



Division further pointed out that section 2706(a)(2) provides that the High Voltage Electrical Safety Orders do not apply to installations subject to the jurisdiction of the Public Utilities Commission. With reference to certain possible unsafe work practices in the petitioner's work environment, the Division advised the petitioner to submit a written complaint to Federal OSHA, because the Division is currently not exercising jurisdiction over worksites in the private sector.

At its January 21 meeting in Los Angeles, the OSB adopted several proposed safety orders including revisions to section 2940.9 of Title 8 (High Voltage Electrical Safety Orders) regarding protection from backfeed voltages. This proposal was developed by an advisory committee as a result of a petition by IBEW, Local Union 1245. This safety order addresses the IBEW's concern that electrical workers be isolated from the danger of backfeed voltages. OAL approved this rule change on February 22.

Permanent variances from sections within the California Code of Regulations were granted to the following entities: Harsh Investment Corporation and Prince of Peace Episcopal Church from section 3000(c)(13) of Title 8 (Elevator Safety Orders); City of Fresno Transit Department from section 3037(e)(1)(B) of Title 8 (Elevator Safety Orders); Texaco Trading and Transportation from section 485 of Title 8 (Unfired Pressure Vessel Safety Orders); and California and Hawaiian Sugar Company from section 3099(b)(2)(A) from Title 8 (Elevator Safety Orders).

The proposed decision of the Board panel which heard a December 10 request by Bramalea Pacific for a permanent variance from section 3292(f) of Title 8 (General Industry Safety Orders) was withdrawn. The applicant has filed a motion with the Board to reopen the record in order to amend its application and introduce evidence which was not available at the time of the hearing.

The OSB denied a petition submitted in August 1987 by California and Hawaiian Sugar company which proposed changes to section 3099(b)(2)(A) of Title 8 (Elevator Safety Orders), regarding manlift brakes. The proposed amendment would have added an exception to read: "Exception: Where space is a limitation, the brake may be located between the head pulley and the drive means." OSB Executive Officer Steven Joblonsky indicated that the Elevator Safety Orders were completely revised in 1970, at which time the installation of an overspeed/reverse brake on

the shaft extension opposite the main drive shaft was required. This section of the shaft is not stressed or worked through normal motor and braking action. The Division's report states that the justification for this requirement was based on two fatal accidents caused by drive shaft failure. The Division recommended that the petition be denied and that space limitation problems associated with the installation of new head assemblies on existing manlifts be handled through permanent variance requests.

Also discussed at the January meeting was OAL's disapproval of proposed changes to section 5209, Article 110 of title 8 (General Industry Safety Orders), regarding carcinogens.

During OSB's February 21 business meeting in Sacramento, the Board adopted a proposed safety order, dealing with section 3009, Article 6 of Title 8 (Elevator Safety Orders) and section 3009, Part 7 of Title 24. Because these changes also affect provisions under the authority of the State Building Standards Commission, they must first be approved by the Commission before they may be forwarded to OAL. OSB also adopted a safety order affecting section 525 of Title 8 (Unfired Pressure Vessel Safety Orders)

of the California Regulatory Code. This is a change with no regulatory effect.

Permanent variances from sections within the California Code of Regulations were granted to Acme and Sons from section 3000(c)(13) of Title 8 (Elevator Safety Orders); and to Tosco Corporation from section 770(B) of Title 8 (Boiler and Fired Pressure Vessel Safety Orders).

OSB granted a petition brought by the California Professional Fire Fighters (CPFF). The petition requested that special regulations be adopted in Title 8 (General Industry Safety Orders) to govern the "overhaul" stage of fire fighting. Overhaul is the activity which follows extinguishment of a fire. The CPFF contends that fire fighters spend as much time with overhaul as they do with the actual extinguishment of a fire, and during that time they are exposed to toxic fumes, spilled chemicals, and asbestos. The Division contacted several large fire departments in the state to get their position on the necessity of such regulations.

**FUTURE MEETINGS:**  
To be announced.



## DEPARTMENT OF FOOD AND AGRICULTURE

### DEPARTMENT OF FOOD AND AGRICULTURE

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The Department of Food and Agriculture (CDFA) promotes and protects California's agriculture and executes the provisions of the Agriculture Code which provide for the Department's organization, authorize it to expend available monies and prescribe various powers and duties. The legislature initially created the Department in 1880 to study "diseases of the vine." Today the Department's functions are numerous and complex.

The Department works to improve the quality of the environment and farm community through regulation and control of pesticides and through the exclusion, control and eradication of pests harmful to the state's farms, forests, parks and gardens. The Department also works to prevent fraud and deception in

the marketing of agricultural products and commodities by assuring that everyone receives the true weight and measure of goods and services.

The Department collects information regarding agriculture, and issues, broadcasts and exhibits that information. This includes the conducting of surveys and investigations, and the maintenance of laboratories for the testing, examining and diagnosing of livestock and poultry diseases.

The executive office of the Department consists of the director and chief deputy director who are appointed by the Governor. The director, the executive officer in control of the Department, appoints two deputy directors, one of whom serves as legislative liaison and as executive secretary of the Board of Food and Agriculture. In addition to the director's general prescribed duties, he may also appoint committees to study and advise on special problems affecting the agricultural interests of the state and the work of the Department.



The executive office oversees the activities of seven operating divisions:

1. Division of Animal Industry—Provides inspections to assure that meat and dairy products are safe, wholesome and properly labeled and helps protect cattle producers from losses from theft and straying;

2. Division of Plant Industry—Protects home gardens, farms, forests, parks and other outdoor areas from the introduction and spread of harmful plant, weed and vertebrate pests;

3. Division of Inspection Services—Provides consumer protection and industry grading services on a wide range of agricultural commodities;

4. Division of Marketing Services—Produces crop and livestock reports, forecasts of production and market news information and other marketing services for agricultural producers, handlers and consumers; oversees the operation of marketing orders and administers the state's milk marketing program;

5. Division of Pest Management—Regulates the registration, sale and use of pesticides and works with growers, the University of California, county agricultural commissioners, state, federal and local departments of health, the United States Environmental Protection Agency and the pesticide industry;

6. Division of Measurement Standards—Oversees and coordinates the accuracy of weighing and measuring goods and services; and

7. Division of Fairs and Expositions—Assists the state's 80 district, county and citrus fairs in upgrading services and exhibits in response to the changing conditions of the state.

In addition, the executive office oversees the activities of the Division of Administrative Services, which includes Departmental Services, Financial Services, Personnel Management and Training and Development.

The Board of Food and Agriculture consists of the executive secretary, assistant executive secretary and 14 members who voluntarily represent different localities of the state. The Board inquires into the needs of the agricultural industry and the functions of the Department. It confers with and advises the Governor and the director as to how the Department can best serve the agricultural industry. In addition, it may make investigations, conduct hearings and prosecute actions concerning all matters and subjects under the jurisdiction of the Department.

At the local level, county agricultural commissioners are in charge of county

departments of agriculture. County agricultural commissioners cooperate in the study and control of pests that may exist in their county. They provide public information concerning the work of the county department and the resources of their county, and make reports as to condition, acreage, production and value of the agricultural products in their county.

## MAJOR PROJECTS:

*Proposition 65.* On February 16, the state's Health and Welfare Agency issued regulations for implementing Proposition 65, the Safe Drinking Water and Toxics Enforcement Act of 1986. (For background information, see CRLR Vol. 7, No. 2 (Spring 1987) p. 84 and Vol. 7, No. 1 (Winter 1987) p. 76.)

Representatives of industry and environmentalists alike describe the regulations as taking a middle road between the two opposing interests. Harsher critics believe the regulations fail to implement the law.

As one example of a compromise position taken by the Agency, critics point to the interpretation of the Act's requirement for "clear and reasonable warnings." The warnings are required unless a substance poses "no significant threat" of cancer. The regulations define "significant threat" as that which causes one cancer per 100,000 people exposed. Environmentalists had urged the Agency to adopt a one-per-one-million standard, while business interests preferred a one-per-10,000 standard.

Another area of concern, and one which critics say will have to be resolved through litigation, is the adequacy of the prescribed warnings. Businesses are responding to the Act's requirements in a wide variety of ways; some are posting detailed notices while others post only general, generic warnings. The typical generic sign reads: "WARNING: Detectable amounts of chemicals known to the state to cause cancer, birth defects, or other reproductive harm may be found in and around this facility." (Health and Safety Code section 25249.6.) The regulations allow warnings to be given by a "system of signs, public advertising identifying the system, and toll-free information services"—so-called telephone "hotlines". These hotlines are drawing the most fire from environmentalists.

One such group, the National Resources Defense Council (NRDC), says the use of the hotline method rather than the labeling of individual products undermines the purpose of the law. NRDC believes that the hotlines can be

successfully challenged as inadequate because the Act was intended to drive toxic products from the marketplace by warning consumers of their health risk at the time the consumer considers purchase. However, NRDC and other critics view the hotlines as providing information only after purchase, thereby negating the effect on the market for those products.

The regulations also temporarily exempt foods, drugs and cosmetics currently produced under existing federal and state standards. Even though these products may contain chemicals on the state's list of those which cause cancer or birth defects, producers need not warn of the health hazards as required under the Act. The exemptions are temporary to allow time for state studies on the individual toxic chemicals found in these products to determine whether a stricter standard is warranted.

As designated by the Governor, the Health and Welfare Agency is the lead agency for the implementation of Proposition 65. The Governor is assisted in compiling the list of toxic chemicals required by the Act by a scientific advisory panel. Steve Book of the Agency serves as the panel's Executive Secretary, and is the Agency's "contact person" for information regarding Proposition 65.

Proponents of Proposition 65 challenged the Governor's initial list of 29 toxic chemicals in Sacramento Superior Court, winning an injunction to prevent the Governor from excluding over 100 chemicals from the list. (See CRLR Vol. 7, No. 3 (Summer 1987) pp. 138-39 and Vol. 7, No. 2 (Spring 1987) pp. 15-16 for background information.) The case was appealed and a decision is pending in the Third District Court of Appeal. The Governor's list now contains many of the chemicals which plaintiffs sought to include. A side issue in the appeal concerns the types of evidence relevant in determining the "legislative intent" of the initiative.

*Regulatory Action: Tributyltin.* In December 1987, the Department adopted as emergency regulations a restriction on the sale and use of "antifouling paints and coating containing tributyltin" (TBT). The regulations add these products to the CDFA's list of restricted materials, exempt them from use permits requirements, limit their permissible uses, and restrict applicators and dealers in the materials.

On February 1, the Office of Administrative Law (OAL) disapproved the Department's regulatory action on TBT for failure to comply with the clarity



and consistency standards of the Administrative Procedure Act; failure to summarize and respond to public comments; and because required documents in the review file were inadequate.

Specifically as to the clarity and consistency standards, the emergency regulations prohibit the sale of "antifouling paints or coatings containing tributyltin" except to certified commercial applicators. However, OAL found that the regulations fail to explain what a "certified commercial applicator" is or how one might become certified as such. In its Final Statement of Reasons, the Department did state that an applicant must pass a written examination covering the laws and regulations governing the possession, sale, and use of "economic poisons;" however, the regulations do not contain provisions specifying the application, examination, and certification process. OAL found that public comments which addressed this very issue received an inadequate response by the Department.

According to OAL, the regulations also fail to define the term "antifouling paints and coatings containing tributyltin" so that a person reading the regulations would be unable to determine exactly what products are regulated.

CDFA has attempted to correct these problems and noticed another period of time (until May 6) during which the public could comment on the proposed regulations. The revised language prohibits the use of paint additives containing bis (tributyltin) oxide (TBTO), either alone or mixed with paint, on any surface which comes into contact with the aquatic or marine environment.

*Inspection Stations To Check For Citrus Frost Damage.* CDFA plans to operate produce inspection stations in central California to inspect citrus for frost damage. This program has been implemented to prevent substandard produce from entering the marketplace. The stations will be located on Interstate 5 south of Bakersfield, on Highway 58 near Tehachapi, on Highway 166 at Pacheco Pass, on Highway 152 between Hollister and Los Banos, and on Highway 580 near Livermore.

The inspection project began due to freezing temperatures this winter throughout the state, which caused damage to citrus crops. The stations will also ensure that any citrus moving into Ventura, Orange, Riverside, and San Bernardino counties for repacking meets established standards. Inspectors in each of those counties will also inspect citrus crops for frost damage.

*Proposed Regulations Concerning Restricted Materials.* Under Food and Agricultural Code sections 14004.5 and 14005, the CDFA Director has the authority to establish a list of restricted materials, and may also place restrictions on their possession and use. A proposed amendment to section 6400, Title 3 of the California Code of Regulations, would add bentazon (basagran) to the list of restricted materials, when used as a rice herbicide. Bentazon's primary use (97%) in California is as a rice herbicide. The proposed amendment would require users of bentazon to obtain a use permit from the county agricultural commissioner. Users are also required to submit a notice of intent prior to use, and to report use.

The Department also proposes to adopt section 6484, which would place conditions on bentazon use in rice fields. In particular, the section would apply to rice fields in the Sacramento Valley, where water basins drain into the Sacramento River. The regulation would prohibit discharge of water from fields at application time, and require that water on treated fields be retained until harvest, unless certain criteria are met. The holding requirement may be waived for fields which do not discharge above the City of Sacramento, or if the discharge water is fully contained until the fields are drained for harvest. The holding requirement for individual fields could also be modified if it were demonstrated that the rice crop was adversely affected. Water in fields treated with bentazon after July 31 must be held until October 1.

No public hearings on these proposed regulations is scheduled at this time. The comment period closed on March 21. (For additional information regarding the regulation of rice herbicides, see CRLR Vol. 7, No. 2 (Spring 1987) p. 84 and Vol. 7, No. 1 (Winter 1987) pp. 76-77.)

*Proposed Changes to Egg Regulations.* In late January, CDFA noticed its intent to amend its egg regulations in Title 3 of the California Code of Regulations. Section 1358(a), which requires egg producers to pay egg inspection fees for eggs sold to the entities listed within the regulation, would be deleted. Section 1358(b), which presently requires the initial receiver to report and pay inspection fees for eggs coming from out-of-state, and section 1358(c), which currently requires an egg dealer who is the first purchaser to pay the fee on any other sale, would also be deleted.

The Department also proposes sev-

eral amendments to existing egg regulations. Section 1358(d) would be amended to provide that a fee is delinquent after four weeks, rather than thirty days. Section 1358(e) would provide a standard for determining when the reporting period ends each year. Amended section 1358(f) would state that advance payments would be delinquent at the close of the year's first reporting period; it would also require egg handlers to report egg mill fee liabilities at the end of each year. Amendments to section 1358(g) would change the penalty from 1% to 10% for the first delinquent period, and 2% compounded at the end of each reporting period until full payment is received.

An amendment to section 1358.2 would delete the use of the term "dealer", and instead use the term "handler". It would also correct reference to section numbers to make them consistent with proposed amendments to section 1358.

Changes to section 1358.4 would also substitute "handler" for "dealer". In addition, the exemption for small quantities of restricted eggs sold directly to consumers would be applicable to egg handlers, rather than producer packers.

All amended subsections would be renumbered for consistency with proposed subsection deletions in these proposals.

No public hearing is scheduled. However, written comments were accepted until March 15.

*Fruit Smuggler Fined \$500.* A routine inspection of a car owned by Angel Samatra of Lancaster was made in August. The car had been shipped to California from Hawaii. Eggplant, okra pods, red peppers, bean pods, and a wood stump were hidden under a rug in the trunk. The CDFA inspector found a live Malaysian fruit fly and 23 live pupae on the contraband. The car was sealed and treated with insecticide. The car was later cleaned of all insect remains, and the contraband was destroyed.

CDFA asked the U.S. Department of Agriculture (USDA) to prosecute Samatra under the Federal Territorial Quarantine Number 13, which prohibits Hawaiian fruits and vegetables from entering California unless certified by USDA. A \$500 civil penalty has been recommended by USDA. The matter is now within the Office of General Counsel for enforcement. (For related discussion, see CRLR Vol. 6, No. 4 (Fall 1986) p. 70.)

*Voluntary Recall of Ariza Cheese Company Products.* The Ariza Cheese Company in Paramount (Los Angeles



# REGULATORY AGENCY ACTION

County) has voluntarily recalled all its cheese products as a precautionary measure. *Listeria monocytogenes* were found in Panela, a soft fresh cheese. The listeria was found during a routine monthly testing by CDFA's Milk and Dairy Foods Control Branch. The products are distributed in Washington, Arizona, Texas, Florida, and southern California.

The listeria bacteria produces listeriosis, a serious and sometimes fatal infection which could result in miscarriages or stillbirths. It also poses a serious health risk to small children, elderly people, and persons whose immune systems are weak.

CDFA investigators will conduct environmental, product, and ingredient tests. They will also inspect the plants' equipment and review manufacturing procedures. No illnesses have been reported from use of these products. CDFA suggests that consumers holding these products should discard them, and not consume them.

**Warning Regarding Substandard Antifreeze.** CDFA's Measurement Standards Division has tested an antifreeze which is currently on the market and which does not meet state specifications. The product is labeled "Soli Anti-freeze and Summer Coolant." It is distributed by an unnamed Signal Hill (Los Angeles) company. The tests showed the product has a freezing point of 27 degrees and a boiling point of 215 degrees Fahrenheit, when tested at full strength. State specifications require antifreeze mixed 50/50 with water to have a maximum freeze point of minus 34 degrees Fahrenheit, and a full strength boiling point of at least 300 degrees Fahrenheit.

Consumers who see this product on sale should call their county Weights and Measures Department, or the CDFA Measurement Standards Division.

**Assessment Rate for Fresh Carrots Changed.** Based on recommendations from the California Fresh Carrot Advisory Board, CDFA has set an assessment rate of \$0.0125 per fifty pounds of fresh carrots. The period of assessment began January 1, 1988, and ends on December 31, 1988. This assessment reflects a one-quarter cent drop in the rate from last year's rate of 1.5 cents per fifty pounds. Assessments are due monthly. They are payable within thirty days of the previous month's close.

**California Turkey Producer Referendum Results.** CDFA and the California Turkey Industry Program (CTIP) held a referendum on December 30, 1987 through January 29, 1988. The vote was

taken to decide the fate of the CTIP, which authorizes sales promotion, market development, education plans and research. Almost 66% of all registered turkey producers voted. The producers voted to continue the program.

## LEGISLATION:

**AB 4097 (Connelly)** would increase the assessment paid to the Director of the CDFA by the registrant of a pesticide. The bill would also require that these funds be used by the CDFA and the Department of Health Services to enforce specific testing requirements involving the registration of pesticide products. This bill would specify priority pesticides for food monitoring and would require the departments to determine whether there is a practical analytical testing method for each priority pesticide. This bill is pending in the Assembly Committee on Environmental Safety and Toxic Materials.

**AB 1142 (N. Waters)** would expand the existing appealable issues when the CDFA Director is asked to review the action of a county agricultural commissioner in issuing, refusing, revoking, or suspending a permit to use a pesticide for agricultural purposes. Under AB 1142, the Director may be asked to determine whether the commissioner abused his/her discretion in suspending the permit. This bill is pending in the Assembly Committee on Agriculture and Water Resources.

**AB 2728 (Chandler)** was introduced on January 7. This bill would prescribe a specified hearing procedure for the CDFA Director in taking action concerning any violation of laws relating to livestock drugs. Existing law authorizes the Director to refuse to issue or renew, or to suspend or revoke, a livestock drug registration or restricted drug license for any violation of laws relating to livestock drugs; the Director is currently required to conduct such proceedings pursuant to the Administrative Procedure Act.

The bill would also prescribe new penalties for the violation of laws which prohibit the sale of livestock drugs in California unless the seller registers with CDFA; prescribe new penalties against those who manufacture or distribute commercial fertilizer without a license from the Director; define "specialty fertilizers" for purposes of CDFA registration requirements; and prescribe new penalties for failure to properly label commercial fertilizer. This bill is pending in the Assembly Ways and Means Committee.

**AB 2642 (W. Brown)** would authorize the CDFA Director to provide mediation services if requested to do so by a cooperative bargaining association or by a processor engaged in bargaining with a cooperative bargaining association if, in the Director's judgment, the cooperative bargaining association and the processor have reached an impasse in bargaining and the Director believes that mediation may aid the parties in negotiating an agreement. The bill has passed the Assembly and is pending in the Senate Committee on Agriculture and Water Resources.

**AB 1596 (Cortese)** would authorize the Director of Food and Agriculture, upon a notice and hearing, to levy a civil penalty against an imported produce handler, as defined, of not more than \$500 for each violation of provisions relating to produce carrying pesticide residue. The bill is also pending in the Senate Committee on Agriculture and Water Resources.

**SB 1838 (Ayala)** was introduced on January 28. The bill would authorize the CDFA Director to establish the tolerance at zero for any pesticide chemical on produce upon finding that a greater tolerance is not justified from the facts available. SB 1838 is pending in the Senate Committee on Agriculture and Water Resources.

## LITIGATION:

On January 4, the Riverside County District Attorney's office filed a complaint and settlement agreement against Thermal Plaza Ranch, Thermal Plaza Nursery, Edward D. Halvajian, and Robert A. Teitsworth. Defendants were charged with illegal introduction of citrus material prohibited by the Citrus Pest Exterior Quarantine, section 3250, Title 3, California Code of Regulations. The complaint alleged that the nursery owners illegally collected and brought back to California budwood cuttings of a new Texas grapefruit called "Rio Red." California quarantine regulations prohibit untested citrus from Texas because of the danger of transmissible diseases.

One provision of the judgment requires Thermal Plaza to submit Rio Red grapefruit material to the Citrus Experiment Station at the University of California at Riverside. They must pay all testing costs. If UCR finds disease in the plants, the nursery must destroy all the trees and plants.

Although neither the nursery nor its owner admitted any wrongdoing, they have agreed to be bound by the court



order. The nursery must pay penalties of \$135,000, \$100,000 of which will be paid to the CDFA Agriculture Fund for citrus registration and certification in compensation for the unfair business advantage. The Riverside County District Attorney will be paid a civil penalty of \$28,000. The Riverside County Agricultural Commissioner will receive \$4,000 for costs of the investigation, and CDFA will be paid \$3,000 to cover its investigation costs.

#### RECENT MEETINGS:

At its January 7 meeting in Sacramento, members of the State Board of Food and Agriculture heard presentations from two representatives of the Monsanto Agriculture Company on the subjects of animal and plant biotechnology and herbicide research. Members learned of Monsanto's research in genetic engineering, which has led to crops which are more tolerant to disease and insects, including crops which produce their own insecticides or herbicides. Also presented was information regarding genetically engineered microbes which protect plants from freezing. (For additional information on the use of these microbes, see CRLR Vol. 7, No. 3 (Summer 1987) p. 109 and Vol. 7, No. 2 (Spring 1987) p. 85.)

On February 4, the Board again met in Sacramento for its monthly meeting. Members participated in a lengthy dis-

ussion regarding the state government's role in promoting California commodities outside the state. Board member Thomas DiMare described a successful Massachusetts promotion program which has included low-interest loans for agribusiness and marine industries totalling \$250 billion in the last five years. Board President Richard Peters suggested that Department Director Parnell appoint a task force to explore ways in which the state and/or the agriculture industry could better promote California-produced commodities.

Anne Chadwick, Agricultural Trade Specialist for the World Trade Commission, explained the October 1987 trade agreement between the U.S. and Canada. Characterized as a "free trade" agreement, it gradually eliminates tariffs and reduces other barriers to trade in agriculture, services, and manufactured goods. The agreement must now be ratified by Congress. Chadwick told Board members that U.S. import quotas on cotton, sugar, dairy products, and peanuts were excluded from the agreement.

The March 3 meeting of the Board in Sacramento was held in conjunction with the California-Japan Agricultural Trade Conference. A very short agenda was addressed prior to the Conference.

#### FUTURE MEETINGS:

To be announced.

Enforcement, Stationary Source Control, Planning, Vehicle Control, Research and Administrative Services.

#### MAJOR PROJECTS:

*Test Method for Determining Emissions from Non-Vehicular Sources.* Following a January 7 public hearing, the ARB adopted an amendment to section 94105, Title 17 of the California Code of Regulations. The amendment concerns Method 5 of the 37 test methods established by the Board to determine whether a non-vehicular source is in compliance with air pollution control laws and local air pollution control district regulations. Section 39606(d) of the Health and Safety Code requires the ARB to adopt these test procedures to determine compliance with non-vehicular emission standards of the Board and the local districts.

Method 5 is a test method for particulate matter emissions from stationary sources. It provides for a sampling train for collection of solid particulate matter at source stack conditions and for collection of condensed particulate matter in cooled liquid impingers. The use of leak-free ground glass fittings or any similar leak-free non-contaminating fittings in the impinger train is required. Method 5 specifies that modifications may be used, subject to the approval of the control agency's authorized representative. However, a note in Method 5 indicated that the impinger system shall be used without modification under specified circumstances.

The amendment adopted by the Board eliminates that note in Method 5, which has been construed as prohibiting modifications in the impinger system. According to the ARB staff, flexible fittings and tubings have been demonstrated to be non-contaminating.

*Adoption of an Airborne Toxic Control Measure for Hexavalent Chromium Emissions from Chrome Plating and Chromic Acid Anodizing Facilities.* ARB adopted new section 93102, Titles 17 and 26 of the California Code of Regulations, on February 18 following a public hearing. The new section adopts an airborne toxic control measure of hexavalent chromium emissions from chrome plating and chromic acid anodizing facilities. The Board previously adopted a regulation listing hexavalent chromium as a toxic air contaminant. This means that there is not sufficient scientific evidence to identify a threshold level below which no significant adverse health effects are anticipated from exposure to hexavalent chromium.



## RESOURCES AGENCY

#### AIR RESOURCES BOARD

*Executive Officer: James D. Boyd*  
*Chairperson: Jananne Sharpless*  
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The California legislature created the Air Resources Board in 1967 to control air pollutant emissions and improve air quality throughout the state. The Board evolved from the merger of two former agencies, the Bureau of Air Sanitation within the Department of Health and the Motor Vehicle Pollution Control Board. The members of the Board have experience in chemistry, meteorology, physics, law, administration, engineering and related scientific fields.

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

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

The Board's staff numbers approximately 425 and is divided into seven divisions: Technical Services, Legal and