



Deposit Insurance Corporation to maintain complete loan and investment records as required by their state regulatory agency for the purpose of determining compliance with state law and federal insurance requirements. The bill would require specified loan and investment assets to be appraised annually, or more often if required by the financial institution's primary regulator. This bill is in interim study in the Senate Banking and Commerce Committee.

SB 2609 (Boatwright), as amended May 2, would prohibit savings associations from selling securities, except as expressly authorized by law. The bill would also prohibit the sale of securities on the premises of a savings association by anyone other than a savings association representative. This bill is pending in the Assembly Finance and Insurance Committee.

AJR 81 (Peace), as amended April 26, would memorialize the President and the Congress of the United States to oppose any federal legislation to bail

out investors who purchased bonds through the parent company of Lincoln Savings and Loan Association. This resolution is pending in the Senate Banking and Commerce Committee.

The following is a status update on bills described in CRLR Vol. 10, No. 1 (Winter 1990) at page 114:

SB 1213 (Keene), which would exempt specified persons from the application of prohibited real estate acts, was last amended in August 1989 and is still pending in the Assembly Ways and Means Committee.

SB 476 (Robbins), which would specify that time deposits include a time certificate of deposit, was amended on May 21 and is pending in the Assembly Finance and Insurance Committee.

SJR 21 (Watson), which memorializes the President and Congress to include anti-redlining provisions in any bailout of savings and loan associations, is still pending in the Assembly Finance and Insurance Committee.

law to investigate employee complaints and any accident causing serious injury, and to make follow-up inspections at the end of the abatement period.

The Cal-OSHA Consultation Service provides on-site health and safety recommendations to employers who request assistance. Consultants guide employers in adhering to Cal-OSHA standards without the threat of citations or fines.

The Appeals Board adjudicates disputes arising out of the enforcement of Cal-OSHA's standards.

MAJOR PROJECTS:

Crane Safety. Recent crane accidents in California resulted in the deaths of five people in downtown San Francisco on November 28, and the death of a truck driver in Los Angeles on January 18. In response to these and other accidents, Cal-OSHA chief Robert Stranberg has ordered that all high-rise cranes in the state be inspected for possible safety violations. Of fifteen cranes inspected by January, eight were shut down for serious safety violations. The owner/operators of the cranes involved in both accidents had previously been cited by OSHA and/or Cal-OSHA for crane safety violations. Under the current inspection system, high-rise cranes are required to be inspected by private certification inspectors when initially erected and once per year thereafter. In addition, several legislators have introduced bills which would more strictly regulate the operations of cranes and require licensing of crane operators (*see infra* LEGISLATION). In 1988, OSB denied several petitions proposing stricter requirements on crane operators. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 81 for background information.)

Implementation of Proposition 97. With the passage of Proposition 97 in November 1988, Cal-OSHA regained full control over the enforcement of private sector worker safety standards in California as of September 24, 1989. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 101; Vol. 9, No. 1 (Winter 1989) p. 80; and Vol. 8, No. 4 (Fall 1988) p. 91 for background information.) However, Cal-OSHA has recently been the target of extensive criticism from various sources alleging that it has failed to fully implement occupational safety standards enforcement to the level which existed before the agency was dismantled in July 1987.

On January 24, the Senate Industrial Relations Committee and the Assembly Labor and Employment Committee held a joint legislative hearing to discuss Cal-



DEPARTMENT OF INDUSTRIAL RELATIONS

CAL-OSHA

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California's Occupational Safety and Health Administration (Cal-OSHA) is part of the cabinet-level Department of Industrial Relations (DIR). The agency administers California's programs ensuring the safety and health of government employees at the state and local levels.

Cal-OSHA was created by statute in October 1973 and its authority is outlined in Labor Code sections 140-49. It is approved and monitored by, and receives some funding from, the federal OSHA.

The Occupational Safety and Health Standards Board (OSB) is a quasi-legislative body empowered to adopt, review, amend, and repeal health and safety orders which affect California government employers and employees. Under section 6 of the Federal Occupational Safety and Health Act of 1970, California's safety and health standards must be at least as effective as the federal standards within six months of the adoption of a given federal stan-

dard. Current procedures require justification for the adoption of standards more stringent than the federal standards. In addition, OSB may grant interim or permanent variances from occupational safety and health standards to employers who can show that an alternative process would provide equal or superior safety to their employees. Cal-OSHA's regulations are codified in Titles 8, 24, and 26 of the California Code of Regulations (CCR).

The seven members of the OSB are appointed to four-year terms. Labor Code section 140 mandates the composition of the Board, which is comprised of two members from management, two from labor, one from the field of occupational health, one from occupational safety, and one from the general public.

The duty to investigate and enforce the safety and health orders rests with the Division of Occupational Safety and Health (DOSHS). DOSHS issues citations and abatement orders (granting a specific time period for remedying the violation), and levies civil and criminal penalties for serious, willful, and repeated violations. In addition to making routine investigations, DOSHS is required by



OSHA's effectiveness in reinstating occupational safety standards enforcement in California. At the hearing, Senate Industrial Relations Committee Chair Senator Bill Greene expressed his dissatisfaction with the agency's apparent lack of commitment to restoring Cal-OSHA, pointing specifically toward Cal-OSHA's failure to promptly refill all agency positions such as mining and tunneling safety engineers, industrial hygienists, and other staff positions essential to performing workplace inspections. Senator Greene cited the recent fatal crane accidents in San Francisco and Los Angeles as examples of Cal-OSHA's failure to properly enforce occupational safety standards. In addition to Greene's comments, John F. Henning, executive secretary-treasurer of the California Labor Federation, AFL-CIO, expressed his frustration that Governor Deukmejian appointed John T. Hay to the Cal-OSHA Appeals Board and Robert Stranberg as Cal-OSHA Chief even though both individuals had publicly opposed the reinstatement of Cal-OSHA and had signed the ballot argument against Proposition 97. Los Angeles District Attorney Ira Reiner also joined in the criticism of the agency, stating that the lack of progress in implementing Proposition 97 indicates a "clear lack of commitment on the part of the administration for the effective restoration of Cal-OSHA." Reiner accused the administration of trying to accomplish indirectly what it could not accomplish directly through improper budgetary cuts.

Cal-OSHA Chief Robert Stranberg defended the agency's efforts to reinstate private sector occupational safety standards enforcement, citing the October 17 Loma Prieta earthquake and a shortage of qualified engineers as partial explanation for Cal-OSHA's failure to refill all authorized staff positions. As of January 24, 130 staff positions remained vacant out of 556 authorized positions. Stranberg also indicated that Cal-OSHA had made 24% fewer workplace inspections in the last quarter of 1989, compared to the same period in 1986.

Emergency Asbestos Regulations. OSB's emergency revisions to Title 8, section 5208, and the adoption of new sections 1529 and 5208.1, approved by OSB on June 22 and October 26, 1989, were due to expire on February 23. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 115; Vol. 9, No. 4 (Fall 1989) p. 101; and Vol. 9, No. 3 (Summer 1989) pp. 92-93 for background information.) At its February 15 meeting, OSB readopted these emergency regulations, permitting

more time in which to finalize and adopt permanent regulations to bring Cal-OSHA's asbestos exposure standards in line with recently adopted federal standards.

At its April 19 business meeting, OSB adopted its emergency standards as permanent regulations and submitted them to the Office of Administrative Law (OAL) on April 20. Since these proposed regulatory changes would not become effective until after the emergency regulations expired, OSB readopted the emergency asbestos exposure regulations at its May 17 business meeting.

On May 21, OAL disapproved the proposed regulatory action on grounds it failed to satisfy the clarity, necessity, and consistency standards of Government Code section 11349.1, and because OSB failed to comply with several technical requirements of the Administrative Procedure Act. OSB has 120 days in which to correct the deficiencies and resubmit the rulemaking package to OAL.

Proposed Regulatory Changes. On August 16 in Sacramento, OSB was scheduled to hold a public hearing on several proposed regulatory changes.

First, OSB proposed to adopt amendments to Title 8, section 1509(a) of the Construction Safety Orders and section 3203 of the General Industry Safety Orders to implement SB 198 (B. Greene) (Chapter 1369, Statutes of 1989). (See CRLR Vol. 10, No. 1 (Winter 1990) p. 115 and Vol. 9, No. 4 (Fall 1989) p. 102 for background information.) SB 198 requires OSB to adopt a standard requiring every employer to establish, implement, and maintain an effective injury prevention program with specified elements, including substantial compliance criteria for use in evaluating an employer's injury prevention program. Section 1509(a) would be retitled as "Injury and Illness Prevention Program", and would be amended to require employers to comply with requirements for injury and illness prevention programs contained in section 3203 of the General Industry Safety Orders.

Revised section 3203 would require employers to establish, implement, and maintain a written injury and illness program as mandated by Labor Code section 6401.7. The regulation will provide specific criteria by which to evaluate the program, and requires identification of the responsible person and any system for communicating with employees on matters concerning safety and health; identification and evaluation of workplace hazards; scheduled inspections;

procedures for injury/illness investigations; hazard mitigation; employee training; recordkeeping; and, where used, criteria for a labor/management safety committee.

OSB also seeks comments on its proposal to amend Title 8, section 1596 of the Construction Safety Orders, and section 6309(h) of the Logging and Sawmill Safety Orders, to make the use of seat belts optional in certain types of equipment outfitted with rollover protective structures (ROPS) under certain circumstances.

VDT Exposure Standards. At its February 15 public meeting, OSB received various public comments from labor unions, Cal-OSHA's Video Display Terminal (VDT) committee members, and members of the public criticizing the Board's refusal to adopt proposed VDT workplace exposure standards. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 115 and Vol. 9, No. 4 (Fall 1989) p. 102 for background information.) The individuals expressed their belief that extended VDT exposure poses a serious threat to the user's vision, and stated that the Board's failure to adopt VDT standards would result in multiple conflicting local standards, VDT injuries, and litigation. These individuals strongly recommended that the Board reconsider its decision not to adopt VDT exposure standards. Alternatively, OSB has accepted a DOSH recommendation to study the feasibility of adopting broader ergonomics standards for the workplace, which would include a VDT standard.

Grain Handling Facilities Regulatory Changes. On January 22, OAL rejected OSB's amendment to Title 8, section 5161, and adoption of section 5178 of the General Industry Safety Orders, which would provide safety standards designed to prevent grain dust fires and explosions at grain handling facilities, similar to those in federal regulation 29 C.F.R. Part 1910.272, adopted on March 31, 1988. OAL's rejection was based upon OSB's failure to provide adequate public notice of the proposed action, and for failure to satisfy the authority, clarity, and necessity standards of Government Code section 11349.1. OSB revised and resubmitted the rulemaking file on these changes mid-May; OAL approved them on June 5.

LEGISLATION:

AB 2249 (Friedman), as amended June 18, would provide that a corporation or person who is a manager with respect to a product, facility, equipment, process, place of employment, or busi-



ness practice, is guilty of a misdemeanor or felony if the corporation or manager has actual knowledge of a serious concealed danger that is subject to the regulatory authority of an appropriate agency, is associated with that product or a component of that product or business practice, and knowingly fails to inform DOSH and Health and warn its affected employees. The bill would make it a crime to discriminate against any person in employment because that person has informed a government agency or warned employees of a serious concealed danger. Additionally, the bill would prohibit business entities from reimbursing individuals for fines imposed by the bill; authorize prosecutors to have access to financial records of a business entity to monitor that prohibition; and impose a fine on a business entity for a violation of those provisions. This bill is pending in the Senate Judiciary Committee.

AB 3672 (Elder), as introduced March 1, would require DOSH to conduct a statewide study of petrochemical refinery worker safety to determine whether additional statutes or regulations would be helpful in reducing accidents which cause injuries and deaths, and would require the study to be submitted to the Governor and the legislature no later than January 1, 1992. This bill is currently pending in the Senate Industrial Relations Committee.

AB 3826 (Hayden), as amended June 13, would require DOSH to employ designated safety engineers trained to inspect cranes, derricks, and hoisting equipment; prohibit crane operation without a DOSH permit; require that truck and crawler mounted cranes be issued a certificate valid for one year; prohibit the installation or dismantling of a crane without a safety representative on site; authorize DOSH to promulgate regulations for inspection and testing of cranes and charge a fee for issuing the license; establish civil penalties for violation of crane standards or orders; require DOSH to revoke licenses for incompetence, fraud, or good cause; and require deposit of penalties and fees collected into the Crane Safety Fund. This bill is pending in the Senate Industrial Relations Committee.

AB 3931 (Hayden), as amended June 4, would require garment manufacturers to have minimum knowledge of Cal-OSHA regulations regarding fire safety; require DOSH to investigate causes of industrial accidents reported by local police and fire agencies; require DOSH to develop procedures with local fire agencies for sharing information on garment manufacturing that poses a fire

hazard; and require DOSH and local fire agencies to report unregistered garment manufacturers to the Labor Commissioner. The bill is pending in the Senate Industrial Relations Committee.

AB 4006 (Cannella) would increase by 50% the civil penalties imposed on persons convicted of violating certain occupational safety and health provisions. This bill is currently pending in the Senate Industrial Relations Committee.

AB 4259 (Epple), as introduced March 2, would exempt county agricultural commissioners and their employees from existing state law which imposes an obligation on employers to furnish employees with information regarding hazardous substances used in the workplace, thereby imposing additional duties and obligations on counties with regard to furnishing such information. This bill is also pending in the Senate Industrial Relations Committee.

AB 4263 (Johnson), an urgency statute which would require DOSH to license operators of certain cranes and establish licensing and license revocation procedures to be administered by the Division, is pending in the Assembly Labor and Employment Committee.

SB 732 (Beverly), as amended June 11, would provide for the certification of asbestos consultants and site surveillance technicians who meet qualifications specified by this bill and DOSH, including no financial or proprietary interest in an asbestos abatement contractor when they work on the same project within the state; and would subject those who violate these requirements to civil and criminal penalties. This bill would further require state employees who perform asbestos consulting or site surveillance to be certified, and would require the state to assign a civil service classification to carry out this activity. The bill would also require DOSH to propose by July 1, 1991, additional regulations for the certification of asbestos consultants and site surveillance technicians for consideration and action by OSB. The bill would further require OSB to adopt regulations by January 1, 1992; and require DOSH to prepare and administer an examination as directed in the bill, require refresher courses and recertification examinations, and review the certification process at least once every three years. Finally, the bill would authorize DOSH to collect fees from applicants for certification for the purpose of administering the certification process, to be deposited into the Asbestos Consultant Certification Fund. The bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 2537 (Burton), as introduced on January 3, would create the Crane Operators Licensing Board consisting of three appointed members, and would make it a misdemeanor for any employer to require any person to operate a crane without having a license issued by the board, with certain exceptions. Should DOSH find a person operating a crane without a valid license in violation of these provisions, it would be considered a serious violation for purposes of provisions relating to occupational safety and health, and the employer of the unlicensed operator would be issued a specified citation. The unlicensed operator would then be prohibited from obtaining a license for 180 days after the issuance of the citation. The bill would also require the board to investigate and qualify applicants for a license to operate a crane, and would permit the collection of fees for the actual costs of examination and licensing. Finally, the bill would require DOSH to prohibit the use of any crane by an unlicensed operator in violation of these provisions; and if DOSH fails to take action on a complaint within a specified amount of time, the person filing the complaint could apply to the superior court for an injunction restraining the use of the crane until all violations are corrected. This bill is pending in the Senate Industrial Relations Committee.

AB 2825 (Floyd), as introduced February 8, would require the Governor to appoint and the Senate to approve all new OSB members. This bill is pending in the Senate Rules Committee.

SB 461 (Greene, B.) would modify existing law which requires the Industrial Welfare Commission to ascertain the wages, hours, and conditions of labor and employment in various occupations, and consult with OSB before adopting new rules, regulations, or policies, to determine those areas and subject matters where the respective jurisdiction overlaps. This bill would provide that the consultation need not take place in the form of a joint meeting if a majority of each body concludes at a public meeting that there is no overlapping jurisdiction. Rather than including in each order a statement as to the basis upon which the order is predicated, this bill would require the Commission to prepare a statement as to the basis upon which the order is predicated, publish a copy of the statement with the order in the *California Regulatory Notice Register*, and provide a copy of the statement to any interested party on request. An investigation by the Commission would have to include a study detailing empirical data relevant



REGULATORY AGENCY ACTION

to the issues under consideration and, in the case of review of the adequacy of the minimum wage, to include other specified characteristics and analyses; the bill also requires that the study be incorporated into a report and made available to Commission members and any interested party prior to the hearing. This bill is currently pending in the Assembly Labor and Employment Committee.

The following is a status update on bills previously reported in CRLR Vol. 10, No. 1 (Winter 1990) at page 116:

AB 161 (Floyd), which would impose specific penalties on governmental entities for certain violations of occupational safety and health standards, is still pending in the Senate Industrial Relations Committee.

AB 955 (Hayden, Bates), as amended June 14, would require that on or after July 1, 1992, every computer video display terminal (VDT) and peripheral equipment used in any place of employment be in conformance with standards adopted by the American National Standards Institute (ANSI). The bill would apply only to equipment manufactured on or after January 1, 1992. It also provides that these provisions shall be operative only during any period that standards for VDT use which meet or exceed the requirements of these provisions, as determined by the DIR Director, either have not been promulgated by OSB or have been revoked or otherwise do not meet the requirements of these provisions. In addition, the bill would require the DIR Director to notify the Secretary of State of any period during which the standards meet or exceed the requirements of these provisions and are operative, and to notify the Secretary of State if the standards have been revoked or otherwise do not meet the requirements of these provisions. This bill is pending on the Senate floor at this writing.

AB 138 (Floyd), which would require immediate DOSH investigation of employee complaints of imminent hazards and serious accidents, is still pending in the Senate Industrial Relations Committee.

SB 478 (Greene, B.), as amended May 2, would create a Crane Operators Licensing Board and would make it a misdemeanor for any employer to require any person to operate a crane without a license. This bill has been referred to conference committee because of the Senate's refusal to concur in Assembly amendments.

AB 167 (Floyd), which would provide that only qualified electrical workers, as defined, shall work on energized

conductors or equipment connected to energized high voltage systems, is still pending in the Senate Industrial Relations Committee.

SB 356 (Petris) would enact the Agricultural Hazard Communication Act, requiring the Director of Food and Agriculture, in cooperation with DIR, to adopt regulations setting forth an employer's duties towards its agricultural laborers and requiring the Director to enforce these regulations. This bill has been placed in the Assembly inactive file.

AB 1469 (Margolin) would require OSB to revise the California Code of Regulations to include any carcinogen on the Governor's list of those chemicals known to cause cancer or reproductive toxicity, unless a substance is covered by a separate comparable standards, or the OSB exempts a substance which presents no substantial threat to employee health pursuant to a specified provision. This bill is still pending in the Senate Industrial Relations Committee.

LITIGATION:

On February 8, a coalition of labor, environmental, and public interest groups filed suit in state court challenging OSB's determination that the Safe Drinking Water and Toxics Enforcement Act of 1986 (Proposition 65) is not a state law governing occupational safety and health. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 115 and Vol. 9, No. 4 (Fall 1989) pp. 101-02 for extensive background information.) In *California Labor Federation, et al. v. Cal-OSHA*, No. A048574 (First District Court of Appeal), the California Labor Federation, Natural Resources Defense Council, Sierra Club, Environmental Defense Fund, Campaign California, Silicon Valley Toxics Coalition, John F. Henning, executive secretary-treasurer of the California Labor Federation, AFL-CIO, American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), and Bernardo Huerta request a writ directing OSB to grant the groups' petition for rulemaking modifying the Cal-OSHA State Plan to include the employee warning and enforcement provisions of Proposition 65. The court heard oral argument on the petition on April 17; at this writing, no decision has been published.

In *Henning v. Cal-OSHA*, No. C006794 (Apr. 16, 1990), the Third District Court of Appeal held that Title 8, section 341.6(a), as adopted by OSB in May 1987, is void because it abrogates a statutory mandate. Section 341.6(a) provided that any contractor

who is not required to take an asbestos certification examination under Business and Professions Code section 7058.5 is not required to register with DOSH. Section 7058.5 does not require certification of contractors who are involved with the installation, maintenance, or repair of asbestos cement pipe or sheet vinyl, asbestos floor materials, or asbestos bituminous or resinous materials. However, Labor Code section 6501.5 requires all contractors engaged in asbestos-related work to register with the Division. The court held that the section 341.6 exemption is void because it is in conflict with the clear statutory requirements of section 6501.5.

RECENT MEETINGS:

At a January 18 public hearing, OSB received public comments on its proposed changes to Title 8, General Industry Safety Orders, section 3204 (Access to Employee Exposure and Medical Records), which brings Cal-OSHA's recordkeeping requirements in line with recently revised federal OSHA requirements. This revision permits employers to comply with existing section 3204 recordkeeping requirements by storing employee medical records on microfilm, and exempts first aid records and the medical records of short-term employees. These changes were subsequently adopted by OSB at its April meeting, and approved by OAL on June 18.

No comments were offered by the public on a proposed change to Title 8, Construction Safety Orders, section 1604.26(b) (Tunnel Safety Orders), and section 8530 (Construction Industry Test and Inspection Records), which would require that electrical systems on trucks used for transporting explosives underground be checked weekly. OSB adopted these proposed changes at its February 15 business meeting; they were approved by OAL on April 19.

At its January 18 business meeting, OSB adopted amendments to Title 8, General Industry Safety Orders, sections 4202, 4243, 4852, 5031, and 5049; and Elevator Safety Orders, section 3099 (Recordkeeping Requirements for Testing and Maintenance Checks), which bring Cal-OSHA recordkeeping requirements related to tests, inspections, or maintenance checks for certain types of equipment in line with the recently revised federal OSHA requirements. OAL approved these amendments on March 5. The Board also adopted an amendment to Title 8, General Industry Safety Orders, section 5217 (Formaldehyde), at its January 18 business meeting. This proposed change



would bring Cal-OSHA standards for occupational exposure to formaldehyde in line with recently revised federal OSHA standards. This change was also approved by OAL on March 5.

Also at its January 18 business meeting, OSB granted permanent variances to the following entities: Fashion Valley Venture from Title 8, section 3292(f) (construction of a two-story building without roof tieback devices for exterior maintenance); Granlibakken Management Company, Ltd., from Title 8, section 3000(c)(13) of the Elevator Safety Orders (installation of an inclined wheelchair lift with a rise of seventy inches); and Sutter Creek Masonic Temple Association, Inc., from Title 8, section 3000(d)(11) of the Elevator Safety Orders (installation of an inclined stairway chairlift). OSB denied a permanent variance to the Tehachapi Cummings County Water District from Title 8, section 480 of the Unfired Pressure Vessel Safety Orders, prohibiting the installation of ASTM A-120, Schedule 80 steel pipe in lieu of the required ASTM A-53-69 grade B pipe in propane storage units. OSB also adopted a proposed petition submitted by the California Professional Firefighters to create an advisory committee to study the feasibility of enacting a regulation requiring rollover protective structures (ROPS) for wildland firefighting vehicles. At this time, neither Cal-OSHA nor federal OSHA requires ROPS on firefighting vehicles used off-road in the construction and firefighting industry.

At a February 15 joint meeting with the Industrial Welfare Commission (IWC), pursuant to Labor Code section 1173, OSB determined that there is no overlap in respective agency jurisdiction between OSB and IWC regarding various proposals under consideration by IWC, including an amendment to IWC Order 7-80 to increase the remuneration amount and expand the list of recognized professions in Section 1 (Applicability); amend the overtime provisions in this order to permit regularly scheduled workweeks, allowing employees to work longer than eight hours per day under certain protective conditions; and permit make-up time for employees of up to two hours per workweek.

At its February 15 public hearing, OSB received various industry comments on the Board's proposed revision to Title 8, General Industry Safety Orders, section 3360 (Sanitation), which requires toilet facilities to be readily available at all places of employment. This proposed amendment would

require toilet facilities to be reasonably provided for all mobile operations, utility meter readers, and traveling sales personnel. The proposed change was criticized as being unworkable, unwarranted, and resulting in industry costs which exceed justifiable benefits. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 92 for background information.) Also at its February 15 public hearing, OSB received comments from California Lumbermen's Accident Prevention Association in general agreement with the Board's proposed change to Title 8, Logging and Sawmill Safety Orders, section 6257, which would require sawmills to locate and remove all metallic and non-metallic objects such as glass, rocks, and ceramic spikes from logs before milling, or alternately provide exposed employees with a means of protection from the hazards of flying objects. OSB subsequently adopted the amendment to section 6257 at its April meeting; OAL approved it on June 12.

At its February 15 business meeting, OSB adopted amendments to Title 8, General Industry Safety Orders, sections 4188(b) and 4208(c)(2), and added new section 4208.1 (Presence Sensing, Device Initiation), which permits the use of presence sensing devices at the point of operation to initiate slide motion on mechanical power presses; and adopted Title 8, General Industry Safety Orders, section 5218 (Benzene), which brings Cal-OSHA's benzene occupational exposure standards in line with recently adopted federal standards and requires reporting of benzene use in accordance with the California Occupational Carcinogens Control Act of 1976. These regulatory amendments were approved by OAL in April.

Also at its February 15 business meeting, OSB granted permanent variances to the following entities: UCLA Facilities/Utilities, Fagen Enterprises, and TRW from Title 8, section 3000(c)(13) of the Elevator Safety Orders (installation of vertical wheelchair lifts); County of Tulare from Title 8, sections 3022(c)(3)(B), 3040(b)(5), and 3041(a)(1) of the Elevator Safety Orders (elevators in county jail without car floor-designation buttons, door open/close buttons, alarm buttons, light and fan control and stop switches); and Waldenbooks from Title 8, section 462(m)(3) of the Unfired Pressure Vessel Safety Orders (use of plastic pipe in a compressed air system).

At its March 15 meeting, OSB granted permanent variances to the following entities: Corinthian Yacht Club of San Francisco and The J.W. Colachis Company from Title 8, section

3000(c)(13) of the Elevator Safety Orders (installation of a wheelchair with a vertical rise); and 444 West Beech Street Management Corporation from Title 8, section 3292 (building without roof tiebacks for window cleaning and maintenance).

At a March 15 public hearing, OSB received various industry comments on its proposed changes to Title 8, sections 1504(a), 1698(f), 1715, 1717, 1720, 1721, 1722, and 1722.1 of the Construction Safety Orders, which would (among other things) specify tremie concrete placement methods, specify the safety factor for precast member lifting inserts, set forth requirements regarding when concrete formwork may be removed, prohibit employees from working under a concrete bucket, prohibit adjustment to single post shores to raise formwork after placement of concrete, prohibit employees from working behind a jack during post-tensioning operations, and set forth requirements for limiting access during masonry wall construction and for lift-slab operations.

At an April 19 public hearing, OSB heard public comments on proposed regulatory changes to sections 3275, 3276, 3278, and 3279 of the General Industry Safety Orders. These changes would require scaffolding used for maintenance and repair work to conform to the requirements of Articles 21 through 23 of the Construction Safety Orders, and would specify the maintenance and care required for ladders and scaffolding. These changes are intended to consolidate ladder and scaffolding safety regulations under one code section. OSB also heard public comments on a proposed regulatory amendment to section 3657 of the General Safety Orders. This proposed change would set forth specific requirements which must be followed when elevating employees using an industrial lift truck.

During its April 19 business meeting, OSB adopted changes to section 1567 of the Construction Safety Orders, which modify the requirements for the loading of explosives at highway construction projects. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 116 for background information.) These regulatory changes were approved by OAL on April 26.

At a May 17 public hearing, OSB solicited but received no public comments on a proposed revision to section 3270 of the General Industry Safety Orders. This proposed amendment would require general ladder/ramp access to all equipment appliances, permanently elevated locations, and permanent pits, sumps, or other sunken locations thirty inches or more in depth.



During its May 17 business meeting, OSB adopted changes to sections 3000, 3001, 3009, and Appendix A of Title 8, and Part 7, section 7-3000 of Title 24, State Elevator Safety Code. These amendments would specify that the Elevator Safety Orders apply to all elevators within the state; establish a two-year inspection program for all elevators pursuant to Labor Code sections 7300, 7301, and 7304; and require all elevator owners to have full maintenance service contracts with a qualified elevator service company.

Also during its May 17 business meeting, OSB granted permanent variances to the following entities: Wilshire-Rexford Associates, Brian Bayzaee & Mark Gregorian, Michael

Chiu, Genovesi Construction, and McGeorge School of Law from Title 8, section 3000(c)(13) of the Elevator Safety Orders (wheelchair lift with a vertical rise in excess of five feet); Ther-A-Pedic Sleep Products from Title 8, section 462(m)(3) of the Unfired Pressure Vessel Safety Orders (plastic pipe used in compressed air line); and Mountain High Ski Area from Title 8, section 3157(b)2.4.1.1 of the Aerial Passenger Tramway Safety Orders (installation of an aerial tramway with a safety factor of less than five).

FUTURE MEETINGS:

September 20 in Sacramento.

October 25 in San Francisco.

November 15 in San Diego.

vices for agricultural producers, handlers, and consumers; oversees the operation of marketing orders and administers the state's milk marketing program;

5. Division of Pest Management—regulates the registration, sale, and use of pesticides and works with growers, the University of California, county agricultural commissioners, state, federal and local departments of health, the U.S. Environmental Protection Agency (EPA) and the pesticide industry;

6. Division of Measurement Standards—oversees and coordinates the accuracy of weighing and measuring goods and services; and

7. Division of Fairs and Expositions—assists the state's 80 district, county, and citrus fairs in upgrading services and exhibits in response to the changing conditions of the state.

In addition, the executive office oversees the Agricultural Export Program and the activities of the Division of Administrative Services, which includes Departmental Services, Financial Services, Personnel Management, and Training and Development.

The State Board of Food and Agriculture is an advisory body which consists of the Executive Officer, Executive Secretary, and fifteen members who voluntarily represent different localities of the state. The State Board inquires into the needs of the agricultural industry and the functions of the Department. It confers with and advises the Governor and the director as to how the Department can best serve the agricultural industry and the consumers of agricultural products. In addition, it may make investigations, conduct hearings, and prosecute actions concerning all matters and subjects under the jurisdiction of the Department.

At the local level, county agricultural commissioners are in charge of county departments of agriculture. County agricultural commissioners cooperate in the study and control of pests that may exist in their county. They provide public information concerning the work of the county department and the resources of their county, and make reports as to condition, acreage, production and value of the agricultural products in their county.

MAJOR PROJECTS:

CDFA Steps Up Aerial Malathion Spraying. Over the past six months, CDFA has dramatically expanded the frequency and breadth of its aerial malathion spraying program, in an as-yet-unsuccessful attempt to eradicate the Mediterranean fruit fly (medfly) and the Mexican fruit fly (mexfly) in southern California. (See CRLR Vol. 10, No.



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The California Department of Food and Agriculture (CDFA) promotes and protects California's agriculture and executes the provisions of Food and Agricultural Code section 101 *et seq.*, which provides for CDFA's organization, authorizes it to expend available monies, and prescribes various powers and duties. The legislature initially created the Department in 1880 to study "diseases of the vine." Today the Department's functions are numerous and complex. Among other things, CDFA is authorized to adopt regulations to implement its enabling legislation; these regulations are codified in Chapters 1-7, Title 3, Chapters 8-9, Title 4, and Division 2, Title 26 of the California Code of Regulations (CCR).

The Department works to improve the quality of the environment and farm community through regulation and control of pesticides and through the exclusion, control, and eradication of pests harmful to the state's farms, forests, parks, and gardens. The Department also works to prevent fraud and deception in the marketing of agricultural products and commodities by assuring that everyone receives the true weight and measure of goods and services.

CDFA collects information regarding agriculture and issues, broadcasts, and

exhibits that information. This includes the conducting of surveys and investigations, and the maintenance of laboratories for the testing, examining, and diagnosing of livestock and poultry diseases.

The executive office of the Department consists of the director and chief deputy director, who are appointed by the Governor. The director, the executive officer in control of the Department, appoints two deputy directors. In addition to the director's general prescribed duties, he/she may also appoint committees to study and advise on special problems affecting the agricultural interests of the state and the work of the Department.

The executive office oversees the activities of seven operating divisions:

1. Division of Animal Industry—provides inspections to assure that meat and dairy products are safe, wholesome, and properly labeled, and helps protect cattle producers from losses from theft and straying;

2. Division of Plant Industry—protects home gardens, farms, forests, parks, and other outdoor areas from the introduction and spread of harmful plant, weed, and vertebrate pests;

3. Division of Inspection Services—provides consumer protection and industry grading services on a wide range of agricultural commodities;

4. Division of Marketing Services—produces crop and livestock reports, forecasts of production and market news information, and other marketing ser-