



no personal knowledge of anyone else modifying the emission system in a manner that causes the emission system to fail to qualify for the issuance of a certificate of compliance. The bill would also require the transferor to deliver the completed statement to DMV. [S. *Appr*]

SB 668 (Hart). The Personal Income Tax Law and the Bank and Corporation Tax Law allow credits against the taxes imposed by those laws for the cost of the conversion of a vehicle to a low-emission motor vehicle or for the differential cost, as defined, of a new low-emission motor vehicle that meets specified requirements. As amended April 28, this bill would, until January 1, 2002, enact the Zero-Emission Vehicle Development Incentive Program, to be administered by ARB. The bill would exempt zero-emission vehicles from state, but not local, sales and use taxes. The bill would establish a tax credit under the Bank and Corporation Tax Law for the development of zero-emission vehicle technologies, industries, and jobs. The bill would impose a \$1 motor vehicle registration fee beginning on January 1, 1995, and terminating on December 31, 2000, unless the Department of Finance makes a specified finding, in which case it may be extended for one additional year, to be deposited in the Zero-Emission Vehicle Development Incentive Fund, which the bill would create, to fund the exemption and the credit. [S. *Appr*]

SB 766 (Rosenthal), as amended May 10, would enact the Clean Transportation Bond Act of 1994 which, if adopted, would authorize, for purposes of financing a specified clean transportation program, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of \$100 million. The bill would provide for submission of the bond act to the voters at the June 7, 1994, direct primary election in accordance with specified law. [S. *Trans*]

AB 1205 (Tucker). Existing law limits the sale of motor vehicles equipped with air-conditioners using specified chlorofluorocarbon-based products. As amended April 28, this bill would revise the specifications of the CFCs subject to those provisions. The bill would prohibit the venting or disposing, and require the reuse or recycling, of CFCs from a non-vehicular commercial refrigeration system, as defined. The bill would require the installation, replacement, or servicing of those systems to be done by qualified persons, as defined, and would prohibit other persons from purchasing any CFC, as defined, except as specified. [A. *W&M*]

SB 1113 (Morgan), as amended April 27, would prohibit any emission standard,

rule, regulation, or other requirement from taking effect or being implemented prior to July 1, 1997, in the Bay Area Air Quality Management District and the San Joaquin Valley Air Pollution Control District to require the owner or operator of any stationary source to make any capital expenditure to reduce nitrogen oxide emissions. [S. *Floor*]

■ LITIGATION

In *Coalition for Clean Air, et al. v. Air Resources Board*, No. 372697 (Sacramento County Superior Court), a coalition of environmental groups has sued ARB over its approval of SCAQMD's air quality plan, which—according to the coalition—fails to take strong measures in regulating the quality of the air found in the Los Angeles Basin. The action also attacks ARB's conditional approval of SCAQMD's proposed Regional Clean Air Incentives Market (RECLAIM) program. [13:1 *CRLR* 99-100] At this writing, the court has scheduled a hearing on the coalition's petition for writ of mandate in September.

■ RECENT MEETINGS

At its February meeting, ARB considered approval of the air quality attainment plans for Kern, San Bernardino, and Imperial counties. The Board found that the San Bernardino and Imperial plans were deficient in that they required the submission of additional information on emission accounting, indirect source control measures, and commitment to adopt best available retrofit control technology for larger sources. In addition, both districts have not yet adopted and implemented a "no net increase" new source review plan. The Board fully approved the Kern plan, and conditionally approved the San Bernardino and Imperial plans with specified conditions and timetables for correcting plan deficiencies.

At its March meeting, the Board considered approval of Placer County's 1991 air quality attainment plan. The plan, which was submitted to ARB in April 1992, was approved by the Board with specified conditions to correct deficiencies. The deficiencies include adoption of the required new source permitting rule, development of a mechanism to provide for uniform control measures within the planning area, and several actions related to transportation control measures.

■ FUTURE MEETINGS

September 9-10 in Sacramento.
October 14-15 in Sacramento.
November 18-19 in Sacramento.
December 9-10 in Sacramento.

CALIFORNIA INTEGRATED WASTE MANAGEMENT AND RECYCLING BOARD

Executive Director:
Ralph E. Chandler
Chair: Michael Frost
(916) 255-2200

The California Integrated Waste Management and Recycling Board (CIWMB) was created by AB 939 (Sher) (Chapter 1095, Statutes of 1989), the California Integrated Waste Management Act of 1989. The Act is codified in Public Resources Code (PRC) section 40000 *et seq.* AB 939 abolished CIWMB's predecessor, the California Waste Management Board. [9:4 *CRLR* 110-11] CIWMB is located within the California Environmental Protection Agency (Cal-EPA).

CIWMB reviews and issues permits for landfill disposal sites and oversees the operation of all existing landfill disposal sites. The Board requires counties and cities to prepare Countywide Integrated Waste Management Plans (CoIWMPs), upon which the Board reviews, permits, inspects, and regulates solid waste handling and disposal facilities. A CoIWMP submitted by a local government must outline the means by which its locality will meet AB 939's requirements of a 25% waste stream reduction by 1995 and a 50% waste stream reduction by 2000. Under AB 939, the primary components of waste stream reduction are recycling, source reduction, and composting.

A CoIWMP is comprised of several elements. Each city initially produces a source reduction and recycling (SRR) element, which describes the constituent materials which compose solid waste within the area affected by the element, and identifies the methods the city will use to divert a sufficient amount of solid waste through recycling, source reduction, and composting to comply with the requirements of AB 939. Each city must also produce a household hazardous waste (HHW) element which identifies a program for the safe collection, recycling, treatment, and disposal of hazardous wastes which are generated by households in the city and should be separated from the solid waste stream. After receiving each city's contribution, the county produces an overall CoIWMP, which includes all of the individual city plans' elements plus a county-prepared plan for unincorporated areas of the county, as well as a countywide siting element which provides a description of the areas to be used for



development of adequate transformation or disposal capacity concurrent and consistent with the development and implementation of the county and city SRR elements and the applicable city or county general plan.

The statutory duties of CIWMB also include conducting studies regarding new or improved methods of solid waste management, implementing public awareness programs, and rendering technical assistance to state and local agencies in planning and operating solid waste programs. Additionally, CIWMB staff is responsible for inspecting solid waste facilities such as landfills and transfer stations, and reporting its findings to the Board. The Board is authorized to adopt implementing regulations, which are codified in Division 7, Title 14 of the California Code of Regulations (CCR).

CIWMB is composed of six full-time salaried members: one member who has private sector experience in the solid waste industry (appointed by the Governor); one member who has served as an elected or appointed official of a nonprofit environmental protection organization whose principal purpose is to promote recycling and the protection of air and water quality (appointed by the Governor); two public members appointed by the Governor; one public member appointed by the Senate Rules Committee; and one public member appointed by the Speaker of the Assembly.

Issues before the Board are delegated to any of six committees; each committee includes two Board members and is chaired by a third. The Permitting and Enforcement Committee is chaired by Jesse Huff and includes Sam Egigian and Paul Relis. This Committee handles all matters pertaining to the issuance and enforcement of solid waste facilities permits and state standards for solid waste.

The Legislation and Public Affairs Committee is chaired by Kathy Neal and includes Wesley Chesbro and Michael Frost. This Committee recommends positions to the Board regarding relevant legislation, and oversees Board involvement in public affairs activities.

The Policy, Research, and Technical Assistance Committee is chaired by Sam Egigian and includes Jesse Huff and Michael Frost. This Committee is responsible for all issues and policy development regarding research, development, and special wastes activities. The term "special wastes" refers to those wastes which require unique collection, handling, or disposal methods, such as HHW, sludge, and medical wastes.

The Integrated Waste Management Planning Committee is chaired by Wesley

Chesbro and includes Kathy Neal and Paul Relis. This Committee deals with the CoIWMPs and local waste reduction plans submitted by cities and counties, and helps cities and counties implement their plans.

The Administration Committee is chaired by Michael Frost and includes Jesse Huff and Wesley Chesbro. This Committee is responsible for contracts entered into by the Board, and for issues that do not clearly belong to any other committee.

The Market Development Committee is chaired by Paul Relis and includes Jesse Huff and Wesley Chesbro; this Committee is responsible for developing new markets for recycled materials.

During fiscal year 1992-93, the Board is operating on a \$63 million budget, and employs a staff of approximately 437 in meeting the solid waste management needs of the state.

MAJOR PROJECTS

Board Adopts Strategic Plan. In January, the Board published its first strategic plan on integrated waste management; the plan seeks to implement CIWMB's statutory charge to protect the public health and natural environment by minimizing waste generation and disposal and facilitating the development of industries that use recyclable materials. The Board agreed that the following areas should be given priority status: developing markets for recyclable materials; waste prevention; waste stream diversion; changing public perceptions and practices; forming partnerships with local governments and industries; monitoring solid waste facilities management; and improving organizational leadership. The Board reports that its next step is to develop an action plan to address these priorities in a timely and efficient manner; the Board also intends to establish a system for monitoring the plan, reporting on its progress, and reviewing it annually.

CIWMB Starts New Public Education Campaign. PRC section 42600 requires the Board to establish a statewide public information and education program to encourage consumers to reduce waste and businesses to reduce excess packaging. On March 2, the Board announced plans to ask every California household to reduce the amount of trash it produces, in order to save landfill space and conserve resources; CIWMB investigations have shown that nearly half of the state's waste is produced by the residential sector. The campaign—"Leave Less Behind for the Future"—will include television, radio, and other promotional techniques to mo-

tivate Californians to take personal responsibility for their own garbage. The ads are expected to air between March 3 and June 30 in targeted areas of the state. Other aspects of the campaign include a hotline number to help consumers in their efforts and the distribution of informational kits to cities, counties, and consumers.

Governor Releases Budget Details. On January 8, the details of the proposed 1993-94 Governor's budget were released. The budget requests \$792.5 million in funding for Cal-EPA for fiscal year 1993-94; this is a decrease of \$3.1 million (0.4%) from the 1992-93 level. More recently, the Agency was directed to reduce spending by an additional \$7.1 million as its share of a statewide \$150 million general fund cut. Although Cal-EPA receives only 6.6% of its total funding from the general fund, the impact of the general fund reductions on program areas funded from that source will be significant. The 1993-94 budget for CIWMB contains a baseline reduction of \$4.6 million from 1992-93 levels; no fee increases or new fees have been proposed to address the resulting shortfall, although Cal-EPA will continue to explore its options and develop a consensus regarding the appropriate mix of program efficiencies, program reductions, and new fees.

California Submits Formal Subtitle D Application. In February, California became the first of the western states to submit its formal application under Subtitle D, the new U.S. Environmental Protection Agency (EPA) regulations for municipal solid waste (MSW) landfills under the Resource Conservation and Recovery Act. [12:1 CRLR 146] The application, prepared jointly by CIWMB and the state Water Resources Control Board (WRCB), seeks EPA approval of California's existing criteria for MSW landfills. Although California's program for regulating MSW landfills is not identical to all provisions of Subtitle D, CIWMB believes its regulations and those of WRCB ensure adequate protection of public health and the environment. Since federal law requires EPA to review and, if necessary, revise its regulations periodically, California has asked for changes in provisions pertaining to daily cover, groundwater monitoring, liners, and flexibility for small facilities. Based upon EPA's response to the draft application submitted last year, existing CIWMB and WRCB regulations are expected to sufficiently satisfy most federal standards.

EPA Region IX staff, however, have expressed concerns about certain provisions of California's requirements, includ-



ing standards for some aspects of landfill design and exemptions from daily cover for small rural landfills and for burning waste on offshore islands.

Owners and operators of MSW landfills are currently required to comply with federal standards and anyone may seek enforcement by filing a legal action in a federal court. A two-year phase-in period, ending October 9, 1995, is allowed for state statutes and regulations to be brought into full compliance with federal regulations.

CIWMB/WRCB Release Joint Report. In April, CIWMB and WRCB released a joint report entitled *Reforming the California Solid Waste Disposal Regulatory Process*; pursuant to AB 3348 (Eastin) (Chapter 1218, Statutes of 1992), the boards were required to submit a report and recommended legislation to the Governor and the legislature by March 1. [12:4 CRLR 178] The report was required to describe the boards' regulatory programs and activities relating to solid waste disposal sites and identify areas of regulatory overlap, duplication, and conflict; AB 3348 required the recommended legislation to propose a method for streamlining regulatory authority over solid waste disposal sites between the boards and, where appropriate, between the local enforcement agencies (LEAs) and the boards. Among the recommendations contained in the report are the following:

-CIWMB, WRCB, and the regional water quality control boards (RWQCB) should retain their existing statutory authority over solid waste disposal facilities, except that a clear and concise division of authority should be established (requiring revisions to both statute and regulations) to remove all areas of overlap, duplication, and conflict. WRCB and the RWQCBs should be the sole agencies regulating landfills for the purpose of protecting the waters of the state, and CIWMB and the LEAs should regulate all other aspects of solid waste landfill operations within their regulatory authority.

-To effectuate this clear division of authority, CIWMB and WRCB should jointly develop a consolidated set of regulations in one title, where ideally all landfill regulations would be codified. In addition, there should be one consolidated permit application and one required technical reporting document.

-The process and timeframe for review and approval of permit applications should be revised to allow for concurrent development and review of the waste discharge requirements and the solid waste facilities permit, requiring possible changes to statutes and regulations.

-Wherever practicable, an annual joint inspection should be conducted of facilities by CIWMB and the appropriate RWQCB and LEA.

-The closure/postclosure requirements of CIWMB and WRCB for solid waste landfills should be combined into one set of regulations in the new consolidated title; WRCB should be responsible for those regulatory requirements governing water quality protection during closure/postclosure, and CIWMB should be responsible for other closure/postclosure requirements.

-CIWMB's role in permitting and compliance should be limited to providing technical assistance and support to the LEAs, and reviewing permits and other items prepared by the LEAs for CIWMB's concurrence.

-The LEA program should not be altered at this time; CIWMB has just completed the first round of LEA certifications and has the authority under existing law to pursue decertification of an LEA if there is inadequate performance. According to the report, it would be premature at this time to consider significant alterations to this process.

-The Solid Waste Disposal Site Cleanup and Maintenance Account should be consolidated with the Integrated Waste Management Account and a rate established for the combined account which provides adequate funding for all statutory obligations which are agreed to be funded from the new joint account. Also, CIWMB's present authority to raise the tipping fee should be removed from statute and the fiscal year 1993-94 tipping fee should be set in legislation at \$1.20 per ton.

-According to the report, the Solid Waste Assessment Test program administered by WRCB, which has reviewed many of the large active landfills in the state and will be centering on small to medium-sized landfills, has been invaluable in identifying leaking solid waste landfills; the boards recommended that this program continue operating until all of the ranked solid waste disposal sites are reviewed.

-The responsibility for establishing and enforcing financial responsibility requirements for landfills should be consolidated into one title in regulations administered by CIWMB.

CIWMB to Amend Conflict of Interest Code. On February 5, CIWMB published notice of its intent to amend section 18419, Title 14 of the CCR, which is part of CIWMB's conflict of interest code. In accordance with Government Code section 87302, the code designates CIWMB

employees who must disclose certain investments, interests in real property, income and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. CIWMB's conflict of interest code was last amended in 1981, prior to AB 939 (Chapter 1095, Statutes of 1989), which reorganized and restructured the Board. In conjunction with this reorganization, a number of Board positions have either been deleted, added, or renamed. The proposed amendment to section 18419 reflects the position changes for designated employees subject to reporting requirements and reflects changes caused by the Board's reorganization. CIWMB adopted these changes at its March meeting; at this writing, the revisions are being reviewed by the Fair Political Practices Commission.

Recycling Market Development Zone Low-Interest Loan Program. CIWMB's Recycling Market Development Zone (RMDZ) Low-Interest Revolving Loan program provides low-interest loans to local governments and private business located within designated RMDZs. The program's regulations, codified at sections 17930-17936, Title 14 of the CCR, specify that three types of projects shall receive consideration for loan funding; the first two priorities are set by statute and regulation, and the third must be determined annually by CIWMB before March 31 of each year. First priority is given to projects which demonstrate the potential to significantly increase the market demand for recycling that project's type of postconsumer waste material. Second priority is given to projects that demonstrate the greatest use of other funds or the greatest effort to obtain other funds. The third priority consideration, to be determined by the Board annually, must be based statewide market development objectives, as specified in the loan program regulations. At its January 27-28 meeting, the Board decided that, as third priority, funding shall go to projects which manufacture and/or produce value-added products utilizing innovative manufacturing technologies. This priority targets the activity of the applicant, while the other two priorities target the material type used and the use of other funds by the applicant.

First-quarter loan applications for funds from the Loan Program were received on February 11; CIWMB received thirteen applications from nine different zones, requesting a total of \$8.7 million in funding. After review, staff submitted ten applications to CIWMB's Loan Committee for review at its March 25 meeting; the



Loan Committee conducted an independent review and evaluation, developed a list of projects, and submitted it to the Market Development Committee for review and recommendation. At CIWMB's April 28 meeting, the Market Development Committee presented its recommendations regarding which projects the Board should fund. Following discussion, CIWMB adopted the Committee's recommendations to fund ten projects in seven zones for a total loan of \$4.5 million.

In a related matter, CIWMB on February 5 published notice of its intent to adopt section 17932.1 and amend section 17934.3, Title 14 of the CCR, which authorize the Board to set points and fees for RMDZ loans to cover the administrative costs of making the loans. Currently, the regulations require an application fee of \$500 to be due at loan closing. New section 17932.1 would make tire recycling projects eligible for loans under the RMDZ program; these loans would be administered through the RMDZ program and funded by the California Tire Recycling Management Fund. The proposed amendments to section 17934.3 would replace the \$500 fee due at loan closing, which is only collectable from approved loan applications, with a non-refundable \$300 fee due at the time of application. The public comment period on these proposals began on February 5 and ended on March 22; the Board adopted the action at its March 31 meeting. At this writing, the Office of Administrative Law (OAL) is reviewing the proposed changes.

The RMDZ program consists of five designation cycles; by March 31 of each year, CIWMB must determine the number of zones that will be designated for that particular cycle. In June 1992, the Board designated twelve RMDZs; the zone designations were approved with the condition that they demonstrate compliance with the California Environmental Quality Act (CEQA). Conditionally-designated zones must fulfill all conditions of approval prior to being granted final designation status; at the time of final designation, zones and businesses located within the zones are eligible to receive program benefits. Upon certification of CEQA compliance, section 17911, Title 14 of the CCR, requires the zones to formally request final designation status from CIWMB. At its March 31 meeting, the Board granted final designation to the following ten zones: Contra Costa County; City of Long Beach; San Bernardino and Riverside counties; Glenn County; City and County of Sacramento; City of Los Angeles; City and County of Merced/City of Atwater; City and County

of San Diego; City of Oroville; and the City of Porterville. Subsequent to the March meeting, CIWMB received requests for final designation from the two remaining zones granted conditional designation; those two zones—the cities of Oakland/Berkeley and Ventura County—were granted final designation status at the Board's April 28 meeting.

At its March meeting, the Board announced the Cycle II conditional designation of four additional RMDZs: Humboldt County, southern Alameda County, the Central Coast region, and the greater south San Joaquin Valley. Two other applicants, Antelope Valley and Riverside County, did not pass the technical review segment. However, upon reevaluation, staff recommended approval of Riverside County's application; the Board granted conditional designation of the Riverside County Zone at its April 28 meeting.

Recycled Content Trash Bag Regulations. PRC sections 41970–41978 mandate that a specified percentage of the material used to make certain trash bags sold in California be recycled postconsumer materials. Although the statutes do not require the promulgation of rules, CIWMB published notice on January 1 of its intent to adopt sections new sections 17975–17985, Division 7, Title 14 of the CCR; the proposed regulations would define terms, reporting requirements, and certification procedures for the recycled content trash bag program. CIWMB held a workshop on February 4 and a public hearing on March 4 to receive input from the industry, environmental groups, other interested persons, and the public. In response to the comments received, staff modified the proposed language and released the amended proposal for an additional fifteen-day public comment period, which ended on April 24. The Board adopted the regulations at its April 28 meeting and is presently preparing the rulemaking file for submission to OAL.

CIWMB Adopts Emergency Storm Regulations. On February 11, OAL approved CIWMB's emergency adoption of sections 17000–17006, Title 14 of the CCR, which provide waivers to operators who hold valid permits to operate solid waste facilities of any standard imposed by Division 7, Title 14 of the CCR, or any term or condition of a solid waste facilities permit issued pursuant to Division 7 related to origin of waste, rate of inflow for storage, transfer or disposal, type and moisture content of solid waste, hours of facility operation, and storage time before transfer or disposal of non-putrescible wastes, at existing solid waste facilities, including temporary facilities, if needed to

replace any permitted facilities destroyed by the winter storms which began in January 1993. The waivers will be granted for the express purpose of enabling solid waste facilities operators to accept demolition debris and other wastes from the clean-up of the winter storms which began in January 1993, and included the counties of Orange, Riverside, Modoc, San Diego, Plumas, Siskiyou, Lassen, Fresno, Imperial, Madera, Monterey, San Bernardino, Sierra, Tehama, Trinity, Tulare and the City of Fillmore within the County of Ventura, and are limited to receipt of waste originating within the geographical area of the storms as designated by various State of Emergency Proclamations issued by the Governor in January 1993, and any additional declaration of emergency which the Governor may issue relative to these storms.

Under the emergency regulations, an operator who accepts storm-related solid waste under circumstances which would normally violate state standards or the terms and conditions of his/her solid waste facilities permit must report to the LEA in writing the facts and circumstances of such receipt, handling, or disposal of waste, stating the origin and type of waste, the increase in tonnage or volume of waste to be received, and the dates and duration of storage required for non-putrescible waste if that waste is stored in order to dry prior to transfer or disposal. This written report must be made to the LEA within 60 days of receipt of such waste, and again within thirty days of the end of the effective period of this article.

The regulations also provide that all other state minimum solid waste standards and permit conditions which are not the subject of the waiver must be adhered to; the waiver is valid only if the operator uses maximum efforts to recycle, reuse, or otherwise divert from disposal as much of the waste received as is feasible; the LEA must review the operator's written report on receipt of waste pursuant to the waiver, and must transmit the report, together with comments on the LEA's review, to CIWMB within fourteen days of the receipt of the operator's written report; and CIWMB delegates to its Executive Director the review of an operator's use of the waiver. The waivers are valid until June 11.

Rulemaking Update. The following is a status update on CIWMB regulatory proposals discussed in detail in recent issues of the *Reporter*:

• **Used Oil Recycling Enhancement Program.** On February 2, OAL approved CIWMB's permanent adoption of sections 18601–18642, Division 7, Title 14 of the



CCR, to implement aspects of the California Oil Recycling Enhancement Act of 1991 (Chapter 817, Statutes of 1991). [13:1 CRLR 101] Specifically, those regulations set forth reporting requirements for oil manufacturers, used oil haulers, and used oil recycling facilities. CIWMB had previously adopted the sections on an emergency basis.

In October 1992, CIWMB noticed its intent to amend or adopt sections 18601-18659.6, Title 14 of the CCR, to implement additional aspects of the Act. [13:1 CRLR 101] The changes describe procedures for certifying used oil collection centers and recycling facilities, and procedures for registration of industrial generators, curbside collection programs, and electric utilities. In addition, the regulatory changes address procedures for claiming recycling incentive payments and grants to local governments, and provide for an enforcement program and formulas for calculating used oil recycling rates. On January 21, OAL approved these revisions on an emergency basis; CIWMB adopted the changes on a permanent basis on March 31. The Board expected to submit the rulemaking file to OAL in late May.

• **Composting Facility Regulations.** Following a third public comment period, CIWMB on February 25 tentatively adopted proposed new sections 17851-17895 and 18220 and amendments to sections 18207, 18208, 18213, and 18215, Title 14 of the CCR, which would establish minimum standards for the design, operation, and permitting of green materials composting facilities, and then reopened the public comment period until April 14. [13:1 CRLR 101] Since CIWMB is incorporating many of WRCB's standards into the permitting process, most of the comments have dealt with the permeability and leachate requirements for a composting permit. At this writing, CIWMB expects to submit the rulemaking file to OAL by the end of May; later in the year, the Board will create a new phase of regulations dealing with food waste, sludge, and municipal waste.

• **Financial Responsibility for Landfills on Federal Land.** On February 2, OAL approved CIWMB's amendments to sections 18281 and 18283 and new section 18292, Title 14 of the CCR. [13:1 CRLR 102] This regulatory action provides federal entities with a mechanism to demonstrate financial assurance for closure and postclosure maintenance of landfills located on federal land.

• **Financial Responsibility for Operating Liability Claims.** On January 28, OAL approved CIWMB's permanent

amendments to sections 18232 and 18240, Title 14 of the CCR, which require operators of solid waste disposal facilities to provide assurance of adequate financial ability to respond to personal injury claims and public or private damage claims that result from the pre-closure operations of such facilities. [13:1 CRLR 102]

• **Waste Tire Storage/Disposal Regulations.** On January 25, OAL reapproved CIWMB's emergency adoption of sections 17225.35, 17225.705, 17225.715, 17225.735, 17350-17356, 18420, 18422-18429, 18431-18434, 18440-18443, 18447-18448, 18470-18482, and 18485-18499, Title 14 of the CCR. [13:1 CRLR 102] The regulatory action, which was originally adopted on an emergency basis in February 1992 and has been readopted on an emergency basis three times since, establishes procedures and requirements necessary to obtain waste tire facility permits and technical standards for storage and disposal of waste tires. CIWMB formally adopted the sections on a permanent basis on February 25; at this writing, the Board is expected to send the regulations to OAL in late May.

• **Household Hazardous Waste.** At its February 25 meeting, CIWMB adopted proposed amendments to sections 18751.1(a)(1) and 18751.4(b)(1) to revise Form CIWMB-303, which is used in conjunction with the HHW element of the CoIWMP. [13:1 CRLR 102] The purpose of the form is to provide the Board with information pertaining to the volume and type of HHW received at HHW collection programs statewide; this information is then used to assist local jurisdictions in refining their public information and education programs by targeting specific HHW which are received in large volumes at the jurisdiction's HHW collection programs. The revised form will provide instructions which the original form lacked, and is now compatible with current HHW reporting forms required by the Department of Toxic Substances Control. At this writing, the proposed changes are being reviewed by OAL.

• **CIWMB Adopts Panel's Recommendations on Research Priorities.** Pursuant to PRC section 42650, the Board is authorized to establish a comprehensive research and development program designed to identify, develop, and refine processes and technologies that will assist state and local governments and private industries to implement innovative resource management and waste reduction programs; to that end, CIWMB established a panel of experts from a variety of scientific disciplines with research experi-

ence in different sectors to recommend statewide waste management research priorities. [13:1 CRLR 103]

At its January 27 meeting, the Board adopted the panel's final report, which recommended that CIWMB pursue an overall expansion of research and development on waste management; engage in the additional use of computer modeling; and fund those science and technology research projects that promise the earliest and most cost-effective returns in the implementation of Board goals. Also, the panel recommended that CIWMB awards for research be restricted to California individuals and organizations, noting that California leads the nation in scientific and technical talent.

• **CIWMB Research on Recycling Used Tires.** Last December, CIWMB's Research and Recycling Division began accepting applications for grants to promote innovative research and business development that will use or consume waste tires; the grants will come from the California Tire Recycling Management Fund into which money is deposited for every tire left with a tire dealer for disposal. [13:1 CRLR 103] Grants up to \$100,000 were available for innovative research projects, excluding combustion, rubber in asphalt concrete, and pyrolysis projects. Additionally, grants up to \$50,000 were available for research, technical validation, market and business plans, and economic analysis.

In response to its notice of available funds, the Board sent out over 700 application packages and received 99 completed applications. At its April 28 meeting, the Board awarded grants to the City of Long Beach, the University of California at Davis, and the Tahoe Prevention Network/CCC.

LEGISLATION

• **AB 173 (V. Brown),** as amended April 28, would limit the amount of salary paid to the chair and each member of CIWMB to an amount no greater than the annual salary of members of the legislature, excluding the Speaker of the Assembly, President pro Tempore of the Senate, Assembly majority and minority floor leaders, and Senate majority and minority floor leaders. [A. Floor]

• **AB 1220 (Eastin).** Under the California Integrated Waste Management Act of 1989, each operator of a solid waste facility is required to pay a quarterly fee to the state Board of Equalization, based upon the amount of solid waste disposed of at each site, but the fee is prohibited from exceeding \$1 per ton; the revenue from the fee is required to be deposited in the Inte-



grated Waste Management Account in the Integrated Waste Management Fund and may be expended by the Board, upon appropriation by the legislature, to carry out the Act. As amended May 3, this bill would increase the quarterly fee for solid waste disposal to \$1.20 per ton of solid waste disposed of at each disposal site for the 1993-94 fiscal year, except as specified.

This bill would prohibit regulations of CIWMB from including aspects of solid waste handling or disposal which are solely within the jurisdiction of the Air Resources Board, WRCB or a California RWQCB, and would provide that, if an owner or operator of a solid waste landfill is in compliance with certain air pollution requirements, the owner or operator is deemed to be in compliance with the Board's landfill gas migration regulations. The bill would require CIWMB and WRCB to develop, by January 1, 1994, a work plan for combining specified financial assurance requirements.

The bill would enact the Eastin-Sher Regulatory Reform Act of 1993, which would require CIWMB and WRCB to develop an implementation plan by July 1, 1993, to implement the bill and to adopt emergency regulations for implementation of the bill.

The bill would also delete the requirement that CIWMB annually inspect each solid waste facility and would instead require the Board to inspect the types and numbers of facilities determined necessary by the Board. The bill would also revise the manner of review of closure plans and postclosure maintenance plans for solid waste landfills and would deem a solid waste landfill owner or operator which meets the Board's closure and postclosure maintenance regulations to meet all state requirements for the adoption of a closure plan and postclosure maintenance plan. The bill would require CIWMB and WRCB to revise certain regulations, by June 30, 1994, to consolidate the closure/postclosure maintenance requirements. [A. W&M]

AB 315 (Hauser). The California Integrated Waste Management Act of 1989 requires, among other things, any person owning or operating a solid waste landfill to certify to CIWMB that the owner or operator has prepared an initial estimate of closure and postclosure maintenance costs, has established a trust fund or equivalent financial arrangement acceptable to the Board, and will deposit annually in the trust fund or equivalent financial arrangement amounts that will ensure adequate resources for the closure and postclosure maintenance of the landfill. As amended

May 4, this bill would provide, until January 1, 1997, that, if the owner or operator is a county with a population of 200,000 or less, the county shall not be required to make deposits in excess of the amount required in the 1992-93 fiscal year for a period of three years commencing July 1, 1993, if the county can demonstrate adequate financial assurances through other financial assurance mechanisms authorized by federal law. The bill would require the Board to adopt procedures for those counties, pursuant to which the county may utilize other financial assurance mechanisms authorized by federal law. The bill would require the Board to complete a study on landfill closure and postclosure maintenance in counties with a population of 200,000 or less and report to the legislature on or before January 1, 1994.

The bill would, until January 1, 1997, require CIWMB to obtain specified information from owners and operators of solid waste landfills needed to obtain a specified exemption from federal law, and would require the Board and WRCB to amend, as specified, the Subtitle D application for determination of solid waste landfill permit program adequacy that was filed with EPA on February 1, 1993 (see MAJOR PROJECTS). [A. W&M]

AB 337 (Statham), as amended May 4, would require—with regard to owner/operator financial arrangements that will ensure adequate resources for the closure and postclosure maintenance of a landfill—that the owner or operator certify that the owner or operator has annually deposited an amount that is in accordance with the federal Resource Conservation and Recovery Act and that will ensure adequate resources for closure and postclosure maintenance. The Board would be prohibited from adopting regulations which require the annual deposit of a greater amount than the minimum amount required by the federal Act.

The bill would also provide that, if the owner or operator is a public agency that owns or operates more than one solid waste landfill, the public agency shall not be required to establish a separate trust fund for each landfill, but may deposit those amounts in a single trust fund. The bill would also authorize, if not in conflict with federal law or regulations, a county or city, with regard to a solid waste landfill owned or operated by the county or city, to base its estimate of closure and postclosure maintenance costs on the costs of employing county or city employees or persons under contract with the county or city in performing closure and postclosure maintenance. The bill would

authorize the county or city to employ its employees or persons under contract in the actual performance of closure and postclosure maintenance operations, to effect cost savings, even if, to meet federal requirements, the cost estimate is based on the most expensive cost of closure and postclosure maintenance performed by a third party. [A. Floor]

AB 1569 (Harvey), as amended May 4, would require CIWMB, by March 1, 1994, to review and revise its regulations to make its closure and postclosure maintenance and owner/operator financial responsibility regulations consistent with the financial assurance criteria specified in certain federal regulations. CIWMB would be required to minimize the cost of compliance with those regulations with regard to public solid waste landfills, as specified. [A. W&M]

AB 1827 (Sher), as introduced March 5, would increase from fifteen to thirty the number of years for which a solid waste disposal site owner or operator must demonstrate financial ability for postclosure maintenance, and make related changes. This bill would also prohibit the open burning of solid waste at any solid waste facility, except for the infrequent burning of agricultural wastes, silvicultural wastes, landclearing debris, diseased trees, or debris from emergency clean-up operations. [S. GO]

AB 440 (Sher). The California Integrated Waste Management Act of 1989 authorizes a city or county to form a regional agency with another city or county for the purpose of complying with specified requirements of the Act. The Act provides that the regional agency, and not the cities or counties which are member agencies of the regional agency, are responsible for compliance with specified requirements of the Act, if the cities or counties which form the regional agency are located in a rural area with a combined population of 250,000 or less. The Act defines, for that purpose, a "rural area" as an area that has a low population density, small geographic size, and has a small quantity of solid waste generated and disposed of in the area, as defined by Board regulation. This bill would delete the requirement that such a rural area have a small geographic size.

The bill would specify that a city, county, or regional agency may enter into a memorandum of understanding with another city, county, or regional planning agency, agency formed under a joint exercise of powers agreement, or district established to manage solid waste for the purpose of preparing and implementing the SRR element, HHW element, or a



countywide or regional agency integrated waste management plan.

The Act requires each countywide or regional agency integrated waste management plan, and the elements thereof, to be reviewed, revised, and, if necessary, submitted to CIWMB every five years, in accordance with a specified schedule. This bill would authorize a city, county, or regional agency to amend its SRR element or HHW element at any time to incorporate new or revised data, give descriptions of new or revised SRR or composting programs, or make other changes that are necessary to meet AB 939's solid waste diversion requirements.

The Act requires that, if a city or county has less than eight years of remaining disposal site capacity, the CoIWMP must be submitted to CIWMB within twelve months, and requires that, if a city or county has eight or more years of remaining disposal site capacity, the plan must be submitted within eighteen months, after OAL formally approves regulations for the preparation of countywide siting elements and CoIWMPs. A regional agency integrated waste management plan is required to be submitted to the Board within eighteen months after OAL formally approves those regulations. This bill would require, notwithstanding those provisions, any city, county, or regional agency with less than eight years of remaining disposal site capacity to submit its SRR element to the Board by April 30, 1994; any city, county, or regional agency with eight or more years, but less than fifteen years of disposal site capacity, to submit that element to the Board by August 1, 1994; and any city, county, or regional agency with fifteen or more years of disposal site capacity to submit that element to the Board by November 1, 1994. The bill would require, upon submission of its SRR element, each city, county, or regional agency to report to the Board on its progress in achieving AB 939's diversion requirements. The Board would be required to report to the Governor and the legislature by January 1, 1995, on statewide progress in meeting those diversion requirements. [A. W&M]

AB 608 (Areias). The California Integrated Waste Management Act of 1989 provides for the designation of recycling market development zones, and makes related legislative declarations and findings. As introduced February 23, this bill would revise those declarations and findings. [A. Inactive File]

AB 712 (Sher). The California Oil Recycling Enhancement Act requires CIWMB to adopt a recycling program that promotes and develops alternatives to the

illegal disposal of used oil. The Act requires CIWMB to establish reporting periods for the reporting of accumulated industrial and lubricating oil sales and used oil recycling rates, and requires the Board to issue a report on its determinations within 70 days of the end of each reporting period. As amended April 19, this bill would, instead, require the Board to issue the report on its determinations within 120 days of the end of each reporting period, and would delete an obsolete provision.

The Act requires every oil manufacturer, as defined, to pay quarterly four cents to the Board for each quart, or sixteen cents for each gallon, of lubricating oil sold or transferred in this state or imported into this state for use in the state in that quarter, unless exempt as specified, and prescribes civil and criminal penalties for violations of the Act. This bill would make it a misdemeanor to make a false claim of exemption. [S. GO]

AB 1783 (Bowen), as introduced March 4, would revise the assessments against oil manufacturers under the California Oil Recycling Enhancement Act. This bill would require every oil manufacturer, if the lubricating oil is recycled oil, to instead pay to the Board two cents for every quart, or eight cents for every gallon, of that oil sold or transferred in the state, or imported into the state for use in the state that quarter, except as specified. [A. W&M]

AB 1107 (Cortese). The California Integrated Waste Management Act of 1989 requires each county to prepare and submit to CIWMB a CoIWMP consisting of specified county and city elements. The Act requires the plan or any plan amendment to be approved by the county and a majority of cities within the county, as specified, except the SRR element. As introduced March 2, this bill would also except from that approval process the HHW element and a nondisposal facility element. [S. GO]

AB 54 (Sher), as introduced December 17, would require the Board to include in its annual report a report on its progress in developing model programs and materials to assist rural counties and cities in complying with specified requirements of the Act, and recommendations for providing technical assistance to rural counties and cities. AB 54 would also amend the Act's provision requiring a CoIWMP and any plan amendment to be approved by the counties and by the cities within the counties, as specified, with the exception of the SRR element. This bill would also except from that approval the HHW element and the nondisposal facility element. [S. GO]

AB 1405 (Morrow). The California Integrated Waste Management Act of 1989 authorizes CIWMB to grant a one-year extension from AB 939's waste diversion requirements to any city or county if specified conditions are met. As amended April 19, this bill would also authorize CIWMB to grant an extension from the diversion requirements to a city that was incorporated after January 1, 1990, if specified conditions are met. [A. Floor]

AB 1751 (Solis), as amended May 4, would prohibit the Los Angeles County LEA from revising the solid waste facilities permit for the La Puente Hills Landfill in Los Angeles County to allow expansion of the landfill if the expanded landfill would be located within 2,000 feet of property that is used for either single- or multiple-family residences, or for a hospital, school, child care facility, or retail business. [A. W&M]

AB 1909 (O'Connell). The California Integrated Waste Management Act of 1989 authorizes CIWMB to assist local agencies in the development of markets for postconsumer waste materials by, among other things, making low-interest loans to local agencies for the purpose of developing markets for postconsumer waste material. As amended April 28, this bill would repeal and recast those provisions of law, and require the Board, using existing resources, to develop a comprehensive market development plan that would stimulate market demand within the state for postconsumer waste material and secondary waste material. The bill would, until July 1, 1997, provide for the designation of recycling market development zones, provide for a loan program, create in the Integrated Waste Management Account a Recycling Market Development Revolving Loan Subaccount, and prescribe related matters. The bill would require the Board to report on its loan program and on its progress in developing and implementing the market development plan to the legislature on or before March 31, 1996. [A. W&M]

AB 2136 (Eastin), as amended April 21, would authorize CIWMB to expend the money in the Integrated Waste Management Account, upon appropriation by the legislature, for emergency actions at solid waste disposal sites and for clean-ups at disposal sites where the Board cannot identify responsible parties for the site or where the parties are insolvent. The Board would also be authorized to expend the money in the account, upon the request of the LEA or, if the LEA fails to take action, to take corrective action to abate a nuisance or protect human health and safety and the environment, or to prepare



and implement a closure plan or postclosure maintenance plan. The bill would require the Board to seek repayment of the funds expended pursuant to these provisions from the responsible parties. The bill would limit the amount which the Board may expend under these provisions to \$5 million per year, except for the taking of emergency actions. [A. W&M]

AJR 32 (Bornstein), as introduced April 13, would urge that the federal definition of solid waste facilities for purposes of tax treatment be modified to allow facilities utilizing recovered materials to be eligible for tax-exempt financing. [A. Rules]

SB 744 (McCorquodale). Under existing law, every person who leaves tires for disposal with a seller of new or used tires is required to pay a disposal fee, which is deposited in the California Tire Recycling Management Fund in the State Treasury; CIWMB is authorized to expend the money in the fund, upon appropriation in the annual Budget Act, for specified purposes concerning tire recycling and the disposal of used tires. As amended April 12, this bill would additionally authorize the Board to expend the money in the fund, upon appropriation, to carry out a waste tire hauler registration program which this bill would enact. The bill would require every person who engages in the transportation of waste tires on and after January 1, 1995, to hold a valid waste tire hauler registration, except as specified, and would require any person engaged in the transportation of waste tires on and after January 1, 1995, to follow specified requirements. The bill would specify the information to be included in the application for waste tire hauler registration and the application for renewal of registration, specify grounds for the denial, suspension, or revocation of registration, require the Board to develop a waste tire manifest system, and require the manifest to be maintained by all parties for three years. The bill would make any person who violates the bill's requirements liable for a civil penalty of up to \$10,000. CIWMB would be authorized to adopt regulations necessary to carry out the bill's requirements. [S. Floor]

SB 924 (Calderon). The California Integrated Waste Management Act of 1989 defines the term "solid waste" for purposes of the Act to mean all putrescible and nonputrescible solid, semisolid, and liquid waste, with specified exceptions. As amended April 29, this bill would specifically include source separated material within the definition of solid waste. The bill would define the term "source sepa-

rated material" for purposes of the Act to mean material that is (1) separated at the point of generation from material that is destined for solid waste disposal, and (2) destined for repair, reuse, or recycling. [S. GO]

SB 1089 (Killea). Under existing law, the Division of Recycling is in the Department of Conservation. As amended April 12, this bill would transfer the Division of Recycling and its functions from the Department of Conservation to CIWMB, make related changes in the California Beverage Container Recycling and Litter Reduction Act, in provisions pertaining to plastic waste, in the Fiberglass Recycled Content Act of 1991, and in the California Integrated Waste Management Act of 1989, and prescribe related matters.

The California Integrated Waste Management Act of 1989 establishes the Board as a six-member body, appointed as specified, including two members who are appointed by the Governor to represent the public. The Act requires the chair to be elected by a majority of the Board members. This bill would reduce the membership of the Board to five members by eliminating one of the positions appointed by the Governor to represent the public, and would instead require the Governor to appoint the chair of the Board. [S. Appr]

SB 466 (Boatwright). The California Integrated Waste Management Act of 1989 defines various terms for purposes of provisions regarding rigid plastic packaging containers. The Act makes related findings and declarations. As amended April 12, this bill would revise those findings and declarations, and define the terms "beverage container" and "curbside collection program" for purposes of those provisions.

The Act requires, except as specified, on and after January 1, 1995, every rigid plastic packaging container, as defined, which is sold or offered for sale in the state to meet on average at least one of five specified criteria, including that the container have a recycling rate of 25% if its primary material is not pete, as defined. This bill would instead require pete material to be included in the calculation of that recycling rate. The bill would exempt rigid plastic packaging containers which are manufactured for use with foods, drugs, cosmetics, and medical devices from meeting those criteria, but would require the inclusion of those containers in calculating recycling rates. [S. Floor]

SB 951 (Hart). The California Integrated Waste Management Act of 1989 requires each seller of trash bags, defined as any person who sells trash bags to a retailer, distributor, commercial or indus-

trial user, or governmental entity, to ensure that a specified percentage of the material used in trash bags is recycled postconsumer material, and requires each seller, on and after March 1, 1994, and annually thereafter, to certify to CIWMB that it has complied with those requirements. The Act requires the Board, if any seller of trash bags or recycled postconsumer material provides the Board with a false or misleading certificate of compliance with those requirements, within 30 days of making that determination, to refer the false or misleading certificate to the Attorney General for prosecution for fraud. The Act provides that specific information on material prices included in that certification is proprietary, and prohibits CIWMB from making that information available to the general public.

As introduced, this bill would repeal those provisions and enact similar provisions with regard to plastic trash bags, as defined, instead requiring a manufacturer to ensure those percentages of postconsumer material. The bill would define a "manufacturer" as a person who manufactures plastic trash bags for sale in this state and a "wholesaler" as any person who purchases plastic trash bags from a manufacturer for resale in the state. The bill would require each manufacturer, on or before March 1, 1994, and annually thereafter, to submit a report to the Board certifying that it has complied with the requirements to use the specified percentages of recycled plastic postconsumer material. The bill would require each wholesaler, on or before March 1, 1994, and annually thereafter, to certify to the Board the name and physical location of each manufacturer from whom it purchased plastic trash bags. The bill would require each manufacturer to obtain from its suppliers of recycled plastic postconsumer material for use in the manufacture of plastic trash bags a statement regarding the postconsumer material content and require the manufacturer to annually certify the name and physical location of the suppliers and report specified information obtained from the suppliers regarding those supplies. The bill would not reenact the provisions prohibiting the disclosure of proprietary material price information. The bill would require the Board to refer any false or misleading information provided by a supplier or any false or misleading certification or information provided by a manufacturer or wholesaler to the Attorney General for prosecution for fraud.

The Act requires every rigid plastic container, as defined, that is sold or offered for sale in the state to meet specified



criteria, commencing on January 1, 1995, except as specified. This bill would require CIWMB to grant a one-year waiver from those criteria requirements for rigid plastic packaging containers that are introduced and sold in this state after January 1, 1995. [A. NatRes]

SB 1090 (Killea), as amended April 12, would exclude compost that meets state and federal product quality standards from the definition of "solid waste." The bill, on and after January 1, 1996, would authorize CIWMB to adopt regulations that restrict or prohibit the disposal of yard waste at disposal facilities. [S. Floor]

SB 1132 (Leslie). The California Integrated Waste Management Act of 1989 requires each SRR element to include an implementation schedule that shows how the local agency will meet AB 939's waste diversion requirements. The Act requires each plan and the elements thereof to be reviewed, revised, and, if necessary, submitted to the Board every five years. As introduced March 5, this bill would instead require the revision of the plan and its elements, if the local agency determines, based on its progress in meeting the diversion requirements, that such a revision is necessary. [A. NatRes]

SB 799 (Presley), as amended April 12, would authorize each state agency, regional agency, and local agency concerned with the solid waste facility planning and siting process to involve the public, as specified, and would revise related legislative findings and declarations. [S. Floor]

AB 457 (Areias). The California Integrated Waste Management Act of 1989 required CIWMB, on or before August 1, 1991, to prepare and adopt certification regulations for LEAs, and requires these regulations to include, among other things, requirements regarding staff resources. As amended May 6, this bill would delete that deadline and require the Board to adopt specified regulations regarding staff resources for designated enforcement agencies, as defined. [A. W&M]

AB 1829 (Sher), as amended May 4, would—among other things—require CIWMB to establish a comprehensive research and development program designed to achieve specified goals regarding innovative resource management and waste reduction programs; require CIWMB to prepare and submit to the legislature a plan for the review of solid waste facilities at least once every five years; and require CIWMB to regulate the disposal of waste containing asbestos at any waste management unit which is classified under specified regulations, unless

the waste management unit is subject to a hazardous waste facilities permit issued by the Department of Toxic Substances Control. [A. W&M]

AB 11 (Eastin). Existing law requires government agencies and the legislature to give purchasing preference to recycled products. As amended April 13, this bill would require a procuring agency and the legislature, if a product made with recycled material costs more than the same product made with virgin material, to purchase fewer of those more costly products or to apply cost savings, if any, gained from buying other products made with recycled materials towards the purchase of those more costly products.

Existing law requires the Department of General Services to give a preference to suppliers of recycled paper products of up to 5% of the lowest bid or price quoted by suppliers offering nonrecycled paper products, and requires the legislature to give a purchasing preference if the recycled product meets all applicable standards and can be substituted for a comparable nonrecycled product. Existing law requires that, by January 1, 1992, at least 35%, and by January 1, 1994, at least 40%, of the total dollar amount of paper products purchased or procured by the Department and the legislature be purchased as recycled paper product. This bill would instead require that, by January 1, 1994, at least 40%, and by January 1, 1996, at least 50%, of the total dollar amount of paper products purchased or procured by the Department be purchased as recycled paper product; by January 1, 1994, at least 15%, and by January 1, 1996, at least 25%, of the total purchased or procured fine writing and printing paper be a recycled paper product; by January 1, 1995, at least 40%, and by January 1, 1997, at least 50%, of the total dollar amount of paper products purchased or procured by the legislature be purchased as recycled paper product; and by January 1, 1995, at least 15%, and by January 1, 1997, at least 25%, of the total fine writing and printing paper purchased or procured by the legislature be a recycled paper product. The legislature, the Department, and procuring agencies would also be required to give special consideration to purchasing certain products.

The Act requires procuring agencies to require contractors to certify the recycled content of materials, goods, or supplies, as specified. This bill would authorize the Department, in consultation with CIWMB, to establish price preferences, recycled-content disclosure, recycled product-only bids, and cooperative purchasing arrangements to assist in meeting

recycled product preference and purchasing requirements. [S. GO]

■ FUTURE MEETINGS

August 25–26 in Los Angeles.
September 22 in Sacramento.
October 27–28 in Merced.
November 17 in Sacramento.
December 15 in Sacramento.

DEPARTMENT OF PESTICIDE REGULATION

Director: James Wells
(916) 654-0551

The California Department of Food and Agriculture's Division of Pest Management officially became the Department of Pesticide Regulation (DPR) within the California Environmental Protection Agency (Cal-EPA) on July 17, 1991. DPR's enabling statute appears at Food and Agricultural Code (FAC) section 11401 *et seq.*; its regulations are codified in Titles 3 and 26 of the California Code of Regulations (CCR).

With the creation of Cal-EPA, all jurisdiction over pesticide regulation and registration was removed from CDFG and transferred to DPR. Pest eradication activities (including aerial malathion spraying, quarantines, and other methods of eliminating and/or preventing pest infestations) remain with CDFG. The important statutes which DPR is now responsible for implementing and administering include the Birth Defect Prevention Act (FAC section 13121 *et seq.*), the Pesticide Contamination Prevention Act (section 13141 *et seq.*), and laws relating to pesticide residue monitoring (section 12501 *et seq.*), registration of economic poisons (section 12811 *et seq.*), assessments against pesticide registrants (section WPWPCet *seq.*), pesticide labeling (section 12851 *et seq.*), worker safety (section 12980 *et seq.*), restricted materials (section 14001 *et seq.*), and qualified pesticide applicator certificates (section 14151 *et seq.*).

DPR includes the following branches:

1. The Pesticide Registration Branch is responsible for product registration and coordination of the required evaluation process among other DPR branches and state agencies.

2. The Medical Toxicology Branch reviews toxicology studies and prepares risk assessments. Data are reviewed for chronic and acute health effects for new active ingredients, label amendments on currently registered products which in-