



## REGULATORY AGENCY ACTION

\$50,000 limit on the cost for the entire validation job for the engineering geology exam.

**Application Refunds.** Currently, two provisions permit a refund of part of the application fee for an unsuccessful application for BRGG registration. Half of the application fee for the geologist and geophysicist classes is refundable under Business and Professions Code section 7851, and half of the application fee for specialty certification in engineering geology is refundable under section 3025, Division 29, Title 16 of the CCR. At its February 20 meeting, the Board considered the possibility of discontinuing the present refund policy. Mr. Dellechaie explained that most boards in the Department of Consumer Affairs do not give refunds after applications have been processed and that the processing of refunds requires much staff time and effort. Not only must the staff make the initial effort of a complete evaluation of each application, but the refund process itself is time-consuming, especially for the relatively large number of unqualified applicants for registration as geologists and geophysicists. Following a review by BRGG counsel of the legal aspects of modifying the refund process, the Board decided to look into the requirements for amending its current refund policy.

**Practice Areas and Conflicts.** The separation of areas of expertise between geologists and civil engineers remains a problem for the Board. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 92 and Vol. 9, No. 4 (Fall 1989) p. 77 for background information.) A recent revision of the Orange County grading code appears to allow civil engineers to prepare and sign geological reports. BRGG's enabling statute (Business and Professions Code section 7838) provides an exemption for civil engineers from some regulations but, according to the Board's counsel, does not give civil engineers the right to sign geological reports. A 1975 California Attorney General's Opinion states that civil engineers are allowed to perform only incidental geological work. At its February meeting, the Board approved a motion to contact the Board of Registration for Professional Engineers and Land Surveyors in an attempt to correct the Orange County grading code's misinterpretation of the ability of civil engineers to practice geology. BRGG will continue its efforts to better define the practice areas which should be reserved for its licensees.

**State Employment of Unregistered Geologists.** Also in February, the Board discussed the issue of whether the state's

employment of unregistered geologists constitutes unlicensed activity. Numerous state agencies, including the Department of Health Services, the Department of Transportation, the California Integrated Waste Management and Recycling Board, and the Regional Water Quality Control Boards, employ unregistered geologists. Much of the work done by these geologists consists of review work, which has been held to be exempt from the definition of geological work under BRGG rules. BRGG has received complaints from licensees about the work being done by unregistered geologists in some of the state agencies. So far, BRGG has looked at each complaint on a case-by-case basis, attempting to draw the line between review of geological work and the actual practice of geology. Because of the rapidly increasing number of geologists employed by state agencies, especially those concerned with contamination of surface water and groundwater, the problem is likely to worsen. BRGG discussed ways to deal with the problem and decided to have its executive officer contact some of the large state agencies which employ unregistered geologists to get some idea of the extent of the problem. The Board will then discuss the results at a future meeting.

### LEGISLATION:

**SB 958 (Rogers).** Existing provisions of the Surface Mining and Reclamation Act of 1975 require lead agencies to conduct annual inspections of surface mining operations. As introduced March 8, this bill would require the inspection to commence only after the mining operation ceases to operate and would revise the qualifications of those conducting the inspection. This bill would amend 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 delete the requirement for state registration or licensure, and states that the proposed inspections would be conducted by a qualified professional with experience in land reclamation. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

**AB 892 (Tanner).** Existing law defines the term "qualified person" for purposes of the Toxic Injection Well Control Act and the Toxic Pits Clean-up Act of 1984 as a person who has specified experience in hydrogeology and is a registered geologist or registered engineer. Existing law also requires that,

before a solid waste water quality assessment test report for a listed solid waste disposal site is submitted to a California regional water quality control board, the report must be certified by a registered geologist, a certified engineering geologist, or a registered civil engineer with specified experience in hydrogeology. As introduced February 28, this bill would revise the definition of the term "qualified person" for purposes of those acts to include a person who is certified as a hydrogeologist or hydrologist by the American Institute of Hydrology and would also allow such a person to certify a solid waste water quality assessment test report. This bill is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency and Economic Development.

### RECENT MEETINGS:

BRGG president James Weddle attended a recent meeting of the Association of State Boards of Geology (ASBOG). At BRGG's February meeting, he reported on the ASBOG meeting and suggested that the Board should probably not join the organization at this time. The Board discussed the possible advantages of belonging to a national organization versus the cost of joining, especially in view of the Board's current deficit of approximately \$35,000 for this fiscal year. The Board decided to discuss the possibility of allocating funds for ASBOG membership next year, and agreed to discuss the item in greater detail at a future meeting.

Mr. Dellechaie reported that BRGG's consumer brochure is in its final stages of preparation. He stated that the publication and distribution of the brochure will cost approximately \$3,500. BRGG's current budget makes no allocation for this cost.

Mr. Dellechaie also reported on the status of the BRGG directory, which was last published in 1985. He proposed that a new version of the directory be published annually and mailed to all licensees, with some copies available for the general public. His estimate of the cost of publication and distribution of the new directory is approximately \$6,500-\$7,000 per year.

### FUTURE MEETINGS:

To be announced.

### BOARD OF GUIDE DOGS FOR THE BLIND

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



Board 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.

## MAJOR PROJECTS:

*Adoption of Inspection Procedures Committee Report.* At its February 22 meeting, the Board adopted the redrafted Inspection Procedures Committee Report. The Board had established the Committee to review and refine the inspection process to more effectively and efficiently carry out the Board's mandate to regulate guide dog schools and ensure compliance with the regulatory requirements. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 64 for background information.) According to the report, the inspection process will begin with an onsite inspection of a school by the Board staff several months prior to the inspection visit by the Board.

During the staff inspection, an unspecified number of random files will be reviewed to determine if the school is in compliance with the Board's statutes and regulations. The files to be reviewed include those of the students trained and records of follow-up work with graduates and their dogs. These files will assist staff in determining whether the dogs are well-trained, healthy, and compatible with the user.

Other files which staff will review pertain to the dogs, including the puppy raising records, breeding records, and health records. These will assist staff in determining what methods are used in screening and obtaining dog candidates and how they are raised to ensure that the highest quality dogs are used. Staff will also review a list of the school staff by name and function, including volunteers, and a sample of the promotional materials used by the school in its publicity and fundraising programs during the prior fiscal year to prevent against any improprieties.

Following its inspection, Board staff will prepare a report based upon its findings, including an indication as to

whether the school is in compliance with the Board's regulations. A copy of this report will then be provided to the school for review and comment. Within a reasonable time, the school will be allowed to respond to the report, either to address noncompliance determinations or to contest them. Once this has occurred, staff will provide a copy of its inspection report to the Board along with any response from the school, and Board members will use this information during their official inspection.

The Inspection Procedures Committee Report also specifies that the Board may conduct surveys of a school's graduates and hire a certified public accountant (CPA) to provide a more meaningful and efficient inspection. Representatives from all three guide dog training schools protested against the need to use a CPA, but the Board emphasized that the need would arise only in extreme cases. The Board also noted that it clearly favors voluntary compliance when a licensed school is not in compliance with the Board's regulations.

## LEGISLATION:

*AB 567 (Hunter)*, as introduced February 15, would provide the Board with exclusive authority to authorize persons to train signal and service dogs, and would require those persons licensed and authorized to carry and present their license or authorization upon request. Existing law permits guide, signal, and service dogs into any room where food is served to the public, but only when they are accompanied by a totally or partially blind person, a deaf or hearing-impaired person, a handicapped person, or by persons licensed to train dogs for the blind. This bill would also permit signal and service dogs into any room where food is served to the public when accompanied by Board-authorized dog trainers. This bill is pending in the Assembly Human Services Committee.

*SB 756 (Marks)*. Under existing law, one member of the Board is the Director of the Department of Rehabilitation or his/her representative, and the remaining members are persons who have shown an interest in dealing with the problems of the blind, with the requirement that at least two of them be blind persons who use guide dogs. As introduced March 6, this bill would change the composition of the Board by providing that one member shall be the Director 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 is pending in the

Senate Business and Professions Committee.

## RECENT MEETINGS:

At its February 22 meeting, the Board discussed the factors that should be considered when computing the annual production cost—that is, the amount of money spent to produce a compatible match between a trained guide dog and its user; the Board is required to submit this cost to the legislature annually. The three licensed guide dog schools agreed that to be accurate, this cost must take into account the students who do not graduate from the training period with a guide dog, the vacancies during the training period due to students that fail to show up, the re-issue of new dogs to previous student graduates, and refresher courses. Board staff suggested that each school submit the variables which it wishes to include in the annual production cost so the Board may include them as footnotes in the report.

## FUTURE MEETINGS:

To be announced.

## BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

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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 (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.