



# REGULATORY AGENCY ACTION

ate crop sheets to health care providers and employers.

SB 356 would require OSB, not later than June 1, 1990, to adopt rules regarding the provision of warnings to agricultural employees and other workers, and would revise the requirements with regard to the provision of MSDS by manufacturers and other persons relating to hazardous substances. At this writing, SB 356 is pending in the Senate Appropriations Committee.

SB 478 (Greene), which would require the licensing of crane operators, among other things, is pending in the Senate Committee on Industrial Relations at this writing.

AB 167 (Floyd), which would, among other things, prohibit DOSH from reducing the seriousness of a citation or the amount of a civil penalty for a violation cited as serious or willful unless the Division obtains an order of the Appeals Board, passed the Assembly on May 4 and is pending in the Senate Committee on Industrial Relations at this writing.

SB 1190 (Marks), which would specify that each campus of the California State University is an employer for purposes of classifying employers engaging in specified asbestos-related work who must register with DOSH and meet other specified criteria, passed the Senate on May 11 and is pending in the Assembly Committee on Labor and Employment at this writing.

AB 1564 (Connelly), which would, among other things, require the owner of any building constructed prior to 1979 to provide employees with a summary of asbestos-related inspections, passed the Assembly Committee on Labor and Employment on May 15 and is pending in the Committee on Ways and Means at this writing.

AB 138 (Floyd), regarding DOSH investigation of employee complaints and serious accidents, passed the Assembly on May 25 and is pending in the Senate Committee on Industrial Relations at this writing.

AB 147 (Floyd), regarding employer insurance coverage for asbestos-related activities, failed passage in the Assembly Committee on Labor and Employment.

AB 148 (Floyd), requiring owners of public buildings to make an effort to determine the presence of asbestos, passed the Committee on Labor and Employment on April 3 and is pending in the Assembly Committee on Ways and Means Committee at this writing.

## LITIGATION:

At this writing, *Ixta, et al. v. Rinaldi*,

No. C002805 (Third District Court of Appeal), remains pending before the California Supreme Court. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 92; Vol. 8, No. 3 (Summer 1988) pp. 98-99; and Vol. 8, No. 1 (Winter 1988) p. 85 for background information.)

## RECENT MEETINGS:

At its March 23 meeting in San Diego, OSB granted permanent variances from section 3000(c)(13), Title 8 (Elevator Safety Orders) to the following entities: E.R.E., Inc./D.S. Lai & Associates, Coast Community College District, City of Riverside, and Willows Memorial Hall.

At its April 20 meeting in Sacramento, OSB granted permanent variances to the following entities: Olhausen Billiard Manufacturing, Inc. from section 462(m)(3), Title 8 (Unfired Pressure Vessel Safety Orders); Mammoth/June Ski Resort from sections 3157(c)2.3.3.1.2 and 3157(c)2.3.3, Title 8 (Aerial Passenger Tramway Safety Orders); Kirk Henriksen and Los Angeles Central Library from section 3000(c)(13), Title 8 (Elevator Safety Orders); Dompe Warehouse Company from section 475(a), Title 8 (Unfired Pressure Vessel Safety Orders); Robert F. Jani, Rio Linda Masonic Temple Association, and Mountain View Masonic Temple Association from section 3000(d)(11), Title 8 (Elevator Safety Orders).

At its May 18 meeting in Los Angeles, OSB granted permanent variances to the following entities: Vlad Chernoguz and Feliz Braynin from section 3000(c)(13), Title 8 (Elevator Safety Orders); City of Belmont from section 3000(c)(13), Title 8 (Elevator Safety Orders); and Lift Truck Service Corporation from section 475(d)(1), Title 8 (Unfired Pressure Vessel Safety Orders).

Also at its May meeting, OSB heard

a proposed petition for regulatory changes requested by the Los Angeles County District Attorney's Office (LADA). LADA requested OSB to adopt a new standard regarding maintenance and repair of industrial trucks. LADA stated that no California regulation requires industrial trucks to be repaired by authorized personnel, and urged OSB to adopt federal regulation 29 C.F.R. section 1910.178(q)(1), which states that any power-operated truck not in safe operating condition shall be removed from service and requires that all repairs be made by authorized personnel.

DOSH acknowledged that Article 25 of the General Industry Safety Orders, concerning Industrial Trucks, Tractors, Haulage Vehicles and Earthmoving Equipment, does not specifically require that industrial trucks be repaired by authorized personnel, nor does it specifically require that unsafe industrial trucks be removed from service. However, DOSH stated that General Industry Safety Orders, Article 7, Miscellaneous Safe Practices, section 3328 is applicable to all machines and equipment with defective parts which create a hazard and states that such equipment shall not be used; machinery and equipment in service shall be maintained in safe operating condition; and only qualified persons shall be permitted to maintain or repair machinery or equipment. DOSH stated that not only would the requested regulation be duplicative, but any requirement that repairs be made by a "qualified person" would be more restrictive than the federal standard. Therefore, based upon DOSH's recommendation, OSB denied the petition.

## FUTURE MEETINGS:

August 24 in Sacramento.



## DEPARTMENT OF FOOD AND AGRICULTURE

### DEPARTMENT OF FOOD AND AGRICULTURE

Director: Henry Voss  
(916) 445-7126

The Department of Food and Agriculture (CDFA) promotes and protects California's agriculture and executes the provisions of the Agriculture Code which

provide for the Department's organization, authorize it to expend available monies and prescribe 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.

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.

The Department 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 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 services 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 United States Environmental Protection Agency 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 consists of the Executive Officer, Executive Secretary, and fifteen members including the Board President 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.

On February 24, Governor Deukmejian reappointed the following individuals for another term on the State Board of Food and Agriculture: Richard C. Keehn of Hopland; Thomas F. DiMare of Modesto; and William F. Borrer of Gerber.

## MAJOR PROJECTS:

*OAL Approves Pesticide Regulations.* In April, the Office of Administrative Law (OAL) approved regulations proposed by CDFA under the Pesticide Contamination Prevention Act. Section 6199.5, Title 3 of the California Code of Regulations (CCR), was adopted to provide procedures for the Director to issue an assessment order to a registrant of an active ingredient which has been determined to be critical to agriculture and for which data gaps exist, requiring additional scientific research to obtain information on the ingredient. The assess-

ment order is required to contain certain information including a list of specific studies for which there are data gaps; the total estimated cost of the required studies; each registrant and its proportional share of the total assessment; the reason the active ingredient has been determined to be critical to agriculture production; and the amount of funds previously committed by the agricultural industry or any other source for the express purpose of obtaining the required studies. Each registrant's assessment must be paid within 60 days of the assessment order. The regulation also provides for supplemental assessments to be ordered by the Director if the original assessment does not provide adequate funds to complete the studies being funded.

*OAL Disapproves Methyl Bromide and Chloropicrin Regulations.* On March 29, OAL disapproved CDFA's proposed regulatory amendments providing for more stringent use requirements for field fumigations using methyl bromide and chloropicrin. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 95 and Vol. 8, No. 3 (Spring 1988) p. 100 for background information.)

According to OAL, the proposed amendments to section 6450, Title 3 of the CCR, were unclear since they do not specify the information which is to be included in the pest advisor's recommendation required to use methyl bromide and chloropicrin; and the amendments setting forth additional requirements for pesticide applications within 100 feet of an occupied structure are vague and ambiguous. OAL further determined that CDFA failed to provide information as to why many of the provisions are required in order to carry out the described purpose of the provision. OAL also found that the required pest advisor's recommendation in the proposed amendments constitutes a permit within the meaning of Government Code section 15375(a), and as such must comply with the Permit Reform Act. Since CDFA did not provide time frames for processing of the required recommendation, the proposal was not consistent with the Permit Reform Act. OAL found additional conflicts between the proposed regulations and provisions of state and federal law.

*OAL Disapproves Quantity and Weight Regulations.* On March 10, OAL disapproved CDFA's proposed adoption of section 4521.30 and amendments to sections 4513, 4514, 4500, and 4522, Title 4 of the CCR, which would update California's packaging and labeling regulations to be consistent to the National



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Bureau of Standards Handbook 130 (Handbook). (See CRLR Vol. 8, No. 4 (Fall 1989) p. 95 for background information.) OAL determined that the proposed regulations were not clear because an asterisk which was defined as indicating a difference in the proposed regulation from the 1986 Handbook provision had been included in some of the proposed regulations which were identical to the 1988 Handbook provisions. The OAL concluded that an affected person would not be able to understand the proposed regulatory changes or know whether the California standards were in uniformity with national standards.

**CDFA Suspends Use of Bentazon.** Effective April 3, CDFA suspended the use of the herbicide Bentazon after domestic wells in ten rice-growing counties tested positive for Bentazon. None of the wells' concentrations exceeded the maximum level at which the California Department of Health Services has determined health effects would be anticipated to occur in drinking water. Following the suspension order, CDFA will begin administrative proceedings to cancel Bentazon's registration in California. In California, 98% of Bentazon's use is on rice, although it is also registered for use on beans, corn and peas, as well as for landscape maintenance.

**Reporting Pesticide Use.** CDFA scheduled a total of 55 public workshops throughout the state during April, May, and June on draft regulations which would shift the responsibility of reporting use of pesticides from pest control applicators to growers. The regulations would require growers to submit annual reports on all pesticides used. CDFA plan to hold formal regulatory hearings following final formulation and publication of the proposed regulations in August.

**Stricter SNV Regulations Proposed.** CDFA recently modified section 6804, Titles 3 and 26 of the CCR, to implement the Pesticide Contamination Prevention Act of 1985. Currently, section 6804 establishes specific numerical values (SNV) for water solubility, soil adsorption, and hydrolysis of pesticides. The proposed modification revises these three SNVs and establishes an SNV for a fourth value— aerobic soil metabolism.

The SNVs for water solubility and soil adsorption measure how much the chemical will move around in the ground and potentially find its way into groundwater. The standard for water solubility, which is the amount of the pesticidal active ingredient that will dissolve in a specified amount of water, is revised from 7 ppm to 4 ppm. When an active

ingredient exceeds this value, the chemical may be a potential groundwater contaminant because of its ability to dissolve and be carried by water through soil. The soil adsorption coefficient is changed from 512 cm<sup>3</sup>/gm to 2400 cm<sup>3</sup>/gm. This value indicates the ability of the chemical to adhere to soil. Chemicals with a small coefficient are more likely to leach to groundwater because they have weak adherence to soil.

Hydrolysis and aerobic soil metabolism measure the length of time it takes a chemical to break down and is measured as a half-life. A half-life is the amount of time it takes a chemical to break down to half the original amount present. The SNV for hydrolysis is changed from 13 days half-life to 9 days half-life. Hydrolysis is the breakdown of chemicals by water. A shorter half-life for this SNV means that the chemical breaks down more quickly when exposed to water, which means that it is less likely to exist by the time it moves to groundwater. The new value, aerobic soil metabolism, measures the amount of time it takes a chemical to break down by aerobic soil micro-organisms. This SNV is set at 730 days half-life.

These more stringent standards are made possible because of increased information about the fate of chemicals in the environment. At this writing, CDFA is assembling the rulemaking file for eventual submission to OAL.

**Methomyl Regulations Proposed.** Two recent incidents in which grape workers became sick from exposure to residues of methomyl on leaves have led CDFA to propose longer time intervals between the time a field is sprayed and the time workers may reenter the field. The first incident happened in May 1988 when field workers became ill after working on grapes that had been sprayed five days previously. The second incident happened in September 1988 when workers became ill after working on grapes which had been sprayed nine days previously.

CDFA investigations into the two incidents revealed that methomyl degrades to what are considered safe levels more quickly earlier in the year as opposed to later in the year. As a result, CDFA has proposed two time intervals for worker reentry into methomyl-treated fields based on time of year in which spraying occurs.

Currently, section 6772(a), Titles 3 and 26 of the CCR, sets the reentry interval for a variety of fruit crops, including grapes, at two days. CDFA proposes to increase this interval to seven days for early season applications, *i.e.*,

fields sprayed before July 1. The interval for late season applications, *i.e.*, July 1 and thereafter, would be increased to 21 days, or 10 days if leaf samples reveal methomyl degradation to defined safe levels. The intervals for apples, citrus, peaches, nectarines, and corn will remain at two days. CDFA accepted comments on this proposed amendment until May 30.

**Comments on Proposed Groundwater Protection Regulations Under Review.** The comment period for CDFA's proposed groundwater protection regulations regarding pesticide management zones and the use of simazine, bromacil, diuron, and prometon ended on April 7. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 94 for background information.) CDFA is currently categorizing the comments and formulating its responses. This procedure is expected to take two to three months.

**OAL Approves MSR Regulations.** CDFA's proposed modifications to its oxydemeton-methyl (MSR) regulations became permanent on March 27, upon approval by OAL. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 94 for background information.)

**Proposition 65.** The Bush White House has rebuffed a strong lobbying campaign by the food industry's Grocery Manufacturers Association to convince federal agencies to preempt Proposition 65. The Reagan administration had previously decided not to preempt Proposition 65. (See CRLR Vol. 8, No. 4 (Fall 1988) pp. 94-95 for background information.) William K. Reilly, Administrator of the U.S. Environmental Protection Agency (EPA), noted that a Reagan administration working group had analyzed Proposition 65, and found its costs to be minimal. Reilly said the law "simply warns people about their exposure to carcinogenic or reproductively toxic chemicals at levels exceeding 'no significant risk'...It is hard to argue with providing that information to the public." Proposition 65 proponents expect the food industry to continue its efforts to dilute the requirements of Proposition 65.

### LEGISLATION:

**SB 970 (Petris),** known as the Child Poisoning Prevention Act of 1989, would declare that "exposure of children to the acute and chronic hazards of pesticides used in and around homes is a serious problem...[and that] the majority of household pesticides have not been adequately tested for either acute or chronic hazards."

As amended in June, the bill would increase the assessment on registrants of



household pesticides from 8 mills per dollar (\$0.008) of sales to 18 mills per dollar of sales. The CDFA Director would be prohibited from renewing the registration of a household pesticide after December 31, 1990, if there is an acute effects data gap for the product. In addition, CDFA shall provide to the California Toxic Information Center a listing of all ingredients in any registered household pesticide registered in California, and make it available to poison prevention centers and other health professionals. The bill is pending in the Senate Appropriations Committee.

*AB 1681 (Burton)* would require the Occupational Safety and Health Standards Board of the Department of Industrial Relations to adopt mandatory data requirements for quarantine periods to protect field workers from hazardous pesticide residues in labor intensive crops. The requirements must be adopted by regulation not later than March 1, 1990. The bill would also require registrants of specified pesticide products to provide the Board with specified data no later than January 1, 1991, and states that no new pesticide product could be registered after that same date unless the data has been provided to the Board. Violation of these requirements would be a misdemeanor. This bill is pending in the Assembly Labor and Employment Committee.

*SB 1251 (Mello)* would require the CDFA Director to establish the Task Force on Alternatives to Agricultural Chemicals. The Task Force would consist of fifteen members to be appointed by the Senate Rules Committee, the Speaker of the Assembly, and the Governor. The bill passed the Senate on May 18 and is pending in the Assembly Agriculture Committee.

*SB 1610 (Petris)*, as amended April 17, would establish the Sustainable Agriculture Research and Education Fund in the State Treasury, and would appropriate \$5 million of Petroleum Violation Escrow Account funds received by the state for the Sustainable Agricultural Research and Education Program at the University of California. "Sustainable agriculture" is a term that refers to environmentally sensitive agricultural processes which enhance agricultural profitability and quality while sustaining and improving the environment. The bill is pending in the Senate Appropriations Committee's suspense file.

*SB 1113 (Torres)*, which would have increased the assessment required to be paid by each registrant of an economic poison from 8 mills to 9 mills per dollar

of sales, and required that any person who performs a chemical analysis on an agricultural food product to detect pesticide residue must report specific information to the state Department of Health Services (DHS) and CDFA, failed passage in the Senate Health and Human Services Committee.

*SB 952 (Petris)* would require CDFA to report pesticide active ingredient data gap and other specified information to the legislature by March 1, 1990. Under the Birth Defect Prevention Act of 1984, the CDFA was required to identify pesticide active ingredients with significant data gaps and to adopt a timetable for filling all data gaps. This bill passed the Senate on May 25 and is pending in the Assembly Health Committee.

*AB 2161 (Bronzan)*, as amended June 5, would require CDFA to establish a scientific advisory committee separate from its Pest Control Research Committee, to review recent scientific announcements concerning new and revised analytical methods for testing produce and processed foods for the presence of pesticide residues. This bill would require CDFA to cooperate with the UC and CSU systems in the establishment and funding of pest management research projects. Commencing July 1, 1990, CDFA (in conjunction with DHS) would be required to conduct an assessment of dietary risks associated with the consumption of produce and processed foods treated with pesticides. At this writing, this bill is pending in the Assembly Ways and Means Committee.

*AB 2157 (Filante)* concerns the California Winegrape Growers Commission. This bill would allow specified producer regions to vote in a referendum to establish local commissions for those regions with powers, duties, and responsibilities similar to the statewide Commission. It would authorize local commissions to levy assessments on producers for purposes of carrying out the provisions of this bill. AB 2157 passed the Assembly on May 25 and is pending in the Senate Committee on Agriculture and Water Resources.

The following is a status update on bills discussed in detail in CRLR Vol. 9, No. 2 (Spring 1989) at pages 95-96:

*AB 417 (Connelly)* was substantially amended on May 31. All previous provisions were deleted. Among other things, AB 417 would permit the DHS Director, by regulation, to prohibit or restrict the distribution, sale, or use of any pesticide ingredient or combination of ingredients, upon a determination that the prohibition or restriction is necessary to prevent

significant adverse health effects. This bill would prohibit the CDFA Director from registering, or renewing the registration of, any economic poison in violation of a regulation adopted pursuant to this authority.

AB 417 would also repeal existing provisions which authorize the CDFA Director to establish permissible tolerances for any pesticide chemical in or on produce, and which authorize the CDFA Director to conduct a pesticide residue monitoring program for produce destined for processing. The bill would specify that the DHS Director shall have the exclusive responsibility for the establishment, adoption, and revision of pesticide tolerances in raw agricultural commodities and processed foods. The bill would require the CDFA Director to establish and maintain a program to detect and monitor pesticide residues in raw produce, and to enforce tolerances for raw agricultural commodities adopted by the DHS Director pursuant to the bill. It would also require CDFA to annually review the focus of its sampling program to ensure compliance with this provision, and to annually report to the legislature the results of this food monitoring program.

AB 417 would also create within the Department of Justice the Pesticide Enforcement Unit, and would require this unit to enforce all laws necessary to protect the environment or the public health and safety from the hazards of pesticides. At this writing, AB 417 is pending in the Assembly Agriculture Committee.

*AB 63 (Waters)*, as amended June 7, would authorize sweeteners approved by the U.S. Food and Drug Administration to be added to milk products, would prescribe labeling requirements, and would direct the CDFA Director to develop and distribute specified guidelines. Under existing law, it is illegal to compensate wholesale customers for advertising or displaying in connection with dairy products. AB 63 would exempt flavored milk from this prohibition until January 1, 1992. The bill passed the Assembly on May 11 and is pending in the Senate Appropriations Committee.

*AB 222 (N. Waters)*, which repeals the termination date for CDFA's Foreign Market Development Export Incentive Program, has been considerably amended. Additionally, approximately two dozen Assemblymembers have joined as co-authors. As amended May 9, the bill would raise the current limit on the program's annual administrative costs from \$400,000 to \$500,000. It also pro-



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vides that the program's \$5 million annual cost be appropriated without regard to the fiscal year.

AB 222 also provides that, notwithstanding the requirements of the Bagley-Keene Open Meetings Act, CDFA and the advisory committee which recommends projects for program funding would be allowed to hold closed meetings when an applicant requests that the submitted information not be discussed in an open meeting, and the committee determines that it is in the best interest of the program to conduct a closed meeting for that purpose. Information contained in project proposals would not be subject to the California Public Records Act. The bill is pending in the Assembly Ways and Means Committee.

AB 489 (*Waters*) has been amended twice since its introduction on February 6. In addition to prohibiting the sale of livestock and livestock products with excessive drug residues in them, it would also prohibit the sale of any livestock drug prior to obtaining a CDFA registration certificate. The certificate is valid for two years, at which time the holder must obtain a renewal. As amended April 11, this bill passed the Assembly on June 1 and is pending in the Senate Committee on Agriculture and Water Resources.

AB 563 (*Hannigan*) has been considerably amended. As of May 26, AB 563 would require CDFA to develop and establish a program for the collection of banned or unregistered agricultural waste on or before July 1, 1990, if specified funds are made available. "Banned agricultural waste" is defined in the bill as hazardous waste containing an economic poison which may no longer be used because EPA and/or CDFA have cancelled or suspended its registration after its purchase. CDFA would be required to adopt guidelines, by regulation, to implement the program, including 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 program. AB 563 is pending in the Assembly inactive file.

AB 311 (*Felando*) would require every food facility which sells any meat, poultry, vegetable, or fruit to post conspicuous signs identifying food additives in the food for sale. This provision would not be applicable to restaurants. AB 311 was sent to interim study.

AB 618 (*Speier*), as amended in June, would provide that any packaged food distributed on or after January 1, 1991, is misbranded unless it bears a label

disclosing specified nutritional information on the fat and cholesterol content of the food. This bill passed the Assembly on June 6 and is pending in the Senate Health and Human Services Committee.

### LITIGATION:

On May 25 in *People v. Reilly*, Attorney General John Van de Kamp, the AFL-CIO, and several public interest groups sued the EPA in federal court in Sacramento, alleging that the agency has failed to enforce a provision of the federal Food, Drug and Cosmetic Act known as the Delaney Clause, which bans the use of known carcinogens in foods. The suit seeks to outlaw the use of seven chemicals which leave concentrated residues in processed foods.

### RECENT MEETINGS:

At the Board's April 6 meeting, Board members again stressed the importance of educating the public on the subject of agricultural pesticides, and of reducing pesticides by developing and implementing alternatives to chemical control. Board member Daley noted the increasing need for the state to develop a recognizable label which would indicate to the consumer that the labeled agricultural products are "safe" with regard to pesticide residues. Member Magee reported on the voluntary quality assurance program currently being tested by CDFA on a one-year experimental basis. As part of this program, each participant grower prepares a pesticide report identifying all pesticides used on each specific crop, and certifying that all state statutes and regulations have been followed. Each participant packer adds to the pesticide report disclosure of any pesticides used in packing the product. The packer is then entitled to stamp the packing boxes with the approved CDFA quality assurance stamp. The effectiveness of the experimental program will be assessed, and next year it may be extended, expanded, or discontinued.

Henry Voss, newly-appointed CDFA Director, introduced himself to the Board at its May 4 meeting. Voss assumed the directorship on May 1, replacing Jack Parnell, who has taken a position with the U.S. Department of Agriculture in Washington, D.C.

Also at the May 4 meeting, two representatives of Diamond Walnut Growers warned the Board that transfers of technology from the United States to foreign competitors are threatening U.S. dominance in the international walnut trade. William Hosie, chair of Diamond

Walnut Growers, Inc., said he is especially concerned with international exchange conferences at which information, which must be paid for by U.S. farmers, is given free to foreign competitors by U.S. university professors. Hosie also was concerned that UC Davis is giving more of its advanced degrees in palmology to Chinese students than to U.S. students. The People's Republic of China is the United States' major competitor in the world walnut market and has the potential, if it improves its production techniques, to dominate the market.

To solve the problem of technology transfer, Hosie suggested that the UC system and the U.S. Department of Agriculture modify their existing policies on the free exchange of information; that the UC system do a better job of recruiting U.S. students; and that university researchers and the walnut industry communicate more to determine what information is critical to maintain competitiveness.

Board members said they understood the problem of maintaining competitiveness, but no member endorsed any of the solutions offered by Hosie. Most of the members seemed to view the problems as a part of doing business in a free society and suggested alternative solutions. According to Board member Charles Smallwood, "We live in a world of instant communication, and of academic freedom, with a policy favoring the free exchange of ideas." Member Richard Keehn said, "We in the wine industry attend the international conferences to keep up on the latest information," and asked whether the walnut growers had considered private research rather than relying on universities.

### FUTURE MEETINGS:

September 7 in Sacramento.  
October 5 in Sacramento.