cultural agents showing the precise areas in which pesticide use is prohibited.

CDFA branch Chief of Pesticide Enforcement James Wells has expressed the Department's concern over the new regulations, stating that they will have a "substantial impact" on California's agriculture industry. Preliminary analysis shows a "formidable" impact on cotton production, says Wells. "Virtually all" of the pesticide alternatives for cotton are listed on the EPA prototypes, according to Rex Magee, associate director of the Division Pest Management for CDFA.

Critics, including the U.S. Fish and Wildlife Service (USFWS), charge that the maps EPA plans to use contain errors. Many of the errors result from the inability to determine the exact habitats of some species. In some cases, the EPA has prohibited pesticide use in broad areas where the USFWS is only concerned with two or three acres.

Because of problems in implementing the proposed EPA program in California, the state has asked for and received permission to create a customized state plan. The plan must be implemented by February 1988.

A task force will meet to work out details of the California program and determine what alternative pesticides may be used by affected producers. One of the major activities of the task force will be to update and correct the county maps to accurately reflect the species habitats. The task force consists of representatives from the USFWS' regional office, the Department of Fish and Game, the California Agricultural Commissioners' Association, the California Cooperative Extension Service, and CDFA.

**LEGISLATION:**

*AB 1980 (Hauser)* would create the California Salmon Council to provide advice and investigations for and perform duties delegated to it by the CDFA Director. Specifically, the Council will be charged with developing programs to promote salmon and to purchase rights to take salmon. The bill would also provide for the assessment of fees from commercial fishermen to fund Council activities. The bill is pending in the Senate Appropriations Committee.

*AB 1142 (N. Waters)* would expand 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. The bill is pending in the Senate Agriculture and Water Resources Committee.

*AB 313 (Hayden)* has been dropped and the author has no plans to reintroduce it. The bill would have prohibited the use of tributyltin on structures in navigable waters or in pesticides. (For further information, see CRLR Vol. 7, No. 2 (Spring 1987) p. 86.)

The bills updated below were previously discussed in CRLR Vol. 7, No. 3 (Summer 1987) at pp. 110-11:

*AB 1963 (Farr)*, which would require accreditation of laboratories performing work on pesticide residue, is presently pending in the Assembly Agriculture Committee suspense file.

*AB 2630 (Connelly)*, which would require CDFA reporting of a list of pesticide ingredients detected in water sources, has died in committee.

*SB 844 (Torres)* has also died in committee. This bill would have required a CDFA permit for the transportation or release of novel organisms into the open environment.

**RECENT MEETINGS:**

At the Board's September meeting, an update report was presented on the implementation of Proposition 65. Proposition 65 requires the Governor to compile a list of substances known to cause cancer or birth defects. It also requires clear and reasonable warning to the public of exposure to a chemical listed as a carcinogen which poses a "significant risk" to human health. (For background information on Proposition 65, see CRLR Vol. 7, No. 4 (Fall 1987) pp. 85-86 and Vol. 7, No. 1 (Winter 1987) p. 76.)

On March 1, 1987, the Governor announced a list of 29 chemicals which were known to cause cancer. The Governor's Scientific Advisory Panel (SAP) was then asked to look at other chemicals which should be listed. The SAP added 34 chemicals on July 1, including amitrole, ethylene oxide, mineral oils, and warfarin (a rodent control chemical). The SAP later recommended the addition of twenty other chemicals.

Health and Welfare Agency officials are presently attempting to draft regulations to implement the law. The primary area of concern involves the definition of "significant risk" for each chemical listed. The regulations are required to be implemented by February 27.

At the September meeting a recommendation was unanimously passed by the Board on membership selection procedures for the California Agricultural Water Advisory Committee (CAWAC). The CAWAC enables agriculture to have input into the state's water policies.

The Board recommended that nominations be submitted to the CDFA Director. The member from the Board of Food and Agriculture would be nominated by the President. The Association of California Water Associations would nominate one representative; the seven grower nominees should be nominated by water districts, irrigation associations, commodity and producer groups; and the related agencies for ex-officio membership should be nominated by their respective agencies. After the nominations have been received, Director Parnell would review them with the Board and the DWR to select the nine members to be recommended for appointment by the Governor. It was also recommended that members' terms be staggered to two- and three-year appointments to maintain continuity. An issue memo on the Board's plan was passed and will be forwarded to the Governor.

**FUTURE MEETINGS:**

The Board of Food and Agriculture, an advisory body, usually meets the first Thursday of each month at various locations throughout the state.

The Consumer Advisory Committee meets bimonthly at various locations throughout the state.
evolved from the merger of two former agencies, the Bureau of Air Sanitation within the Department of Health and the Motor Vehicle Pollution Control Board. The members of the Board have experience in chemistry, meteorology, physics, law, administration, engineering and related scientific fields.

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

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

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

MAJOR PROJECTS:

Adoption of Carbon Tetrachloride as Toxic Air Contaminant. The Office of Administrative Law (OAL) recently approved amended section 93000, Titles 17 and 26 of the California Administrative Code, the Board's regulatory amendment identifying carbon tetrachloride as a toxic air contaminant. It was filed with the Secretary of State on October 8, 1987. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 86 for background information.)

Automobile Certification Labeling Requirements. The rulemaking file on proposed amendments to section 1965, Title 13 of the California Administrative Code, is still being compiled for submission to OAL as of this writing. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 87 for background information.)

Service Station Benzene Control Measure. On October 8, the Board reaffirmed its July 9 adoption of the retail service station measure for benzene control, as contained in proposed sections 93100 and 93101, Title 17 of the California Administrative Code. At the July hearing, the Board unanimously passed a motion approving a requirement that Phase I and II systems be installed at existing service stations selling over 480,000 gallons per year within two years after district adoption of the measure, and at all new retail service stations.

The measure requires the application of Phase I vapor recovery systems (which recover vapors during the transfer of gasoline from gasoline delivery vehicles into stationary storage tanks) and Phase II vapor recovery systems (which recover vapors during the fueling of motor vehicles from stationary storage tanks) at most retail gasoline service stations. The measure contains exemptions based on retail service station capacity and use.

The vapor recovery control systems will reduce benzene emissions by approximately 65 tons per year by the year 2000. This reduction in emissions would reduce cancer incidence by approximately 8 to 59 cancer cases by the year 2000.

Adoption of Ethylene Oxide as a Toxic Air Contaminant. On November 12, the Board conducted a public hearing to consider a proposed regulatory amendment identifying ethylene oxide as a toxic air contaminant. Following discussion, the Board adopted the amendment to section 93000, Titles 17 and 26 of the California Administrative Code, which has not been submitted to OAL as of this writing.

The Department of Health Services (DHS) found that ethylene oxide is an animal carcinogen and a probable human carcinogen. DHS staff also found that there was insufficient scientific evidence to support the identification of an exposure level below which carcinogenic effects would not have some probability of occurring and recommended that ethylene oxide be treated as having no identified threshold.

No control measures for ethylene oxide were proposed for adoption at the hearing. A report on the need for and appropriate degree of control measures to reduce ethylene oxide emissions will be developed.

State Ambient Air Quality Standard for Oxidant. On November 12, the Board also considered and approved amendments to sections 70100 and 70200, Title 17 of the California Administrative Code, regarding the California ambient air quality standard for oxidant and the measurement method specified for oxidant.

State ambient air quality standards are specified concentrations and durations of air pollutants or combinations of pollutants which reflect the relationships of interactions and composition of air pollution to undesirable effects. The Board is required by section 39606(b) of the Health and Safety Code to adopt ambient air quality standards for air pollutants "in consideration of the public health, safety and welfare, aesthetic value, interference with visibility, and effects on the economy." These standards define goals of satisfactory air quality by identifying levels of air contaminants in the atmosphere which, if achieved, will be adequate to protect the health and welfare of the people of California.

In accordance with Board policy to review state ambient air quality standards periodically, Board staff reviewed the basis for the ambient standard for oxidant (as ozone) and recommended that section 70100 (Definitions) be amended to include a definition of ozone, and that the oxidant standard in section 70200 (Table of Standards) be amended to be an ozone standard and to incorporate the above-described significant effects, which the standard is intended to prevent or abate. Staff also recommended that two asterisks be placed in the "Concentration and Methods" column indicating that this standard is violated when concentrations exceed (rather than "equal or exceed") those set forth in the body of the regulation. Under this new compliance definition, a 0.09 parts per million (ppm) standard would be approximately equivalent to the existing 0.10 ppm standard.

Amendments to sections 70100 and 70200 have not been submitted to OAL as of this writing.

Nonconformance Penalty Program for Heavy-Duty Engines and Vehicles. On December 3, the Board conducted a public hearing to consider regulatory amendments to establish a nonconformance penalty program (NCP) for 1988 and subsequent model year heavy-duty engines and vehicles.

Following an April 1986 public hearing, the Board amended the California heavy-duty engine and vehicle emission standards and the incorporated certification test procedures to generally align them with corresponding federal regulations. (See CRLR Vol. 7, No. 3 (Summer 1987) p. 63.) The revised regulations include more stringent exhaust emission standards, a more representative test cycle, and full-life emission compliance. The alignment of the California and federal heavy-duty engine regulations was intended to reduce emissions, improve model availability, and reduce manufacturer certification costs.

The NCP program is one provision of the federal heavy-duty engine regulations which the staff did not propose for adoption by the Board in 1986. At the federal level, NCPs provide a mechanism by which manufacturers of heavy-duty engines may certify for sale some engines which fail to meet an emission standard. NCPs are available for manufacturer
use only when the EPA determines they are necessary.

The ARB staff recommended that the Board adopt sections 1965.8 and 1985, Title 13 of the California Administrative Code, which would incorporate the federal NCP provisions into the California heavy-duty engine and vehicle certification test procedures. The Board adopted the regulations, but limited their applicability to 1988 gasoline-powered models. Diesel engines are excluded because since 1984 most diesel engines meet the 0.60 g/bhp-hr particulate emission standard applicable.

As of this writing, the adopted regulations have not yet been submitted to OAL for review.

LEGISLATION:

SB 55 (Presley) has been signed into law by the Governor. The law authorizes an air pollution control district or an air quality management district which is not a federally-designated nonattainment area for the primary federal ambient air quality standards for ozone or carbon monoxide to request that the Department of Consumer Affairs (DCA) implement a motor vehicle inspection program within the district.

Previously existing law allowed only districts which were part of a federally-designated nonattainment area for the primary federal ambient air quality standards for ozone or carbon monoxide to request that the Department of Consumer Affairs (DCA) implement a motor vehicle inspection program within the district.

AB 1006 (Tanner) has also been signed by the Governor. The law sets out a schedule for compliance with regulations requiring a reduction in emissions.

The following is a status update of two-year measures discussed in CRLR Vol. 7, No. 3 (Summer 1987) p. 113:

SB 957 (Presley) is a two-year bill currently pending in the Assembly Natural Resources Committee. Senator Presley intends to pursue the bill.

SB 1022 (Dills) will not be pursued this session.

AB 1461 (Elder) is pending in the Assembly Natural Resources Committee.

AB 1479 (Sher) is pending on the Senate floor as of this writing.

AB 1777 (Brown) has been dropped.

AB 2593 (Sher) is pending in the Senate Government Organization Committee as of this writing. Assemblymember Sher intends to pursue this bill.

Future Legislation. Assemblymember Lloyd Connelly has indicated his intention to introduce legislation to give the Sacramento County Air Pollution Control District more authority to control emissions from vehicles. The bill may be modeled on recent legislation which authorized the South Coast Air Quality Management District to require that fleets of new vehicles be capable of running on methanol; ban truck traffic during rush hours; and adopt plans to reduce auto traffic at shopping centers and sports centers.

LITIGATION:

Settlement with Mobil Oil. In early October, the ARB announced that it had reached a settlement with Mobil Oil for Mobil’s alleged violation of state air pollution standards.

The ARB alleges that Mobil sold over one million gallons of gas in the San Francisco area from May 1-11, 1986, which exceeded limits for smog-forming vapors. Mobil received a report of violation from the ARB in May 1986. Mobil agreed to pay $200,000 to settle the matter and avert a lawsuit by the ARB, but continues to deny ARB’s allegations.

RECENT MEETINGS:

At its December 3 meeting, the Board decided to continue until a later date consideration of regulations regarding new and used aftermarket catalytic converters. The proposed regulations would add a new subsection to section 2222, Title 13 of the California Administrative Code.

FUTURE MEETINGS:

To be announced.

CALIFORNIA WASTE MANAGEMENT BOARD

Executive Officer: George T. Eowan Chairperson: Sherman F. Roodzani (916) 322-3330

Created by SB 5 in 1972, the California Waste Management Board (CWMB) formulates state policy regarding responsible solid waste management. Although the Board once had jurisdiction over both toxic and non-toxic waste, CWMB jurisdiction is now limited to non-toxic waste. Jurisdiction over toxic waste now resides primarily in the toxic unit of the Department of Health Services. CWMB considers and issues permits for landfill disposal sites and oversees the operation of all existing landfill disposal sites. Each county must prepare a solid waste management plan (CoSWMP) consistent with state policy which is reviewed by the Board. As of December, the Board reported that 55 CoSWMPs are current and complete. Only two CoSWMPs are delinquent. Two counties, Alameda and Contra Costa, are rescheduled for revision in January 1988. At the December meeting, staff agreed to send documentation informing the legislature about CWMB’s progress towards full CoSWMP compliance.

Waste Management Conference. On October 23, in conjunction with California Partnerships, Inc., CWMB sponsored a conference entitled “Waste Management—The Challenge Confronting California.” Legislators, local government waste management officials, private industry, community members, and public interest groups attended the conference to discuss the current problems facing waste management in California and to develop strategies for a collective response in facing the future. Most participants seemed to agree that recycling and recovery, and public awareness and education programs are crucial in developing effective strategies to deal with waste management.

Household Hazardous Waste Advisory Committee. AB 1809 (Tanner) established the Household Hazardous Waste Advisory Committee in 1986. The bill required that CWMB submit a report to the legislature by January 1, 1988, based on the Committee’s work in establishing guidelines for dealing with household hazardous waste. The Com-