



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.



REGULATORY AGENCY ACTION

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. After receiving public comments on proposed regulatory changes to sections 1374 and 1374.3, Title 4 of the CCR, which establish higher flammability standards for furniture in public buildings, BHF modified the regulatory changes to require the use of the square gas burner as the sole ignition source in testing and to clarify test criteria. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 64; Vol. 10, No. 4 (Fall 1990) p. 77; and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 95 for background information.) No comments on these modifications were made within the 15-day notice period which ended on January 10.

All flammability regulations must be approved by the State Fire Marshal's Office, which conditioned its approval on BHF's deletion of the regulatory section expressly authorizing BHF and local fire authorities to enforce the new standards. However, both BHF and local fire authorities still have generic authority under their respective enabling statutes to enforce the new flammability standards. No comments on this modification were received within the 15-day notice period which ended on March 15.

The Bureau is in the process of preparing a final statement of reasons and the rulemaking file for submission to the Office of Administrative Law (OAL) for approval. BHF's estimated effective date for the regulations is January 1, 1992.

Proposed Increase in License Fees. On January 25, the Bureau published notice of its 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. (See CRLR Vol. 11, No. 1 (Winter 1991) pp. 64-65 for background information.) The Bureau scheduled no public hearing on the regulatory changes, but accepted written comments until March 11. After the notice was published, DCA requested the Bureau to include a reference to a license expiration date of June 30, 1991, in the pro-

posed regulation, stating that this language is required for all license fee regulations. This modification required BHF to conduct a 15-day comment period which was scheduled to end March 29. BHF is preparing the final statement of reasons and the rulemaking file; DCA and OAL review and approval is expected by early June and the license fee increase enforced by July 1.

Licensing Project. At its December 11 meeting, the Advisory Board requested that the Bureau devise a plan to address the problem of unlicensed activity. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 65 for background information.) In response, BHF developed several approaches to locate unlicensed industry members and enforce the licensing requirement; these suggestions were presented to and approved by the Board at its March 12 meeting. The field of interior designing and decorating appears to be rife with unlicensed activity. BHF proposes to investigate the possibility of including information regarding its licensing program in State Board of Equalization pamphlet #35 (Tax Tips for Interior Designers and Decorators). Second, the Bureau has prepared a letter regarding licensing to be sent to interior designers throughout the state, and is in the process of obtaining mailing addresses of various interior design associations in California. Also, BHF will contact the business license offices of all city and county governments in the state and attempt to enlist their assistance in distributing fact sheets explaining the Bureau's licensing requirements to businesses regulated by the Bureau.

False and Misleading Advertising Pamphlets. BHF is in the process of drafting two pamphlets, one for consumers and one for licensees, to educate both groups on what constitutes false or misleading advertising under the Home Furnishings and Thermal Insulation Act, BHF regulations, and the California Business and Professions Code. The Bureau expects to finalize the pamphlets and seek DCA's approval by June.

BHF Licensees Must Give Proposition 65 Warnings to Consumers. Proposition 65, the Safe Drinking Water and Toxics Enforcement Act of 1986, requires a person in the course of doing business to provide a clear and reasonable warning to all individuals exposed to a "significant amount" of a chemical known to the state to cause cancer or reproductive toxicity. The state has published a list of chemicals that are known to cause cancer or reproductive toxicity; this list contains the chemical commonly known as formaldehyde.

In the past few months, BHF licensees who use formaldehyde in processing or whose products contain or may contain formaldehyde have contacted the Bureau regarding letters they have received from attorneys notifying them of the Proposition 65 requirements and the possibility of legal action if they do not comply. BHF recommends that licensees who use formaldehyde or whose products contain or may contain formaldehyde post notices at their retail business locations or, in the case of manufacturers, label their products, warning consumers that they may be exposed to a significant amount of formaldehyde, a known cancer-causing and reproductive toxin, from their products.

LITIGATION:

In *People v. Cornucopia Products, Inc.*, No. BC008664 (Los Angeles County Superior Court), Cornucopia agreed to pay civil penalties, investigation costs, and attorneys' fees totalling \$29,672. Cornucopia, a California corporation doing business as Synergy International and Chia-Yi Chin Jwu Enterprise Co., Ltd., did not admit to any violation of law, although the court's judgment enjoins Cornucopia from, among other things, placing upon its upholstered furniture a label which indicates that the furniture complies with requirements of California law unless in truth and in fact the upholstered furniture does comply with the requirements of California law. Of the \$29,672 judgment, the Bureau will receive \$5,172 to cover its investigation costs in the matter.

RECENT MEETINGS:

At its March 12 meeting in Sacramento, the Advisory Board welcomed two new members appointed by the Governor in late December to fill Board vacancies. Mary Alice Kaloostian, personnel director of Gottschalk, a retail department store, is a new public member; Lawrence Brooks of Brooks Industries represents the furniture manufacturing industry.

FUTURE MEETINGS:

June 11 in San Diego.
September 10 in San Francisco.
December 10 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

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The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an