



taking office in 1985, for example, he has allowed no new state chartered savings and loans in California, in the belief that California is an area already overserved by savings and loan institutions, and there is no need for new business. Additionally, the Federal Savings and Loan Insurance Corporation (FSLIC), which insures the savings and loan industry, is experiencing a cash flow problem. Until the federal government finds ways to fund FSLIC, the Department is unlikely to approve any new savings and loans.

Commissioner Crawford also worked closely with Senator Rose Ann Vuich to strengthen the laws governing savings and loans. In particular, SB 2452 (see CRLR Vol. 6, No. 4 (Fall 1986) p. 67) imposes a fiduciary duty on directors and officers of savings and loans to provide sound management to the association. The new law, which was signed by the Governor on September 25, requires that savings and loans inspect large properties after appraisals and restricts loan amounts to single borrowers. SB 2452 also gives the commissioner more control in that it requires his/her approval before a savings and loan may transact with its directors or employees, and allows him/her to remove savings and loan officers while court cases against them are pending. The stricter laws are aimed at alleviating problems in the industry, such as financial difficulties due to large real estate loans made on under-valued property and difficulties

due in part to incompetent management.

**Personnel Policies.** The Department has announced a new personnel policy directed at reducing instances of unreported violations of law and regulations and other misconduct which, according to DSL, "have contributed to significant financial losses." The Department has determined, pursuant to section 8050 of the Financial Code, that the board of directors of each savings and loan association should adopt a resolution to publish and distribute to staff the board's policy and procedures through which staff may confidentially report incidents of violations of law and regulations and other misconduct. The published information should include at least a name, local address, and telephone number of the statutory auditor, and the name of an official with whom confidential contact can be made. DSL required distribution of the information on or before December 31, 1986, as well as upon hiring of new staff and upon any revision of the policy required by the Department. The association must review its policy annually and recommend either retention or changes as deemed necessary by the board of directors or the board of trustees. DSL cites "the fiduciary responsibilities [which] dictate the need for personnel policies that promote a free exchange of critical or sensitive information between an institution's staff and its statutory auditors, and regulatory agencies" as its reason for the new policy.

provide equal or superior safety to their employees.

The seven members of the Board are appointed to four-year terms. Labor Code section 140 mandates the composition of the Board as two members from management, two from labor, one from the field of occupational health, one from occupational safety and one from the general public.

The duty to investigate and enforce the safety and health orders rests with the Division of Occupational Safety and Health (DOSH). DOSH issues citations, abatement orders (granting a specific time period for remedying the violation) and levies civil and criminal penalties for serious, willful and repeated violations. In addition to making routine investigations, DOSH is required by law to investigate employee complaints and any accident causing serious injury and to make follow-up inspections at the end of the abatement period.

The Cal-OSHA Consultation Service provides on-site health and safety recommendations to employers who request assistance. This consultation guides employers in adhering to Cal-OSHA standards without the threat of citations or fines.

The Hazard Evaluation System and Information Service (HESIS) was developed to provide employers and workers with up-to-date critical information on the health effects of toxic substances and methods for using these substances.

The Appeals Board adjudicates disputes arising out of the enforcement of Cal-OSHA's standards.

#### MAJOR PROJECTS:

**AB 1111.** One of OSB's major ongoing projects is compliance with AB 1111, a process which has been moving very slowly. The OSB submitted a plan to the Office of Administrative Law (OAL) for review of Cal-OSHA's health and safety standards.

**Proposed Budget Cuts.** Governor Deukmejian recently proposed budget cuts which would eliminate Cal-OSHA's regulatory and appeals activity, as well as its enforcement of private business violations. Although the proposed budget cuts would allegedly eliminate state programs which are duplicated by federal programs, several legislators have expressed concern that a number of Cal-OSHA occupational safety laws have no federal counterpart. Thus, without a separate state enforcement agency, workers could lose some of the protections they now have through Cal-OSHA.



## DEPARTMENT OF INDUSTRIAL RELATIONS

#### CAL-OSHA

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California's Occupational Safety and Health Administration (Cal-OSHA) is an integral part of the cabinet-level Department of Industrial Relations. It administers California's program ensuring the safety and health of California's wage-earners.

Cal-OSHA was created by statute in October 1973 and its authority is outlined in Labor Code sections 140-49. It is approved by, monitored by and receives some funding from the federal OSHA.

The Occupational Safety and Health Standards Board (OSB) is a quasi-legis-

lative body empowered to adopt, review, amend and repeal health and safety orders which affect California employers and employees. Under section 6 of the Federal Occupational Safety and Health Act of 1970, California's safety and health standards must be at least as effective as the federal standards within six months of the adoption of a given federal standard. Current procedures require justification for the adoption of standards more strenuous than the federal standards. In addition, OSB may grant interim or permanent variances from occupational safety and health standards to employers who can show that an alternate process would



## LEGISLATION:

*AB 2070 (Margolin)* has been chaptered. The new law establishes the Asbestos Assessment Task Force to analyze the magnitude of the asbestos problem in public buildings. It also requires that the state Department of Health Services report to the legislature on specific recommendations and inspections by the Task Force.

*AB 3222 (Floyd)* has been chaptered. Existing law did not require that a portable or permanent electrical generator capable of being connected either permanently or temporarily to an electrical system be connected in any specific manner. *AB 3222* requires these generators to be connected only by means of a double throw switch so as to isolate the customer's electrical system from that of the electrical corporation or state or local agency. It also requires manufacturers to include warning statements explaining the electrical hazards of back-feed into a utility's distribution system.

*AB 1875 (Craven)* has also been approved. This bill enacts the Environmental Quality Assessment Act of 1986 and requires the Secretary of Environmental Affairs to adopt requirements for voluntary registration of environmental assessors.

*SB 1998 (Greene)* has been approved by the Governor. Existing law required a permit prior to any employment involving the construction of trenches or excavations which are five feet or deeper and into which a person is required to descend, or the construction or demolition of any building, structure, falsework, or scaffold more than three stories high or the equivalent height. The new bill also requires permits prior to any employment involving the underground use of diesel engines in mines and tunnels. It would also provide that once an authorized representative of the Division has prohibited activity requiring a permit, the employer may contest the order and be granted a hearing to review the order within 24 hours of the employer's request.

*SB 2575 (McCorquodale)* has been chaptered. The law prohibits a contractor from engaging in removal or remedial action concerning a release of hazardous substance, as specified, except for asbestos-related work, or work related to a hazardous substance spill on a highway on or after May 1, 1988 or September 1, 1988, as specified, without having passed an approved hazardous substance removal certification examination.

## RECENT MEETINGS:

On October 23, OSB held a public hearing in San Francisco on proposed changes to occupational safety and health regulations in Title 24, part 3, State Electrical Code of the California Administrative Code (Electrical); Title 8, Articles 1-39, sections 2700-2973, High-Voltage Electrical Safety Orders (High-Voltage); and Title 8, Article 110, section 5194, General Industry Safety Orders (Hazard Communication).

With regard to the Title 24 Electrical and Title 8 High-Voltage regulations, OSB seeks to transfer into the State Building Code, Title 24, all safety regulations which are also building regulations, to comply with a provision of the Health and Safety Code that all building standards adopted by any state agency be included in Title 24 of the State Building Code. The High-Voltage standards are included in this revision because they are cross-referenced with the Electrical Standards.

Although the proposed amendments to the High-Voltage standards were technical and/or grammatical, several people commented on the regulations. Dick Quaresma, representing Lent Engineering Inc., stated that the Title 8 High-Voltage definition of Askarel, a generic term for a group of nonflammable synthetic chlorinated hydrocarbons used as electrical insulating media, does not mention the fact that it is a PCB-type material. Mr. Quaresma contended that designation should be included since a controversy exists as to whether or not PCBs are carcinogenic. He also stated that the use of Askarel as a liquid for oil switches is improper in light of the controversy. Ann Miley, representative of I.B.E.W. Local 1245, agreed with Mr. Quaresma. OSB noted the complaint, but stated it is bound by the policies of the Building Standards Commission when Cal-OSHA adopts a building regulation. The present definition of Askarel is that used by the National Electric Code, and the Building Standards Commission insists that this definition be used; thus, it cannot be changed by OSB.

The purpose of the meeting with regard to the Hazard Communication regulations was to review the first proposed amendments to the Hazard Communication Standard since its adoption one year ago. Members of the public commented on several of the proposed changes. For example, existing section 5194(b)(1) "requires manufacturers or importers to assess the hazards of sub-

stances which they produce or import, and all employers to provide information to their employees about the hazardous substances to which they are exposed...." The proposed change would substitute "may be" for the word "are" to ensure that employees are informed of all possible hazardous substances to which they may be exposed. Carl Dobbs, representing General Telephone of Thousand Oaks, stated that because thousands of employees visit different sites daily, the words "may be" would impose an extremely difficult if not impossible burden on employers.

Section(b)(5)(G) presently exempts manufacturers and importers of consumer products from the Hazard Communication Standard. The proposed change would allow exemptions only for consumer products used in the quantity and manner that ordinary consumers use them. Steve Roth from Chevron Chemical Company was concerned that the proposed change to section 5194(b)(5)(G) would require manufacturers of consumer goods to prepare material safety data sheets (MSDS) for consumer goods used in industry. Mr. Roth argued that manufacturers of consumer goods should not have to spend money to produce MSDS for industry users who are not the intended users of consumer products.

Section 5194(f)(6) presently exempts employers from labeling portable containers of hazardous substances if the employee filling the container is the sole user and empties it at the end of the day. The proposed change would allow non-labeling so long as the original labeled container, from which the portable containers are filled, remains on the job site. Fran Schreiber, representing State Building Trades, was concerned that the broad language proposed for section 5194(f)(6) would result in non-labeling of portable containers filled with carcinogenic substances on construction sites. She argued that the labeling exemption for portable containers should not apply to portable containers of carcinogens. Ms. Schreiber suggested a provision requiring verbal identification between workers when a portable container filled with a carcinogen passes from one worker to another.

Ms. Schreiber was also concerned with the trade secret sections 5194(i)(1)(D) and (i)(2), which permit that, in an emergency situation where an employee has been injured by a chemical, the specific chemical identity be made available only to a physician or nurse.



Ms. Schreiber proposed that other health professionals be included in the language of the regulations, since situations may occur where a physician or nurse is not available. The Board is considering all of the comments made at the public hearing.

The OSB adopted several proposed safety orders at its October business meeting. Under Title 8, these safety orders were Article 3, section 1516, tables EP-1 and EP-2 (Eye and Face Protection); Article 7, sections 3300-3338 (Miscellaneous Safe Practices); Article 10, sections 3338-3400 (Personal Safety Devices and Safeguards); Articles 150 and 151, sections 6000-6004 (Federal Regulations and OSHA Standards); Article 23, section 3627 (Mobile Ladder Stands); Article 67, sections 4480-4494 (Laundry and Dry Cleaning Equipment); Article 68, sections 4510-2522 (Leather and Composition Goods Machines); Article 152, sections 6050-6058 (Diving Operations); Article 153, sections 6059-6063 and Appendix A (Commerical Diving Operations).

Also at its business meeting, OSB heard a petition from a representative of the San Francisco Fire Fighters, Local 798. The petitioner recommended the development of safety standards for aerial ladders used in fire departments. OSB staff is further investigating the matter.

On November 20, OSB held a meeting in San Diego. Before the meeting was officially started, Chairperson Mary-Lou Smith administered the oath to Jere W. Ingram, a newly-appointed Board member. Afterward, a public hearing was held on proposed changes to Title 8 and Title 24 of the California Administrative Code.

Bud Cameron, representing Teamsters Local 2707, proposed a change to Title 8 General Industry Safety Orders, Article 109, section 5162(e), requiring weekly testing of eyewash equipment. This subsection is taken verbatim from the American National Standards Institute (ANSI) standard. However, the ANSI standard also contains an advisory comment suggesting that monthly records be maintained to verify compliance with testing procedures. This advisory comment has not been added to section 5162(e). Mr. Cameron believes it should be added as a requirement and not just an advisory statement.

Dave Gidley, Senior Industrial Hygienist of Pacific Gas and Electric of San Francisco (PGESF), expressed concern over the requirement of Title 8, Article 10, section 5214, that employers must

supply a powered, air-purifying respirator if an employee requests it when it is needed. He felt that this was unnecessary and in fact disruptive, because PGESF has an adequate program without using an air-purifying respirator. Board member Gerald O'Hara pointed out that federal law already requires that employees have this choice and PGESF's failure to supply the respirators is probably a violation of federal law. Mr. Gidley responded that PGESF would like to change the federal law as well.

The OSB adopted several new safety orders at its November business meeting. These were Title 8, General Industry Safety Orders, Article 11 Construction Safety Orders, Article 24 High-Voltage Electrical Safety Orders, section 2490.6(c) Telecommunication Safety Orders, section 8605(c) Fall Protection Devices; Title 8, Construction Safety Orders, Article 32, sections 1740-1743 Oxygen, Acetylene and Fuel Gas; Title 8, General Industry Safety Orders, sections 3437 and 3456 Short-Handed Hand Tools (these were further modified after the OAL said proposed changes would be disapproved); Title 8, General Indus-

try Safety Orders, section 5142 Mechanically Driven Heating, Ventilating and Air Conditioning (HVAC) Systems to Provide Minimum Building Ventilation (amended after disapproval by OAL on August 18, 1986).

Also at the business meeting, two petitions were heard. The first petition was from Michael G. Parker of Airtech (Petition File No. 231), requesting an amendment to the General Industry Safety Orders, section 3409 regarding noninterchangeable adaptors for charging self-contained breathing apparatus cylinders. The Board approved a motion to send this request to an advisory committee. The second petition was from Associated General Contractors of California (Petition File No. 232), requesting an amendment to Construction Safety Orders, section 1717(d)(6) regarding falsework and vertical shoring. The Board granted this petition.

#### FUTURE MEETINGS:

March 19 in San Diego.  
 April 23 in Sacramento.  
 May 21 in Los Angeles.  
 June 25 in San Francisco.



## DEPARTMENT OF FOOD AND AGRICULTURE

### DEPARTMENT OF FOOD AND AGRICULTURE

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

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

everyone receives the true weight and measure of goods and services.

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

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

The executive office oversees the activities of seven operating divisions:

1. Division of Animal Industry-