



REGULATORY AGENCY ACTION

would undermine their ability to make a living at their chosen profession and make it difficult for the dogs they train to be legally certified. These trainers also argued that if the goal of licensing and regulating all assistance dog programs is to provide improved service and increase access to places of public accommodation, taking away the jobs of qualified trainers and refusing to certify their assistance dogs, who are already serving the disabled community, is not the solution.

Criticism also focused on the Board's failure to consider the inclusion of an assistance dog trainer and a veterinarian on the Board in the event that its regulatory duties are expanded. According to trainers, the addition of two signal dog users and two service dog users (as the Board's report recommends) would leave the Board without the expertise needed to determine whether the best dogs are being used for a particular purpose and whether proper training techniques are being utilized.

At its December 7 meeting, the Board decided to work closely with Senator Marks, Chair of the Senate Subcommittee on the Rights of the Disabled, to initiate legislative proposals which would establish a continuing education requirement for guide dog trainers, raise fees, and improve public access for guide dog users. The Board will not, however, seek to expand its regulatory duties to include signal and service dog schools and trainers.

According to Joan Ripple of Senator Marks' office, it is also unlikely that the Senator will pursue legislation that includes the expansion of the Board's duties. Since the Board's report did not document any significant problems with assistance dog training programs, Senator Marks will concentrate his efforts on improving accessibility through the possible codification of training standards, and certification of assistance dogs based on obedience and public sociability, instead of evaluating individual training techniques. Under this system, assistance dogs from all trainers would be certifiable for public use, which would improve both public accessibility and acceptability. If problems arise with the dogs or trainers, the disabled community may seek redress through already-established consumer protection agencies. At this writing, however, no specific legislation has been introduced.

Inspection Procedures Committee Report. At its December 7 meeting, the Board reviewed the progress of the Inspection Procedures Committee. The task of the Committee is to develop a uniform set of procedures which the

Board can follow during its inspection process. Currently, the Board does not follow any specific criteria during its inspections of the three licensed guide dog schools in California. The Board has suggested, however, that a pre-inspection visit by a Board staff member—to help the school organize its client and fundraising records, and to solve other minor problems—would be a good place to begin.

Inspection of International Guiding Eyes. During a recent attempt by the Board to inspect the records of International Guiding Eyes (IGE), one of the three schools licensed by the Board, IGE was allegedly very uncooperative, responding to the Board through its attorney.

During its December 6 closed session, the Board discussed the possibility of initiating legal action against IGE and/or withdrawing IGE's guide dog training license. According to Board staff, no definitive action has been initiated by either side, and the Board would prefer to resolve the matter without revoking the license or filing a lawsuit.

RECENT MEETINGS:

At the request of Guide Dogs for the Pacific (GDP), the Board scheduled a hearing during its December 7 meeting to consider renewing GDP's one-year fundraising license. GDP withdrew its request, however, and allowed the license to expire.

FUTURE MEETINGS:

To be announced.

BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

Chief: Gordon Damant
(916) 920-6951

The Bureau of Home Furnishings and Thermal Insulation (BHF) is charged with regulating the home furnishings and insulation industries in California. As a division of the state Department of Consumer Affairs, 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:

Furniture Flammability Standards. At the December 11 Advisory Board meeting in Los Angeles, the Bureau held a public hearing on proposed regulatory changes to sections 1374 and 1374.3, Title 4 of the CCR, establishing higher flammability standards for furniture use in public buildings. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 77; Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 95; and Vol. 9, No. 4 (Fall 1989) p. 59 for background information.) Most of the public comments received at the hearing were supportive of the proposed regulatory changes; however, some written comments from local fire marshals and furniture manufacturers expressed concern about the availability and increased cost of furniture that will comply with the proposed standards. Bureau Chief Gordon Damant responded to these concerns by noting that 75 different furniture manufacturers' products already comply with the proposed standards. He also stated that these manufacturers produce the furniture with no increase in cost or at lower cost, as a result of a complete reevaluation of the manufacturing process. The Bureau is currently reviewing the public comments received at the hearing, and was expected to make any necessary modifications to the proposed regulations by January.

Proposed Increase in License Fees. The Bureau has drafted proposed regulatory changes to section 1107, Title 4 of the CCR, which would increase license fees to the maximum levels authorized by law by July 1991. The proposed changes would increase the biennial fees



for issuance and renewal of licenses for furniture manufacturers, wholesale furniture dealers, bedding manufacturers, wholesale bedding dealers, and supply dealers from \$300 to \$360; the custom upholsterer's, bedding renovator's, and sanitizer's license fee from \$200 to \$240; the retail furniture dealer's and the retail bedding dealer's license fee from \$65 to \$80; and the retail furniture and bedding dealer's license fee from \$130 to \$160. The proposed changes would also provide for delinquency and penalty fees. The Bureau last increased its licensing fees in March 1985.

In a draft of its Initial Statement of Reasons, the Bureau stated that the purpose of the proposed license fee increase is to avoid an unacceptably low reserve projected for the end of fiscal year 1991-92 and eventual deficit projected for the Bureau's budget fund by fiscal year 1992-93. The Bureau's expenditures have exceeded its annual revenue in three of the past five fiscal years, and are expected to do so in each of the next four fiscal years including the current fiscal year, based on present license fees.

At the December 11 Advisory Board meeting, the Board members requested that the Bureau devise a plan to address the problem of unlicensed activity. According to the Board, if licensed members must pay an increase in license fees, the Bureau should develop a program to locate unlicensed industry members and enforce the licensing requirement. Currently, approximately 10-15% of the home furnishings and insulation industry members are unlicensed.

Proposed Changes in Waterbed Regulations Withdrawn. At the December 11 Advisory Board meeting, the Waterbed Manufacturers Association withdrew its petition to the Bureau for proposed regulatory amendments that would have required manufacturers to affix a warning label relating to child safety on each waterbed mattress, and to include a similar warning in the health and safety informational pamphlet currently required to accompany each waterbed mattress sold. The Waterbed Manufacturers Association withdrew its petition, stating that the mattress manufacturer members of the waterbed industry have adopted voluntary industry guidelines requiring such a warning label. The Bureau will not take any further action regarding the proposed regulations.

RECENT MEETINGS:

At its December 11 meeting in Los Angeles, the Advisory Board reelected retail furniture dealer Ray Curry as

Chair and public member Valerie Celestin as Vice Chair for another year.

FUTURE MEETINGS:

March 12 in Sacramento.

June 11 in San Diego.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
(916) 445-4954

The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB), an additional section covering landscape architecture in California, and an oral examination given by the Board. As of January 1, 1990, the oral exam requirement is deleted for all instate applicants. In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

Authorized in Business and Professions Code section 5615 *et seq.*, BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms. BLA's regulations are codified in Division 26, Title 16 of the California Code of Regulations (CCR).

MAJOR PROJECTS:

Proposed Regulatory Changes. At BLA's October 26 meeting, the Board held a workshop to discuss draft amendments to section 2620, Division 26, Title 16 of the CCR, regarding education and work experience requirements for licensure applicants. To be eligible for examination, a candidate must meet the

requirements of Business and Professions Code section 5650, which provides that any person over the age of eighteen who has "six years of training and educational experience in actual practice of landscape architectural work" shall be entitled to take the examination. At previous meetings, BLA agreed on draft amendments to section 2620 regarding the amount of credit toward the six-year requirement to be given for various educational degrees and work experience. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 78; Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 95-96; and Vol. 10, No. 1 (Winter 1990) p. 73 for background information.)

Continuing the discussion at its October 26 workshop, BLA reaffirmed its position that the maximum credit for a degree or combination of degrees, such as a B.S./M.L.A., from an approved school of landscape architecture, shall be four years of educational credit. Despite concerns voiced by a representative of the University of California at Berkeley, applicants with primary and secondary degrees in landscape architecture will not be considered as having completed the total six-year licensure requirement.

Under the proposed revision to section 2620, candidates must possess at least two years of training experience, at least one of which must be under the direct supervision of a landscape architect licensed in a United States jurisdiction. Such work experience may be earned concurrently with educational requirements, but a minimum of one year of postgraduate training is required. In addition, employment is considered on a forty-hour work week (excluding overtime), and independent, non-licensed practice or experience, regardless of claimed coordination, liaison, or supervision by licensed professionals, will not be considered.

In November, the Board published notice of its intent to repeal existing section 2620 and adopt new section 2620 to conform with its decisionmaking over the past few months. The section will also be amended to specify that the Board will retain inactive applications for only five years, after which they will be purged.

The Board also announced its intent to adopt new section 2620.5. Existing regulations provide that a candidate who obtains an extension certificate from a Board-approved school will be granted two years of qualifying experience toward licensure. New section 2620.5 would set forth criteria for Board approval of schools offering extension certificates in landscape architecture.