



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-



## REGULATORY AGENCY ACTION

Provides inspections to assure that meat and dairy products are safe, wholesome and properly labeled and helps protect cattle producers from losses from theft and straying;

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

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

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

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

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

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

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

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

At the local level, county agricultural commissioners are in charge of county departments of agriculture. County agricultural commissioners cooperate in the study and control of pests that may

exist in their county. They provide public information concerning the work of the county department and the resources of their county, and make reports as to condition, acreage, production and value of the agricultural products in their county.

### MAJOR PROJECTS:

*Gypsy Moth.* CDFA recently declared that the gypsy moth has been eradicated in Santa Cruz and Alameda Counties. Although no gypsy moths have been found in either county since July 1984, eradication was not officially declared until two years passed with no additional finds.

Intensified trapping began in Santa Cruz County when seven moths were discovered in traps in Felton in late July 1984. For the first time in California, bacillus thuringiensis (BT), a naturally-occurring bacteria, was used exclusively for eradication. Treatment covering 250 acres began in mid-March 1985, and was completed the first week of May 1985. Six aerial applications of BT were made once per week during the treatment period. Perfect weather for treatment along with early detection of the egg masses were significant factors in the successful eradication effort.

In Alameda County, five moths were discovered in traps in the residential area of Fremont between June 29 and July 16, 1984. Intensified trapping began immediately in the 49-square-mile area surrounding the find. Ground application of carbaryl, a common garden insecticide, began in mid-March 1985, and lasted for six weeks.

*Proposition 65.* The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), passed in the November general election, was opposed by the Board of Food and Agriculture. Richard Peters, President, stated that the Board was unable to determine the exact effect of Proposition 65 from testimony heard at its October 2 meeting in Sacramento. The Board believes that the Act could "endanger major advances made by recent legislation to bolster pesticide enforcement, provide greater environmental protections and ensure the public health is better protected."

The affected legislation includes AB 2021, the Pesticide Contamination Prevention Act. AB 2021 regulates sale and use of any pesticide which may enter groundwater as a contaminant. Proposition 65 requires chemical companies to provide data that more easily identifies chemicals which may have long-lasting effects on the state's water supplies. AB

2021 places responsibility for reporting this information on the chemical companies, while Proposition 65 places this responsibility on the individual growers or the applicator rather than the chemical company.

*California Leads the Nation in Production.* California led the nation in agricultural production in 1985 for the 38th year. Gross receipts totaled \$13.9 billion. California's agriculture continues to be one of the most diversified in the world, with over 250 cash crops. While no one crop dominates the state's farm economy, California's production accounts for 50% of the cash receipts for fruits and nuts, and for approximately 47% of the vegetables grown in the United States.

*CDFA Agricultural Promotional Program.* In an effort to boost the image and sales of California agricultural products, the Agricultural Export Program sponsored its first promotional food festival in the Republic of Singapore. California's Agricultural Export Program began in January 1986 to help reverse the decline suffered by California's farm exports over the last four years.

The purpose of the event was to heighten awareness of the wide variety of quality agricultural products available from California, thereby increasing demand for exports. The Agricultural Export Program gathered cooperators under a single banner for the first solo promotional program held by California in a foreign land.

Approximately one month following the food festival in Singapore, the Agricultural Export Program sponsored another food fair in Japan.

*CDFA Proposes Tougher Herbicide Rules.* A recently-released CDFA report suggests that greater restrictions on the release of herbicide-tainted water from rice fields should be imposed. Marshall Lee, a CDFA pesticide management specialist and author of the report, stated that the new guidelines should seek to reduce the residue of the herbicides Bolero, Ordram, and Basagran released into the Sacramento River. The report suggests that the time period which Ordram-contaminated water must be held in rice fields before being allowed to be drained into canals or rivers should be increased from eight to twelve days. The use of Bolero would be restricted to 15,000 acres, down from the 20,000 acres previously allowed.

Mr. Lee reports that "essentially a season-long hold, lasting perhaps 80 days long" should be mandated for Basagran-treated water, which means that growers



would not be allowed to release water from a treated field until drained for harvest. However, the guidelines include a provision for emergency release, which may be granted by a county agricultural commissioner if a grower can demonstrate that his/her crop is being damaged by the long holding time.

The proposed guidelines, however, are not believed to be strict enough to satisfy the Central Valley Regional Water Quality Control Board or the City of Sacramento. The regional water board will consider Lee's report in the coming weeks. Board action could take the form of endorsement of the report, recommendations for changes to the report, or the board could act independently under its own regulatory power.

**U.S. Food Show.** For the first time, the international trade exhibit of exclusively U.S. fresh, processed, and value-added foods and related products for the grocery and food service industries will be held on the west coast. The exposition is sponsored by the National Association of State Departments of Agriculture (NASDA) in cooperation with the Foreign Agricultural Service of the U.S. Department of Agriculture, and is scheduled for April 29 through May 1, 1987 in Seattle.

Clare Berryhill, CDFA Director, says the west coast location "makes this show particularly attractive to Pacific Rim buyers, some of California's best potential customers." The Pacific Rim countries represent 54.9% of the state's agricultural exports.

Exporters of California farm products who incorporate this trade show into their existing agricultural export program marketing plans or who are new to the state's agricultural export program may obtain up to 50% reimbursement of expenses from CDFA funds for participating in the exposition. Eligible products include fruits and vegetables, grain products, meat products, seafood, beverages and snack items. Nursery stock and horticultural products, grocery items, seeds, and consumer food preparation products are also eligible.

**Food and Agriculture Code Amendment.** Anyone purchasing, handling, or soliciting California farm products for processing or resale must be licensed by CDFA's Market Enforcement Branch or face a \$10,000 fine effective January 1, 1987. The Food and Agriculture Code was recently amended to make it a misdemeanor for any person to assume, act, or attempt to act as a processor, licensee, or agent without a license. Conviction is

additionally punishable by imprisonment for not more than one year.

CDFA's Market Enforcement Branch provides protection for both producers and licensees from financial loss due to dishonest or unfair business practices by middlepeople and processors. The Branch also provides for orderly marketing of agricultural commodities grown or produced in the state. Its activities are funded solely through license fees.

**Marketing Order Update.** The California Marketing Act of 1937 established the authority in the Director of the Department of Food and Agriculture to create governing boards, or "marketing orders," of any agricultural, horticultural, vermicultural, or viticultural commodity which is produced or processed in California (section 58605). A marketing order is "an order which is issued by the director which prescribes rules and regulations that govern the processing, distributing, or handling in any manner of any commodity within this state during any specified period" (section 58615).

Pursuant to the Act, the Director has created 27 state marketing orders, and more may be created soon. Each of these orders was designed to aid producers in preventing economic waste in the marketing of their commodities, to develop more efficient and equitable marketing methods, and to aid producers in achieving a more adequate and reasonable purchasing power (section 58652). Following are reports on recent activities of several California marketing orders.

**-California Strawberry Advisory Board.** A hearing was called on November 12 in Irvine to consider major amendments to the marketing order. The proposed amendments would authorize a handler assessment on strawberries produced outside of California and handled in California. Because the proposed amendment is a major change, the Director will follow the same procedures which are prescribed in the California Marketing Act for the institution of a marketing order (section 59021). All producers, shippers, and processors of strawberries may vote on this amendment.

**-Processing Strawberry Advisory Board.** This marketing order requires all processors of strawberries to file a schedule of prices and price terms with the Board prior to purchasing strawberries from growers, and requires each processor to post these schedules at each station at which they receive strawberries. The marketing order has requested comments from members of the processing strawberry industry on

the fairness of these procedures.

**-Dried Fig Advisory Board.** On November 21, a public hearing was held to determine whether the marketing order for dried figs is serving the purposes for which it was established as required by section 59086 of the Act, and to consider a major amendment. All witnesses testifying at the hearing favored the continued existence of the Dried Fig Advisory Board. The proposed amendment would increase the maximum assessment rate allowed by the Act, which presently allows for an assessment of up to 4% of the gross dollar value of the product for advertising and 2.5% of the gross dollar value for administration. The fig industry is presently voting on the proposed amendment.

The Board adopted a new amendment which clarifies the Board's advertising and sales promotion authority by making specific reference to the Board's authority to establish and regulate permissive use of Board brands, trade names, and labels. In recent years, the Board has increased its focus on the development of new fig products. The Board feels that the establishment of Board brands may be a useful way of introducing new products into the marketplace. This brand name amendment became effective December 1, 1986.

**-California Fresh Carrot Research and Promotion Program.** On November 4 a public hearing was held to discuss the possible formation of this new marketing order. At the hearing, nine proponents of the order contended that the order could accomplish what a small independent farmer cannot—that is, a better product through research and education.

The new marketing order would be authorized to maintain existing carrot markets and create new ones. Heavy emphasis will be placed on developing foreign markets, especially Japan and the Pacific Rim countries. In domestic activities, the Board will be limited to education, public relations and research.

**-California Milk Advisory Board.** Some new amendments will change the organizational structure of the milk marketing order. The amendments, which became effective on December 1, reduce by two the number of producer districts within the state. The Board believes this reduction is warranted because of the number of dairymen who have left the industry through the dairy herd buyout program.

## LEGISLATION:

Governor Deukmejian recently signed the following bills:



# REGULATORY AGENCY ACTION

*SB 2048 (Dills)* creates the Winegrowers of California Commission, which is authorized to carry on programs and research relating to wine, winegrapes, and winegrape products. The Commission is authorized to levy an assessment on growers of winegrapes and processors of wine.

*AB 2964 (Kelley)*. Existing law authorizes the Director of the Department to inspect and take samples of any produce grown, processed, packed, shipped, or sold as part of enforcing statutes and regulations regarding pesticide tolerances. *AB 2964* authorizes the Director to accredit a commercial lab to test produce or environmental samples for pesticide residue.

*SB 2357 (McCorquodale)*. Under existing law, any interested person may file a petition with the U.S. Trade Representative requesting that the President take action under the Trade Act of 1974 to attempt to remedy violations of U.S. trade interests. Existing law does not specifically authorize the Department of Food and Agriculture to become involved in the petition process. *SB 2357* authorizes the Department, upon request of a California agricultural interest which is pursuing a case under the Trade Act of 1974, to gather and provide analytical data, confirmation, and assistance in support of the case.

## LITIGATION:

A stipulated agreement was reached in the Careau Group's attempt to obtain a license for its Julius Goldman's Egg City in Moorpark. The case, *Careau Group v. Butler*, was an appeal of CDFA's denial of the Careau Group's application for a license to purchase and process eggs from other handlers and producers. CDFA denied the application because the business is filing Chapter 11 bankruptcy proceedings.

Under the agreement reached in the California Central District U.S. Bankruptcy Court, CDFA has issued the requested license to Egg City. However, if the firm fails to pay for egg purchases, the Department's Farm Products Trust Fund will not reimburse the seller for any part of the loss.

Commission merchants, brokers, dealers, and processors are required to pay \$100 into the Farm Products Trust Fund under the state's Food and Agricultural Code. If a licensee fails to pay a supplier for commodities, the fund is used to partially reimburse the supplier for losses.

## RECENT MEETINGS:

At the November 6 meeting of the

CDFA, the Board discussed the controversial issue of whether people should be allowed to profit from selling subsidized water. A proposal to transfer water from Imperial Irrigation District to Metropolitan Water District was made. Metropolitan argues that under federal law governing the Colorado River, Metropolitan is next in line after Imperial in order of priority for water. Imperial argues that federal law no longer applies once Imperial has taken delivery of the water. Rather, state law governs and does not provide for prioritizing districts

in terms of water supply.

If successful, this transfer would be a new major source of water for southern California.

## FUTURE MEETINGS:

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

The Consumer Advisory Committee meets bimonthly at various locations throughout the state.



# RESOURCES AGENCY

## AIR RESOURCES BOARD

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

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

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

Governor Deukmejian has proposed a \$60 million budget for the ARB in fiscal 1986/87 which includes increased funding for diesel particulate control, the study of indoor air pollution and controls for toxic pollutants.

The proposal submitted to the legislature is \$5.2 million, or 9.6%, greater than the current spending levels. Among the

proposed increases are \$515,000 for a two-year program that would outfit up to 25 diesel transit buses with experimental versions of anti-soot technology; \$685,000 to speed up development of scientific methods for measuring and analyzing concentrations of potentially cancer-causing toxic air pollution; \$228,000 to help county or regional anti-smog agencies enforce existing regulations which control toxic emissions; and \$260,000 to improve methods of measuring indoor pollution and assessing the health risk it poses.

The budget proposal also includes \$1.2 million for a variety of ARB programs aimed at improving the state's program for controlling pollution from cars and trucks.

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

## MAJOR PROJECTS:

*Benzene Plan Approved.* A proposed Benzene Control Plan was submitted to the Board and adopted in June 1986. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 72.) However, that plan did not mandate or propose the adoption of any specific control measures. The Board has recently approved a plan intended to cut the cancer risk caused by benzene in half over the next fifteen years.

Although the plan contains no specific controls, it outlines types of rules to be developed over the next three years and is one of the state's first efforts to control