



Finally, the Board agreed to discontinue its current policy of allowing applicants who do not qualify for licensure to request a refund of 50% of their application fee; under the Board's new policy, unqualified applicants will not be entitled to receive any refund.

**BRGG Releases Informational Brochure.** BRGG has prepared and released a brochure for the general public defining the roles of geologists, geophysicists, and engineering geologists, the functions of BRGG, and how to file a complaint against a BRGG licensee. This brochure is part of the Board's effort to improve public awareness of BRGG and its enforcement activities.

**BRGG Regulations.** On November 30, the Office of Administrative Law approved BRGG's nonsubstantive amendment to section 3000, Title 16 of the CCR, which reflects the Board's new address; BRGG is now located at 400 R Street, Suite 4060, Sacramento, CA 95814.

## ■ LEGISLATION

**Anticipated Legislation.** During the 1993-94 legislative session, BRGG is expected to sponsor a bill which would authorize it to create a hydrogeology certification program (*see supra* MAJOR PROJECTS). BRGG may attempt to include this proposal in the Department of Consumer Affairs' (DCA) 1993 omnibus bill. BRGG may also sponsor legislation that would allow the implementation of a criterion passing score system for its new exam.

## ■ RECENT MEETINGS

At its November 6 meeting, BRGG discussed the effect that the ongoing state budget crisis will have on the Board's ability to operate. The Board noted that other DCA agencies have agreed to limit full board meetings to four or five per year, in order to cut costs; the Board generally agreed to maintain a similar meeting schedule unless circumstances warrant otherwise.

## ■ FUTURE MEETINGS

To be announced.

## BOARD OF GUIDE DOGS FOR THE BLIND

*Executive Officer: Manuel Urena*  
(916) 445-9040

The Board of Guide Dogs for the Blind has three primary functions. The Board protects the blind guide dog user by

licensing instructors and schools to ensure that they possess certain minimum qualifications. The Board also enforces standards of performance and conduct of these licensees as established by law. Finally, the Board polices unlicensed practice.

The Board, authorized by Business and Professions Code section 7200 *et seq.*, consists of seven members, two of whom must be dog users. In carrying out its primary responsibilities, the Board is empowered to adopt and enforce regulations, which are codified in Division 22, Title 16 of the California Code of Regulations (CCR).

The Board currently licenses three guide dog schools and 48 trainers.

## ■ RECENT MEETINGS

The Board has not conducted a meeting since July 24. [12:4 CRLR 82]

## ■ FUTURE MEETINGS

To be announced.

## BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

*Chief: Gordon Damant*  
(916) 920-6951

The Bureau of Home Furnishings and Thermal Insulation (BHFTI) is charged with regulating the home furnishings and insulation industries in California. As a division of the state Department of Consumer Affairs (DCA), the Bureau's mandate is to ensure that these industries provide safe, properly labeled products which comply with state standards. Additionally, the Bureau is to protect consumers from fraudulent, misleading, and deceptive trade practices by members of the home furnishings and insulation industries; the Bureau is also responsible for toy safety testing for the state of California. The Bureau is established in Business and Professions Code section 19000 *et seq.*

The Bureau establishes rules regarding furniture and bedding labeling and sanitation. The Bureau enforces the law by conducting extensive laboratory testing of products randomly obtained by Bureau inspectors from retail and wholesale establishments throughout the state. To enforce its regulations, which are codified in Division 3, Title 4 of the California Code of Regulations (CCR), the Bureau has access to premises, equipment, materials, and articles of furniture. The Bureau may issue notices of violation, withhold products from sale, and refer cases to the At-

torney General or local district attorney's offices for possible civil penalties. The Bureau may also revoke or suspend a licensee's registration for violation of its rules.

## ■ MAJOR PROJECTS

**Bureau Accepts Responsibility for Toy Safety Testing.** Bureau Chief Gordon Damant recently signed a cooperative agreement with the federal Consumer Product Safety Commission, under which BHFTI will be responsible for toy safety testing in California. [12:4 CRLR 84] Among other things, the Bureau will enforce federal safety laws in California as they pertain to the following products and activities: imported children's toys decorated with paint containing lead; toys containing small parts that can be ingested by small children; babies' pacifiers, which must pass a nipple strength test and which must include breathing holes in the pacifier shield; bean bag cushions, some of which have caused the suffocation of small children; bicycle safety; the labeling of hazardous substances; the design of children's beds, including the slat size and the design of the headboard; and children's hinged toy chests.

**Bureau Seeks Input on Draft Citation/Telephone Disconnect Regulations.** Business and Professions Code section 125.9 authorizes BHFTI to establish, by regulation, a system for the issuance to a licensee of a citation containing an order of abatement and/or an order to pay an administrative fine where the licensee is in violation of the Bureau's licensing act or any regulation adopted pursuant thereto. [12:1 CRLR 65]

Pursuant to SB 2044 (Boatwright) (Chapter 1135, Statutes of 1992), BHFTI is also authorized to adopt regulations establishing a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee under BHFTI's jurisdiction. SB 2044 also provides that if, upon investigation, BHFTI has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services which require a license from BHFTI but without being properly licensed by BHFTI, the Bureau may issue a citation containing an order of correction which requires the violator to cease the unlawful advertising and notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising. If the person to whom a citation is issued notifies BHFTI in writing that he/she intends to contest the citation, the



Bureau must afford an opportunity for a hearing, as specified in section 125.9. If the person to whom a citation and order of correction is issued fails to comply with the order of correction after that order is final, BHFTI will inform the Public Utilities Commission (PUC) of the violation and the PUC will require the telephone corporation furnishing services to that person to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising. [12:4 CRLR 85]

In order to implement these statutory provisions, BHFTI recently released a questionnaire seeking informal input regarding draft language for the proposed citation regulations; as drafted, the proposed regulations would define who may assess citations and fines under the citation system; the range of fines; criteria for determining the amount of fines; provisions regarding the appeal of citations and/or fines; and provisions regarding citations issued to unlicensed persons. The intent of the citation and disconnect regulations will be to establish a form of discipline which is more effective than warnings or notices of violation, but less costly and time-consuming than formal adjudicatory proceedings to suspend or revoke a license. At this writing, the Bureau has not published its proposed regulations for public comment in the *California Regulatory Notice Register*.

**Update on Proposed Insulation Regulations.** As a result of the transfer from the California Energy Commission (CEC) to BHFTI of jurisdiction over the sale of insulation in California, BHFTI has proposed amendments to CEC's regulations setting forth the standards which manufacturers must meet before their insulation material may be sold or installed in California. The Bureau's amendments will include in the regulatory scheme products not currently covered, such as insulated roof and wall panels, pipe insulation, and flexible insulated ducting, as well as newly-developed insulation materials including calcium silicate, flexible cellular plastic, and phenolic insulation. The proposed amendments would also update and amend existing product standard regulations to include the latest acceptable testing criteria. Finally, the regulations would establish labeling standards to minimize fraudulent labeling of insulation products. The Bureau conducted a public hearing on the proposed amendments on September 16. [12:4 CRLR 84] At this writing, Bureau staff and DCA legal counsel are reviewing the comments received at the hearing; BHFTI anticipates conducting a second public hearing in early 1993.

**Dry Cleaning Plant Registration Program Transferred.** Effective January 1, the authority to oversee the registration program for dry cleaning plants was transferred from BHFTI to the Department of Commerce (DOC) by SB 2044 (Boatwright) (Chapter 1135, Statutes of 1992). [12:4 CRLR 85] On and after January 1, no person shall operate a dry cleaning plant in this state unless he/she is registered with DOC. All funds remaining in the Dry Cleaning Account in the Bureau of Home Furnishings Fund on January 1 were transferred to the Dry Cleaning Fund within DOC, which was created by SB 2044.

**Final Version of Technical Bulletin 129 Released.** In October, BHFTI released the final version of Technical Bulletin 129, which consists of a full-scale fire performance test for mattress systems intended for use in various public buildings. [12:4 CRLR 83; 12:2&3 CRLR 90] Although not yet law in California, TB 129 has been endorsed by the International Sleep Product Association and the American Society for Testing and Materials. Also, the University of California and the California State University school systems have referred to TB 129 as procurement documents for furniture for residential halls and dormitories.

The Bureau has not yet set a date for formal adoption of the Bulletin; Chief Damant would prefer to phase it in through public awareness, making it available first as a testing procedure, after which the necessity of making it a mandatory regulation will be determined.

**BHFTI Takes Disciplinary Action.** Recently, BHFTI filed 25 lawsuits through the Sacramento, Los Angeles, Alameda, and Santa Clara district attorney offices against specified Taiwanese furniture manufacturers who were found to be selling a substantial quantity of goods in California which are not in compliance with state regulations. The Bureau's investigations of the products in question has consumed much of its limited resources and detracted from its ability to conduct follow-up surveys in areas such as the futon industry's compliance with applicable laws. [12:4 CRLR 84]

**Article Highlights BHFTI's Activities.** A November 20 article published in the *San Diego Union-Tribune* concerning the Department of Consumer Affairs featured a section on the Bureau. The article noted that BHFTI concentrates on product quality testing to ensure that all upholstered furniture and bedding meet strict state standards for consumer protection. Bureau scientists also test products to make sure claims for product efficiency,

properties, and performance are factual. The article informed consumers of their rights to file a complaint with BHFTI if they are unable to resolve a problem with a furniture manufacturer, report flammable bedding or upholstered furniture, report mislabeling of upholstered furniture and bedding, and report unsatisfactory service by a retailer. However, the article noted that the Bureau is not authorized to collect money for consumers, recommend certain products or stores, become involved in civil litigation, give legal advice, or provide a list of top-rated products.

## LEGISLATION

**Future Legislation.** DCA is expected to sponsor a fee bill for BHFTI to raise the statutory cap on the Bureau's licensing fees. Increasing its revenues will be a high priority for BHFTI, which anticipates a \$300,000 budget shortfall if its fees are not raised.

## BOARD OF LANDSCAPE ARCHITECTS

*Executive Officer: Jeanne Brode (916) 445-4954*

Authorized in Business and Professions Code section 5615 *et seq.*, the Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. Prior to 1993, applicants were required to pass the written examination of the national Council of Landscape Architectural Registration Boards (CLARB) in order to qualify for licensure. However, following years of dissatisfaction, BLA decided in May 1992 to discontinue its use of CLARB's exam; commencing in 1993, applicants must instead pass the Board's own Professional Examination for Landscape Architects (PELA) in order to qualify for licensure. [12:4 CRLR 86] In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

In addition to licensing landscape architects, the Board investigates verified complaints against landscape architects, prosecutes violations of the Practice Act, and establishes criteria for approving schools of landscape architecture. BLA's regulations are codified in Division 26, Title 16 of the California Code of Regulations (CCR).