



To provide this specialized service, the schools must have special facilities, which are inspected by the Board members as needed.

The Board consists of seven members, two of whom must be dog users (Business and Professions Code section 7200).

MAJOR PROJECTS:

Implementation of SB 2229. Pursuant to Business and Professions Code section 7218, enacted in 1988 (see CRLR Vol. 9, No. 1 (Winter 1989) p. 48 and Vol. 8, No. 4 (Fall 1988) p. 56 for background information), the Board is conducting a study of the feasibility of developing programs to license providers of signal dogs for the deaf and service dogs for the physically disabled. The Board is currently evaluating accessibility laws guaranteeing the right of guide, signal, and service dog users to travel unimpeded and enter all places of public accommodation.

The Board commenced public hearings on these issues on July 21 in Burbank; August 10 in Oakland; September 11 in Sacramento; and September 12 in Chico. The concerns presented at the hearings focused on definitions of the terms "service dogs" and "physically disabled," the costs and burdens which would be placed on schools and trainers if regulated by the Board, the level of certification and licensing for schools and trained animals, and public accessibility for signal and service dogs and their owners.

The Board subsequently scheduled additional hearings for November 2 in Sylmar, November 3 in Santa Barbara, and December 4 in San Diego. The Board must complete the study and report back to the Legislature on or before June 30, 1990.

LEGISLATION:

AB 676 (Filante), which authorizes the Board to allow schools which furnish guide dogs to send trainers to the homes of blind persons to provide training in the use of the guide dogs, was signed by the Governor on September 20 (Chapter 601, Statutes of 1989).

FUTURE MEETINGS:

To be announced.

BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

Chief: Gordon Damant
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The Bureau of Home Furnishings and Thermal Insulation (BHF) regulates manufacturers, wholesalers, dealers, upholsterers, retailers, renovators, and sterilizers of furniture and bedding. In addition, the Bureau establishes rules regarding labeling requirements approved by the state Department of Public Health pertaining to furniture and bedding.

To enforce its regulations, the Bureau has access to premises, equipment, materials, and articles of furniture.

The chief or any inspector may open, inspect and analyze the contents of any furniture or bedding and may condemn, withhold from sale, seize or destroy any upholstered furniture or bedding or any filling material found to be in violation of Bureau rules and regulations. The Bureau may also revoke or suspend registration for violation of its rules.

The Bureau is also charged with the registration of dry cleaning plants throughout the state. This includes the maintenance of a toxic waste disposal inventory, as submitted by each registrant. 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:

Waterbed Regulations. Following a final review at its June 13 Advisory Board meeting, the Bureau submitted its new and amended regulations concerning waterbed frames and heaters to the Office of Administrative Law (OAL). OAL approved the regulations in August, and they became effective on September 24. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 49 and Vol. 8, No. 1 (Winter 1988) p. 56 for background information.) Sections 1350-1359, Title 4 of the California Code of Regulations (CCR), now require waterbed manufacturers to use materials in the construction of waterbed frames which conform to minimum strength standards. Additionally, manufacturers will be required to install safety features which ensure that the mattress heater will either automatically shut off or not damage the waterbed if inadvertently left on while the bed is being drained.

In a related matter, at the Bureau's September 12 meeting in San Francisco, the Northern Electric Company proposed

that the current restriction on the use of heated mattress pads on waterbeds be lifted. Sections 1351 and 1352, Title 4 of the CCR, presently require waterbeds to contain a label prohibiting the use of the pads. Northern, a Mississippi company, manufactures the mattress pads. The company contends that the fitted pads are safe, unlike electric blankets which are likewise restricted. Following public comment, Bureau Chief Gordon Damant stated that any removal of heated mattress pads from inclusion on the warning label would need to be a qualified one. Damant asked Northern to consider the matter and return to the Board with suggestions on how such a qualification might be worded.

Flammability Standards for Furniture in Public Occupancies. In November 1988, the Bureau proposed higher flammability standards for furniture used in public occupancy buildings. The Bureau conducted a public hearing regarding the proposal in January 1989. Comments included both support and opposition to the stricter standards. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 48-49 for background information.)

On June 22, Bureau representatives met with the Secretary of the State and Consumer Services Agency, Department of Consumer Affairs administration, and the State Fire Marshal's office to further discuss the proposed regulations. At the Board's September 12 meeting, Chief Damant announced that as a result of input received, the Bureau is revising the proposal and plans to resubmit the standards for consideration later this fall.

Increase in License Fees. The Bureau has drafted regulatory amendments to raise its biennial license fees. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 58 for background information.) The Bureau anticipates proposing the increase in late 1989 or early 1990. A period for public comment has not yet been scheduled.

LITIGATION:

In *People v. Tailored Baby Corp.*, No. 502505 (Sacramento County Superior Court), the defendant was ordered to pay \$100,000 in civil penalties in this action to enforce state labeling and flammability requirements for juvenile furniture. Tailored Baby manufactures the "Snuggie Bug," a polyurethane foam cushion molded in the shape of an infant. The August 31 judgment also requires Tailored Baby to recall 14,000 of the cushions, 7,000 of which are in the hands of consumers.



REGULATORY AGENCY ACTION

RECENT MEETINGS:

At the Board's June 13 meeting in San Diego, Chief Damant announced that the Bureau's long-awaited Question and Answer booklet should be available by late September. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 61 for background information.) The booklet will be available in two different versions to address the most common concerns of licensees and consumers.

At the Board's September 12 meeting, Chief Damant announced that the Bureau's 1990-91 fiscal year budget was then being reviewed by the Department of Consumer Affairs, and was scheduled for hearings by the State and Consumer Services Agency in October or November. The only change in the budget from the 1989-90 budget is the addition of a Staff Services Analyst position. Meanwhile, the 1989-90 fiscal year budget went into effect on July 1. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 57 for background information.)

Also at the September 12 meeting, Damant announced that effective July 1, 1989, regulations regarding the sale of insulation in California were transferred to Chapter 3, Title 24 of the State Referenced Standards Code. This will enable parties researching construction-related matters to access all pertinent regulations in one location.

FUTURE MEETINGS:

December 5 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
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The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB), an additional section covering landscape architecture in California, and an oral examination given by the Board. As of January 1, 1990, the oral exam requirement is deleted for all instate applicants. (See *infra* LEGISLATION.) In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms.

MAJOR PROJECTS:

Resubmitted Regulatory Package Approved. On July 3, the Office of Administrative Law (OAL) approved the Board's resubmitted proposal to add sections 2612 and 2613 to Chapter 26, Title 16 of the California Code of Regulations (CCR). The regulations initially were rejected by OAL because they failed to meet the requisite necessity and clarity standards in Government Code section 11349.1. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 53 for background information.)

Sections 2612 and 2613 allow BLA sixty days in which to notify an applicant of the application's status, and 425 days to reach a final decision on whether to issue a permit. The new standards bring BLA into compliance with the Permit Reform Act of 1982 (Government Code section 15374 *et seq.*), which requires state agencies that issue permits to specify the amount of time within which an applicant is to be notified of his/her status, and the time within which the agency must make a permit decision.

Review and Appeal of Examinations. At its September 8 meeting, the Board approved a draft version of proposed amendments to section 2623, Chapter 26, Title 16 of the CCR. The new language clarifies who is eligible to appeal a failing score on the graphic performance section of the examination. The proposed amendments will be formally noticed and subject to regulatory hearings before submission to OAL for approval.

Under the proposed language, an examinee may appeal a failing score on the graphic performance section only if he/she receives a score that is a specific

number of points or less below the passing score. The exact number is calculated by one standard error of measurement, obtained from a statistical analysis of the exam section, which is provided by the Board's exam vendor. Persons meeting this criterion must submit an appeal in writing to BLA, stating the specific reasons for the appeal and the items to which the appeal is directed.

Examination Committee Report. In December 1988, BLA organized an Examination Committee chaired by Paul Saito. The Committee is researching CLARB's current Uniform National Examination (UNE) and will recommend needed changes to BLA. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 53 and Vol. 9, No. 1 (Winter 1989) p. 49 for background information.)

Mr. Saito is sending a letter to all BLA licensees, seeking a commitment to grade the exams for 1990. Although CLARB has determined that by 1991 it will conduct national grading of the UNE through four regional grading centers, California law prohibits state agencies from participating in national or regional grading of California performance problems.

Board President Robert Hablitzel sent a letter to CLARB indicating the official policy of the Board is to require an occupational analysis to be prepared in defense of the UNE. BLA also sent a resolution to CLARB, stating that the Board has prepared a budget change proposal for an occupational analysis, in order to develop a new California exam by 1992.

BLA is concerned that the UNE is unnecessarily long and does not adequately measure occupational skills and knowledge. The Committee wants to standardize the test, concentrating on California laws, regulations, safety and health issues, and occupational skills. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 53 for background information.)

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 3 (Summer 1989) at page 54:

SB 572 (Bergeson) was signed by the Governor on July 28 (Chapter 229, Statutes of 1989). This bill eliminates the oral exam requirement for instate applicants and extends the statute of limitations for filing accusations against landscape architects.

SB 1676 (Dills), which would provide for the licensing and regulation of irrigation consultants by BLA and establish misdemeanor penalties for persons who practice irrigation consulting without a