



## REGULATORY AGENCY ACTION

nonresidents. New section 279 requires promoters to provide the Commission with the names, addresses, and telephone numbers of persons recording boxing contests, and copies of any available videotape or other reproduction of boxing contests made with that promoter.

### RECENT MEETINGS:

At the Commission's November 16 meeting, Executive Officer Ken Gray reported that he attended the Association of Boxing Commissions' (ABC) meeting in New Jersey, as well as the New York Commission's Boxing and Medical Symposium. He reported that there is an interest in developing national standards for promoting boxing and the medical requirements applicable to the sport. Also, Gray reported that ABC is currently conducting studies to determine what, if any, correlations exist between boxing injuries and Alzheimer's disease.

Gray reported that a topic of discussion at the Medical Symposium was the correlation between facial injuries and neurological problems; the concern is over long-term effects which do not appear until many years after a person has stopped boxing.

### FUTURE MEETINGS:

April 19 in Los Angeles.  
June 21 in Sacramento.  
July 19 in Los Angeles.

### BUREAU OF AUTOMOTIVE REPAIR

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Established in 1971 by the Automotive Repair Act (Business and Professions Code sections 9880 *et seq.*), the Bureau of Automotive Repair (BAR) registers automotive repair facilities; official smog, brake and lamp stations; and official installers/inspectors at those stations. The Bureau's regulations are located in Division 33, Title 16 of the California Code of Regulations (CCR). The Bureau's other duties include complaint mediation, routine regulatory compliance monitoring, investigating suspected wrongdoing by auto repair dealers, oversight of ignition interlock devices, and the overall administration of the California Smog Check Program.

The Smog Check Program was created in 1982 in Health and Safety Code section 44000 *et seq.* The Program provides for mandatory biennial emissions

testing of motor vehicles in federally designated urban nonattainment areas, and districts bordering a nonattainment area which request inclusion in the Program. BAR licenses approximately 16,000 smog check mechanics who will check the emissions systems of an estimated eight million vehicles this year. Testing and repair of emissions systems is conducted only by stations licensed by BAR.

Approximately 80,000 individuals and facilities—including 40,000 auto repair dealers—are registered with the Bureau. Registration revenues support an annual Bureau budget of nearly \$34 million. BAR employs approximately 600 staff members to oversee the Automotive Repair Program and the Vehicle Inspection Program.

Under the direction of Chief John Waraas, the Bureau is assisted by a nine-member Advisory Board which consists of five public and four industry representatives. They are Herschel Burke, Carl Hughett, Joe Kellejian, Louis Kemp, William Kludjian, Vincent Maita, Alden Oberjuege, Gilbert Rodriguez, and Jack Thomas. The Governor recently reappointed Mr. Kludjian to a new term which will expire on June 1, 1994.

### MAJOR PROJECTS:

*Rulemaking Update.* BAR has submitted several proposed regulatory changes to the Director of the Department of Consumer Affairs (DCA) for approval. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 56 for detailed background information on these changes.) At this writing, the provisions awaiting DCA's approval include the following:

- amendments which specify processing times for Smog Check Program mechanics' licensure applications, in compliance with the Permit Reform Act of 1981 (Government Code section 15374 *et seq.*);

- language clarifying the DCA Director's authority to adopt general performance standards applicable to inspections performed by lamp and brake stations;

- amendments establishing conditions for valid oral authorization by a customer for work to be performed in circumstances where written authorization cannot be obtained;

- amendments prohibiting dealers from billing on an invoice for items generically described as "shop supplies" or the like;

- a proposed rule allowing automotive repair dealers to charge customers for costs associated with the handling and disposal of toxic wastes from serviced vehicles; and

- amendments prohibiting engine changes that degrade the effectiveness of a vehicle's emission control system.

Following DCA review, the above-described regulatory changes will be submitted to the Office of Administrative Law (OAL) for approval.

Two other regulatory changes were approved by OAL on September 26. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 71 for background information on these changes.) Amendments to section 3303.2 establish processing times for various licenses issued by BAR, in compliance with the Permit Reform Act of 1981. As amended, section 3303.2 establishes a processing time of up to 70 days for institutions providing training to Smog Check Program mechanics. It also requires inspection of an applicant's training facility, and provides that the 70-day period may be extended to allow for the correction of any deficiencies discovered at the training site. A 45-day application processing timeframe was established for Smog Check Program inspectors and instructors.

New section 3340.18 allows BAR to certify test analyzer system calibration gases used by Smog Check stations and gas blenders who provide such calibration gases, in accordance with the Bureau's "Specifications and Accreditation Procedures for Calibration and Audit Gases Used in the California Emissions I/M Program" publication dated January 1990.

*Federal Clean Air Act Amendments Enacted.* On November 15, President Bush signed Congress' comprehensive Clean Air Act amendments. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 57 and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 71 for background information.) The original Clean Air Act of 1970 required cities to achieve smog-free, healthy air by 1987; U.S. Environmental Protection Agency (EPA) enforcement measures received sharp criticism in 1989 when 96 cities had yet to meet that mandate. In response to the new legislation, which ends almost thirteen years of congressional inaction coinciding with dramatic air pollution increases and ozone depletion, the EPA is expected to adopt 27 major new regulations over the next two years. However, many environmentalists question the federal agency's ability to enforce the drastic pollution controls.

This legislation affects BAR by establishing deadlines for emissions reductions in seven California nonattainment areas, including San Diego and Los Angeles. However, the state's Air Resources Board (ARB) had already established sweeping tailpipe emissions



measures which surpass those enacted by Congress. (See CRLR Vol. 10, No. 4 (Fall 1990) pp. 140-41 and Vol. 9, No. 3 (Summer 1989) p. 99 for background information.) Thus, one of the most heated debates in Washington focused on the possible preemption of California's stringent measures by the more lenient, federal measures. Despite strong arguments by Representative John Dingell (D-Michigan), whose constituency includes auto industry concerns, southern California's enormous new car market will not be subject to federal standards. The new legislation allows ARB to maintain control over most emissions standards in California.

One portion of the Clean Air Act has resulted in a dispute between the oil industry and ARB. ARB insists that the new federal law requires oil companies to sell specific amounts of clean-burning fuels; staff believes that California's program must therefore be amended to include a fuel sales quota, to conform with federal law. The oil industry, however, maintains that the recent amendments merely require that alternative fuels be "made available." (See *infra* agency report on ARB for related information.)

#### RECENT MEETINGS:

At the Advisory Board's November 9 meeting, BAR Program Evaluation and Planning Branch Manager Linda Whitney presented a preliminary report on the performance of mechanics who took the Smog Check Program examination. At the request of the EPA, BAR began a statistical analysis which attempts to measure performance by subgroups. For example, one portion of the evaluation will compare the performance of mechanics who attended a training course against the performance of those who qualified by having a previous license or related experience. The EPA request will generate data collection and a series of analyses expected to culminate in a final report on improving mechanic performance.

The Board then received a presentation by Jack Heyler of the Automotive Service Council (ASC), who emphasized the need for continuing education of technicians. Stating that vehicle repair standards have become increasingly complex, Mr. Heyler urged BAR to join other regulatory agencies in a coalition to address technician training. BAR expressed its support for an EPA-sponsored coalition to develop and unify industry efforts to improve technician education.

BAR Chief John Waraas reported on the continuing implementation of

SB 1997, which—among other things—requires Smog Check stations to purchase new equipment to perform emissions testing. (See CRLR Vol. 10, No. 4 (Fall 1990) pp. 56-57; Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 70; and Vol. 9, No. 4 (Fall 1989) p. 44 for background information.) Waraas expressed satisfaction in this area, noting that approximately 7,500 stations are currently equipped, and that the total should reach 9,800 by the end of the fiscal year. Waraas also reported that several new areas are coming into the Smog Check Program, including south Santa Cruz, Monterey, San Benito, Butte County, and San Bernardino (with the exception of the Needles area).

#### FUTURE MEETINGS:

May 17 in Sacramento.  
August 9 in Los Angeles.  
November 8 in Napa.

#### BOARD OF BARBER EXAMINERS

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In 1927, the California legislature created the Board of Barber Examiners (BBE) to control the spread of disease in hair salons for men. The Board, which consists of three public and two industry representatives, regulates and licenses barber schools, instructors, barbers, and shops. It sets training requirements and examines applicants, inspects barber shops, and disciplines violators with licensing sanctions. The Board licenses approximately 22,000 barbers, 5,000 shops, and 20 schools.

BBE's enabling act is currently found at Business and Professions Code section 6500 *et seq.*; the Board's regulations are located in Division 3, Title 16 of the California Code of Regulations (CCR).

On July 1, 1992, BBE and Board of Cosmetology (BOC) will merge, pursuant to AB 3008 (Eastin) (Chapter 1672, Statutes of 1990). The Business and Professions Code sections which establish BBE and BOC will be repealed and replaced with an enabling act creating the Board of Barbering and Cosmetology (BBC), which will provide for the licensure and regulation of persons engaged in the practice of performing specified acts relating to barbering, cosmetology, and electrolysis.

The Department of Consumer Affairs will play an active role in planning BBC and will hire a staff person to oversee the transition.

#### MAJOR PROJECTS:

*Merger with Board of Cosmetology.*  
On July 1, 1992, BBE and BOC will be

merged to form the Board of Barbering and Cosmetology (BBC), pursuant to AB 3008 (Eastin). (See CRLR Vol. 10, No. 4 (Fall 1990) p. 58; Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 73; and Vol. 7, No. 1 (Winter 1987) p. 1 for extensive background information on the merger.)

BBE had planned to hold regulatory hearings in February and March regarding draft regulations to implement the merger; in November, however, BBE was informed that AB 3008 (Eastin) requires that all regulatory hearings be held jointly with BOC. As a result, BBE cancelled all scheduled hearings.

#### LEGISLATION:

*Future Legislation.* Assemblymember Delaine Eastin plans to introduce a narrow clean-up bill to clarify minor inconsistencies and vagueness in the merger bill. The bill may also include directions for BBC in adopting new regulations. Although BBE and BOC are scheduling joint hearings to adopt regulations for BBC, their recommendations are merely advisory and have no binding effect on BBC.

The bill may also clarify the effect of AB 1402 (Waters) (Chapter 1239, Statutes of 1989), the Maxine Waters School Reform and Student Protection Act, and SB 190 (Morgan) (Chapter 1307, Statutes of 1989), the Private Post-secondary and Vocational Education Reform Act, on BBC. These acts collectively restructured the state licensure procedure for vocational schools and enhanced minimum standards for degree-granting institutions. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 69 and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 82-83 for background information on this issue.)

#### RECENT MEETINGS:

At its October 15 meeting, BBE discussed the increased effectiveness of its inspection process since 1988, when barbers were subjected to a new requirement to update their identification photographs every eight years and post the photograph adjacent to their licenses. BBE noted that the regular update and display of the photographs is being regulated through its administrative fine process.

BBE also reviewed the complaint trend for fiscal years 1986-87 through 1989-90. Although the number of complaints increased from 53 in 1986-87 to 147 in 1988-89, it decreased to 79 in 1989-90. BBE also reviewed the enrollment trend in barber colleges since fiscal year 1984-85. Enrollment peaked at 933 in fiscal year 1986-87, and has decreased