



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

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

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 bi-monthly 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 will be a major focus of the organization's research and educational activities. AJF is funded by grants and individual memberships.

MAJOR PROJECTS:

AJF asserts that California taxpayers, cities, and counties were deceived when they were promised lower insurance rates if they voted for Proposition 51 on the June 1985 ballot. The new consumer group will draw attention to what it believes is the real solution to the insurance crisis: a complete overhaul of the insurance industry. AJF is concerned about the impact of special interests, including powerful groups of insurance companies, trade associations, manufacturers, and the medical industry, many of which supported Proposition 51. In 1987, AJF plans to oppose the following anticipated proposals by the industry lobby: (1) across-the-board limits on damages awards and attorneys' fees for personal injury cases; (2) severe restrictions on the ability of juries to award punitive damages for gross misbehavior; (3) limitations on recoveries for injuries caused by unsafe or defective products through the lowering of legal standards for manufactured products; and (4) re-imposition of legal immunity for dangerously-designed public roads or improvements.

AJF will advocate legislation to improve consumer rights, lower insurance premiums, make more insurance data available to the public, and repeal laws which encourage collusive and arbitrary behavior by insurance companies. Disappointed in the 1986 legislative session and its lack of progress on insurance reform, AJF points to a study released by Common Cause which reveals that the insurance industry contributed over \$1.6 million to state legislative incumbents and the Governor over the past two years. Five members of the California Senate Insurance, Claims and Corporations Committee (where many pro-consumer insurance bills die) received 11% of the total industry contributions.

AMERICAN LUNG ASSOCIATION OF CALIFORNIA

P.O. Box 7000-866
Redondo Beach, CA 90277
(213) 378-3950

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:

The legislature recently held interim hearings in Los Angeles on the compliance of the South Coast Air Quality Management District (SCAQMD) with state Air Resources Board and the federal Clean Air Act standards. ALAC testified at those hearings and, as a result, believes that state legislation will soon be introduced which will alter the structure and improve the performance of the SCAQMD.

ALAC believes there are serious problems with SCAQMD's level of commitment to enforce air pollution control regulations. According to ALAC, numerous violations have not been prosecuted, and many violators have been allowed to negotiate fines in closed-door conferences with the legal division of SCAQMD with no determination of guilt. ALAC asserts that some cases are properly handled in office conference negotiations, but that many violators should be prosecuted in the courts. The Los Angeles District Attorney has questioned the legality of determining fines through closed negotiations.

ALAC will support 1987 legislation to strengthen and improve air quality regulations and enforcement. On the federal level, ALAC and its national counterpart, the American Lung Association, will support congressional amendments to strengthen the federal Clean Air Act.

The American Lung Association will publish a survey in April analyzing non-attainment of air quality standards of the Clean Air Act in several important regions around the nation. ALAC hopes to publish a section of that report discussing nonattainment by the SCAQMD.



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:

National Audubon has assumed a major role in the effort to protect the Spotted Owl, a species that is not endangered but is in serious decline. NAS believes the bird is threatened by excessive timber harvesting in national forests. Spotted Owls are found almost exclusively in virgin, old growth, and mature second growth coniferous forests—those with 100-year-old and very large trees. The bird's range of habitat extends from the western regions of Washington and Oregon, the Sierra Nevada of California, and the California coastal ranges to the San Gabriel and San Bernardino mountain ranges in southern California. NAS commissioned a panel of experts from the American Ornithologists Union and the Cooper Ornithology Society to study the issue, and Audubon is now promoting that panel's recommendations.

The panel of ornithologists estimated that approximately 2,000 to 3,000 Spotted Owls exist in the wild. It recommended that at least 4,500 acres must be preserved for each pair of owls in the Washington regions to ensure that the species remains viable; 2,500 acres per pair of birds in Oregon and northern California, and 1,400 acres per pair in the Sierra Nevada and southern California are necessary to protect the species.

Audubon believes the key to protection of the Spotted Owl is in regulating timber harvesting in old and mature growth forests in the Northwest and California. NAS is participating in the development of ten-year plans for national forests as required by the National Forest Management Act of 1976. The Region Six National Forest Service plan for Washington and Oregon has recently been released; NAS is studying the plan and will submit its recommendations within the next five months. If Audubon disagrees with the finalized plans for any of the forests inhabited by the Spotted

Owl, it will consider appealing the plan and/or legal action to protect the bird.

NAS was pleased with the recent announcement by the U.S. Fish and Wildlife Service that the 14,000-acre Hudson Ranch in the lower San Joaquin Valley—vital habitat for the California condor—has finally been acquired. As of this writing, only two condors remain in the wild. The two birds will soon be caught and sent to the captive breeding programs facilitated at the San Diego Zoo's Wild Animal Park or the Los Angeles Zoo. The goal of the captive breeding project is to preserve the species by increasing the condor population in captivity followed by re-release of the birds into the newly-acquired Hudson Ranch refuge. NAS supports a program to begin returning condors to the wild within five years.

The Ballona Wetland Habitat Management Plan was prepared by NAS as part of the City of Los Angeles' coastal planning process, or Local Coastal Program (LCP). NAS presented the Ballona plan to the Los Angeles City Council on November 19. Upon approval of the Ballona plan by the City, certification of the LCP by the Coastal Commission, and the resolution of pending legislation, the major landowner, Howard Hughes Properties, will convey title to NAS for the 216-acre wetland area. The Ballona project will create one of the few wildlife sanctuaries found in the heart of a major American city.

NAS believes that the Ballona wetland restoration project will be an environmental education center and living museum, and will provide an opportunity for the people of Los Angeles to enjoy a rich and rewarding educational and recreational experience. The Ballona Wetlands, located along Ballona Creek near Playa del Rey, are some of California's last remaining wetlands. Wetland wildlife habitats like Ballona are among the earth's most fertile environments, teeming with birds, resident endangered birds, the Belding's Savannah Sparrow and the California Least Tern. Ballona is a vital wintering area and the stopover for countless migratory waterfowl.

NAS works to preserve such wetland areas and is concerned that California has lost 90% of its wetland habitats, and that many areas such as Ballona have been severely degraded due to urbanization. The Hughes company will provide \$10 million to fund the restoration project. NAS plans a museum interpretive center which will include indoor exhibits, walk-through aviaries, and outdoor exhibits along trails. The project will be

designed to periodically store runoff storm water from adjacent urban development, and a major function of the sanctuary, aside from habitat enhancement, will be scientific research. It will serve as a prototype for interpreting natural habitats in an urban setting, focusing on native plants and animals found in southern California coastal wetlands.

As a result of lobbying by NAS and other environmental groups, the state legislature has created the Mono Lake Tufa Reserve and allocated funds for Mono Lake research. NAS and its allies claim to have been responsible for passage of federal legislation which establishes the Mono Basic National Forest Scenic Area and commissions the National Academy of Sciences to study Mono Lake and recommend the water level needed for its preservation.

Preventing further water diversion from Mono Lake is one of Audubon's national priorities. NAS has funded litigation challenging water diversion by the Los Angeles Department of Water and Power since 1979, and recently revived fundraising efforts around the state for the ongoing legal challenge. Water level in the lake has fallen an average of 18 inches per year, exposing over 12,000 acres since 1940 and lowering the level of the water from 6,417 feet to the current 6,380 feet above sea level. Audubon advocates a program of wise water resource management to preserve the lake, which includes water conservation and reclamation.

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:

Contributions from Boalt Law School students enabled eight BLF student grantees to work on public interest projects during the summer. One of the projects in which grantees participated was the National Refugee Office of Amnesty International, a group which works on behalf of prisoners of conscience around the world. The project included work on problems encountered by refugees in applying for political asylum, including proof of persecution claims. A model amicus curiae brief for political asylum applicants is being prepared by the grantees.

Another project involved work with the homeless in Alameda County in association with Public Advocates, a Bay area public interest law firm. Potential plaintiffs were interviewed for a possible legal action against the County of Alameda on behalf of the homeless population. The basis of the suit is the county's obligation under state welfare law (California Welfare and Institutions Code, section 17000) to "support and relieve" its indigent residents, including provision of shelter as a basic necessity of life.

Other student grantees worked on projects involving hospital patient dumping; womens' employment issues with respect to Chinatown garment workers; the Lesbian Rights Project, which involved legal representation in child custody discrimination and second-parent adoption cases for lesbians and gay men and their domestic partners; legal services for battered women; and advocacy training in sexual harassment issues.

A committee of fifty Boalt students is working to establish a legal aid clinic to meet the needs of the community surrounding the University. Substantial cutbacks in legal services funding in recent years by Alameda County has led to the closing of the neighborhood county legal aid office. Organizers of the clinic are considering a focus on public benefits issues and unemployment compensation claims. Working under the close supervision of staff attorneys, students would be able to provide high-quality legal assistance to indigent clients. Boalt and BLF student supporters view the proposed clinic as an

opportunity to help meet the community's need for legal representation while providing students with educational experience impossible to obtain in a traditional classroom setting. The legal clinic committee members hope to begin operating the facility during the the 1987-88 academic year.

CALIFORNIA CONSUMER AFFAIRS ASSOCIATION

*c/o 11000 Wilshire Blvd., Rm. 13209
Los Angeles, CA 90024
(213) 209-7890*

California Consumer Affairs Association 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:

Over the past year, CCAA focused its efforts on monitoring and analyzing consumer-related legislation and submitting comments or testimony on bills of particular interest to CCAA; lending support, information, and assistance to member agencies; and enhancing liaison relationships with other organizations.

CCAA took an active role in several legislative issues, including the "Lemon Law" bill pertaining to vehicle warranties. The group favored sections providing for buyers' choice of remedies, reimbursement of collateral expenses and charges such as sales taxes and fees, and inclusion of dealer-owned vehicles and demonstrators in the statute's coverage.

The Association opposed legislation to reaffirm the anti-rebating provisions currently in state insurance law which have hindered price competition in the industry by prohibiting the discounting of agents' commission fees. CCAA supported an end to the antitrust immunity currently enjoyed by insurance companies, contending that consumers would benefit from lower prices and improved service if competition were introduced.

CCAA supported a proposal to provide supplemental state funding to law enforcement agencies, including some consumer affairs agencies in financially-distressed counties.

In 1987, CCAA will focus upon the following legislative issues: mandatory air bags in all new automobiles; increased consumer protection in the areas of automobile purchase and repair, access to banking services, cable television issues, access to credit, life and disability insurance, disclosure requirements in consumer transactions, funding for consumer agencies, grey market merchandise purchases, and home improvement contracts.

CCAA will oppose bills which reduce public member majorities on state boards and bureaus. The Association will support measures which promote consumer participation in the areas of policymaking within the Department of Insurance and utility rate proceedings. CCAA will be active on many other legislative issues, including automobile and health insurance, pre-need funeral contracts, prepayment on future deliveries, product safety, service contracts, small claims court reform, solicitation practices, landlord-tenant problems, vocational schools, and travel agency practices.

CALIFORNIA PUBLIC INTEREST RESEARCH GROUP

*1147 S. Robertson Blvd.
Los Angeles, CA 90035
(213) 278-9244*

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:

CalPIRG has begun preparations to qualify what it calls a "real" bottle bill initiative for the November 1988 California ballot. The group is launching the initiative campaign as a result of extreme displeasure with AB 2020, the bottle bill which passed the legislature and was signed by the Governor on September 29. CalPIRG asserts that AB 2020 started out as an acceptable bill, but was amended and weakened through pressure from the "litter lobby," as CalPIRG refers to the beverage container industry.

According to CalPIRG, a "real" bottle bill initiative will require a minimum five-cent deposit on all soda and beer containers, will allow consumers to return beverage containers to any store which sells the beverage for a refund, and will not require a new government bureaucracy to administer the program. CalPIRG criticizes AB 2020 because it requires only a one-cent redemption fee on containers, it forces consumers to return containers to recycling centers for refunds rather than to any store selling beverages, and the state Department of Conservation was given the responsibility to monitor the program, collect and redistribute funds, and produce required reports on the law, which CalPIRG claims will create a new and unnecessary bureaucracy.

According to CalPIRG, nine other states have adopted bottle bills which mandate higher refunds. In New York, the recycling law compels a minimum five-cent deposit and all stores selling beverages accept returned containers and pay refunds. CalPIRG asserts that the success of the New York law has been documented in studies and public opinion polls which reveal a 3-1 ratio of citizen support. A report by the Fund for the City of New York shows that litter has decreased by 70% as compared with Pennsylvania which has no bottle bill law. The New York law has apparently reduced solid waste tonnage by 4% and landfill waste by 8%; overall employment has increased with the creation of the equivalent of at least 4,500 new jobs; and the decline in litter on state roads has saved taxpayers \$50 million per year in reduced clean-up costs.

CalPIRG will reintroduce its strengthened "Lemon Law" proposal in the

1987 legislative session, which will protect consumers who purchase automobiles which prove to be defective. CalPIRG believes that manufacturer-sponsored arbitration programs subject consumers to inequities and delays, and are not in compliance with minimum federal arbitration requirements. The CalPIRG bill would establish a certification system designed to oversee the arbitration process and clarify certain controversial provisions.

CalPIRG has published guidelines to help consumers avoid problems with automobile repairs. Updated surveys have also been published on changes in rates for long distance phone companies and on other consumer issues. A member survey was conducted at the end of 1986 to help the organization set its program and legislative priorities for the new year.

CALIFORNIANS AGAINST WASTE

909 12th St., Suite 201
Sacramento, CA 95814
(916) 443-5422

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:

CAW claimed victory in the lengthy California battle between environmentalists and the beverage industry over returnable beverage containers. The climax of the dispute occurred on September 29 when Governor Deukmejian signed the California Beverage Container Recycling Act, the compromise "bottle bill" which encourages the re-

cycling of glass, aluminum and plastic beverage containers. CAW believes that the signing of this bill into law has moved the state a step closer to ending the "use-it-once-and-throw-it-away" ethic.

Beginning September 1, 1987, the law requires that one cent be added to the cost of every glass, aluminum, and plastic drink container sold in the state. Consumers will receive the penny per container back plus "recycling bonuses" when they return used containers for refilling or recycling. If a 65% recycling rate is not achieved statewide in two years, the refund increases from one to two cents. If the 65% rate is still not reached after two additional years, the refund then climbs to three cents per container. CAW believes that recycling will now become much more convenient, with about 2,000 new recycling centers to be established throughout the state in the next two years. CAW also notes that consumers will also be able to recycle newspapers, motor oil, and other glass jars and bottles at many of the new recycling locations.

One provision of the bill requires that 10% of any unclaimed refund monies will establish the Community Conservation Corps to involve underprivileged urban youths in recycling programs. CAW believes that the new law will reduce landfill costs, increase the economics of methane recovery from landfills, and encourage curbside recycling programs and make them more cost-effective.

CAW is now working to ensure that new law is adequately implemented and that the state Department of Conservation carries out its mandate under the broad decision-making powers granted to that agency under AB 2020. CAW will assign at least one of its staff members to monitor the Department over the next year. The group also intends to guard against anticipated legislation by the beverage industry which will severely weaken and cripple AB 2020 before it goes into effect.

CAW has a full agenda in the next year for new recycling and litter programs, including participation in local litter clean-up campaigns and the annual Coastal Clean-Up; ensuring that trash-burning "waste-to-energy" projects are not allowed to burn materials which can be recycled; generating new market demand for recycled materials by reforming tax laws which discourage their use; and securing funding for the youth-oriented Community Conservation Corps throughout the state.



CAMPAIGN CALIFORNIA

926 J St., Suite 815
Sacramento, CA 95814
(916) 447-8950

Campaign California (formerly Campaign for Economic Democracy) is a statewide citizens group which encourages the formation of coalitions around specific issues. Local chapters promote political awareness and participation in the political process, from election campaigns to pending legislation and citizen initiatives. Although Campaign California has been involved in a broad range of public interest issues, its current focus is on the areas of environmental toxics, child care and tenant justice.

With over 24,000 members statewide, the Campaign operates a door-to-door canvass, through which it intends to contact one-half million voters in 29 Assembly districts, 17 state Senate districts and 15 Congressional districts during the next year. The remodeled organization will also provide money and volunteers to initiatives and candidates it favors, and will attempt to frame solutions to problems in the areas of education, transportation, child care, personal safety, the environment, insurance, and health care. It will register voters, lobby in Sacramento, and involve people in politics.

The group is supportive of the private entrepreneur as a source of economic growth, jobs, and innovation, and operates on the philosophy of creating a synthesis among the "five Es": entrepreneurs, environment, equity (for women and minorities), employees (protection), and education.

MAJOR PROJECTS:

Campaign California led the successful effort for passage of Proposition 65, the "Safe Drinking Water and Toxic Enforcement Act of 1986" which appeared on the November ballot. Proposition 65 was approved by 65% of the electorate. Along with Sierra Club and Environmental Defense Fund, the Campaign claims to have been instrumental in helping gather enough signatures to place the measure on the ballot. While 393,000 valid signatures were required to qualify the measure for the ballot, pro-65 supporters submitted nearly 600,000 signatures to the Secretary of State late last spring. Approximately \$300,000 was spent by the pro-65 campaign on the signature drive, while about \$1.7 million was spent on the overall campaign. Campaign California reports that fund-raising activity will increase in 1987

because the "Get Tough on Toxics" pro-65 forces are several hundred thousand dollars in debt due to outstanding loans.

Campaign California notes that oil, chemical, and high-technology industry opponents to Proposition 65 spent at least \$3 million, according to the latest campaign spending reports. The Campaign expects that its opponents' final spending total will exceed \$5 million. Campaign California emphasizes that Chevron USA and electronics giant Hewlett-Packard were the leaders in opposing Proposition 65, with Chevron contributing at least \$238,000, and Hewlett-Packard giving at least \$35,000 as of the end of September. Chevron helped raise an additional \$400,000 from other oil companies. The Campaign claims that Environmental Protection Agency (EPA) records show that Hewlett-Packard has nine major toxic chemical spill sites in Santa Clara County alone, and that Chevron is facing an \$8 million federal suit for violation of the federal Clean Water Act by allegedly exceeding its Santa Monica Bay dumping permit 880 times in the last five years.

The Campaign also states that records of the San Francisco Regional Water Quality Control Board reveal that many of the Silicon Valley opponents of Proposition 65 have EPA violations, spills and contamination problems. The Campaign notes that, thus far, 85% of contributions to "No on 65" were corporate checks of \$10,000 or more and that one-third of the money was from out of state.

Proposition 65 requires that oil and chemical companies prevent the discharge of unsafe levels of cancer-causing agents into drinking water, and that the public be notified when being overexposed to such chemicals in the air, food, in the work environment, or in consumer products. Fines and jail terms for convicted polluters are doubled. Police and prosecutors are provided with incentives for enforcing toxics laws. The law also empowers citizens to sue if local district attorneys do not prosecute polluters.

Campaign California's highest priority in 1987 will be to support legislation such as AB 65 (Connelly), which was introduced on December 3 to implement the proposition. The Campaign also expects to be opposing anti-rent control legislation again in the 1987 session. The Campaign will be actively working on bills to improve statewide air quality and to raise the state tax on cigarettes. If these measures are not passed by the legislature and signed by the Governor, Campaign California expects to partici-

pate in initiative campaigns on both issues, with the goal of placing the measures on the 1988 ballot.

Campaign California-endorsed candidates won election to several posts in November, including mayor of Berkeley and members of the Board of Directors of the Sacramento Municipal Utility District, the Santa Monica City Council, and the Berkeley City Council.

CENTER FOR LAW IN THE PUBLIC INTEREST

10951 W. Pico Blvd.
Los Angeles, CA 90064
(213) 470-3000

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:

The U.S. Supreme Court is scheduled to hear oral argument in February in *J.B. Stringfellow v. Concerned Neighbors in Action*. CLPI believes that local residents near the Stringfellow acid pits chemical dump should have the right to intervene in federal and state government lawsuits against the dumpers. The Supreme Court will review the Ninth Circuit Court of Appeals' decision to allow citizen intervention, specifically considering the issue of appealability of an intervention decision.

CLPI, along with Consumers Union and a banking law specialist from the University of California at Davis, filed three class action lawsuits in San Francisco Superior Court against Wells Fargo-Crocker National Bank, Bank of America, and Security Pacific Bank. Representing bank customers and consumers, Center attorneys charged the banks with imposing excessive and arbitrary fees on customers who have stopped payment on checks written against their accounts. The suits allege that the fees charged for stop payment orders bear no relation to the actual cost of stopping payment and are unreasonable and excessive, in some cases at least 1,200-2,000% more than the bank's actual cost. The lawsuits contend that excessive fees deter customers from stopping payment and may result in losses or require litiga-



tion of claims. The Center believes that the banks are thus punishing customers for exercising their statutory right to stop payment. The suits ask the court to enjoin the banks from charging excessive stop payment fees and to refund to each member of the plaintiff class the excess amount of any charges imposed.

In October, the U.S. Supreme Court, in *San Luis Obispo Mothers for Peace v. Nuclear Regulatory Commission*, refused to consider an appeal by San Luis Obispo Mothers for Peace and CLPI to review emergency planning at the Diablo Canyon nuclear power plant. The Court let stand without comment NRC's decision that potential earthquake danger at the plant need not be considered in the facility's emergency planning process. CLPI has represented Diablo Canyon opponents for the past twelve years before administrative agencies and in federal courts.

The Center reports that it continues to lead the legal fight against discrimination by private clubs. CLPI is supporting a proposal by a member of the State Board of Equalization that the Board disallow business deductions claimed for membership dues and expenses incurred at discriminatory clubs. The Center noted in an extensive legal memo that club members make contradictory claims about the status of their organizations: they assert on one hand that the clubs are private and therefore exempt from the state Civil Rights Act's prohibition against discrimination by business establishments, but simultaneously take tax deductions for membership dues and expenses on grounds that the clubs are used primarily for business purposes.

Meanwhile, CLPI is awaiting an advisory opinion from the Attorney General on its legal argument that discriminatory membership and guest policies of private business clubs violate the state Unruh Civil Rights Act. The Center is also working with Los Angeles City officials who have requested assistance in drafting an ordinance to prohibit business organizations and other groups which receive city grants from using the facilities of discriminatory private clubs.

CLPI has also filed an amicus brief in a case before the U.S. Supreme Court regarding the expulsion of the Duarte, California Rotary Chapter by Rotary International because that chapter admitted women as members.

In November CLPI settled a suit against Lucky Stores after company management agreed to adjust hiring and promotion practices alleged by CLPI to be discriminatory. Lucky will now hire

more blacks and Hispanics for both entry level and management positions.

Last spring, the Center filed a class action suit against Chevron U.S.A. for its failure to promote Hispanic and black production workers at the company's oil production facility in Kern County. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 14.) With the Mexican American Legal Defense and Education Fund as co-counsel, the Center accuses Chevron of passing over qualified minorities in its promotion policies for higher level and supervisory positions. Chevron's practices have allegedly resulted in the preferential and discriminatory selection of white employees for supervisory and management positions and the segregation of blacks and Hispanics into lower-paying, less desirable positions. In *Archie Barefield v. Chevron U.S.A.*, CLPI is asking the court to order Chevron to end its discriminatory practices and to initiate an affirmative action program to remedy past injustices.

Nearly fifteen years after the Center first challenged Los Angeles County's preparation of a general plan which CLPI claimed was little more than "a blueprint for urban sprawl," the Superior Court has again ordered the County to upgrade land use standards and procedures to be followed for the County's unincorporated areas. The judge required that the County's new plan include growth timing and phasing mechanisms to ensure that new urbanization takes place on the fringes of existing development only as population demands materialize and as adequate public facilities such as sewers, streets, and water become available. New growth is now required to pay its own way without additional expense to current taxpayers. The court appointed a professor of planning to oversee the process and to ensure that the County's response will be timely and appropriate.

The court appointment of the same expert planner, or referee, in the controversy over the City of Los Angeles' alleged noncompliance with its community planning process prompted the City to agree to an extensive three-year program to rezone one-fourth of its 200,000 parcels to conform to community plans. CLPI was also involved in that case, representing homeowner groups which filed suit challenging the City's zoning practices.

In December the Center filed a complaint with the California Fair Political Practices Commission against Los Angeles City Councilor Richard Alatorre. CLPI alleges that the Councilor

violated state conflict of interest laws by supporting the grant of a city contract for shuttle bus service to a company which gave Alatorre a \$1,000 honorarium.

In the fall, the Center welcomed four new "fellows" to its legal staff. The one-year program for recent law school graduates provides fellows with training in public interest litigation, and the Center with top-notch talent. The fellows are supervised by the Center's six full-time staff attorneys, and participate in every aspect of CLPI's legal work.

CENTER FOR PUBLIC INTEREST LAW

*University of San Diego School of Law
Alcala Park
San Diego, CA 92110
(619) 260-4806*

The Center for Public Interest Law (CPIL) was formed after approval by the faculty of the University of San Diego School of Law in 1980. It is funded by the University and private foundation grants.

The Center is run by five staff members, including an attorney in San Francisco, and approximately forty graduate and law students. The faculty selected Robert C. Fellmeth, a faculty member, as the Center's director.

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 business and trades.

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.

MAJOR PROJECTS:

Center Director Robert C. Fellmeth, in conjunction with the Center for Public Interest Law, was appointed State Bar Discipline Monitor by California Attorney General John Van de Kamp. The position was created in SB 1543 (Pres-



ley), which was signed by the Governor on September 24, 1986. For a three-year period, the Discipline Monitor will investigate and evaluate the State Bar's discipline system and procedures, and shall report to the Legislature on a quarterly basis.

The Center continues to participate in the Modernization, Utilization and Productivity (MUP) phase of the ongoing Pacific Bell rate proceedings before the Public Utilities Commission (PUC). Center Director Professor Robert Fellmeth and attorney Jim Wheaton prepared a motion to compel PacBell to produce all documents underlying its recently-announced memoranda of understanding with another private firm regarding new products and modernization plans. In November, Professor Fellmeth was cross-examined by PacBell attorneys on his expert witness rebuttal testimony. Administrative Law Judge Carew is considering Fellmeth's recommendation that PacBell be required to prepare and submit an "economic impact statement" whenever it seeks to implement a major modernization plan.

On December 5, Center staff counsel Julie D'Angelo testified at a state Senate Business and Professions Committee interim hearing on Board of Medical Quality Assurance (BMQA) practices and procedures with respect to licensure of foreign medical graduates in California. (For more information, see *infra* agency report on BMQA.) The Center is currently representing several Vietnamese medical graduates who have been denied licensure by BMQA, due to the Board's May 1986 decision to suspend all processing of applications from post-1975 Vietnamese medical graduates.

The Center continues to seek funding for its Refugee Licensing Assistance Proposal. Letters seeking support were submitted to San Diego County, the state Department of Social Services, and the federal Office of Refugee Resettlement (which distributes discretionary funds for refugee projects). In November, the Center also contacted the Refugee Policy Group in Washington, D.C. and Berkeley Planning Associates for assistance in seeking funding.

The Center's Petroleum Violation Energy Account (PVEA) project to establish an intervenor compensation fund within the California Energy Commission has been selected by Common Cause as one of its three legislative priorities in the upcoming session. Monies in the fund would be allocated by the state from money awarded to California in two federal court settlements for oil

company overcharges during the 1973-1981 period of oil price regulation. The intervenor compensation program would operate much like the one presently in effect within the PUC, and would provide reasonable fees and costs of participation/intervention in an energy-related hearing or proceeding where the intervenor's participation makes a substantial contribution to the adoption of an order giving rise to certified and demonstrable consumer savings or energy conservation benefit.

In December, the Center's San Francisco staff counsel Jim Wheaton filed a petition for a writ of mandamus to compel the State to honor an attorneys' fees judgment of \$27,000 awarded to the Center against the Board of Osteopathic Examiners. The Center was granted fees for its successful litigation against that Board over one year ago, but has yet to receive payment. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 8.) After a hearing on December 24, the court took the matter under advisement.

In October, the *Los Angeles Daily Journal* reprinted a feature article which appeared in the Summer 1986 edition of the Center's publication, *California Regulatory Law Reporter*. The article was entitled "The State Banking Department: A Proposal to Create a Citizens' Advisory Council." The Center was also featured in a six-day news series on open government published in the *Escondido Times-Advocate* in September. The Center's recent litigation efforts in the Marin County and Palm Springs hospital cases were discussed, and the Center's proposal to establish an institute to provide immediate information and advocacy on open meetings issues was highlighted.

CITIZENS ACTION LEAGUE

2988 Mission St.
San Francisco, CA 94110
(415) 647-8450

The Citizens Action League (CAL) is a grass-roots citizen organization "fighting to restore public confidence in the ability of local groups to curb abuses of power by government and big business." CAL encourages citizens to become involved in their government.

Neighborhood chapters are built around local issues. Representatives of the neighborhood chapters comprise the northern and southern regional boards and the statewide board.

MAJOR PROJECTS:

CAL is concentrating its attention on consumer insurance issues. In December, CAL members and leadership met with Department of Insurance (DOI) Commissioner Roxanni Gillespie. As of the December 10 meeting, CAL claims to have generated at least 5,376 postcards and letters from around the state expressing consumer insurance problems to DOI. Commissioner Gillespie was also presented with over 40,000 signatures on petitions, which were collected by CAL's door-to-door canvassing operation in major cities of the state; CAL claims that staff canvassers contact about 15,000 families at their homes every week.

The CAL petition urges the Department of Insurance to open the rating data and financial records of insurance companies; establish fixed and fair rates for auto insurance with a schedule of surcharges for traffic law violators; encourage creative competition in the insurance industry through group marketing and wholesale auto repair purchasing; and establish ceilings and bases for commercial liability insurance rates and cost containment on hospital charges to reduce premiums.

During the meeting with Commissioner Gillespie, CAL requested that DOI release, within one month, its findings and recommendations resulting from hearings held in June and August, 1986. CAL asked that a comprehensive plan be released by the Department addressing consumer problems with the insurance industry. The group also urged the Department to assign a staff member to work with nonprofit groups on insurance issues. CAL extended an invitation to the Commissioner to participate in a public hearing sponsored by CAL, to which Ms. Gillespie agreed. CAL also promised to provide the Department with draft legislation requiring publication of the Department's telephone number and address on all insurance policies and on notices of premium renewal.

CAL has also agreed to publicize DOI's new toll-free consumer complaint hotline (800-233-9045). CAL is concerned that most citizens don't know of the existence of DOI or the new complaint hotline. CAL will keep a log of complaints received, and is especially interested in consumer comments on the adequacy of responses and assistance offered by the state agency.

CAL is currently working with several legislators regarding introduction of insurance reform bills. The petition presented to Commissioner Gillespie may



evolve into specific legislation during CAL's deliberations with lawmakers.

CAL will continue to emphasize toxic pollution control as a priority issue, although insurance will dominate. The group is working with legislators to define various proposals for bills dealing with regulation of hazardous materials and protection of public health.

The CAL chapter in San Diego has recently opposed the proposed construction of a local "trash-to-energy" power plant known as SANDER (San Diego Energy Recovery Project) within city limits. CAL members and staff organized a postcard message campaign through which a local town council received about 500 cards expressing opposition to the project. CAL is part of a broader network of groups working to halt the project known as Citizens Advocating a Safe Environment (CASE). The grassroots citizens network has effectively mobilized community opposition and now has about 6,000 members.

CAL and CASE are concerned about what they believe will be the inevitable release of tons of toxic emissions per day into the air from the SANDER plant, including the carcinogen dioxin. They cite statements from physicians and scientists who say the plant will emit over forty toxic pollutants, only six of which are regulated. Among the emissions are seventeen toxic metals, including arsenic, lead, mercury and zirconium. Research by CAL and CASE has revealed that burning does not destroy these elements, and that heat at tens of millions of degrees is required to ensure complete destruction.

The SANDER project is currently under consideration and close scrutiny during hearings before state and federal agencies, including the California Energy Commission.

COMMON CAUSE

636 S. Hobart Blvd., Suite 26
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:

In the 1987 legislative session, CC is planning to introduce or support legislation on its top priority issues: campaign finance reform; *ex parte* contact by util-

ity lobbyists and special interests with members of the Public Utilities Commission; insurance reform; tax reform; and open meetings.

Other legislative areas in which CC will be involved include initiative reform, voter registration reform, defense of the Political Reform Act, balanced budget constitutional convention resolutions, reapportionment, military spending, toxics regulation reform, banking reform, and watchdogging special interest legislation.

In December, Common Cause introduced a proposal to the legislature which would change state income tax law such that it conforms to the new federal tax reform bill. CC urged state lawmakers to resist the efforts of special interest groups to win unfair tax breaks. CC spokespersons said the state should follow the federal lead on three issues: taxing capital gains at the same rate as other income, providing relief for lower-income taxpayers, and eliminating the advantages of tax shelters. The consumer group will urge legislators to avoid special tax breaks granted by the federal government to oil and mining industries and to hundreds of individual companies or projects. CC wants the state to study taxes paid by the insurance industry to determine if they are in line with other business taxes.

CC will place major emphasis on its campaign spending limits initiative so that the measure can qualify for the ballot in June 1988. The initiative would curtail the influence of wealthy contributors, ban off-year fundraising, prohibit fund transfers between candidates, limit expenditures by those candidates accepting public funds, and regulate matching funds. The group's goal was to include the proposition on the 1986 ballot. However, the signature gathering firm allegedly stopped gathering in the belief it had collected enough signatures to qualify the measure. According to the sampling process used by the state to validate the signatures, an insufficient number had been collected. Common Cause expects to seek financial redress from the firm to either hand-validate signatures where questioned, or, as is more likely, to finance a new petition on a slightly revised proposition.

Common Cause will likely introduce an omnibus campaign reform measure to parallel its initiative project. CC is concerned with what it believes is a major effort by medical political action groups and other industries to back legislation to counter CC's efforts at campaign finance reform. CC will support cam-

paign finance limitation ordinances at the county and city levels as well.

The consumer group will also introduce legislation to halt unrestricted and undisclosed *ex parte* contacts by special interests with members of the Public Utilities Commission. Although CC supported AB 1823 (Areias) in 1986, it failed to pass, and the group claims that the PUC has failed to act to curb the practice. A proposal which may be introduced as legislation would require that all *ex parte* contacts be disclosed and opportunities for similar contacts be offered to other interested parties in the proceeding. The Attorney General and several consumer groups, including CC, support the proposal.

No provision in current law specifically prohibits or regulates lobbying of commissioners in private regarding decisions on upcoming and pending issues. CC notes that utility commissioners in 26 other states and virtually every federal regulatory commission with jurisdiction comparable to the PUC are subject to rules prohibiting *ex parte* communication.

CC is also interested in disclosure of insurance companies' financial practices and costs of doing business, as well as regulatory reform. CC may sponsor a bill to allow insurance claims of up to \$5,000 to be settled in small claims courts.

CC claims that in the last legislative session a host of bills attacked the Political Reform Act or the administration and enforcement of provisions of the Fair Political Practices Commission (FPPC). Common Cause took an active role in attempting to defeat those proposals, and will monitor 1987 legislation affecting the FPPC and Political Reform Act.

CC is working with the Center for Public Interest Law in San Diego to develop legislation which will authorize the California Energy Commission (CEC) to establish a consumer trust fund using federal Petroleum Violation Escrow Account (PVEA) settlement monies. PVEA is a holding account of funds derived from negotiated settlements and legal actions by the federal government for overcharges during the period of oil price regulation from September 1973 to January 1981. States are allocated portions of the fund based on population and oil consumption during the affected period. The funds are to be used by the states to benefit injured consumers, and the CEC fund would be the source of intervenor compensation to qualified groups which participate in a



state agency proceeding and substantially contribute to a result which benefits the environment or energy conservation efforts. This proposed legislation is one of CC's three top priority issues in the next year.

In November, Common Cause released a report on contributions and fundraising patterns in the 1986 gubernatorial campaign. CC found that both candidates were able to raise sizable sums in relatively modest contributions of less than \$5,000. In fact, both raised substantial amounts in contributions less than \$2,500. To CC, the figures suggest that candidates can achieve fundraising goals without excessive reliance on large contributions from those who expect something in return.

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 2,000 members are in the San Francisco Bay area but other members reside throughout the state. CA is a multi-issue group which since 1984 has focused its work in the areas of financial services and telephone rates and services.

CA has filed petitions with and appeared before the California Public Utilities Commission in the field of telephone rates. Pricing surveys are published periodically comparing the rates of equal-access long distance phone companies and the prices of services of financial institutions. Purposes of the pricing surveys are to encourage consumers to comparison shop, to stimulate competition in the marketplace, and to compile data for use in advocating reform. Recently a series of Bay area consumer services guides has been published listing agencies and groups which offer services to consumers and assist with complaints. A free consumer complaint/information switchboard is provided by CA and the group publishes a newsletter every other month which includes the pricing surveys.

MAJOR PROJECTS:

In its annual survey of low-cost checking accounts, CA found that low-income consumers, including senior citizens and minors, are consistently denied access to basic banking services because of high service charges. CA believes that banks charge too much to seniors with limited incomes who write eight or fewer checks

per month. In December, CA announced that its survey of large banks shows that few offer low-cost checking accounts, even though the banking industry testified before the legislature in 1985 that "baseline" or low-cost accounts were being created. The survey, which covered 91 institutions (32 banks, 48 savings and loans, and 11 credit unions), found six credit unions offering free checking accounts and only five banks or S&Ls offering checking accounts which are free or cost only \$1 per month, and most carry restrictions. The survey revealed that while a number of institutions offer checking account service for up to \$4 a month, most charge considerably more—some as much as \$10 per month. CA believes that even \$4 a month is too much to charge low-income consumers because many people will be priced out of basic financial services.

In its survey, CA also found that Californians are being asked to pay more for checking services while receiving lower yields on interest-bearing checking accounts. About one-third of banks and S&Ls surveyed in the last two years have raised fees for interest-checking and/or non-interest-checking accounts.

CA is also concerned about financial institutions' requirement of a major credit card in order to open checking accounts. The group contends that there should not be a credit barrier to the acquisition of basic financial services, that a checking account is a necessity in today's world, and that it is inappropriate to limit such accounts to people with credit cards. CA recommends that consumers who are denied accounts for lack of a credit card protest to the institution's management and to Consumer Action. Last year, 21 of 83 banks surveyed required a credit card. In this year's survey, 17 of 80 institutions required credit cards in order to open a checking account.

CONSUMER FEDERATION OF CALIFORNIA

P.O. Box 332
Westminster, CA 92683
(714) 891-2141

Consumer Federation of California (CFC) is a statewide federation of more than sixty nonprofit state and local organizations and individuals representing more than a million Californians advocating improved programs for consumer protection and education. Among its members are consumer cooperatives,

credit unions, and agricultural, consumer and labor groups. CFC is affiliated nationally with the Consumer Federation of America. CFC works at all levels of government against fraudulent, unfair and unsafe practices in the marketplace and believes that the public has a right to know what it is paying for—and receiving—in cereal boxes, automobile repairs, insurance policies, credit transactions, health services, major purchases and prescription drugs. CFC serves as a consumer advocate before state and local regulatory agencies and legislative bodies.

MAJOR PROJECTS:

CFC will sponsor a "Consumer Advocates Forum" on May 22 and 23 with other consumer groups and local government consumer affairs agencies. The forum will focus on the current status of the consumerism movement in California and the nation. Conference participants will caucus according to specific interest areas and then collectively analyze methods by which diverse groups and regions can effectively mobilize and mutually support each others' priority issues. The forum will also highlight local grassroots organizations and means of forming successful working networks and coalitions to achieve consumerism goals.

Leading off the Consumer Advocates Forum will be the annual Jerry Voorhis Memorial Luncheon, at which CFC announces its recognition of the California "Consumer Legislator of the Year." The annual event honors the memory of former state senator and pioneering consumer activist Jerry Voorhis, who served on the CFC Board and who gave years of dedicated service to consumerism as a legislator and in private life.

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:

In the fall of 1986, Consumers Union filed suit against the state Department of



Insurance (DOI), challenging a provision in a 1917 state statute which, according to CU, inhibits competition among insurance agents. The law prohibits insurance agents from rebating portions of their commissions to consumers. CU believes that if agents were allowed to engage in partial fee rebates, competition among insurance companies in California would be enhanced.

CU also filed complaints against nineteen insurance companies with the Department of Insurance to halt abusive sales tactics in the marketing of "medi-gap" medical insurance policies to senior citizens. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 16.) CU asked DOI to issue cease and desist orders to the companies and presented evidence of the companies' fraudulent activities in their sales of such policies. CU expects the Department to take action on its complaints soon.

CU supports SB 99 (Hart), which would require labels on beer, wine, and liquor warning pregnant women that consumption of alcohol can lead to birth defects in infants. The bill is supported by at least two dozen other groups, including the Parent Teachers Association, California Medical Association, and the March of Dimes.

At a news conference on January 8 in five cities around the nation, CU called for a national consumer boycott against banks which charge excessive finance rates on credit cards. The theme of the consumer boycott is "Fight and Switch," and consumers have been urged to change their credit card accounts to banks which charge lower and more competitive interest rates. CU was joined at the news conferences by two other groups: Bankcardholders of America and San Francisco Consumer Action.

A recent CU/University of Southern California poll shows that three quarters of California credit card holders are paying interest rates of 20% and that most are ready to switch banks. Consumers Union and other groups point out that the cost of funds to banks is low, that bank profits on credit cards are up 50% from the 1984 level, and that the profit rate on credit cards is five times higher than on other types of lending. Credit card interest rates at banks in Boston and Seattle are much lower—from 12.5-15.5%. CU will monitor legislation relating to credit card interest rates and will support a bill to be introduced by Assemblymember Areias to create an indexed ceiling on credit card finance rates.

A bill to provide base medical insurance coverage to the medically uninsured,

supported by CU, will be introduced by Assemblymember Margolin. A coalition of groups supports such legislation to stop hospitals from engaging in "patient dumping"—the practice of turning away patients who do not have medical insurance, even in emergencies.

ENVIRONMENTAL DEFENSE FUND

2606 Dwight Way
Berkeley, CA 94704
(415) 548-8906

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:

An unprecedented agreement was recently reached between EDF and the Southern California Metropolitan Water District (MWD) for a two-year study on groundwater contamination when the MWD Board of Directors approved the project on December 9. The joint effort involves shared funding of \$600,000 and will concentrate on source reduction of a class of chemical pollutants known as halogenated solvents, which are frequently found to contaminate underground water supplies. Specific southern California sites will be chosen for examination and monitoring. The study will recommend specific and detailed means to reduce and control toxic pollution at industrial and other source sites.

EDF is preparing testimony for Phase One hearings in July before the Water Resources Control Board which will establish criteria for improved water quality in the San Francisco Bay Delta. EDF supports alternatives to water diversion from the estuary which include water marketing, intensification of water conservation measures, reclamation and recycling of waste water, and storage of excess water in underground basins during highwater years for use in dry

years. EDF is concerned that the administration and legislature will attempt to revive the controversial peripheral canal project, and will be closely monitoring that possibility.

In late 1986, EDF was asked by the California Coastal Conservancy to participate in a water reclamation project in the Tijuana River Valley at the United States/Mexican border. A grant of \$239,000 was approved by the Coastal Conservancy to improve and expand the sewage treatment project and to contact and cooperate closely with Mexican government agencies. The earlier phase of the project had been developed under a previous grant from the Coastal Conservancy to a San Diego group, the Southwest Wetlands Interpretive Association (SWIA).

Because of a lack of sewage treatment technology and facilities in Mexico, sewage from Tijuana must be piped to the City of San Diego's treatment facility. Due to storm runoff and overflow, untreated sewage frequently flows onto the American side of the border, contaminating the Tijuana River Valley marine estuary and San Diego County beaches. SWIA initiated phase one of the project to explore alternative, economic, small-scale means to effectively treat sewage. The low-technology system consists of a roughing filter tower with a plastic media over which sewage flows, capturing much of the sewage slime and bacteria while at the same time aerating the sewage water.

As a result of obstacles to the project interposed by the federal International Boundary Waters Commission, EDF has been forced to dismantle the treatment apparatus and is currently seeking agreements with the Mexican government to locate the experimental facility on the Mexican side of the border in the Tijuana River Valley. EDF hopes to begin site preparation in February on the year-long grant.

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:

On December 6, animal rights activists from many organizations in the Bay area, including the Fund for Animals (FA), joined for the annual "Santa Claws" march at Union Square in San Francisco. The goal of the event was to raise public awareness about treatment of animals; the groups urge holiday shoppers not to buy animal products including furs, ivory, musk, skins, and many cosmetics. FA maintains that these products are costlier to the animals than the consumer because they cost the animals their lives. Animal rights activists in animal costumes distribute balloons and wish shoppers a happy, healthy, and humane season.

FA has recently increased its litigation efforts. The group contends that many allegedly anti-animal governmental actions are based on dubious legal grounds. The Fund is also organizing community "court watch" groups which will provide a presence in courtrooms during animal cruelty cases. FA believes that a sizeable representation of the community at such trials will ensure that incidents of animal cruelty gain attention, and that animal abusers will no longer be able to remain anonymous.

International Fund for Animal Welfare endowed FA with a grant to make possible a final rescue of Death Valley burros which were threatened by gun enthusiasts. FA claims that neither the federal Bureau of Land Management nor the National Park Service were helpful in trying to rescue the animals.

Senate Bill 1405 (Roberti), which was advocated by FA, was vetoed in September by the Governor. SB 1405 would have permitted qualified state humane officers to accompany state Department of Health Services inspectors during inspections of animal research and animal dealer facilities, if U.S. Department of Agriculture inspections occur less often than every six months and every three months, respectively. FA notes that the bill was not opposed by medical interests. In the new legislative session, FA will advocate new and reintroduced bills to prevent cruelty to animals, to acquire wildlife habitat, and protect vital animal, bird, and marine life sanctuaries from pollution and destruction.

INSURANCE CONSUMER ACTION NETWORK

3580 Wilshire Blvd., Suite 1740
Los Angeles, CA 90010
(213) 387-2515

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 that shapes and protects insurance consumers' rights and interests at the 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:

In the 1987 legislative session, ICAN will continue to monitor legislation relating to insurance reform and regulation. ICAN will advocate bills intended to protect consumers and prevent insurance companies from reaping excessive profits.

ICAN's executive director was recently appointed to serve on the state Department of Insurance Consumer Advisory Board.

LEAGUE FOR COASTAL PROTECTION

c/o 909 12th St., Suite 203
Sacramento, CA 95814
(916) 448-8805

Created in 1981, the League 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:

League for Coastal Protection (LCP) continues its involvement in lawsuits on Chula Vista bayfront development and the Ballona Lagoon land use plan. On January 7, a compromise settlement was reached in the Chula Vista suit filed by Sierra Club and LCP against Santa Fe

Land Improvement Company, the U.S. Department of Interior, CalTrans, the City of Chula Vista, San Diego County, the U.S. Army Corps of Engineers, and the Federal Highway Administration. The suit was filed to enforce an agreement made by the government agencies to set aside 188 acres of marshland as a wildlife habitat for protection of birds, including two endangered species. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 18 for details.) Under the settlement, the 188 acres will be immediately placed under the management and protection of the U.S. Fish and Wildlife Service while escrow on the transfer of the marshland to San Diego County is pursued. In return, the construction of a major freeway and flood control project may continue.

LCP recently filed an amicus brief in the *Nollan v. California Coastal Commission* litigation, arguing that the Commission has authority to require coastal property owners to dedicate portions of their land for public access. (See *supra* report on PACIFIC LEGAL FOUNDATION.) The Commission is withholding a construction permit which would allow the Nollans to rebuild their home until they agree to dedicate a portion of their land for public access. The landowners contend that the state cannot take their property without paying just compensation. The U.S. Supreme Court has agreed to review the case for determination of several issues surrounding the taking of private property for public use. LCP is represented in the case by an attorney from the Center for Law in the Public Interest.

LCP publishes *Coastlines*, a periodic newsletter which is the only statewide newsletter focusing on a wide range of coastal and San Francisco Bay issues. Recently, LCP published a review of coastal zone management issues raised during the past ten years. The survey describes key California successes and failures in specific coastal and Bay areas. Copies of the review and summary may be ordered through LCP's Sacramento address.

NATURAL RESOURCES DEFENSE COUNCIL

25 Kearny Street
San Francisco, CA 94108
(415) 421-6561

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-publicized 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:

During the 1987 legislative session, NRDC will monitor and support bills aimed at implementing Proposition 65, the "Safe Drinking Water and Toxic Enforcement Act of 1986," which was passed by California voters in November.

At the federal level, NRDC will lobby for passage and (if necessary) presidential veto override of the national appliance energy efficiency standards bill. Even though both houses of Congress passed the measure unanimously in 1986, it was pocket-vetoed shortly after the election in November.

On January 26 and 27, NRDC testified at hearings regarding the final environmental impact statement (EIS) on the cleanup plan for the Kesterson Wildlife Refuge selenium pollution problem. The EIS was submitted to the state Water Resources Control Board by the federal Bureau of Reclamation on December 1. After reviewing the EIS,

NRDC concluded that the plan does not comply with the federal Migratory Bird Treaty Act. According to NRDC, the Bureau of Reclamation's plan for Kesterson fails to ensure that the poisoning of migratory birds will end, as required by the Act.

NRDC is an intervenor in Public Utilities Commission hearings on the promotional policies of electric utilities in the state. The rulemaking proceeding (Order Instituting Rulemaking #86-10-001) is investigating utilities' encouragement of increased consumption of energy through promotional rate structures. NRDC is proposing guidelines which will govern the propriety of such rate structures in the near term, and the long term implications of such rates.

In *Peterson v. U.S. Department of Interior*, agricultural growers have challenged the constitutionality of the "hammer clause" in the federal Reclamation Reform Act of 1982. NRDC has intervened in the case defending the constitutionality of the Act, which places upward pressure on water pricing policy and reduces federal subsidies on water delivery by the Bureau of Reclamation to landowners or leaseholders of land in excess of 960 acres.

In November, a team of five scientists from the Soviet Academy of Scientists visited the United States under NRDC auspices and met with U.S. seismologists to review potential sites for location of nuclear weapons test verification and monitoring equipment. The Reagan Administration, however, would not allow the Soviets to actually visit the proposed monitoring sites. As of this writing, NRDC had not yet received approval from the U.S. Government to locate the seismic equipment in three areas near the Nevada Nuclear Weapons Test Site. Last summer, NRDC-sponsored scientists traveled to the Soviet Union's nuclear test site and established three seismic nuclear test monitoring stations.

NRDC asserts that its nuclear test verification project is a landmark private U.S.-Soviet joint agreement on arms control. NRDC believes that the project's findings will be useful in demonstrating that verification procedures are not a technical obstacle to a nuclear test ban treaty or mutual U.S.-Soviet testing moratorium.

NETWORK PROJECT

P.O. Box 1736
Santa Monica, CA 90406
(213) 393-4562

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:

On September 9, Network Project (NP) filed a formal complaint with the Public Utilities Commission (PUC) challenging the billing practices of several long distance telephone companies. In its September newsletter, NP issued a warning to consumers to beware of long distance companies which charge customers for calls not completed. The appeal to the PUC is based on a year-long joint investigation of billing practices conducted by the Network Project and consumer advocate Ralph Nader's Center for the Study of Responsive Law. The investigation revealed that several telephone carriers bill consumers for calls which are dialed but not completed because no answer or a busy signal is received.

NP's complaint calls on the PUC to conduct a full-scale investigation of long distance companies operating in California and to prohibit this practice. The PUC was ordered by the legislature to examine this matter several years ago, but has only conducted a cursory review, according to Network Project. NP believes that if companies cannot guarantee an error-free billing system, all one-minute calls should be automatically credited to the customer in advance. NP insists that consumers should not have to bear the responsibility for determining the validity of a bill generated in a faulty manner, or to appeal a faulty billing by way of complaint to the company.



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:

The U.S. Supreme Court is currently reviewing several PLF cases. In *Nollan v. California Coastal Commission*, a Ventura County couple applied to the Coastal Commission for a permit to demolish a damaged home and replace it with a new house at the same location. The Commission determined to allow the building of a new home only if the Nollans dedicated one-third of their lot for public access to the beach. PLF represented the Nollans and argued that this state action constitutes a taking of land without compensation to meet purported preexisting public needs which the Nollans did not cause. While the trial court ruled in favor of the Nollans, the court of appeal reversed, ruling that so long as the demand for land is authorized by statute, it does not matter than the applicants have not caused the public's need for their land. The Supreme Court will decide whether the state's taking of land under these circumstances requires compensation to the owners.

In *California Coastal Commission v. Granite Rock Company*, the Court will decide where state authority ends and federal authority begins in the regulation of land use. The Coastal Commission has demanded that Granite Rock Company obtain a state coastal development permit before the firm may proceed with a federally-approved mining project on federal land. The Ninth Circuit of Appeals has ruled that the state has no power to require development permits for federally-approved projects on federal land, as national policy encourages mining on such lands. PLF represents several mining groups that wish to mine on the federal property.

The Court has also agreed to hear two cases involving affirmative action quotas: *U.S. v. Paradise* and *Johnson v. Transportation Agency of Santa Clara County*. In the Santa Clara County case, PLF has appeared as an amicus and opposes an affirmative action plan which grants preference to women in order to accomplish parity of gender in the workforce. The *Paradise* case involves a

lawsuit filed by the National Association for the Advancement of Colored People (NAACP) against the Alabama Department of Public Safety alleging discrimination in hiring. A federal court imposed a hiring quota and a one-black-for-one-white promotional quota until blacks comprise 25% of each rank of the state trooper force. PLF believes that imposition of quotas in the absence of a finding of discrimination denies equal protection under the law. In PLF's opinion, minority preferences are detrimental to the principle that individuals be evaluated on merit rather than on characteristics not of their own choosing, such as race or sex.

Acting on the conviction that Berkeley's rent control ordinances have created a critical housing shortage, PLF has assisted building owners in opposing those laws through legal action. The state First District Court of Appeal has affirmed purchasers' right to occupy the buildings they own. In *Adler v. Elphick*, PLF participated as an amicus, contending that the City of Berkeley's rent control laws are abusive to private property rights and personal freedoms. A petition for review has been filed by plaintiffs in the case with the California Supreme Court.

**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 citizens and 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 claims that since its formation 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, and claims a membership of more than 6,000 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 is considering what may be its most difficult effort—a citizen initiative bond act to preserve invaluable California parklands, wildlife habitats, coastal resources, and open space areas. PCL is concerned about threatened degradation or destruction of urban greenbelt areas such as the American River Parkway in Sacramento; the productive wetlands of San Francisco Bay; the majestic Santa Monica Mountains; the open, rolling hills surrounding Laguna Beach; the vanishing riparian habitat of the Central Valley Rivers; the San Dieguito Valley in San Diego County; and the Big Sur coast.

During 1986 PCL lobbied in earnest, devoting hundreds of hours to passage of its major priority legislation—a \$500 million bond act to acquire parklands and open space in urban and coastal areas. Senator Ken Maddy's bill, SB 1717, would have placed the measure on the California ballot, but failed to pass.

More than seventy organizations favored the open space bond act bill. PCL staff has been busy meeting with many of the groups to determine whether there is enough support to proceed with an initiative, which would require the gathering of one-half million signatures and several hundred thousand dollars.

PCL believes that an initiative may be necessary because state and federal funds for land acquisition are nearly exhausted, with no new funding foreseen; the Governor's parks program calls for park rehabilitation funding, but not



for acquisition; and even though there is sympathy in the legislature for land preservation, too many other bond proposals for schools, prisons, and transportation will take political priority. PCL cites strong public support around the state for preservation of urban and coastal open space and feels confident that voters would approve a major parks bond act, because the last 28 bond acts have been passed and nearly every parks bond act has been approved by large margins since the 1920s. PCL is polling its membership to gauge the level of commitment to such a major initiative undertaking.

In its November-December newsletter, *California Today*, PCL published its annual Environmental Report Card which graded Governor Deukmejian's record on "green" issues. The Governor received an overall PCL grade of "D-plus" for his first four-year term. His 1986 grade was "C-plus." PCL Foundation believes the Governor has shown little leadership during his first term: he has made little progress in cleaning up toxic waste sites; his ill-fated 1984 water development plan would have been an environmental disaster; and his first toxics reorganization plan would have placed the waste industry in charge of developing California's toxics policies. The Governor's best grades were in Energy (B), Air Quality (B-minus), and Mining and Resources (B-minus). Deukmejian's lowest grades were in Forestry (F-plus) and Coastal Protection (D-minus). The report card includes an extensive discussion of the Governor's 1986 toxics record, in which he received a "D-plus" from PCL. The 110-page report is available through the PCL Foundation for \$5.

The annual PCL Legislative Symposium was held on January 31 and February 1 at Sacramento State University, and featured workshops on toxics, wildlife preservation, the coast, water development and conservation, enforcement of environmental laws, and computer communications. Assembly Speaker Willie Brown, Jr., was the featured symposium guest speaker. The Sunday session included a debate on San Francisco Bay Delta water transfer issues between Assembly Water Committee member Phil Isenberg, and Metropolitan Water District of Southern California General Manager Carl Boronkay. Another debate concerned the controversial question of continued nuclear power generation at Sacramento Municipal Utility District's Rancho Seco plant. Assembly Transportation Com-

mittee Chair Richard Katz addressed the gathering on the issues of toxics.

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:

Proceedings initiated by PA before the Public Utilities Commission (PUC) against Pacific Gas & Electric (PG&E) and American Telephone and Telegraph (AT&T) were concluded in 1986. PA alleged that PG&E and AT&T failed to execute an adequate percentage of contracts with minority- and women-owned businesses. In the proceedings AT&T admitted that less than one-half of its subcontracts went to black-owned businesses and that the total percentage of contracts to minorities had declined since 1984. PA claimed victory in the proceedings and both corporations have agreed to formulate long-term goals for increasing the percentage of minority-owned and women-owned business contracts.

In a 1986 PUC proceeding against Pacific Bell, PA's intervention revealed evidence of deceptive marketing and sales practices and a refusal by Pacific Bell to provide adequate lifeline telephone service to low-income customers. As a result of the proceeding, Pacific Bell agreed to refund up to \$100 million to customers who were billed for services they did not authorize. The accord required that refund notices be sent to customers in five languages, and that special multilingual efforts be made to work with community groups to ensure that the most needy customers secure refunds. The agreement also requires that low-cost lifeline service at \$1.48 per month be aggressively offered by Pacific Bell to the almost 1.5 million low-income families in California. PA

believes that this settlement may at last ensure that all low-income customers in the state have telephone service.

PA continues to work with Assemblymember Margolin on the reintroduction of AB 3403, which died on the Senate floor last session. The bill would have attempted to stem "patient dumping"—the practice of hospitals transferring patients who cannot provide cash or proof of insurance.

PUBLIC INTEREST CLEARINGHOUSE

200 McAllister St.
San Francisco, CA 94102
(415) 565-4695

The Public Interest Clearinghouse (PIC) is a resource and coordination center for public interest law and statewide 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. A quarterly newsletter, *Impact: A California Digest of Public Interest Practice*, is published by PIC, and includes a new section on improvement in management of nonprofit groups and legal service programs.

MAJOR PROJECTS:

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 Computer 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 disadvan-



tagged 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, and staff attorneys help faculty with research and course materials.

The Clearinghouse's quarterly newsletter, *Impact*, 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.

SIERRA CLUB

1228 N St., Suite 31
Sacramento, CA 95814
(916) 444-6906

The Sierra Club has 175,000 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.

The Club has thirteen chapters in California, 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:

During 1986, Sierra Club's major legislative projects included the following:

- SB 2394 and SB 2554 (Keene), which were opposed by the Club, would have weakened forestry regulations and were defeated.

- Proposition 65, the "Safe Drinking Water and Toxics Enforcement Act," was supported by the Club and approved by the voters in November. The law protects the public from exposure to chemicals in drinking water which cause cancer and birth defects.

- AB 2948 (Tanner), which was supported by Sierra Club and signed by the Governor, encourages improved county hazardous waste management planning.

- AB 4044 (Farr) makes oil companies strictly liable for damages resulting from their offshore oil operations. The Club supported the bill, which was signed by the Governor on September 30.

- AB 1276 and AB 3533 (Campbell), which were supported by Sierra and approved by the Governor, improve enforcement of air pollution regulations.

- AB 3989 (Sher) minimizes air pollution from waste-to-energy plants. The Club supported the bill, which was signed by the Governor on September 30.

- AB 2710 (Roos), which was supported by the Club, increases conservation and enforcement efforts in off-highway vehicle areas. The Governor signed AB 2710.

- AB 2020 (Margolin), the compromise "Bottle Bill" which encourages recycling of beverage containers, was supported by Sierra Club and signed by the Governor.

In 1987 Sierra Club anticipates work on several reintroduced bills which failed in the legislature or were vetoed in 1986. The Club assumes that the timber industry will again lobby for the "long term timber harvest bill," a measure which will weaken forestry protection if passed. The Club cites extensive grassroots lobbying as the deciding factor in the defeat of this legislation in 1986.

The Club also foresees legislation which will further limit and regulate airborne emissions of toxic materials by waste-to-energy plants. Because of intensive previous efforts by the oil and chemical industries to weaken toxic air contaminant programs, it is expected that industry lobbying will be stronger in 1987 at both local and legislative levels. The Club is concerned because, in spite of his statements that he is against off-

shore burning of hazardous wastes, the Governor vetoed two bills which would have imposed moratoria on the construction of onshore facilities which support ocean incineration ships.

Protection of the California coastal zone will again be a priority of the Club. Bills will be reintroduced to establish programs to identify and protect marine resource zones of special resource or human-use significance. The Club is concerned that several positive coastal bills met an untimely demise in the Senate Appropriations Committee, which has proven to be a graveyard for environmental proposals. Moreover, Sierra Club is disappointed that the Governor has once again stated his intention to "abolish" the Coastal Commission, signalling renewed battles over coastal issues in the 1987 session.

The Club expects to again engage in advocacy for bond acts to prevent destructive intrusion and commercialization of state parks; to increase wildlife protection; and for improvement in regulation, financing, and restructuring of off-highway vehicle programs.

On January 7, a compromise settlement was reached in litigation filed by Sierra Club and League for Coastal Protection against Santa Fe Land Improvement Company, the U.S. Department of Interior, CalTrans, the City of Chula Vista, San Diego County, the U.S. Army Corps of Engineers, and the Federal Highway Administration. The suit was filed to enforce an agreement made by the government agencies to set aside 188 acres of marshland as a wildlife habitat for protection of birds, including two endangered species. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 18 for details.) Under the settlement, the 188 acres will be immediately placed under the management and protection of the U.S. Fish and Wildlife Service while escrow on transfer of the marshland to San Diego County is pursued. In return, the construction of a major freeway and flood control project may continue.

UTILITY CONSUMERS' ACTION NETWORK

1400 Sixth Ave., Suite 104
San Diego, CA 92101
(619) 696-7510

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 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 October 29, the Public Utilities Commission (PUC) voted 3-2 to charge stockholders of Southern California Edison Company (SCE) and SDG&E \$344.6 million for cost overruns on the \$4.5 billion construction cost for two new reactors (Units 2 and 3) at the San Onofre nuclear power facility. UCAN was the only southern California consumer group to intervene in that rate setting case, during which the organization spent over \$25,000. According to the PUC, SCE and SDG&E spent over \$30 million to defend their management and construction cost overruns which totaled ten times the original estimates.

UCAN agreed with PUC's Public Staff Division in recommending the PUC charge the utilities' stockholders at least \$1.2 billion of the cost overruns, because ratepayers should not be compelled to pay for company mismanagement and construction delays. The administrative law judge (ALJ) presiding over the case recommended that only \$750,000 in costs be disallowed; the remaining costs would be charged to ratepayers.

The commissioners rejected the ALJ's recommendation and charged the utilities' stockholders with \$344.6 million in cost overruns; following the vote, SCE and SDG&E filed motions for reconsideration of the PUC decision. Utility executives have stated that they believe a Commission existing of a majority of Deukmejian-appointed members would be more receptive to their arguments. In December, the Governor appointed G. Mitchell Wilk (a former legislative lobbyist

for the Deukmejian administration) to replace Commissioner Priscilla Grew, who was appointed to PUC by former Governor Jerry Brown in 1981. Thus, Governor Deukmejian has now appointed a majority of three PUC members, and will make his fourth PUC appointment in early 1987 following the retirement of Commissioner Victor Calvo (also a Brown appointee).

UCAN issued a public statement urging the Governor to appoint commissioners who will vote to uphold the San Onofre cost overrun decision. UCAN maintains that the utilities are impugning the integrity of the regulatory process by assuming that they can ignore a PUC ruling in hopes that new appointees will alter the decision to their liking. UCAN emphasizes that over \$4 million in state funds has already been spent on the San Onofre case.

In November UCAN received numerous calls of concern and complaint from members regarding Pacific Bell's announcement regarding its 50-cent per month (per line) repair service plan (\$1 per month per line for businesses) to insure customers' "inside wiring." Pacific Bell chose to offer the inside wire repair service as a result of a Federal Communications Commission (FCC) decision which, as of January 1, 1987, deregulates inside wire—the portion of telephone wiring physically inside the home or business. The FCC's ruling effectively transfers ownership of the inside wiring from Pacific Bell to its customers.

In a letter to Pacific Bell, UCAN expressed the opinion that, based upon existing California law, apartment and condominium renters may not be legally responsible for the repair of inside wire; UCAN stated that Pacific Bell's service repair plan misleads and exploits customers who are renters (senior citizens, students, apartment dwellers)—those who can least afford the additional cost on their monthly bill.

Because of complaints from ratepayers, tenants, and consumer groups around the state, the PUC has filed suit against the FCC challenging its decision to deregulate inside wire. (*See infra* report on PUC.) UCAN believes that the determination as to whether renters or landlords are responsible for repair of inside wire (under the FCC ruling) must be made by the state legislature.

UCAN will participate in a PUC rate proceeding beginning in April to determine capacity utilization, avoided cost, and rate setting methodology for SDG&E's "Southwest Power Link"—

the 500-kilovolt power line stretching from Arizona to San Diego. In an earlier decision in the case, the PUC had decided in UCAN's favor, adopting recommended methodology for a "balancing account" to determine avoided costs and rates. SDG&E challenged the ruling and was granted a limited rehearing on this issue.

