



ulation is designed to address and a statement of the specific purpose of each adoption or amendment were missing from the rulemaking file. Secondly, ARP failed to summarize and respond to all public comments. Finally, ARP failed to comply with the necessity, consistency, and clarity standards of Government Code section 11349.1.

ARP revised the rulemaking package and resubmitted it to OAL on December 4. OAL's decision is currently pending.

Federal Clean Air Legislation. Recently, the environment subcommittee of the U.S. House of Representatives' Energy and Commerce Committee unanimously passed a proposed amendment to the federal Clean Air Act which would adopt California's auto emission standards and apply those standards to the entire nation. Representative Henry Waxman's office expects the provision to easily pass through the full committee, whereupon it will be sent to the House floor. Although this measure is still subject to amendment, if passed and signed into law in its present form, enforcement of auto exhaust standards would shift to the federal Environmental Protection Agency. As a result, the jurisdiction of BAR and other California agencies over auto emissions would be diminished.

LEGISLATION:

The following are two-year bills and will be pursued in the 1990 session:

AB 2532 (Vasconcellos) would require the use of BAR-approved refrigerant recycling equipment in servicing air conditioners with chlorofluorocarbon (CFC) refrigerants. The bill would also require BAR to establish and enforce procedures regarding the installation and use of that recycling equipment and to certify people trained to use such equipment. This bill is pending in the Senate Rules Committee.

SB 787 (Rosenthal), which would authorize a state-certified third party arbitration process for used cars and require BAR to establish regulations, forms, and minimum standards for implementing the program, is pending in the Senate Committee on Insurance, Claims, and Corporations.

SB 155 (Leonard), which would impose an additional tax on specified motor vehicle fuels at designated rates, based on whether the fuel meets specified standards, is pending in the Senate Transportation Committee.

AB 1718 (Hayden), which would

require BAR to establish and administer procedures for the installation and use of refrigerant recycling equipment and to certify businesses and persons who are trained to use such equipment, is pending in the Senate Committee on Natural Resources and Wildlife.

AB 2025 (Farr), which would extend operation of the ignition interlock program in specified counties until January 1, 1994, is pending in the Senate Judiciary Committee.

AB 2036 (Speier), which would permit any county in a nonattainment area to impose a \$1 surcharge on the fee for the issuance of a certificate of compliance with the Smog Check Program, and would require the surcharge to be allocated to the county's transportation planning agency, is pending in the Senate Transportation Committee.

AB 2040 (Farr), which would require BAR to work with the Office of Traffic Safety in designating stations for the installation of ignition interlock devices and to establish standards for manufacturers of those devices, is pending in the Senate Judiciary Committee.

AB 2404 (Connelly), which would prohibit on or after January 1, 1992, the sale or offer for sale of CFC coolants suitable for use in mobile air conditioners in containers smaller than fifteen pounds, is pending in the Assembly Natural Resources Committee.

AB 292 (Floyd), which would eliminate the requirement that the Air Resources Board find by resolution that certain modifications of pollution control devices are not prohibited, is pending in the Assembly Transportation Committee.

SB 1429 (Green), which would expand the ignition interlock program to eight counties and extend the program termination date to January 1, 1992, is pending in the Assembly Public Safety Committee.

RECENT MEETINGS:

On November 3, the Advisory Board heard a presentation on BAR's enforcement program at its meeting in Palm Springs. BAR intentionally removes or tampers with major components of the smog control systems on its undercover cars such that the cars should fail a smog check inspection. Then the cars are tested at Smog Check stations. In 1984, approximately 75% of such undercover cars "passed" inspection. In recent years, however, the percentage of undercover cars which "pass" has

dropped to 25%. This indicates that the enforcement program has achieved its objective of inducing Smog Check stations to test cars accurately.

Additionally, a representative from the Bureau of Electronic and Appliance Repair (BEAR) spoke on car cellular telephone installation and repair. At present, no state or federal laws regulate the installation or sale of cellular phones. While some installers are currently registered with BEAR, BAR has not taken up this issue yet, but may do so during the next legislative session.

BAR's new publicity campaign was highlighted. In San Bernardino, Riverside, Orange, and Los Angeles counties, BAR conducted a media blitz to focus attention on its Smog Check Program via radio spots and informational events in local shopping malls.

The Assembly Committee on Environmental Safety and Toxic Materials held an interim hearing on October 24 regarding mobile air conditioners (MACs) using CFCs as refrigerants. The hearing served as the backdrop for a discussion of the latest CFC issues. Safe substitute coolants and alternative MACs exist but are not yet commercially viable. DuPont has come up with an alternative coolant known as HFC 134a, but it is still in the testing stage. Also, HFC 134a cannot be used until MAC manufacturers redesign their systems to accommodate the substance. Finally, it is not yet known whether HFC 134a will alleviate the greenhouse effect that MAC coolants are believed to exacerbate.

FUTURE MEETINGS:

To be announced.

BOARD OF BARBER EXAMINERS

Executive Officer: Lorna P. Hill
(916) 445-7008

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.



REGULATORY AGENCY ACTION

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

MAJOR PROJECTS:

Merger Proposal Submitted. Fifty years after merger with the Board of Cosmetology (BOC) was first suggested, a BBE committee has finally created a concrete proposal for a new merged board of cosmetologists and barbers. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 46; Vol. 9, No. 3 (Summer 1989) p. 41; and Vol. 7, No. 1 (Winter 1987) for background information.)

BBE has long been opposed to the merger concept. At an October 25 oversight hearing conducted by the Senate Business and Professions Committee (see CRLR Vol. 9, No. 4 (Fall 1989) p. 46 for background information), BBE President Paul Schwager testified that barbers, who are vastly outnumbered by cosmetologists, believe that their interests would be ignored by a merged board. The Committee warned BBE that legislative action to merge the boards could occur without the Board's consent, and encouraged BBE to cooperate with the legislature.

Following the Committee hearing, a BBE committee consisting of industry member Elton Pamplin and public member Edna Mayhand drafted two proposed merger plans, which were subsequently discussed at BBE's December 4 meeting. Pamplin's proposal calls for a five-member board consisting of three industry members (one owner of a hair care business, one hair care licensee, and one hair care school owner or manager) and two public members. The industry members would be appointed by the Governor; the public members would be appointed by the Assembly Speaker and the Senate Rules Committee. All present BBE and BOC members could finish their terms, but would not be replaced at the end of their terms until the new five-member board has reached its proposed constituency. The position of Executive Officer (EO) of the merged board would be filled by the current EO with the most longevity in the position of EO (as between the BBE and BOC EOs); the other EO would become Assistant EO of the merged board. All present staff of both boards would remain as staff of the merged board.

Mayhand's proposal is essentially the

same as Pamplin's, except with respect to board membership. Mayhand suggested that the merged board consist of five public members, and that advisory panels of industry members be created to assist the board in its deliberations.

At the December 7-8 oversight hearing of the Assembly Committee on Governmental Efficiency and Consumer Protection (see CRLR Vol. 9, No. 4 (Fall 1989) p. 46 for background information), BBE EO Lorna Hill presented the Committee with draft legislative language creating a new "Board of Professional Hair and Body Care" and a timetable of meetings, hearings, and other events designed to result in the introduction of proposed legislative language by January 1991 and the creation of the new board by January 1992. Hill advised the Committee that BBE has "received the message of the Committee [regarding merger] loud and clear." In 1989, the Committee refused to approve AB 1108 (Epple), BBE's fee bill, unless the bill were amended to require merger. BBE agreed to commit to the merger timetable in exchange for removal of the merger language from AB 1108; the merger language has been removed and the bill is moving through the legislature at this writing.

The draft legislative language proposed by BBE would create a fully merged "Board of Professional Hair and Body Care," which would issue separate licenses to hair care professionals, body care professionals, electrologists, manicurists, and cosmeticians. The new board would also license instructors and schools in all of the above-described categories.

At this writing, Assemblymember Delaine Eastin is preparing legislation to finalize the merger timetable (*see infra* LEGISLATION).

Regulatory Change Approved. On October 13, the Office of Administrative Law approved BBE's amendment to section 204.6(b), Chapter 4, Title 16 of the CCR. The amendment increases the required assessment on barber colleges for deposit into BBE's Student Security Trust Fund. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 46 for background information.)

LEGISLATION:

The following is a status update of bills described in detail in CRLR Vol. 9, No. 4 (Fall 1989) at page 46:

AB 1108 (Epple), as amended on January 10, would delete existing maxi-

mum limits on licensing fees charged by BBE until January 1994, and would increase the maximum fees effective January 1, 1992. Language directing a merger of BBE and BOC was deleted from the bill following BBE's presentation of its merger proposal at the December 7-8 hearing of the Assembly Committee on Governmental Efficiency and Consumer Protection (*see supra* MAJOR PROJECTS). At this writing, AB 1108 is pending on the Assembly floor.

AB 459 (Frizzelle) would have provided that a previously licensed individual may renew his/her license at any time after license expiration upon payment of the applicable fees and satisfaction of continuing education requirements. This bill was dropped by its author.

Anticipated Legislation. BBE anticipates the introduction of a bill that will officially set the timetable and requirements for the BBE/BOC merger. Assemblymember Delaine Eastin is preparing to introduce this bill with the assistance of Assemblymember Robert Frazee, BBE Executive Director Lorna Hill, and BOC Executive Director Denise Ostton. BBE anticipates that the merger law will take effect by 1991, and that the new board will be fully operative by 1992.

FUTURE MEETINGS:

To be announced.

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

Executive Officer: Kathleen Callanan (916) 445-4933

Authorized by Business and Professions Code section 4980 *et seq.*, the eleven-member Board of Behavioral Science Examiners (BBSE) licenses marriage, family and child counselors (MFCCs), licensed clinical social workers (LCSWs) and educational psychologists (LEPs). The Board administers tests to license applicants, adopts regulations regarding education and experience requirements for each group of licensees, and appropriately channels complaints against its licensees. The Board also has the power to suspend or revoke licenses. The Board consists of six public members, two LCSWs, one LEP, and two MFCCs. The Board's regulations appear in Chapter 18, Title 16