



REGULATORY AGENCY ACTION

years of relevant professional experience. The experience requirement may be satisfied by a combination of academic work at a school with a Board-approved program in geology or geophysics, and qualifying professional experience. However, credit for undergraduate study, graduate study, and teaching, whether taken individually or in combination, cannot exceed a total of four years toward meeting the requirement of seven years of professional geological or geophysical work.

The Board may issue a certificate of registration as a geologist or geophysicist without a written examination to any person holding an equivalent registration issued by any state or country, provided that the applicant's qualifications meet all other requirements and rules established by the Board.

The Board has the power to investigate and discipline licensees who act in violation of the Board's licensing statutes. The Board may issue a citation to licensees or unlicensed persons for violations of Board rules. These citations may be accompanied by an administrative fine of up to \$2,500.

The eight-member Board is composed of five public members, two geologists, and one geophysicist. BRGG's staff consists of two full-time employees (Executive Officer John Wolfe and his secretary) and two part-time personnel. The Board's committees include the Professional Practices, Legislative, and Examination Committees. BRGG is funded by the fees it generates.

MAJOR PROJECTS:

Regulatory Changes. Earlier this year, BRGG adopted new regulatory sections 3022, 3028, and 3029, and an amendment to section 3305, Chapter 29, Title 16 of the CCR. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 91-92 and Vol. 10, No. 1 (Winter 1990) p. 71 for background information.) On August 20, the Office of Administrative Law (OAL) approved the proposed changes to sections 3028 and 3029, which implement the Permit Reform Act of 1981 by setting forth processing deadlines for licensure and renewal applications.

According to BRGG, OAL has also approved the proposed change to section 3305, which increases the fee for application for registration as a geologist or geophysicist from \$40 to \$60. However, BRGG withdrew section 3022, which would specify criteria for approval of a foreign school's curriculum in geology or geophysics. BRGG was scheduled to discuss possible amendments to this regulatory proposal at its October 22 meeting.

Enforcement. At BRGG's June 5 meeting, Executive Officer John Wolfe reported that the Board had received a letter from the Federal Trade Commission thanking the Board for its help in the investigation of the Lights Creek Placer Mine in Plumas County. Geologic reports prepared by unlicensed individuals were part of the promotional scheme in the mining venture. The Board has received inquiries from the public and other regulatory agencies about the registration of geologists involved in other gold mining ventures in California.

Examinations. BRGG has continued its discussion on ways to improve its examination process, including offering the examinations more than once a year and making the examinations compatible for computerized grading. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 70 for background information.) The implementation of an improved examination procedure would help to alleviate the large number of applications currently under review by the Board. At its June 5 meeting, Executive Officer John Wolfe reported that there are 847 new applications for the geology registration examination, 317 for the engineering geology examination, and 30 for the geophysics examination.

The Board has participated in discussions with other organizations concerning the possibility of developing a national examination for geology. At BRGG's June meeting, the American Institute of Professional Geologists made a presentation to the Board regarding a national examination which would be available to any interested state boards. BRGG will address this matter at future meetings.

LEGISLATION:

AB 469 (Harvey), which increases the maximum fee for the filing of an application for registration as a geologist or geophysicist from \$60 to \$100, the renewal fee for a geologist or geophysicist from \$100 to \$200, and the specialty renewal fee from \$20 to \$50, was signed by the Governor on August 7 (Chapter 469, Statutes of 1990).

AB 3242 (Lancaster), as amended July 27, provides that a person who engages in any business for which a license is required may not bring an action for compensation for performance of any act for which a license required without proving that he/she was licensed at the time of the performance of the act. This bill was signed by the Governor on September 21 (Chapter 1207, Statutes of 1990).

RECENT MEETINGS:

At its July 30 meeting, BRGG reelected James Weddle as Board Presi-

dent and elected Karen Melikian as Vice-President.

Also at its July 30 meeting, BRGG reported that, if approved, its 1990-91 budget will be \$433,413; this figure includes funding for proposed additional staff and costs associating with joining the Association of State Boards of Geology.

FUTURE MEETINGS:

To be announced.

BOARD OF GUIDE DOGS FOR THE BLIND

Executive Officer: Manuel Urena
(916) 445-9040

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 Chapter 22, Title 16 of the California Code of Regulations (CCR).

The Board currently licenses three guide dog schools and 48 trainers.

MAJOR PROJECTS:

Implementation of SB 2229. Pursuant to Business and Professions Code section 7218, enacted in 1988, the Board completed its study regarding the feasibility of developing programs to license providers of signal dogs for the deaf and service dogs for the physically disabled. The Board also evaluated accessibility laws guaranteeing the right of guide, signal, and service dog users to travel unimpeded and enter all places of public accommodation.

On June 30, the Board submitted its findings to the legislature in a final report entitled *Report to the Legislature: Guide, Signal and Service Dogs*. The final report was based on the product of two earlier drafts which were distributed for public comment. At its May 4 meeting, the Board reviewed the second draft, agreed to incorporate several changes into the report, and adopted the second draft, as amended. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 92-94; Vol. 10, No. 1 (Winter 1990) pp.



71-72; Vol. 9, No. 4 (Winter 1989) p. 48; and Vol. 8, No. 4 (Fall 1988) p. 56 for detailed background information.)

At this writing, the legislature has not yet responded to the report.

LEGISLATION:

AB 4241 (Connelly) increases the special need allowances currently paid to users of guide dogs to \$40, and further increases that amount to \$50 beginning July 1, 1991. The bill also provides that the allowance shall be provided for blind or disabled recipients of benefits under the SSI and SSP programs, and specifies that the allowance shall be for guide dogs, signal dogs, or other service dogs, to pay for dog food and other costs associated with their care and maintenance. This bill was signed by the Governor on September 12 (Chapter 871, Statutes of 1990).

FUTURE MEETINGS:

December 6-7 in Los Angeles.

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 Chapter 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. The Bureau has finalized the language of revisions of California Technical Bulletin 133, which will be incorporated by reference into proposed regulatory changes to section 1374, Title 4 of the CCR, establishing higher flammability standards for furniture use in public buildings. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 95 and Vol. 9, No. 4 (Fall 1989) p. 59 for background information.)

The proposed amendment to section 1374 would require that after January 1, 1992, all seating furniture sold for use in public occupancy buildings shall meet the test requirements set forth in Technical Bulletin Number 133. For purposes of these amendments, public occupancy buildings include hospitals, nursing homes, penal institutions, child day care centers, public auditoriums and stadiums, and public assembly areas in hotels and motels. Amendments to section 1374.3 would conform existing labeling requirements to the new standards.

The proposed amendments provide that local fire authorities, as well as the Bureau, may enforce the flammability requirements. The Bureau hopes to schedule public hearings on the proposed regulatory changes to coincide with the December 11 Advisory Board meeting in Los Angeles.

Insulation Program. The State Fire Marshal approved the Bureau's amendments to sections 1551-1565, Title 24, Part 12 of the State Referenced Standards Code regarding Standards for Insulating Material. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 95 for background information.) The Bureau is currently testing the fire safety testing criteria modifications recommended by Underwriters Lab, a private electrical laboratory. After testing, the amendments will be presented to the State Building Standards Commission, which is charged with conducting public hearings.

Statewide Survey of Waterbed Heaters. At the September 11 Advisory Board meeting, Chief Damant announced the results of a statewide sur-

vey on the safety of waterbed heaters. Twenty-three waterbed heaters from approximately nine manufacturers were tested for compliance with the stricter safety standards which were passed by the legislature in September 1988 and became effective in September 1989. Of the heaters tested, 75% failed the burnout test conducted by the Bureau. Chief Damant notified the manufacturers whose products did not pass the safety tests, stating that BHF will withhold those waterbed heaters from sale if they are found on the market.

LITIGATION:

The final judgment in *People v. Base Line Design, Inc.*, No. 364101 (Sacramento County Superior Court) enjoins Base Line from, among other things, placing upon its upholstered furniture a label which implies that the furniture complies with the requirements of California law unless in truth and in fact said upholstered furniture does comply with the requirements of California law. Although Base Line, a New York corporation, did not admit to any violation of law, it agreed to pay \$43,610 in civil penalties, investigation costs, and attorneys' fees. Of the \$43,610 judgment, the Bureau will receive \$5,610 to cover its investigation costs in the matter.

In *People v. Linon Imports, Inc.*, No. 364227 (Sacramento County Superior Court), Linon agreed to pay \$6,500 in civil penalties, investigation costs, and attorneys' fees. Although Linon, a Yugoslavian furniture manufacturer, did not admit to any violation of law, the judgment enjoins Linon from, among other things, placing upon its upholstered furniture a label which implies that the furniture complies with the requirements of California law unless in truth and in fact said upholstered furniture does comply with the requirements of California law. The Bureau will receive \$2,000 to cover its investigation costs in the matter.

In *People v. Coaster Company of America*, No. BC005351 (Los Angeles County Superior Court), Coaster agreed to pay \$37,000 in civil penalties, investigation costs, and attorneys' fees. Although Coaster, a California furniture manufacturer, did not admit to any violation of law, the judgment enjoins Coaster from, among other things, placing upon its upholstered furniture a label which implies that the furniture complies with the requirements of California law unless in truth and in fact said upholstered furniture does comply with the requirements of California law. Of the \$37,000 judgment, the Bureau will