



REGULATORY AGENCY ACTION

artificial sweetener. AB 63 would amend the section to except specified sweeteners from that labeling requirement. This bill would also authorize sweeteners approved by U.S. Food and Drug Administration to be added to milk products, and would prescribe labeling requirements. At this writing, this bill is pending in the Assembly Ways and Means Committee.

AB 311 (*Felando*) would require every food facility which sells any meat, poultry, vegetable, or fruit to conspicuously post signs identifying food additives in the food for sale. The signs regarding meat, poultry, and commercially grown fish must identify any additives which have been fed to, ingested by, consumed by, or applied to the animals while they were alive or during processing. For caught fish, the signs need only identify those additives which were added to the fish during processing. The additives to be identified include but are not limited to steroids, hormones, and antibiotic drugs. This bill is pending in the Assembly Health Committee.

AB 222 (*Waters*) and SB 8 (*Nielsen*) would repeal the termination date for the Foreign Market Development Export Incentive Program, which was begun in 1985. The program is set to end on January 1, 1990. AB 222 is pending in the Assembly Economic Development and New Technologies Committee; SB 8 is pending in the Senate Appropriations Committee.

AB 489 (*Waters*), as amended April 5, would make it unlawful for any livestock owner or agent to knowingly sell or dispose of any livestock or livestock carcasses which have drug residues in excess of allowable federal or state tolerances. The bill would impose a maximum \$100 penalty for each tainted head of livestock carcass sold or disposed of and make the violator liable to the buyer for the purchase price. In addition, the violator would be liable for attorneys' fees and administrative costs of enforcement. This bill is pending in the Assembly Agriculture Committee at this writing.

AB 563 (*Hannigan*), as amended April 6, would require CDFA to develop and establish a program, by July 1, 1990, for the collection of banned agricultural waste from eligible participants, as defined. CDFA would be required to adopt regulations to implement the program, which would be required to include specified elements, including the implementation of the program by counties at the discretion of a county, and the imposition of fees by the county to cover the costs of implementing the pro-

gram. This bill is pending in the Assembly Committee on Environmental Safety and Toxic Materials.

AB 618 (*Speier, et al.*), as amended April 10, would make the distribution of packaged food, as defined, on or after January 1, 1990, that does not carry a label specifying its fat and cholesterol content a misdemeanor. According to AB 618, "packaged food" means "any food displayed for sale at retail in a package, and includes items such as poultry, meat, fish, and seafood which are weighed and then packaged at the point of sale and further includes eggs in cartons." This bill is pending in the Assembly Health Committee.

RECENT MEETINGS:

At its January meeting, the Board voted to endorse the ongoing San Joaquin Valleywide Air Pollution Study. Its primary objectives are to ensure that future emissions controls will be effective in achieving improved air quality in the Valley, including attainment of relevant standards; that sound regional long-term plans for successful control are developed; and that a plan for equitable distribution of controls is developed. The Board is interested in the effects of pollution on public health and crop damage/losses.

John Ross and Myron Openshaw of the Cattlemen's Association reported that the European Economic Community (EEC) has objected to the use of growth hormones, especially estrogen, in U.S. beef. Ross contended that the EEC is

actually not objecting to the hormones—which he stated have no health effects whatsoever—but rather to U.S. efforts to equalize trade by reducing or eliminating internal subsidies. Board President Richard Peters commented that if the United States accedes to EEC's demands and only exports beef that has not been implanted with growth hormones, this county would be indirectly admitting that the hormones are a problem.

Director Jack Parnell reported that the state's budget is in serious trouble. Deputy Director Bob Fox reported that the Department of Finance has asked CDFA to take another 1% reduction in the 1989 budget year, which amount to approximately \$800,000. This may result in cuts to some Department programs that historically have not been touched.

At the Board's January and February meetings, CDFA Special Assistant Wayne Smith updated the Board on the *Vision: California 2010* Supplemental Report. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 84 and Vol. 8, No. 4 (Fall 1988) p. 97 for background information.) Mr. Smith is in the process of soliciting and reviewing "white papers" on each of the proposed menu topics. Initial versions of the white papers are due on July 1; final versions are due on October 1; and the supplemental report must be submitted to the Governor by January 1, 1990.

FUTURE MEETINGS:

- August 3 in Sacramento.
- September 7 in Sacramento.
- October 5 in Sacramento.



RESOURCES AGENCY

AIR RESOURCES BOARD

Executive Officer: James D. Boyd
Chairperson: Jananne Sharpless
(916) 322-2990

The California legislature created the Air Resources Board in 1967 to control air pollutant emissions and improve air quality throughout the state. The Board evolved from the merger of two former agencies, the Bureau of Air Sanitation within the Department of Health and the Motor Vehicle Pollution Control Board. The members of the Board have experience in chemistry, meteorology,

physics, law, administration, engineering and related scientific fields.

The Board regulates both vehicular and stationary pollution sources. The primary responsibility for controlling emissions from nonvehicular sources rests with local air pollution control districts (California Health and Safety Code sections 39002 and 40000).

The Board develops rules and regulations for stationary sources to assist local air pollution control districts in their efforts to achieve and maintain air quality standards. The Board oversees their enforcement activities and provides



them with technical and financial assistance.

The Board's staff numbers approximately 425 and is divided into seven divisions: Technical Services, Legal and Enforcement, Stationary Source Control, Planning, Vehicle Control, Research and Administrative Services.

MAJOR PROJECTS:

Review of State Standard for Visibility Reducing Particles and Their Measurement. At its January 12 meeting, ARB considered proposed amendments to sections 70100 and 70200, Title 17 of the California Code of Regulations (CCR), which currently set forth the state ambient air quality standards for "visibility reducing particles" and the measurement methods for determining compliance with the standards. Currently, under a standard adopted in 1969, visibility reducing particles are limited to an amount sufficient to "reduce the prevailing visibility to less than ten miles when the relative humidity is less than 70%." The standard for the Lake Tahoe Air Basin is thirty miles when relative humidity is less than 70%.

Under these standards, human observers determine prevailing visibility (PV), and there is no direct measurement of the particles themselves. Board staff believe the current method of measurement is inadequate for several reasons: (1) using human observers causes inherent cost and logistical problems in monitoring; (2) PV observations are not linked to particle concentration; (3) PV observations cannot measure the anthropogenic contribution to observed visibility degradation, because human observers cannot normally distinguish natural haze from pollutant-generated haze; and (4) PV cannot provide nighttime measurements.

Staff therefore recommended amendments to sections 70100 and 70200 which would replace the visual range observation of ten miles with its instrumentally measured equivalent of an extinction coefficient of 0.241 per kilometer. The thirty-mile visual range standard for the Lake Tahoe Air Basin would be expressed as an extinction coefficient of 0.080 per kilometer. Staff also proposed a specific monitoring method, referred to as "Method V", for the standards. Definitions of "visual range" and "extinction coefficient" would be added to the regulations, and the definition of "visibility reducing particles" would be amended to refer to instrumental measurement.

Following the regulatory hearing at the January meeting, ARB approved the necessary amendments to sections 70100

and 70200, which now await review by the Office of Administrative Law (OAL). Local control districts will absorb most of the costs of these amendments, since they will be expected to purchase any equipment that they do not currently have, and provide the staff who will operate the equipment. The Board and staff are confident that costs will be low and promised to help the districts locate any instruments they lack.

Non-Original and Recycled Catalytic Converter Regulations. On February 15, the OAL approved ARB's August 19 adoption of section 2222(h) and (i), Title 13 of the CCR, which establishes procedures for the evaluation of non-original equipment catalytic converters. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 86 for background information.)

OAL Approves Hexavalent Chromium Standards. Proposed section 93102, Titles 17 and 26 of the CCR, which sets forth an overall course of action for controlling hexavalent chromium emissions from chrome plating and chromic acid anodizing facilities and was adopted by ARB in February 1988, was approved by OAL on December 7. (See CRLR Vol. 8, No. 2 (Spring 1988) pp. 97-98 for additional information.)

At its March 9 meeting, the ARB was scheduled to discuss the staff's report on a proposed control measure designed in consideration of the factors listed in Health and Safety Code section 39665, to reduce emissions of hexavalent chromium to the lowest level achievable through applications of the best available control technology. If adopted by the Board and the local districts, the proposed airborne toxic control measure would eliminate hexavalent chromium emissions from cooling towers, and prevent an estimated 70-900 potential cancers statewide. The proposed measure would prohibit the use of hexavalent chromium in the circulating water of a cooling tower and require the concentration of hexavalent chromium in cooling tower circulating water to be 0.15 parts per million or less, as determined using American Public Health Association Method 312B as published in *Standard Methods for the Examination of Water and Wastewater*, Sixteenth Edition. These requirements must be met within 180 days of district adoption of the rule.

LEGISLATION:

SB 361 (Torres) would require the ARB to undertake a study to determine the feasibility of requiring large new and modified industrial sources of carbon dioxide to offset any additional carbon

dioxide emissions, as a result of new or modified sources, with reductions of carbon dioxide from other existing sources, or with the preservation of tropical rain forest land. This bill would also require the Board to report its findings and recommendations to the Governor and legislature by January 1, 1991. SB 361 is pending in the Senate Governmental Organization Committee.

AB 204 (D. Brown) would specify that the term "solid waste disposal site" does not apply to an island in the Pacific Ocean fifteen or more miles from the mainland coast. This modification would exempt operators of solid waste disposal sites on such islands from the requirement of submitting an air quality assessment report to the air pollution control district or the air quality management district having jurisdiction. This bill is pending in the Assembly Natural Resources Committee.

SB 718 (Rosenthal) would appropriate \$2 million from the state's share of federal offshore oil lease revenue to the Environmental Affairs Agency to ensure that offshore oil development activities comply with federal and state air pollution control laws. The Agency shall allocate \$1.2 million of the funds as grants to local air pollution control districts in which offshore oil activity is present, and \$800,000 to the ARB for enforcement activities. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

AB 292 (Floyd). Existing law prohibits the modification or installation of any pollution control device that does not meet required standards; exempt from this prohibition are modifications which either do not reduce the effectiveness of required pollution control devices as determined by resolution of the ARB, or which result in emissions that are at levels that comply with existing state or federal standards. This bill, which is pending in the Assembly Transportation Committee, would eliminate the requirement that the ARB make such findings by resolution.

SB 1123 (Rosenthal) would redefine the term "low-emission motor vehicle" and require the Department of General Services to purchase low-emission vehicles, to the extent funds are available and subject to various other provisions, if the cost of the vehicles is less than twice the cost of comparable vehicles purchased by the Department. This bill is pending in the Senate Governmental Organization Committee.

AB 911 (Killea) would require the ARB to adopt emissions standards for



REGULATORY AGENCY ACTION

diesel bus engines and other heavy-duty diesel engines. The bill, which is also pending in the Assembly Transportation Committee, would also require the Board to require automobile manufacturers to offer a specified number of automobiles as low-emission vehicles.

SB 1006 (Leonard) would require the ARB to certify by June 30, 1990, which motor vehicles are low-emission vehicles; it would also require the Department of General Services to determine how much more these certified low-emission vehicles cost compared to comparable motor vehicles that are not certified as low-emission vehicles. The bill would exempt owners of low-emission vehicles from sales and use taxes on the cost of the vehicle that is above comparable vehicles not certified as low-emission vehicles. This bill is pending in the Senate Transportation Committee.

AB 1050 (Sher) would clarify existing provisions requiring the ARB to classify each air basin according to whether it is in attainment with air quality standards and to identify districts in which pollutants from upwind areas contribute to a violation of the ozone standards. This bill is pending in the Assembly Ways and Means Committee.

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 1 (Winter 1989) at page 86:

SB 54 (Torres), which would prohibit an air pollution control district or air quality management district from issuing or renewing a permit for the construction or operation of a project which burns hazardous waste unless the project will not interfere with the attainment or maintenance of state and federal ambient air quality standards, is pending in the Senate Committee on Toxics and Public Safety Management.

SB 231 (Roberti), which would require ARB to adopt criteria to determine the existence of replacement products for specified chlorofluorocarbon (CFC) applications, is pending in the Senate Committee on Natural Resources and Wildlife at this writing.

SB 155 (Leonard), which would impose emission charges on motor vehicles and fuels at designated rates based on specified pollutants emitted, as determined by ARB, is pending in the Senate Transportation Committee.

RECENT MEETINGS:

On January 12, the ARB staff reported on its activities regarding air pollution in the San Joaquin Valley. Staff has been examining the role and responsibilities of the San Joaquin Valley Basin-

wide Control Council (BCC), and reported its findings on the need to identify opportunities and options to strengthen the BCC's authority to address air quality issues from a valleywide perspective.

FUTURE MEETINGS:

To be announced.

CALIFORNIA WASTE MANAGEMENT BOARD

Executive Officer: George T. Eowan
Chairperson: John E. Gallagher
(916) 322-3330

Created by SB 5 in 1972, the California Waste Management Board (CWMB) formulates state policy regarding responsible solid waste management. Although the Board once had jurisdiction over both toxic and non-toxic waste, CWMB jurisdiction is now limited to non-toxic waste. Jurisdiction over toxic waste now resides primarily in the toxic unit of the Department of Health Services. CWMB considers and issues permits for landfill disposal sites and oversees the operation of all existing landfill disposal sites. Each county must prepare a solid waste management plan consistent with state policy.

Other statutory duties include conducting studies regarding new or improved methods of solid waste management, implementing public awareness programs, and rendering technical assistance to state and local agencies in planning and operating solid waste programs. The Board has also attempted to develop economically feasible projects for the recovery of energy and resources from garbage, encourage markets for recycled materials, and promote waste-to-energy (WTE) technology. Additionally, CWMB staff is responsible for inspecting solid waste facilities, e.g., landfills and transfer stations, and reporting its findings to the Board.

The Board consists of the following nine members who are appointed for staggered four-year terms: one county supervisor, one city councilperson, three public representatives, a civil engineer, two persons from the private sector, and a person with specialized education and experience in natural resources, conservation, and resource recovery. The Board is assisted by a staff of approximately 86 people.

MAJOR PROJECTS:

AB 2448 Implementation. CWMB is currently implementing AB 2448 (Eastin)

(Chapter 1319, Statutes of 1987). (See CRLR Vol. 9, No. 1 (Winter 1989) p. 87 and Vol. 8, No. 3 (Summer 1988) p. 108 for background information.) This major legislation required solid waste landfill operators to submit certifications to CWMB by January 1, 1989, that an initial closure cost estimate has been prepared, that a financial mechanism has been established, and that the chosen mechanism will ensure adequate resources for closure and postclosure maintenance. CWMB has prepared cost estimate worksheets to assist operators in ensuring that sufficient resources are available to close and maintain the landfills.

CWMB staff personnel are reviewing the certifications to verify that all requirements have been met and are supported by documentation. The review includes an assessment of the reasonableness of the initial cost estimate; and verification that the selected financial mechanism has actually been established, and that the schedule of funding the selected mechanism equals the initial cost estimate by the intended closure date. CWMB has approved trust funds as an appropriate financial mechanism, but it must still decide whether a corporate guarantee, letter of credit, surety bond, enterprise fund, or municipal financing bond are equally appropriate mechanisms. Operators who have selected financial mechanisms which CWMB finds unacceptable will be notified of any additional information needed and are being given fourteen days to provide the information. Operators not providing the requested information are brought to the attention of the Board. Submitted certifications that pass staff review will be brought to CWMB as a consent list for consideration of approval of the operator verification.

Senate Task Force on Waste Management. This Task Force was formed pursuant to Senate Resolution 33 (Roberti) of 1988, and is charged with developing a comprehensive legislative program to address California's emerging solid waste crisis. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 107 for background information.) The Task Force, composed of public and private sector representatives of the various interests with a stake in solving the problem, has announced that it will hold regional public workshops to examine solid waste management policies, the present solid waste management system, the planning and siting system for landfills and other waste facilities, the present local enforcement system for the implementation of a statewide integrated waste management system, and