



Each regulatory agency of California government hears from those trades or industries it respectively affects. Usually organized through various trade associations, professional lobbyists regularly formulate positions, draft legislation and proposed rules, and provide information as part of an ongoing agency relationship. These groups usually focus on the particular agency overseeing a major aspect of their business. The current activities of these groups are reviewed as a part of the summary discussion of each agency, *infra*.

There are, in addition, a number of organizations which do not represent a profit-stake interest in regulatory policies. These organizations advocate more diffuse interests—the taxpayer, small business owner, consumer, environment, future. The growth of regulatory government has led some of these latter groups to become advocates before the regulatory agencies of California, often before more than one agency and usually on a sporadic basis.

Public interest organizations vary in ideology from the Pacific Legal Foundation to Campaign California. What follows are brief descriptions of the current projects of these separate and diverse groups. The staff of the Center for Public Interest Law has surveyed approximately 200 such groups in California, directly contacting most of them. The following brief descriptions are only intended to summarize their activities and plans with respect to the various regulatory agencies in California.

ACCESS TO JUSTICE FOUNDATION

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Access to Justice Foundation (AJF) is a nonprofit, nonpartisan citizen advocacy organization established to inform the public about the operation of the legal system; provide independent, objective research on the protection accorded citizens by laws; and guarantee citizens of California access to a fair and efficient system of justice.

AJF publishes a bimonthly report, *Citizens Alliance*, on citizens' rights issues and actions at the local, state, and federal levels. Legislative, judicial, and administrative activities which impact on the public justice system and the exercise of citizens' rights are a major focus of

the organization's research and educational activities. AJF is funded by grants and individual memberships.

MAJOR PROJECTS:

In January, AJF formed a campaign committee called "Voter Revolt to Cut Insurance Rates" to pursue its insurance reform initiative drive. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 17 for background information.) At this writing, the committee is attempting to gather the signatures of 372,000 registered California voters which must be submitted to county registrars of voters in May. If the measure is successful, it will appear on the November ballot and would roll back auto and other liability insurance premiums by 20% the day after the election.

Consumer advocate Ralph Nader joined a broad coalition of citizen leaders at a Los Angeles news conference to announce the new Voter Revolt organization. Nader observed that the insurance industry's own estimates reveal an overall profit increase of 722% over 1985 levels, and contended that the industry continues to raise rates, reduce coverage, redline neighborhoods, and engage in insurance price-gouging under a veil of secrecy. California auto insurance rates are among the highest in the nation, and an insurance rating service reports that rates are increasing by 18% annually.

Representatives of consumer and other organizations at the news conference warned the public about other insurance initiatives which have the backing of the insurance industry. A Voter Revolt spokesperson claimed that some of the other initiatives currently being circulated are designed to confuse and deceive voters by offering proposals which will not genuinely lower insurance rates. Some press accounts report that the insurance industry may spend \$10-\$18 million on its own initiative. Expenditure reports filed with the Secretary of State in February showed the insurance industry's initiative campaign organization spent \$866,480 in 1987, before its initiative was submitted.

The Voter Revolt to Cut Insurance Rates campaign is heavily engaged in door-to-door signature gathering and fundraising. Volunteers will register voters and collect signatures at shopping malls and public events. The campaign will utilize direct mail to distribute information and petitions and to seek contributions.

AMERICAN LUNG ASSOCIATION OF CALIFORNIA

P.O. Box 7000-866
Redondo Beach, CA 90277
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The American Lung Association of California (ALAC) emphasizes the prevention and control of lung disease and the associated effects of air pollution. Any respiratory care legislative bill is of major concern. Similarly, the Association is concerned with the actions of the Air Resources Board and therefore monitors and testifies before that Board. The Association has extended the scope of its concerns to encompass a wider range of issues pertaining to public health and environmental toxics generally.

MAJOR PROJECTS:

ALAC has endorsed AB 2595 (Sher), the California Clean Air Act, which would require post-1987 federal air quality nonattainment districts to achieve state ambient air standards (which are more protective) by the earliest date possible. The bill would establish statutory deadlines for compliance with standards based upon the severity of nonattainment in individual districts; and impose more stringent mobile and stationary source air pollution controls in areas with the most severe nonattainment. It would grant to the public the right to appeal approval of permits for controversial projects, and establish new administrative penalties to punish violators of air pollution laws, giving prosecutors more enforcement options to deter air pollution violations.

ALAC strongly supports federal legislation which would reauthorize and greatly strengthen the national Clean Air Act (S. 1894-Mitchell). The Clean Air Act was originally approved by Congress in 1970. The comprehensive legislation would establish new clean-up deadlines for cities which have not attained their clean air goals. Areas with continuing smog (ozone) and carbon monoxide problems have three, five, ten, and fifteen years to attain health standards, with increasingly stringent additional clean-up requirements depending on the severity of the area's pollution problem.

The bill would establish a national program to reduce acid-rain-causing pollution from power plants, industrial sources, and motor vehicles. By 1998, the bill would reduce annual emissions of sulfur dioxide by ten million tons



from 1980 levels, with an additional two-million-ton reduction required by 2000. It would require nitrogen oxides to be reduced by four million tons annually.

S. 1894 would give the U.S. Environmental Protection Agency specific responsibility for curbing the full spectrum of toxic air releases, and would require control programs based on the best technology available for toxic air pollutants of greatest health concern.

The bill would also add measures for preventing serious chemical release accidents by improving the Superfund bill's requirements for emergency response procedures. Standards would be set for emissions from municipal waste incinerators.

NATIONAL AUDUBON SOCIETY 555 Audubon Place Sacramento, CA 95825 (916) 481-5332

The National Audubon Society (NAS) has two priorities: the conservation of wildlife, including endangered species, and the conservation and wise use of water. The society works to establish and protect wildlife refuges, wilderness areas, and wild and scenic rivers. To achieve these goals, the society supports measures for the abatement and prevention of all forms of environmental pollution.

MAJOR PROJECTS:

The March 1988 issue of *Audubon* magazine reports that most of the nation's natural grasslands have been plowed under or paved over. Only about 3% of the original sea of Indiangrass, big bluestem, and switchgrass remains. For decades, conservationists have tried to preserve an area near the Oklahoma-Kansas border where some grasslands have survived. A network of cattle ranchers, landowners, Osage Indians, conservationists, and Oklahoma congressional representatives are united behind a plan to establish a 50,000-acre Tallgrass Prairie National Preserve. Some oil production and cattle grazing would be allowed in the park, and bison and elk would be reintroduced in some areas.

Audubon also reports that conservationists are judging last year's performance of the 100th Congress by events which did not occur. Even though the Endangered Species Act was not reauthorized, three crippling amendments in the House were headed off. The Act is now pending in the Senate, where

Senator Alan Simpson (R-Wyoming) is holding it up due to disagreements over management of wolves and grizzly bears. The Clean Air Act was not reauthorized in 1987, but an effort to delay action on the bill for two years was defeated and replaced by an eight-month extension in order to reach agreement on ways to control acid rain, ozone, and other air toxics. The petroleum industry lobbied hard for legislation authorizing access to the Arctic National Wildlife Refuge for oil drilling, but vigorous grassroots pressure from environmentalists has left Congress undecided. The battle will resume soon.

Opposition from citizens around the nation to taxpayer subsidization of the destruction of the Tongass National Forest in southern Alaska has produced corrective legislation in Congress (see CRLR Vol. 8, No. 1 (Winter 1988) pp. 18-19 for details). A comprehensive Tongass reform act to stop the automatic appropriation of money to subsidize logging, cancel sweetheart contracts, and protect key fish and wildlife areas is expected to reach the House floor soon; Senate action will follow.

NAS and other environmentalists have long called for a phase-out of lead shot used for waterfowl hunting. Naturalists report that ingestion of lead shot by water birds and lead poisoning from shotgun wounds causes their digestive systems to seize up; triggers disruption of liver, heart, and other organic functions; and causes blindness and slow, suffering death. According to *Audubon*, the U.S. Fish and Wildlife Service has calculated that 1.6 to 2.4 million waterfowl die annually from eating poisonous lead pellets.

In 1974, the U.S. Fish and Wildlife Service started its required phase-out of lead shot. The use of lead should be completely banned by late 1991. Non-toxic steel pellets will be substituted. *Audubon* said high levels of lead in the blood of California condors suggest that lead poisoning may have killed some of the endangered birds. The inability to guarantee a lead-free diet was a major factor in the decision to capture the last few surviving condors, the magazine said.

NAS and all conservationists mourned the death of activist David Gaines in January. An ornithologist and ecologist, Gaines was the founder and hero of the movement to save Mono Lake in California from continued water diversion by the City of Los Angeles. Gaines and Mono Lake Committee intern Don Oberlin died on January 11 in an auto accident while on their way home from

working on the Mono Lake Committee's newsletter. Gaines' efforts on behalf of the half-million-year-old lake resulted in the federal government's 1984 creation of the National Forest Scenic Area which protects 57,000 acres near Mono Lake, and the Bureau of Land Management's designation of Mono Lake as an area of critical environmental concern. Last August, the Mono Lake Committee won a temporary restraining order requiring Los Angeles to release more water into the lake.

BERKELEY LAW FOUNDATION Boalt Hall School of Law, Rm. 1E University of California Berkeley, CA 94720 (415) 642-1738

The Berkeley Law Foundation (BLF) is an income-sharing organization of Boalt law students and faculty which provides funding to public interest law projects. BLF is an "attempt to institutionalize financial, moral and directional support for public interest work within the legal profession, thereby avoiding dependence on outside foundations or governmental largesse."

BLF is a nonprofit corporation governed by a seventeen-member Board of Directors elected directly by the membership. The Board includes attorneys in both public and private practice, community representatives and law school faculty members, as well as members of the Foundation.

Foundation grants are designed to provide subsistence support and start-up funding for recently-trained attorneys committed to public interest work. BLF also provides a summer grants program to help law students undertake summer projects under the auspices of a sponsoring public interest organization.

MAJOR PROJECTS:

A 1982 BLF grantee, Randy Shaw, was featured in an article on philanthropy and charitable institutions in *U.S. News and World Report* last fall. The report praised BLF's record of providing legal assistance to the poor. It described BLF as the "first and largest of 35 university-based public interest law groups." The magazine quoted a former BLF board chair on the philosophy of income sharing and noted that BLF has provided seed money for some thirty public interest projects. Randy Shaw's project helped improve the living conditions of poor, elderly, and mentally unstable persons



in San Francisco's Tenderloin district. Shaw organized pressure on City Hall to pass a tough new minimum heat law.

Last summer, BLF's student organization sponsored fifteen projects addressing the legal needs of the underrepresented. The students worked on projects involving the rights of undocumented workers; conditions of confinement in juvenile institutions; equal access to the legal system for the hearing-impaired; home care for the elderly; and employment discrimination against people with AIDS or AIDS-related complex (ARC). Even though BLF had a record year in fundraising, nine other important projects went unfunded. To increase the amount of funding available this year for student project grants, BLF has instituted a Law Firm Matching Funds Program. Private law firms participating in the project agree to match the contributions of their summer associates, thus doubling the value of a student's pledge. Over thirty law firms signed on with the program before the end of 1987.

As part of the BLF student organization's 1987-88 speakers series, nationally acclaimed immigration attorney and BLF founding member Ira Kurzban spoke at Boalt Hall School of Law last fall. In 1982, Mr. Kurzban was recognized in *The American Lawyer* as one of the most prominent pro bono attorneys in the nation. He was the first recipient of the Tobias Simon Pro Bono Service Award—given by the Florida Supreme Court in 1982. Kurzban argued successfully before the U.S. Supreme Court on behalf of Haitian refugees illegally detained by the Immigration and Naturalization Service (INS). The landmark case, *Jean v. Nelson*, was originally filed to block deportation of about forty Haitians, but evolved into a nationwide class action challenging INS detention of Haitians in isolated centers across the United States.

CALIFORNIA CONSUMER AFFAIRS ASSOCIATION

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California Consumer Affairs Association (CCAA) is a statewide affiliation of local consumer protection agencies. The Association was founded in 1974 to establish and facilitate an avenue of communication among agencies concerned

with the protection of consumers. CCAA actively represents the interests of California consumers in legislative and regulatory arenas. It serves its members and the public by providing workshops, training sessions, and forums, and by preparing and publishing educational materials and legislative summaries. Member groups provide their constituencies with counseling, information, and informal mediation services when marketplace transactions result in disputes. Some member agencies act as small claims court advisors.

Membership in CCAA is open to federal, state, and local agencies which are primarily funded by the government, with a mandate of consumer protection and/or assistance. Nonprofit organizations devoted to consumerism may also be eligible for membership. In addition, CCAA membership includes representatives of federal, state, and local law enforcement entities. Association structure is divided into northern and southern California divisions. CCAA convenes annually to involve members in setting goals and policies and to elect new officers. An executive committee composed of a vice president from each division and other CCAA officers ensures coordination.

MAJOR PROJECTS:

CCAA will be monitoring and offering testimony on legislation involving the following priority issues during 1988: mandatory availability of auto air-safety bags in new vehicles; enhanced consumer protection in automobile sales and safety; protection and broadening of consumer access to banking services (consumers should not be required to have a credit card to qualify for bank accounts); monitoring of cable television availability, rates, and programming; increased funding for state and local consumer agencies; rates and availability of all types of insurance; funeral arrangements and services; support for increased public membership on state boards and commissions; and product safety.

In March, CCAA participated in a statewide meeting of consumer affairs agencies called by the Deputy Director of the Department of Consumer Affairs. The meeting was held to discuss current major consumer issues and pending legislation.

CCAA's state president, Jody Anne Becker of Marin County, is organizing a project involving consumer affairs agencies in a major program to recognize and publicize National Consumer Week, April 24-30, 1989.

CALIFORNIA PUBLIC INTEREST RESEARCH GROUP

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CalPIRG is a nonprofit statewide organization founded and primarily staffed by students from several California universities. It is the largest student-funded organization of its kind in the state. There are CalPIRG chapters on four campuses of the University of California and at the private University of Santa Clara.

MAJOR PROJECTS:

A CalPIRG-sponsored bill, SB 2767 (Petrus), was introduced on February 19. The Toxics Use Reduction bill would provide financial and technical incentives for manufacturing industries to reduce their use of toxic chemicals in the production process. The bill is expected to allow industries to reduce up to 50% of their hazardous waste output while increasing efficiency and profits. It calls upon government and business to establish toxics use reduction as an environmental priority. CalPIRG is busy contacting its members and concerned citizens, urging them to write to their state representatives in support of SB 2767.

At its February meeting, CalPIRG's Executive Committee endorsed AB 4097 (Connelly), the Pesticides and Food Safety Act. The bill would require monitoring of processed foods for detection of 55 pesticide residues, and would require manufacturers of pesticides to ensure that an adequate testing method for residues exists for the hundreds of pesticides in use. CalPIRG and Assembly-member Connelly claim the state routinely tests produce for contamination by only 17 of the 55 most commonly used and dangerous cancer-causing pesticides used in agriculture. The National Academy of Sciences has identified the 55 chemicals as potential cancer- and birth-defect-causing pesticides. According to Connelly's office, AB 4097 will be referred to the Assembly Environmental Safety and Toxic Materials Committee and probably to the Agricultural Committee as well.

In a related area, CalPIRG's national network, U.S. PIRG, and its affiliate, Congress Watch, urged prompt congressional action to strengthen the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). A report entitled "A License to Kill," released in January by Congress Watch, found that only seven



of the fifty most dangerous pesticides have been banned or voluntarily withdrawn from the market since 1975. CalPIRG has been working diligently to persuade Senator Pete Wilson, a member of the Senate Agriculture Committee, to change his position on the issue and take a strong stand in favor of improving FIFRA.

U.S. PIRG asked Congress to require the Environmental Protection Agency (EPA) to establish and meet a strict eighteen-month deadline for completion of all "special reviews." Under the special review program, pesticides considered the most dangerous are speedily examined to determine which should be banned. A Congress Watch study showed it has taken EPA an average of over four years to complete its special review for each chemical. The PIRG network also recommended that Congress repeal FIFRA's indemnification provision, which requires EPA to pay chemical manufacturers for their remaining stockpiles of banned pesticides.

In December, U.S. PIRG joined the United Farm Workers (UFW) in its national boycott of fresh California table grapes. According to the Winter 1987 edition of U.S. PIRG's newsletter *Citizen Agenda*, eight million pounds of over 100 pesticides are used each year on California grapes, including many oil-based chemicals which cannot be washed off. Nationally, about 300,000 farm workers are poisoned each year by the toxic chemicals, according to *Citizen Agenda*. U.S. PIRG endorsed UFW's demands to (1) ban the five most dangerous pesticides used in growing grapes; (2) implement a program allowing UFW and grape growers to test for pesticide residues on marketed grapes; and (3) establish free and fair elections for farm workers, and good faith collective bargaining. CalPIRG has asked its members and supporters not to buy any California table grapes until the UFW's demands are met. California wines and raisins are excluded from the boycott. The UFW has produced a short videotape entitled "The Wrath of Grapes," which documents the poisoning of farm workers by pesticides and other issues related to the boycott. Free copies of the video may be obtained by calling (212) 219-0022.

Some CalPIRG chapters are circulating petitions to qualify an initiative measure for the ballot which will restore state funding for the Cal-OSHA (Occupational Safety and Health Administration) program. Last year, Governor Deukmejian deleted from the state bud-

get all funding for the agency's program of private sector enforcement of worker safety laws.

CALIFORNIANS AGAINST WASTE

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In 1977, Californians Against Waste (CAW) was formed to advocate for a recycling bill in the legislature which would require a minimum refundable deposit of five cents on beer and soft drink containers. After being repeatedly thwarted legislatively by well-financed industry opponents, CAW sponsored and organized a coalition for a statewide citizen initiative which appeared on the ballot in 1982 as Proposition 11. That measure failed after can and bottle manufacturers and their allies raised and spent \$6 million to defeat it. CAW worked for passage in 1986 of AB 2020 (Margolin), the "bottle bill" which in its final compromise form establishes a redemption value of one cent per container with the amount increasing to three cents if specified recycling goals are not achieved. The bill, which has been signed by the Governor, requires recycling centers to be located within one-half mile of supermarkets with over \$2 million in annual sales.

MAJOR PROJECTS:

According to CAW, wine cooler containers make up 10% of the single-serving bottle waste in the state, or approximately two million bottles (50,000 tons of waste) sold annually. Many of those bottles end up as litter. In January, a CAW-backed bill, AB 612 (Sher), which would include wine cooler containers in the AB 2020 "bottle bill" recycling program, passed the Assembly. The measure is now pending in the Senate. The compromise legislation provides that wine cooler containers will be included in the state container deposit recycling program as of January 1, 1990.

CAW says wine cooler containers were not originally included in the bottle bill legislation due to intense and heavily-funded lobbying by beverage container manufacturers and the powerful California wine industry. At this writing, CAW is working to counter lobbying by those industries and ensure Senate passage of AB 612 by asking citizens to write and telephone their senators. CAW also reports that it has succeeded so far in

persuading six California cities to pass five-cent deposit ordinances for wine cooler containers. Under AB 612, local governments will be prohibited from enacting recycling ordinances which are more strict than the state statute. CAW hopes that aspect of the bill will be deleted.

Implementation of the "bottle bill" got off to a "slow beginning" as of January 1, according to a statement from Assemblymember Margolin, the bill's author. Recycling centers paying one-cent deposits on containers were to have opened in more than 2,500 locations as of the first day of 1988. Soon after the deadline, it was reported that at least 160 of the targeted zones remained unserved. Stores in those areas with no recycling centers are either required to pay fines of \$100 per day, or accept and pay for used containers at each market in the target neighborhood. Assemblymember Margolin said state estimates on the number of recycling centers now open may be misleading because some of the markets fail to post required signs directing people to recycling locations, and some operators fail to meet the minimum required thirty hours per week.

CAW has sent notices to its members and supporters asking them to talk with managers of markets where they shop. Consumers are urged to ask store managers about the location of the nearest recycling center, or where it will be if none now exists. CAW also suggests that shoppers look for signs directing them to the recycling centers. Consumers should be alert for the required "CA Redemption Value" labels on containers. If the stores are not meeting the requirements, CAW urges citizens to call the Department of Conservation's toll-free complaint hotline at 1-800-327-9886.

CAW Foundation, along with the California Recycling Foundation, published a brochure entitled "Toxics In Your Home...What You Can Do to Make Your Home Safer from Exposure to Toxic Chemicals." The handout lists common household chemical products, their hazardous effects, safer alternatives, methods of reducing use of toxic materials, and how to dispose of the dangerous materials. The names of local collection programs, information phone numbers, and recycling information are also included in the flyer. The publication is available through CAW's Sacramento office.



CAMPAIGN CALIFORNIA

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In July 1986, the Campaign for Economic Democracy (founded in 1977) became Campaign California. The 25,000-member organization, with offices in Sacramento, San Jose, and San Francisco and headquarters in Santa Monica, continues as the largest progressive citizens action group in the state. Each office of the organization operates a door-to-door and telephone canvass, providing direct contact with voters regarding issues; facilitating fundraising and signature collection drives; and resulting in registration of new voters.

Campaign California supports efforts to frame workable, progressive solutions to problems in the areas of child care, education, environment, transportation, personal safety, insurance, and health care. It targets the private entrepreneur as a source of economic growth, jobs, and innovation.

MAJOR PROJECTS:

Campaign California and Sacramentoans for Safe Energy are major proponents of a Sacramento ballot initiative to permanently close the Rancho Seco nuclear power plant. Residents within the region covered by the Sacramento Municipal Utility District (SMUD), the nation's fifth-largest consumer-owned utility, will vote on the measure on June 7. Campaign California claims that Rancho Seco is the fourth-most-expensive-to-operate nuclear reactor in the nation, and reports that SMUD rates have increased by 80% in two years because of financial problems associated with the plant. Rancho Seco opponents fear the nuclear industry will spend millions to defeat the initiative based on a similar proposal which was overturned in Maine last October, where pro-nuclear forces spent over \$5 million—a 6-1 spending margin.

Campaign California says the federal Nuclear Regulatory Commission has rated Rancho Seco (a twin of the Three Mile Island plant which partially melted down in 1979) as the sixth-worst-operated commercial nuclear reactor in the nation. Over the past eleven years, there have been nearly 100 unplanned or accident-forced shutdowns, and the plant has been inoperable 60% of the time since it opened in 1975. Environmentalists claim that reactor operators have dumped over thirteen million gallons of radioactive waste water into a nearby

creek since 1976, because wastewater holding tank capacity at the plant is inadequate.

Last summer, Campaign California drafted a comprehensive plan known as the Santa Monica Bay Protection Act. Environmentalists point to evidence that the City of Los Angeles' sewage infrastructure is disastrously deteriorated, allowing millions of gallons of untreated sewage to overflow into the Bay whenever rainfall occurs. They claim that the County of Los Angeles has allowed extensive past dumping of DDT and PCBs into Santa Monica Bay through its sewage treatment plant. Local officials have obtained a waiver from the federal government to delay construction of a secondary sewage treatment system, and have asked for a continuance of the waiver. Campaign California is also concerned about evidence that 25% of white croaker fish caught in the Bay have tested positive for liver cancer, and that dolphins living in the Bay have the highest DDT levels ever found in mammals anywhere.

Recently, Los Angeles Mayor Tom Bradley joined Campaign California and Assemblymember Ton Hayden in announcing a new ten-point proposal (which has replaced last summer's plan) to clean up and preserve Santa Monica Bay. The key provision in the new proposal would restrict sewage connection permits on all new growth to five million gallons per day of sewage inflow annually. Integral to the plan are nine additional points, all of which require increased water conservation measures, including mandatory retrofit of all buildings within Los Angeles city limits with low-flow showerheads and faucets; reduced water usage in toilets; restrictors on washing machines; limits on watering of large turf areas by 10%; and prohibitions on hosing down driveways. The Department of Water and Power would monitor water bills and notify customers of significant above-average usage. All new landscaping for commercial, multi-family, and industrial developments would be required to use native plants and other flora which require little irrigation. At this writing, the proposal has been approved by two of four City Council committees, and a vote before the full Council is expected in early April.

At this writing, Campaign California and other major environmental groups which backed Proposition 65—the "Get Tough on Toxics" 1986 citizens' initiative—are gearing up to file legal actions against the Deukmejian Administration for exempting many foods, drugs, and

cosmetics from toxic warning label requirements. Campaign California charged that the "temporary" exemption from individual warning label requirements weakens the intent of the initiative. Proposition 65 supporters are very concerned that the temporary designation may be extended for years until the Governor's scientific advisors adopt specific standards for each cancer-causing chemical (see CRLR Vol. 8, No. 1 (Winter 1988) p. 22 for background information on the Campaign's work on Proposition 65).

CENTER FOR LAW IN THE PUBLIC INTEREST

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The Center for Law in the Public Interest (CLPI), a public interest law firm founded in 1971, employs nine attorneys in its California office. The Center's major focus is litigation in the areas of environmental protection, civil rights and liberties, corporate reform, arms control, communications and land use planning.

MAJOR PROJECTS:

In its winter newsletter, CLPI reported on its employment discrimination class action lawsuit, *Barefield v. Chevron U.S.A.*, which was filed in 1986 and is still pending in the U.S. District Court for the Northern District of California. Co-plaintiffs in the case are the Mexican American Legal Defense and Education Fund and a San Francisco law firm. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 17 and Vol. 6, No. 4 (Fall 1986) p. 14 for background information.)

According to CLPI's complaint, Archie Barefield, a black man, was recommended in 1983 for promotion to foreman by his supervisor. Several whites, most with less seniority, were promoted ahead of him. The complaint contends that of the 800 employees at Chevron's San Joaquin Valley oil production facilities (29% of whom are blacks and Hispanics), Barefield was the only minority promoted to assistant foreman. In 1985, black and Hispanic workers held only three of 126 salaried positions and only one of 51 lead jobs. Negative racial epithets have surfaced in the case and some minority employees have been assigned to menial and dangerous jobs, including working on utility lines and with toxic chemicals.



According to CLIPI, Chevron claimed that the employees who brought the suit were not suffering from work-related stress brought on by discriminatory practices. The company ordered psychiatric evaluations of Barefield and other plaintiffs to determine their state of mental competency. But Chevron's own medical team found that the employees did in fact suffer job stress directly resulting from racial discrimination while on the job.

CLIPI has joined in *Citizens Action League v. California Dep't of Health Services*, an action to enjoin the state from collecting Medi-Cal benefits payments from joint tenants of deceased recipients. According to CLIPI, those left with the responsibility of making repayments are most often elderly or disabled, and the repayment requirement causes them great hardship. CLIPI cites many instances of joint tenants who have been forced to liquidate property and other assets to comply with Medi-Cal's demands of payment. Plaintiffs in the case claim the state's practice violates federal law, and their lawsuit seeks refunds for all persons previously forced to repay Medi-Cal.

U.S. Sprint, a major long distance telephone carrier, has placed \$1 million in a consumer trust fund account as part of its settlement of a suit brought by CLIPI and CalPIRG entitled *Stern, CalPIRG, et al. v. GTE/Sprint*. The suit alleged that Sprint overbilled customers. Sprint had advertised a free hour of long distance calling time and reduced rates for holiday calls to attract new customers. A computer erred and misbilled the discount time at regular rates. In addition to establishing the trust fund, Sprint agreed to full refunds for everyone overcharged and to change its corporate accounting procedures so that bills are randomly checked for accuracy.

An Irvine citizens group and CLIPI are awaiting a decision by the California Supreme Court in *Committee of 7,000 v. Superior Court*, on whether plaintiff's freeway construction initiative will be placed on the ballot. The court heard the case in December. The initiative would grant Irvine residents the right to vote on any developer fees proposed by the city to finance three controversial new freeways. The court of appeal refused to allow the measure to appear on the ballot, so CLIPI appealed on behalf of the Committee of 7,000.

CENTER FOR PUBLIC INTEREST LAW

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The Center for Public Interest Law (CPIL) was formed in 1980 after approval by the faculty of the University of San Diego School of Law. The faculty selected Robert C. Fellmeth, a law faculty professor, as the Center's director. CPIL is funded by the University and private foundation grants.

The Center is run by six staff members, including an attorney in San Francisco, and approximately forty law students. Students in the Center attend courses in regulated industries, administrative law, environmental law, and consumer law, and attend meetings and monitor activities of assigned agencies. Each student also contributes quarterly agency updates to the *California Regulatory Law Reporter*. After several months, the students choose clinic projects involving active participation in rulemaking, litigation, or writing.

The Center is attempting to make the regulatory functions of state government more efficient and more visible by serving as a public monitor of state regulatory agencies. The Center studies approximately sixty agencies, including most boards, commissions and departments with entry control, rate regulation, or related regulatory powers over businesses, trades, and professions.

MAJOR PROJECTS:

The new year has brought two significant victories to the Center. After over a year of public advocacy, legislative lobbying, and litigation by the Center, the Board of Medical Quality Assurance (BMQA) has agreed to license several of the Center's post-1975 Vietnamese medical graduate clients. As a result of CPIL's successful lobbying of SB 1358, BMQA was required to appoint a six-member "faculty council-in-exile" by February 1. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 17 for background information.) In December, the Board appointed five former University of Saigon faculty members and one Division of Licensing member to the advisory council. On February 2, the council met for the first time and made findings of fact on the post-1975 curriculum at the University of Saigon. The council then evaluated the application files of four post-1975 graduates—who are also the named plaintiffs in the

Center's class action against BMQA filed May 29, 1987. (For details on the Center's lawsuit, see CRLR Vol. 7, No. 3 (Summer 1987) p. 37; for further background information, see CRLR Vol. 7, No. 2 (Spring 1987) p. 1.)

The council determined that Center clients Le Bup Thi Dao and Tao Trung Nguyen are immediately eligible for licensure; Loc Le is eligible to take his oral examination; and Sang Van Tran is eligible to begin a California residency. Also on February 2, BMQA's Credentials Committee determined that the recommendations of the faculty council-in-exile were based upon substantial evidence and adopted them. Le Bup Dao and Tao Nguyen received their licenses to practice medicine on February 20, 1988.

CPIL also recently won its appeal in *Citizens for Public Accountability v. Desert Hospital District*, No. E004137 (Fourth District Court of Appeal). For over two years, the Center has challenged the increasingly-common practice of public hospital districts to lease their assets to private corporations in order to avoid compliance with the open meetings provision of the Brown Act. The Center filed two lawsuits—the *Yoffie* case in Marin County, and the *Desert Hospital* case in Palm Springs. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 17 for background information.) After losing in the trial court in both cases, the Center appealed both. On April 1, 1987, an Attorney General's Opinion on an analogous issue strengthened the Center's case, but was rejected as "incorrect" in the First District Court of Appeal's July 1987 dismissal of the Center's appeal in *Yoffie*.

However, on February 23, the Fourth District rejected the First District's *Yoffie* analysis, and found that the private corporations to whom the public assets had been transferred and the hospital operating authority had been delegated are "legislative bodies" within the meaning of the Brown Act, and are fully subject to the Act's open meetings provisions. The Fourth District reversed the trial court's decision, entered judgment for the Center's client, and ruled that the Center is entitled to petition for attorneys' fees.

The Center continues its work on the State Bar Discipline Monitor project (see CRLR Vol. 8, No. 1 (Winter 1988) pp. 23-24 and Vol. 7, No. 4 (Fall 1987) p. 17 for background information). Following the Bar's December 1987 adoption of the majority of Professor Fellmeth's suggested structural reforms,



the Board of Governors approved an increase in Bar dues from \$276 to \$470 per year for attorneys who have been practicing three years or more (*see infra* agency report on STATE BAR). The Bar now faces the task of convincing legislators that the proposed dues increase will resolve the Bar's past discipline system problems, and will result in more vigorous detection and prosecution of dishonest and incompetent attorneys.

During late January and early February, Bar Discipline Monitor Fellmeth collaborated with Bar disciplinary staff and Senator Presley's staff, and drafted amendments to SB 1498 (Presley), which now contains major structural reforms to the State Bar Court; several statutory changes which will enhance the Bar's ability to detect disciplinary violations and authority to prosecute and monitor the conduct of dishonest and/or incompetent attorneys; a three-year dues provision which will provide the Bar with the resources to increase its investigative and prosecutorial staff, and to hire professional administrative law judges to hear its discipline cases; and an extension of the Bar Monitor's appointment until 1991, to enable the Bar Monitor to review and participate in the Bar's implementation of the strengthened discipline system.

As reported previously, the Center joined Consumers Union (CU) in filing one of seven pending insurance reform initiatives. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 24 for background information.) Because the CPIL/CU proposal to sell state-mandated minimum liability auto insurance to drivers throughout the annual automobile registration process is now the subject of an identical proposition in pending legislation introduced by Senator Alan Robbins, CPIL/CU decided to withdraw the initiative.

On January 11, the Center submitted written testimony in the Public Utilities Commission's (PUC) *en banc* consideration of an alternative framework for the regulation of telecommunications industries. On February 17, Professor Fellmeth submitted the Center's written testimony in another *en banc* PUC proceeding—this time regarding "reregulation/deregulation" of the trucking industry. Professor Fellmeth presented oral testimony in the trucking proceeding on March 10.

COMMON CAUSE

636 S. Hobart Blvd., Suite 226
Los Angeles, CA 90005
(213) 387-2017

California Common Cause (CC) is a public affairs lobbying organization dedicated to obtaining a "more open, accountable and responsive government" and "decreasing the power of special interests to affect the legislature."

MAJOR PROJECTS:

On February 19, CC and a coalition of business, labor, and public interest groups known as "Taxpayers to Limit Campaign Spending" officially launched their drive for campaign finance reform at a Sacramento news conference. The "Campaign Spending Limits Act" will appear on the June 1988 ballot (*see supra* FEATURE ARTICLE and CRLR Vol. 8, No. 1 (Winter 1988) p. 24 for details). The Common Cause-backed initiative is a comprehensive reform measure requiring strict contribution limits in state legislative races, campaign expenditure ceilings, public financing of qualified political campaigns, and prohibitions on off-year fundraising and fund transfers between candidates. Speaking at the news conference, Assembly-member John Vasconcellos said the initiative is an historic opportunity for the people to "buy back the legislature." Coalition representatives said that without spending limitations, candidates for all California Assembly and Senate seats will raise and spend over \$100 million in the 1990 elections.

The Taxpayers to Limit Campaign Spending group said it hopes to raise about \$1.5 million to wage its campaign for a win over another initiative which has also qualified for the June ballot. That initiative, sponsored by Assembly-member Ross Johnson and Senators Joseph Montoya and Quentin Kopp, would limit contributions for state, local, and legislative races, but would not impose caps on overall campaign spending. (*See supra* FEATURE ARTICLE for a comparison of the two initiatives.) The Common Cause coalition released information that five of the top ten lobbying groups in the state are already among those contributing to the legislators' initiative; 21 incumbent legislators have also contributed to the Johnson-Montoya-Kopp ballot measure.

CC says it helped score an important victory for tax reform in last year's legislative session with the passage and approval of AB 53 (Klehs)—the Personal Income Tax Bill. According to CC, the tax reform bill conforms closely to the

revised federal tax laws, simplifies tax return forms, and reduces taxes for over 70% of state taxpayers. CC lobbied hard to ensure that the bill remained reasonably free of special interest tax breaks, and strictly separated the personal income tax from the bank and corporation tax to prevent more of the tax burden from being shifted to individuals.

CONSUMER ACTION

693 Mission St., Rm. 403
San Francisco, CA 94105
(415) 777-9648

San Francisco Consumer Action (CA) is a nonprofit consumer advocacy and education organization formed in 1971. Most of its 2,300 members are in northern California but significant growth has taken place in southern California over the past year. CA is a multi-issue group which since 1984 has focused its work in the banking and telecommunications industries.

CA has filed petitions with and appeared before the California Public Utilities Commission (PUC) in the field of telephone rates. Statewide pricing surveys are published periodically comparing the rates of equal-access long distance companies and the prices of services offered by financial institutions. The purpose of the pricing surveys, which are released to the public, are to encourage consumers to comparison shop, to stimulate competition in the marketplace, and to compile data for use in advocating reforms. In 1986, more than 18,000 consumers requested survey information.

Once each year, CA publishes consumer service guides for the San Francisco Bay area and the Los Angeles area which list agencies and groups offering services to consumers and assisting with complaints. A free consumer complaint/information switchboard is provided by CA, and the group publishes a regular newsletter which includes the pricing surveys.

MAJOR PROJECTS:

Last December, CA called on the legislature to reject an American Telephone & Telegraph (AT&T) proposal which would deregulate the company's rates within California. At a hearing before the Senate Committee on Energy and Public Utilities, CA contended that consumers would be shortchanged if the state allows AT&T to raise and lower its intrastate rates without prior approval by the PUC, and that the plan amounts to an unpredictable deregulation experi-



ment. CA's executive director testified that the proposed flexibility plan changes are far too complex and called for continued state regulation of AT&T.

CA has asked the PUC and the FCC to protect consumers from potential price-gouging by some "alternative operator services" (AOSs). AOSs are independent companies working under contract to hotels and owners of private pay phones. AOSs contract with hotels and other businesses, giving them a percentage of the profits from long distance calls.

According to CA, these independent and unregulated companies are free to charge more for operator-assisted calls than their regulated competitors—without disclosing the amount of the charges to customers using the phones. CA has asked state and federal regulatory agencies to require AOSs to file rate schedules, and to require use of recorded messages disclosing the name of the company handling the call and the surcharge for making the connection.

A January survey by CA of California institutions offering secured credit cards revealed a concern about "middlepeople," or those acting as credit card agents. Middlepeople charge consumers fees to help them obtain credit cards. For secured credit cards, consumers are required to maintain a deposit which is used as collateral. CA believes that many unscrupulous middlepeople are taking advantage of consumers by charging fees for obtaining credit cards which are directly available from financial institutions. Some middlepeople have told consumers they can obtain a card for them regardless of credit history, and have misled consumers into believing they are directly affiliated with banks or savings and loan companies.

As a service to consumers, CA recently announced the publication of this year's guidebooks for buying new and used cars (authored by Jack Gillis; published by Harper & Row), which are now available through many bookstores. For new cars, the *Car Book* offers helpful advice and informational charts on safety, crash test results, fuel economy, mileage ratings, maintenance costs, warranties, insurance costs, resolving complaints, and shopping tips. The *Car Book* for used models covers facts on nearly 1,000 models produced from 1981-87.

CONSUMERS UNION 1535 Mission St. San Francisco, CA 94103 (415) 431-6747

Consumers Union (CU), the largest consumer organization in the nation, is a consumer advocate on a wide range of issues in both federal and state forums. At the national level, Consumers Union publishes *Consumer Reports*. Historically, Consumers Union has been very active in California consumer issues.

MAJOR PROJECTS:

On March 1, Consumers Union filed an administrative complaint with the California Insurance Commissioner and the state Attorney General. The complaint alleges that ten title insurance companies charge excessive, arbitrary, and unfair fees for preparation of Internal Revenue Service form 1099-B when a private home is sold. CU urged the state to halt the practice of charging the fee which, according to a CU survey, averages \$22.50 per transaction. Some title companies charge as much as \$30 for preparation of the form. The consumer group said the fees total over \$6.5 million annually for the title companies.

Consumers Union said that the filing of the simple ten-line form is the responsibility of the escrow or settlement agent, and not the home buyer or seller. The complaint asked the state officials to seek refunds from the companies for excessive fees already assessed since January 1987 when the form first became required. Approximately 500,000 people sell homes each year in California.

In mid-February, CU withdrew the insurance reform initiative it had filed along with the Center for Public Interest Law (see CRLR Vol. 8, No. 1 (Winter 1988) pp. 25-26 for background information). Senator Alan Robbins (D-Los Angeles), Chair of the Senate Insurance Committee, has introduced legislation containing essentially the same language as the measure withdrawn by CU and CPIL.

Consumers Union has joined Common Cause and Taxpayers to Limit Campaign Spending in their campaign in support of the Campaign Spending Limits Act, which will appear on the June ballot (see *supra* FEATURE ARTICLE for details on the initiative). Taxpayers to Limit Campaign Spending is a broad coalition of business, labor, and public interest groups.

CU is a co-plaintiff in a suit now pending in San Francisco Superior Court (*Fallat, et al. v. Central Bank*), challenging what plaintiffs claim are

extremely high rates charged by the bank for interest on auto insurance premium financing.

Along with several environmental groups, Consumers Union has been working to assure the proper implementation of Proposition 65. CU has focused attention on the consumer warning provisions of the initiative, and in particular has advocated labels on alcohol products to warn pregnant women that drinking while pregnant may cause birth defects.

CU recently objected to a proposed settlement in *Rudolphi v. Bank of America*, concerning returned check (non-sufficient funds) and other bank charges. Among other things, CU believed that the 15-18% claims rate contained in the settlement meant benefits would not be fairly distributed among class members in the broad class action suit. However, on March 14, the San Francisco Superior Court released a decision approving the settlement as fair and adequate.

CU helped draft and is a sponsor of AB 4317 (Connelly), a new bill affecting medigap insurance for senior citizens. The new legislation, which is very similar to AB 1108 (Connelly), which was vetoed by the Governor last session, imposes a duty of honesty, good faith, and fair dealing on insurance agents; includes specific formulas for the calculation of loss ratios; sets strict advertising and disclosure guidelines for medigap policies; eliminates the high commissions for agents upon the sale of a new medigap policy; and requires that medigap policies meet the minimum benefit standards established by the Insurance Commissioner. (For a detailed examination of medigap insurance issues, see CRLR Vol. 7, No. 4 (Fall 1987) p. 1.)

ENVIRONMENTAL DEFENSE FUND

Rockridge Market Hall
5655 College Ave.
Oakland, CA 94618
(415) 658-8008

The Environmental Defense Fund (EDF) was formed in 1967 by a group of Long Island scientists and naturalists concerned that DDT was poisoning the environment. EDF was a major force behind the 1972 federal ban of DDT.

Staffed by scientists, economists, and attorneys, EDF is now a national organization working to protect the environment and the public health. Through extensive scientific and economic research, EDF identifies and develops



solutions to environmental problems. EDF currently concentrates on four areas of concern: energy, toxics, water resources and wildlife.

MAJOR PROJECTS:

This year marks EDF's twentieth anniversary. The group reports that its 1987 victories on acid rain, asbestos, endangered species, and clean water are typical of long-sustained efforts, some of which began more than a decade ago. EDF's Board of Trustees has established a project to capitalize long-term EDF work—the "Program for the Future." The Program seeks to support multiyear undertakings which already total over \$5 million.

In December, EDF's International Project met with World Bank President Barber Conable and presented him with over 20,000 petitions from EDF members and supporters. The petitions protested World Bank funding of Third World rain forest clearing and other projects which are environmentally destructive and of dubious economic benefit to the people of developing nations. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 26 and Vol. 7, No. 4 (Fall 1987) p. 21 for background information.) EDF also gave Conable a letter endorsing the petitions from Representative David Obey, Chair of the House Appropriations Subcommittee on Foreign Operations, plus a joint statement from 35 environmental groups in fourteen countries demanding further World Bank reforms.

EDF attorney David Roe, author of Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act passed by California voters in 1986), recently criticized Governor Deukmejian's granting of temporary exemptions from warning label requirements for most foods, drugs, and cosmetics. EDF and several other groups said they would sue the Deukmejian Administration to compel strict enforcement of Proposition 65 labeling requirements. Roe said the state Health and Welfare Agency unfortunately adopted threshold risk levels for carcinogenic substances ten times higher than the significant risk levels adopted by most federal agencies. According to environmentalists, this means that the Governor has agreed to allow ten times the number of cancer deaths than the stricter standards would permit.

In February, EDF sponsored a conference for attorneys on enforcement of Proposition 65, which officially took effect on March 1, 1988. The Los Angeles conference instructed lawyers and

public prosecutors on the use of the legal tools created by the Act; the gathering also included discussions of case selection and recent commentaries by legal experts.

FUND FOR ANIMALS

*Fort Mason Center, Bldg. C
San Francisco, CA 94123
(415) 474-4020*

Founded in 1967, the Fund works for wildlife conservation and to combat cruelty to animals locally, nationally, and internationally. Its motto is "we speak for those who can't." The Fund's activities include legislation, litigation, education, and confrontation. Its New York founder, Cleveland Amory, still serves without salary as president and chief executive officer.

MAJOR PROJECTS:

In February, Fund for Animals published its latest California legislation *Action Alert*, and called on its members to write letters in support and opposition to the following measures (see CRLR Vol. 8, No. 1 (Winter 1988) p. 27 for details on other bills in which the Fund is interested).

-AB 528 (Campbell, Costa) would require state agencies to pay the Department of Fish and Game for consultations to ensure that state agency actions do not jeopardize any endangered species. The Fund supports this bill, which has passed the Assembly and is pending in the Senate as of this writing.

-AB 1960 (Farr) would allow the sale (presently prohibited) of falcons, falcon eggs, and falcon semen by breeders who wish to recoup their expenses, such as the costs of buying live quail from game farms as food for the birds. The Fund opposes the bill in the belief that it will promote the capture of falcons from the wild and the cruel sport of falconry. The bill has passed the Assembly and is pending in the Senate Natural Resources and Wildlife Committee.

-AB 2756 (O'Connell) would require veterinarians to report to authorities any injuries they treat resulting from cruelty or neglect. The Fund supports this bill, which would also expand the present law requiring veterinarians to report dog fighting injuries. AB 2756 is pending in the Assembly Public Safety Committee.

-AB 2863 (LaFollette) would raise the possible penalty to a felony for "maliciously and intentionally" torturing or killing an animal, regardless of ownership. AB 2863 would protect all animals,

including wildlife and strays. The Fund supports this bill, which is pending in the Assembly Public Safety Committee.

-SB 1741 (Torres) would regulate dogs declared vicious by the municipal court by requiring tattoos, warning signs, liability insurance, and secure enclosures. Under the bill, American Pit Bull Terriers are presumed to be vicious, and the burden is on the owner to prove otherwise. Any dog declared vicious and kept in violation of the bill would be killed. The Fund believes that many innocent animals would be destroyed or cruelly caged if the bill passed. The bill is pending in the Senate Judiciary Committee.

-Budget Bill Item #6440-301-525 would appropriate over \$12 million for a new underground animal laboratory at UC Berkeley. The Fund claims that Berkeley has a long history of imposing suffering on animals and that much of the new building would be used for psychological research which the Fund believes is especially abusive and wasteful. The bill will be heard in Senate Budget and Fiscal Review Subcommittee #1 and Assembly Ways and Means Subcommittee #2.

Fund for Animals and other animal protection groups filed suit last year in a Reno, Nevada federal court to prevent the federal Bureau of Land Management (BLM) from turning wild horses and burros over to cattle ranchers. The Fund believes that the animals are placed in the care of ranchers but end up in slaughterhouses. The wild horses and burros are protected against commercial exploitation under the 1971 Wild Horse and Burro Act. Every year the BLM rounds up the animals to reduce their numbers on public range lands. Cattle and sheep ranchers lease large tracts of federal land at very low rates and incessantly lobby the government for reduction of mustang and burro herds, claiming that the wild animals overgraze the land.

Only about one-third of the 38,000 animals captured by BLM in the last three years have been placed with owners under the government's "adopt-a-horse" program. The unadopted animals end up in government holding pens and the BLM spends \$17.8 million per year to feed them.

Beginning in 1984, BLM began waiving the \$125 adoption fee for ranchers who would take large numbers of animals. Since then, over 17,200 wild horses have been given away by the government. Animal rights groups charge that the fee waiver system is a



means of skirting the intent of the law, and that many of the animals end up being killed. BLM grants official title to the animals after the ranchers have kept them for one year, and BLM's responsibility over the animal ends after transfer of title. It has been reported that the animals are sold to meatpackers for \$200-\$250 each and some of the meat is exported to Europe for human consumption. Animal protectionists argue that the horses and burros should be left free to roam on the public lands. They also contend that domestic cattle and sheep are overgrazing, and have lobbied for reductions in domestic herds to make room for the horses.

ICAN (INSURANCE CONSUMER ACTION NETWORK)

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The Insurance Consumer Action Network (ICAN), organized in January 1986, is a coalition of individuals and organizations committed to providing a consumer perspective to balance insurance industry lobbying, and to being involved in the process which shapes and protects insurance consumers' rights and interests at state and national levels. Presently based in Los Angeles, ICAN affiliates include Common Cause, Consumers Union and Public Advocates; it is working to establish a presence in other states. ICAN/Legislate, a network of state legislators who are members of policy committees which consider insurance issues, is intended to offset the influence of a similar industry group and will develop public policy, conduct research, and draft model legislation in the interests of the insurance consumer.

MAJOR PROJECTS:

On February 17, ICAN's insurance reform initiative received the endorsement of the California Trial Lawyers Association (CTLA) (see CRLR Vol. 8, No. 1 (Winter 1988) pp. 27-28 for details on ICAN's initiative). CTLA's Board of Governors also decided to continue its signature-gathering campaign for its own initiative.

ICAN spokesperson Steven Miller expressed pleasure with CTLA's endorsement because of that group's proven fundraising ability. Some observers believe that CTLA's backing of ICAN's measure virtually assures the necessary financial resources needed to qualify it for the November ballot. Miller explained

that ICAN would welcome a legislative solution to the insurance crisis, but that any such proposal would have to include the goals of ICAN's measure. CTLA has also stated it would prefer a legislative solution.

The California Bankers Association also supports ICAN's initiative. The ICAN initiative would, for the first time, allow state-chartered banks to sell insurance. Banking industry spokespersons claim that this would save consumers billions of dollars. The bankers group reportedly agreed to staff tables for signature gathering at member bank branches around the state.

LEAGUE FOR COASTAL PROTECTION

P.O. Box 421698
San Francisco, CA 94142-1698
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Created in 1981, the League for Coastal Protection (LCP) is a coalition of citizen organizations and individuals working to preserve California's coast. It is the only statewide organization concentrating all its efforts on protecting the coast. The League maintains a constant presence in Sacramento and monitors Coastal Commission hearings.

MAJOR PROJECTS:

LCP and other coastal protection advocates were very disturbed at the reappointment of Mark Nathanson to the Coastal Commission by Assembly Speaker Willie Brown, Jr. Environmentalists had lobbied diligently against Nathanson's second two-year appointment because of his consistently pro-development Commission voting record.

A Beverly Hills businessman, Nathanson has become the key pro-development swing vote on the Commission, along with Chula Vista City Councilor David Malcolm. LCP claims that in late 1986, Nathanson was fined \$13,400 for failing to disclose millions of dollars in business interests, and has been frequently accused of influence-peddling. Because legislative appointees serve at the pleasure of the appointing authority, environmentalists plan to continue to organize pressure on Speaker Brown to replace Nathanson.

LCP and a statewide network of coastal protection groups organized massive public testimony on February 1 and 3 at two federal hearings on the Draft Environmental Impact Statement for the proposed Outer Continental

Shelf Lease Sale 91. If approved by the next President, the lease sale would allow oil drilling operations over about 1.1 million acres off the Mendocino and Humboldt County coastlines. The plan calls for the construction of up to 22 offshore oil platforms. Another 5.4 million acres is also proposed for lease along other parts of the California coast after Lease Sale 91 is completed.

A total of 750 citizens, politicians, business owners, and fishing industry representatives signed up to testify at the February 3 Fort Bragg hearing, while nearly 2,000 others listened. Critics outnumbered drilling proponents ten-to-one at the hearing, and Lieutenant Governor Leo McCarthy testified that the drilling plan was comparable to paving over the Grand Canyon.

NATURAL RESOURCES DEFENSE COUNCIL

90 New Montgomery St., Suite 620
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The Natural Resources Defense Council (NRDC) is a nonprofit environmental advocacy organization with a nationwide membership of more than 70,000 individuals, more than 13,000 of whom reside in California. Since 1972, NRDC's western office in San Francisco has been active on a wide range of California, western, and national environmental issues. Most of that work is now grouped under five subject-matter headings: public lands, coastal resources, pesticides, energy, and water supply. In these areas, NRDC lawyers and scientists work on behalf of underrepresented environmental quality interests before numerous state and federal forums. Public health concerns are increasingly a priority, in addition to conservation of nonrenewable resources and ecosystem preservation.

NRDC has been active in developing energy conservation alternatives to new power plants and offshore oil drilling, and resource-conserving land use policies in California's coastal counties and federally-managed lands. Notable recent achievements claimed by NRDC include leadership of coalitions which have developed broadly-supported federal legislative initiatives on pesticide regulation and efficiency standards for household appliances.

Agricultural water supply and drainage issues are taking on growing importance with NRDC, including the widely-publi-



cized contamination of the Kesterson Wildlife Refuge and the broader policy issues underlying that crisis. In California, NRDC appears frequently before the Coastal Commission, Energy Commission, and Public Utilities Commission. NRDC also maintains offices in New York and Washington, D.C.

MAJOR PROJECTS:

The first comprehensive study of the environmental record of oil development at Prudhoe Bay in northern Alaska reveals extensive air and water pollution and hundreds of violations of state and federal regulatory controls designed to protect the environment. NRDC released the report in January, along with the Trustees for Alaska and the National Wildlife Federation. NRDC's executive director noted a disturbing record of industry noncompliance with environmental laws and regulations.

NRDC contends that its documentation of the oil industry's impact on the sensitive tundra must be addressed when Congress considers a request by the Department of the Interior to open the Arctic National Wildlife Refuge to oil drilling. The refuge is the largest arctic wilderness sanctuary in the world, and supports one of the few remaining large herds of caribou in North America and many other species, according to NRDC. It is located sixty miles from the 250-square-mile Prudhoe Bay oil industry site.

NRDC's study reports that billions of gallons of liquid wastes have been injected underground, and elevated levels of arsenic, chromium, lead, and other contaminants are found in tundra ponds and wetlands associated with oil waste disposal facilities. Environmentalists are urging Congress to permanently protect the Arctic National Wildlife Refuge from oil development, and NRDC is asking its members to write their representatives to keep the refuge closed to development.

At a January 16 International Scientific Symposium on a Nuclear Test Ban, NRDC released a report revealing 117 previously unannounced U.S. underground nuclear weapons tests. The tests were discovered through an examination of seismic data available to the public. The NRDC study documents a total of 919 American tests since 1945. The study is available through NRDC for \$5.

On January 17, NRDC dedicated one of three seismic stations it operates with the Soviet Academy of Sciences near the Nevada Nuclear Test Site (NTS) to the memory of Herbert Scoville, Jr. Scoville was an NRDC member, a long-

time leader in the arms control community, and an advocate of a nuclear test ban.

This spring, NRDC plans to detonate simulated nuclear explosions near NTS using two ten- to fifteen-ton chemical explosions underground. The tests will be conducted in cooperation with the Soviet Academy of Sciences to test the U.S. seismic network's ability to detect very small nuclear blasts. NRDC scientists participated in the same experiment last September in the Soviet Union. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 29 for background information.)

NRDC is concerned about the U.S. Forest Service's issuance of its fifty-year management plans which will determine the future of scores of U.S. National Forests. The agency program calls for the doubling of annual timbercutting by the year 2030, and the addition of 580,000 miles of roads to the forests. According to NRDC, the excessive logging threatens remote backcountry areas, recreational value, and the habitats of 3,000 species of wildlife and fish found in the nation's forestlands. Environmentalists allege the Forest Service is already subsidizing the wood products industry by selling millions of board-feet of National Forest timber at discount prices. NRDC plans to file administrative appeals of the fifty-year plans, and lawsuits challenging individual plans as necessary.

NETWORK PROJECT

P.O. Box 1736
Santa Monica, CA 90406
(213) 395-7622

The Network Project is a nonprofit, tax-deductible consumer research organization established in 1985 to monitor the impact of new technologies on consumers and the exercise of consumer rights in the marketplace. The project will focus on how high technology can be used to both protect consumers and enhance citizen participation in democratic institutions. The bimonthly newsletter *Network* provides subscribers with information on consumer issues, including articles on state and federal consumer-related activities. The *Consumer Alert* bulletin is published periodically to inform members of critical developments on consumer issues.

MAJOR PROJECTS:

Network Project is still waiting for a ruling from the Public Utilities Commission (PUC) on its 1987 request for de-

tailed information on the billing practices and error rates of long distance telephone companies (see CRLR Vol. 7, No. 4 (Fall 1987) p. 24 and Vol. 7, No. 3 (Summer 1987) p. 43 for details on the complaint).

The joint report on consumer billing complaints in several industries being prepared by Network Project and the Center for the Study of Responsive Law (CSRL) in Washington, D.C. is now scheduled for publication in late May of this year (see CRLR Vol. 8, No. 1 (Winter 1988) p. 30 and Vol. 7, No. 4 (Fall 1987) p. 24 for details on the study).

NP and CSRL report that overcharges and false charges on medical and hospital bills are a major part of the broad consumer billing problem. Some studies have shown that many hospital bills contain overcharges averaging up to \$1,400 per bill. According to NP and CSRL, factors which contribute to the high rate of error on medical bills include the following: (1) failure by insurance companies to rigorously audit medical bills, because higher costs can easily be passed on to the consumer or the government in the form of higher insurance rates; (2) many consumers fail to fully examine their bills for errors because insurance companies generally pay all but a fraction of the total bill; and (3) many hospital bills are either unitemized or, if they are itemized, are difficult for a layperson to understand because of the codes and terminology used. Complicating this factor is the fact that patients in half the states have no legal right to obtain copies of their medical records and are unable to cross-check their bills with medical histories to determine errors.

Another consumer problem in the medical industry is the often gross over-inflation of the costs of prescription drugs and medical supplies, where mark-ups average between 250% to 3700%. NP advises consumers to insist that medical bills are fully itemized, including pharmacy charges; and to question any item which is not understood or a service which is believed not to have been delivered. Consumers who have difficulty resolving a dispute should contact the physician's office or the hospital administrator's office, requesting a complete review of the bill and a face-to-face meeting to discuss it. It is also important to inform insurance companies of billing errors to help keep insurance rates down.



PACIFIC LEGAL FOUNDATION 555 Capitol Mall, Suite 350 Sacramento, CA 95814 (916) 444-0154

The Pacific Legal Foundation (PLF) is a public interest law firm which supports free enterprise, private property rights, and individual freedom. PLF devotes most of its resources to litigation, presently participating in more than 100 cases in state and federal courts.

MAJOR PROJECTS:

At its February meeting, PLF's Board of Trustees approved the following three legal cases for PLF participation:

-In *R/L Associates v. City of Seattle*, PLF is challenging the constitutionality of a Seattle ordinance requiring landlords intending to demolish their buildings to pay relocation subsidies to tenants. PLF believes the ordinance is an attempt to shift the community's burden of assisting poor tenants from the community to individual landlords. According to PLF, the effect of the ordinance will discourage landlords from renting to low-income tenants.

-In *Abbott v. San Ramon Valley Educators Ass'n*, PLF supports schoolteachers who object to being compelled to contribute money to political causes with which they disagree. The case is pending before the California Public Employment Relations Board and will apply to all state government employees.

-In *Frisby v. Schultz*, PLF supports a Wisconsin ordinance which outlaws picketing at a dwelling or residence. Lower courts have invalidated the ordinance on grounds that a picketer's first amendment freedom of speech outweighs a resident's right to a safe and secure environment. *Frisby* is pending in the U.S. Supreme Court.

On February 24, the U.S. Supreme Court upheld the constitutionality of a San Jose rent control ordinance in *Pennell v. City of San Jose*. Early last year, PLF filed an amicus brief in the case, arguing that the ordinance requires landlords to subsidize low-income tenants, and is thus contrary to equal protection principles and the prohibition against the taking of property without providing just compensation. The majority found that the purpose of the ordinance is to prevent unreasonable rent increases, and ruled that such protection of consumer welfare is a legitimate exercise of the city's police powers. The Court left open the possibility of future legal challenges, because the law has never been enforced due to legal actions.

PLANNING AND CONSERVATION LEAGUE 909 12th St., Suite 203 Sacramento, CA 95814 (916) 444-8726

The Planning and Conservation League (PCL) is a nonprofit statewide alliance of several thousand citizens and more than 120 conservation organizations devoted to promoting sound environmental legislation in California. Located in Sacramento, PCL actively lobbies for legislation to preserve California's coast; to prevent dumping of toxic wastes into air, water, and land; to preserve wild and scenic rivers; and to protect open space and agricultural land.

PCL is the oldest environmental lobbying group in the state. Founded in 1965 by a group of citizens concerned about uncontrolled development throughout the state, PCL has fought for two decades to develop a body of resource-protective environmental law which will keep the state beautiful and productive.

PCL's promotional literature states that it has been active in every major environmental effort in California and a participant in the passage of several pieces of significant legislation, including the California Environmental Quality Act, the Coastal Protection Law, the act creating the Bay Conservation and Development Commission, the Lake Tahoe Compact Act, the Energy Commission Act, the Wild and Scenic Rivers Act, and laws which enhance the quality of urban environments.

PCL is supported by individual and group membership fees, with a current membership of more than 7,000 individuals. PCL established its nonprofit, tax-deductible PCL Foundation in 1971, which is supported by donations from individuals, other foundations, and government grants. The Foundation specializes in research and public education programs on a variety of natural resource issues. It has undertaken several major projects, including studies of the California coast, water quality, river recreation industries, energy pricing, land use, the state's environmental budget, and implementation of environmental policies.

MAJOR PROJECTS:

PCL reports that it played a key role in the formulation of the "Tobacco Rebellion Initiative," the tobacco tax initiative now being circulated (see CRLR Vol. 8, No. 1 (Winter 1988) p. 22 (report on CAMPAIGN CALIFORNIA) for details). Environmentalists view the

initiative as a means to enhance the state's fisheries, wetlands, wildlife habitat, and state and local parks. If qualified and approved by voters, the constitutional amendment would raise the tax on cigarettes by 25 cents per package and impose a comparable tax on other tobacco products. About \$30 million of the \$650 million in annual new revenue generated would be allocated for park and wildlife projects. PCL notes that other states utilize their tobacco tax revenue for a variety of purposes, including conservation of natural resources.

According to PCL's December 1987 newsletter *California Today*, cigarette smoking and improper disposal result in many wildfires throughout California, and tobacco litter mars state and local parks. PCL is a member of the statewide network of groups supporting the initiative known as the Coalition for a Healthy California. The signatures of more than 900,000 voters must be gathered by the end of April. PCL reports that tobacco companies have pledged to spend \$16 million to defeat the initiative.

PCL is concerned about the current vacancy in the office of State Treasurer following the death of Jesse Unruh last year. The new appointee will fill Unruh's term until the 1990 election. PCL says the Treasurer's job is a position of great importance to the environment because the Treasurer has considerable influence on the progress of bond issues, many of which fund environmental projects. The Treasurer is the legislature's advisor on the number of bond acts the state can afford to issue. PCL insists that California is in healthy financial condition, and bond acts for environmental purposes should continue to be an important way to finance conservation efforts.

PCL has joined with the California State Park Rangers Association in calling for a radical reduction in the number of acres grazed by cattle in Mount Diablo State Park (Contra Costa County). A commercial cattle grazing company is attempting to increase the amount of grazing land in the park to thousands of acres. PCL says grazing has a deleterious effect on native vegetation, including devastation of wildflower populations, reduced forage for wild animals, increased erosion from cattle trails, and production of ugly cattle droppings. If the state Department of Parks and Recreation continues to allow extensive grazing, PCL intends to seek legislation to protect the park.

Assemblymember Byron Sher (D-Palo Alto) has been named PCL's 1987 Legislator of the Year. Sher chairs the



Assembly Natural Resources Committee. PCL credits Sher with providing effective and consistent environmental leadership, and ensuring that positive bills are approved by his committee and that bad legislation is defeated or adequately amended. He authored a record fourteen PCL-endorsed bills in 1987, including bills on toxics, forestry, environmental effects of small-scale hydroelectric dam projects, river protection, bottle bill implementation, energy conservation, acid rain and air pollution control, wetlands protection, and enforcement authority of the San Francisco Bay Conservation and Development Commission.

PUBLIC ADVOCATES

1535 Mission St.
San Francisco, CA 94103
(415) 431-7430

Public Advocates (PA) is a nonprofit public interest law firm concentrating on the areas of education, employment, health, housing, and consumer affairs. PA is committed to providing legal representation to the poor, racial minorities, the elderly, women, and other legally underrepresented groups. Since its founding in 1971, PA claims it has filed over 100 class action suits and represented more than 70 organizations, including the NAACP, the League of United Latin American Citizens, the National Organization for Women and the Gray Panthers.

MAJOR PROJECTS:

As a result of Public Utilities Commission (PUC) hearings requested by PA, the chief executive officers of six major utilities promised to award 20% of all contracts to minority- and women-owned businesses. PA has advocated a greater share of utility contracts for these businesses over the past nine years. (See CRLR Vol. 7, No. 2 (Spring 1987) p. 28; Vol. 7, No. 1 (Winter 1987) p. 25; and Vol. 6, No. 4 (Fall 1986) p. 20 for background information.) In 1987 dollars, the agreements mean that about \$1.2 billion (of a total \$6.1 billion in contracts) will be awarded to firms owned or controlled by women and minority interests. PA considers this the most important such agreement in U.S. history, and believes that it will affect the contracting policies of many other major companies in California. The state legislature has also included a 20% contract awarding requirement in a huge bond measure which has been sent to the Governor. The PA/PUC/public utilities agreement will mean a twelvefold

increase over 1987 contract awards to black-owned businesses alone.

PA was instrumental in the recent establishment of a PUC-ordered \$16.5 million consumer education fund, in lieu of a general penalty against Pacific Bell for marketing fraud. Two years ago, PacBell was found to have been charging customers for services they had not ordered. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 25 for background information.) PA said the consumer fund is the largest in California history. The trust fund's board of directors will shortly announce its specific plans for educating mostly minority, low income, and non-English-speaking consumers about telephone services and their consumer rights.

In a related area, Public Advocates and TURN were successful in requesting the PUC to order PacBell to mail a second round of notices to 810,000 customers who may be entitled to refunds due to its marketing sales abuse. PA says that about 80% of customers due refunds are low income, minority, and non-English-speaking consumers. As of January, over \$27 million had been refunded by PacBell for services which customers had not ordered. After the second round of refund notices, PA expects that about \$20 million more will be refunded. PacBell will insert billing notices and make personal phone contact with the targeted customers to notify them of potential refunds.

As a result of a PA request, the PUC recently ordered Pacbell and General Telephone to make a deliberate effort to notify about 500,000 undocumented families without telephone service as to the availability of Universal Lifeline and other services. PA is working with the PUC, officials of the Catholic Church, Hispanic groups, and the Immigration and Naturalization Service regarding methods of informing those families of these basic phone services.

A PA-requested agreement was recently signed by General Telephone and approved by the PUC, which provides that the company will offer full bilingual telephone services with the same quality of service as that offered to all other customers.

PA has worked on the 976-prefix blocking issue for the past three years, and is pleased that the PUC recently ruled that telephone customers are now able to block all dial-a-porn and other 976-prefix calls essentially free of charge. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 31 for background infor-

mation.) PA reports that in 1987, about \$12 million was refunded to PacBell and General Telephone customers who complained about 976 calls charged to their phone service.

PUBLIC INTEREST CLEARINGHOUSE

200 McAllister St.
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The Public Interest Clearinghouse (PIC) is a resource and coordination center for public interest law and state-wide legal services. PIC is partially sponsored by three San Francisco Bay area law schools: Hastings School of Law, University of Santa Clara School of Law, and Golden Gate Law School.

Through the Legal Services Coordination Project, PIC serves as a general resource center for all legal services programs in California and other states in the Pacific region. Services include information on funding sources and regulations, administrative materials, and coordination of training programs.

The Public Interest Users Group (PUG) addresses the needs of computer users in the public interest legal community. Members include legal services programs in the western region of the United States, State Bar Trust Fund recipients, and other professionals in various stages of computerization. PUG coordinates training events and user group meetings, and serves as a clearinghouse for information shared by public interest attorneys.

PIC's bi-weekly "Public Interest Employment Service" lists positions for a variety of national, state, and local public interest organizations, including openings for attorneys, administrators, paralegals, and fundraisers.

PIC's public interest law program at the three sponsoring law schools helps prepare students to be effective advocates for the poor and other disadvantaged members of society. A project known as "PALS"—the Public Interest Attorney-Law Student Liaison Program—matches interested law students with practitioners in the field for informal discussions about the practice of law.

PIC's Academic Project promotes and facilitates the interaction of law school faculty and legal services attorneys in furtherance of law in the public interest. Faculty members assist practicing attorneys with legal services cases,



PUBLIC INTEREST ORGANIZATION ACTION

and staff attorneys help faculty with research and course materials.

The Clearinghouse's quarterly newsletter, *Impact: A California Digest of Public Interest Practice*, keeps the public interest community up-to-date on developments in litigation and legislation, and reports on activities of other public interest advocates. PIC also publishes the *Directory of Bay Area Public Interest Organizations*, which lists over 600 groups and information on their services and fees.

PIC also publishes the *Public Interest Advocate*, a newsletter of its Public Interest Law Program. The newsletter prints information on part-time and summer positions available to law students. It is published August through May for law students in northern California. Listings are free and must be received by the 10th of the month.

MAJOR PROJECTS:

PIC's Fall 1987 *Impact* newsletter features a legal analysis of U.S. Supreme Court affirmative action decisions and the constitutional issue of equal protection. The analysis contends that, despite twenty years of litigation, "the proper constitutional analysis of affirmative action under the equal protection clause remains one of the unsolved mysteries of constitutional law." The analysis notes that in *Bakke v. Board of Regents* (1978), four Supreme Court justices agreed that racial classifications disfavoring whites do not require strict scrutiny because whites are not a discrete, politically powerless minority. Those four justices favored "intermediate scrutiny" as a test to determine whether "benign" racial classifications violate the equal protection clause. One justice favored strict scrutiny for benign discrimination; the other four justices did not address the issue.

Since then, the justices have lined up in unpredictable fashion in other key test cases, but the Court has yet to reach a consensus on the proper standard, according to *Impact*. The recent confirmation of Justice Kennedy is critical and may determine the future of affirmative action programs.

Impact also reported on the Urban Strategies Council, a new Oakland-based organization dedicated to fighting poverty by analyzing both its root causes and the effectiveness of programs designed to address them. Veteran poverty attorney Angela Glover Blackwell is a founder of the Council. After ten years of experience, Glover Blackwell contends that the underlying causes of poverty

cannot be solved by the courts. The Council believes that a more effective method of fighting poverty is dealing with people in power, and that more work must be done within the public and private sectors. The Council has received foundation funding for three years, and hopes that its first major study will help clarify some of the causes of persistent urban poverty, and from there, help agencies develop and implement solutions.

SIERRA CLUB

Legislative Office
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The Sierra Club has 155,000 members in California and over 400,000 members nationally, and works actively on environmental and natural resource protection issues. The Club is directed by volunteer activists.

In California, Sierra Club has 13 chapters, some with staffed offices. Sierra Club maintains a legislative office in Sacramento to lobby on numerous state issues, including toxics and pesticides, air and water quality, parks, forests, land use, energy, coastal protection, water development, and wildlife. In addition to lobbying the state legislature, the Club monitors the activities of several state agencies: the Air Resources Board, Coastal Commission, Department of Health Services, Parks Department, and Resources Agency. The Sacramento office publishes three newsletters: *Legislative Agenda* (25 times per year); and *Toxics Insider* and *Coastal Insider* (each about four times per year). The Sierra Club Committee on Political Education (SCCOPE) is the Club's political action committee, which endorses candidates and organizes volunteer support in election campaigns.

The Sierra Club maintains national headquarters in San Francisco, and operates a legislative office in Washington, D.C., and regional offices in several cities including Oakland and Los Angeles.

MAJOR PROJECTS:

On the eve of the Governor's State of the State address, Sierra Club released its annual "Green State of the State" report, which comments on the status of California's environment. This year's report dealt with toxics, air pollution, and urban growth, and noted that

political leaders respond belatedly to environmental problems, often taking action only after voters demand relief through the initiative process. According to the report, the state's environment is being ruined by unrestrained and unplanned growth, and many officials appear to assume that future generations will pick up the pieces.

The "Green" report stated that air pollution remains the single greatest environmental threat to public health in California. Reducing the state's air pollution will require tightening standards, improving enforcement, and addressing the fundamental, structural aspects of the problem. According to the report, this means expanding the use of cleaner fuels, improving the efficiency of transportation, and managing urban growth to promote density rather than sprawl.

Sierra Club criticized the Governor for proposing more funding for freeway construction, which stimulates more growth and smog. The environmental group called for passage of AB 2595 (Sher), the California Clean Air Act, which at this writing is stalled in the Senate Governmental Organization Committee. The bill is a comprehensive redrafting of state air quality laws, and would provide both local air pollution control districts and the state Air Resources Board with new authority and stronger mandates to reduce emissions from motor vehicles and industry.

With regard to toxics issues, the Green State of the State report said the Deukmejian Administration continues to take a narrow view, spending millions on site clean-up, but placing California workers at risk of exposure by eliminating the Cal-OSHA worker-safety program. The report complained about the administration's implementation of Proposition 65—the Safe Drinking Water and Toxics Enforcement Act. According to the report, an already weak toxics record worsened in December when the Governor's scientific advisory panel determined that the current federal and state toxics regulations already meet the requirements of Proposition 65. If adopted by the Governor, that recommendation would essentially void much of the Act and thwart the will of the electorate, who were clearly voting to strengthen toxics controls, the Sierra Club said.

The report claimed that the legislature led the nation in addressing toxics problems, but has failed to pass major legislation to reduce the production of toxic waste. According to environmental interests, "source reduction" is now



believed to be the key to solving the toxics problem.

Sierra Club recently distributed a chart of state legislators' 1986-87 environmental voting records published by the California League of Conservation Voters (CLCV). Scores are calculated from votes on the most significant and controversial environmental bills and amendments. A copy of the chart may be obtained by sending a self-addressed, stamped envelope to CLCV, 965 Mission Street #705, San Francisco, CA 94103. The most crucial votes are usually made in committees. In 1987, only Senator Gary Hart of Santa Barbara scored 100% in committee votes. Eighteen of a total of forty senators scored 100% on floor votes. Of a total of eighty assemblymembers, only eleven scored 100% in both floor and committee votes during 1987.

Sierra Club advocates passage by voters of the California Parks and Wildlife Bond Act, which will appear on the June ballot. The group has endorsed AB 639 (Killea) to fund the state Coastal Conservancy, and will work for strong implementation of Proposition 65 and for continuing funding of Cal-OSHA. Sierra Club will also advocate strong reauthorization of the state Endangered Species Act, and support funding for mass transit programs.

TURN (TOWARD UTILITY RATE NORMALIZATION)

693 Mission St., 2nd Floor
San Francisco, CA 94105
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Toward Utility Rate Normalization (TURN) is a nonprofit advocacy group with about 40,000 members throughout California. About one-third of its membership resides in southern California. TURN represents its members, comprised of residential and small business consumers, in electrical, natural gas, and telephone utility rate proceedings before the Public Utilities Commission (PUC), the courts, and federal regulatory and administrative agencies. The group's staff also provides technical advice to individual legislators and legislative committees, occasionally taking positions on legislation. TURN has intervened in about 200 proceedings since its founding in 1973.

MAJOR PROJECTS:

In February, TURN accused Southern California Gas Company (SoCal) of misleading the public and attempting to

"slip through" legislation (SB 987-Dills) which would impose increased burdens on residential consumers while removing benefits enjoyed by average ratepayers since 1974. The Dills bill would amend the "baseline" statute, which guarantees a basic amount of gas at lower-than-average rates to all residential consumers (35.2 cents per therm). TURN claims that SoCal's amendments to the Dills bill would eliminate the formula which protects the baseline amount of energy for customers at a reasonable rate, and substitute the current program with one limiting baseline rates to low-income users only. TURN believes the SoCal legislation would result in substantial rate increases for all household users. The consumer group said that over the last three years, SoCal and the PUC have passed on gas rate decreases of up to 40% to large industrial users, while commercial and residential ratepayers have seen only minor reductions of 6.5% and 1%, respectively.

TURN urges SoCal customers to write to the PUC to express their dissatisfaction with discriminatory rates. Protest petitions and bumper stickers are available to anyone who sends TURN a self-addressed, stamped envelope.

Residential telephone customers should not be required to pay the \$2 fee to block 976 prefix phone calls to dial-a-porn adult entertainment numbers, TURN told the PUC in January. In a formal PUC filing, TURN said the blocking fee should be paid by the companies which provide the service, and asked the Commission to revise its December decision on 976 call blocking. (See CRLR Vol. 8, No. 1 (Fall 1987) pp. 106-07 for background information.) TURN noted that dial-a-porn companies reap enormous profits from their businesses and should be the ones to pay when customers request the blocking of such calls.

On March 11, the PUC reversed its December decision, and reduced the \$2 blocking fee to one cent. The Commission announced it would soon begin hearings to determine whether the actual cost of mechanically blocking a telephone should be charged to the firms providing the sexually explicit messages.

UCAN (UTILITY CONSUMERS' ACTION NETWORK)

4901 Morena Blvd., Suite 128
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Utility Consumers' Action Network (UCAN) is a nonprofit advocacy group

supported by 65,000 San Diego Gas and Electric Company (SDG&E) residential and small business ratepayers. UCAN focuses upon intervention before the California Public Utilities Commission (PUC) on issues which directly impact San Diego ratepayers.

UCAN was founded in 1983 after receiving permission from the Public Utilities Commission to place inserts in SDG&E billing packets. These inserts permitted UCAN to attract a large membership within one year. The insert privilege has been suspended as a result of a United States Supreme Court decision limiting the content of such inserts.

UCAN began its advocacy in 1984. It has intervened in SDG&E's 1985 General Rate Case; 1984, 1985, and 1986 Energy Cost Adjustment Clause proceedings; the San Onofre cost overrun hearings; and SDG&E's holding company application. UCAN also assists individual ratepayers with complaints against SDG&E and offers its informational resources to San Diegans.

MAJOR PROJECTS:

On January 27, news accounts reported that in December, SDG&E offered a pair of Super Bowl tickets to each of the five members of the PUC, after PUC President Stanley Hulett first approached the company requesting the tickets. UCAN expressed outrage that SDG&E would offer the sought-after tickets, and was shocked to learn that two commissioners had accepted them. Commissioners Hulett and Frederick Duda (both Deukmejian appointees) accepted the tickets, insisting that they would reimburse the company for the \$100 face value of the tickets (the resale street value of the tickets ranged from \$750 to \$2000 each). In the end, only Commissioner Duda actually used the tickets for the game. The other three commissioners rejected SDG&E's offer, responding that acceptance would be inappropriate and would raise a possible conflict of interest. Hulett declined the offer after initially accepting, citing the high cost of travel and lodging in San Diego for the game; however, he defended the propriety of accepting the tickets as legal and ethical. SDG&E also offered tickets to Governor Deukmejian and to two members of his staff. The Governor's appointments secretary accepted. Several San Diego County legislators also accepted Super Bowl tickets from SDG&E.

UCAN suggested that rather than offer the tickets to officials, SDG&E



should have auctioned the tickets and used the proceeds to assist its numerous ratepayers who have difficulty paying electric bills which are the highest in the state and the third-highest in the nation.

On December 22, the PUC voted to postpone a refund of \$44 million (in overcollections due to overestimated sales forecasts) due SDG&E customers. SDG&E had aggressively lobbied the PUC for the postponement, arguing that the PUC staff-proposed refund would embarrass the utility. UCAN claimed the lobbying and the resulting PUC vote to delay the refund was a public relations manipulation which will allow SDG&E to create the false appearance of a substantial refund to ratepayers in 1989, thereby improving its public image. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 34 for background information.)

Public hearings were held in San Diego County on March 14 and 15 during the triennial SDG&E General Rate Case proceeding. UCAN and an affiliated ratewatchers group organized overflow crowds of hundreds of ratepayers who expressed outrage over a recent PUC-imposed \$4.80 monthly service charge. The administrative law judge presiding in the case said the crowd was the largest he had seen in fifteen years of utility rate proceedings. Evidentiary hearings in the case began on March 7 and may continue periodically through September. The PUC's Division of Ratepayer Advocates is recommending that the Commission reduce electricity rates by 9.7% and increase natural gas rates by 11.9%. UCAN will argue that lower rates will occur only if SDG&E substantially reduces its payroll; concentrates serious attention on energy conservation practices and alternative energy sources; and agrees to work closely with commercial and industrial customers who advocate cogeneration as more cost-efficient.

UCAN has called for intense scrutiny of a recent agreement reached between SDG&E and the PUC staff to lower rates. UCAN did not participate in the negotiations for the "stipulation," and wants the details subjected to complete public examination in the rate case. Additionally, UCAN has insisted on a thorough investigation of SDG&E's performance on containing operating and maintenance costs, research and development fees, nuclear regulatory fees, rate design, cost of capital, depreciation, attrition, and company sales statistics.