are codified in Divisions 3 and 4, Title 23 of the California Code of Regulations (CCR). Water quality regulatory activity also includes issuance of waste discharge orders, surveillance and monitoring of discharges and enforcement of effluent limitations. The Board and its staff of approximately 450 provide technical assistance ranging from agricultural pollution control and waste water reclamation to

discharge impacts on the marine environment. Construction loans from state and federal sources are allocated for projects such as waste water treatment facilities.

The Board also administers California's water rights laws through licensing appropriate rights and adjudicating disputed rights. The Board may exercise its investigative and enforcement powers to prevent illegal diversions, wasteful use of water, and violations of license terms.

MAJOR PROJECTS:

Salmon, Bay/Delta Salinity, and Water Rights. On March 3, WRCB began emergency hearings to consider whether it should take drought-related water rights actions this year to conserve water storage upstream of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay/Delta) for protection of the endangered winter-run chinook salmon. To help the salmon, adequate cold water must be retained in Shasta Reservoir or in Trinity Reservoir to maintain a temperature of 56 degrees Fahrenheit in a reach of the upper Sacramento River during spawning and incubating. On March 19, WRCB approved an order temporarily amending the water rights permits of the federal Central Valley Project (CVP) and the State Water Project (SWP) to make it easier for them to meet their water rights permit terms and conditions for the Suisun Marsh and the Contra Costa Canal intake. This action came in response to the continuing drought and the decision of the National Marine Fishery Service to protect winter-run salmon by requiring closure of the Delta Cross Channel from February 1 through May 1, and closure of the Suisun Marsh salinity control gates from March 1 through April 15, unless documentation shows that no water would be diverted from Montezuma Slough through unscreened diversions during this period. These closures were expected to make it difficult or impossible for the CVP and SWP to meet their water rights permit terms and conditions for some of the Suisun Marsh standards and for the 150 milligram per liter chloride (salinity) standard at the Contra Costa Canal intake.

WRCB's Bay/Delta proceedings, on hold for months pending completion of an environmental impact report and resubmission of a water quality control plan for salinity to the U.S. Environmental Protection Agency (EPA) [12:1 CRLR 154], were given new impetus by Governor Wilson's April 6 announcement of his new statewide water policy. Wilson announced that he will move to end five years of uncertainty by ordering Cal-EPA and

WRCB to work with the federal EPA to set interim water quality standards by the end of this year. These salinity standards could either raise or lower the volumes of water that can be pumped to Central Valley farmers and southern California. WRCB scheduled a series of summer hearings to "determine what actions should be taken on an interim basis to ensure that the available water supply is reasonably used and that the public trust resources in the Bay-Delta Estuary are reasonably protected." Hearings were scheduled from June 22 to July 23, with the first two days and July 17 reserved for non-evidentiary statements, and the remaining dates for direct testimony that is evidentiary in nature.

Wilson's proposal called for a governor-appointed oversight council that would be given three years to recommend a long-term solution to environmental and plumbing problems in the Bay/Delta, with agricultural, urban, and environmental representation. The Governor also endorsed construction of three proposed reservoir projects that provoked fear among some environmentalists that he is setting the stage for a replay of the Peripheral Canal referendum that was defeated in 1982. (See *supra* reports on ENVIRONMENTAL DEFENSE FUND and SIERRA CLUB for related discussion.) The Governor's plan also included water conservation, recycling, better management of groundwater, and water marketing. Some critics pointed out that Wilson refused to support a "free market" approach to water sales by maintaining that local water districts must have a "strong role" in transfers.

In his April announcement, the Governor reiterated his desire to take state ownership of the federal Central Valley Project, which he first announced on February 27. More than twice as large as SWP, CVP is a giant federal water system that uses twenty dams and three major canals stretching from Lake Shasta to the Tehachapi Mountains to move as much as 25% of California's water supply. Currently, the U.S. Bureau of Reclamation controls the 56-year-old project, which remains \$6 billion in debt due to the federal government's policy of selling water to farmers below cost.

Not only has CVP been a big money loser for taxpayers, but its hydroelectric dams have contributed to the destruction of many species of fish, such as the Sacramento River winter-run chinook salmon, whose recorded numbers have fallen from 300,000 twenty years ago to an appallingly low 191 last winter. (See *infra* agency report on FISH AND GAME COMMISSION for related discussion.)