



REGULATORY AGENCY ACTION

and resolved to work with Assembly-member Sally Tanner to evaluate the problem and the need for a new specialty certification (*see supra* LEGISLATION). A representative of the Association of Engineering Geologists (AEG) commented that two-thirds of AEG's Los Angeles area members are opposed to a new hydrogeology specialty.

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.

LEGISLATION:

AB 567 (Hunter), as amended April 18, would abolish the Board of Guide Dogs for the Blind and require trainers of guide, signal, or service dogs to register with the Department of Consumer Affairs (DCA); these registered trainers would be permitted to authorize other persons to train the dogs. DCA would be required to establish and maintain a registry of these persons and issue certificates of registration. This bill is pending in the Assembly Human Services Committee.

SB 756 (Marks), as introduced March 6, would change the composition of the Board by providing that one member shall be the Director of the Department of Rehabilitation or his/her representative, one shall be a veterinarian, one shall be a member of the general public, and the remaining members shall be blind persons who use guide dogs. This bill is pending in the Senate Business and Professions Committee.

RECENT MEETINGS:

Following its meeting on May 3, the Board administered an examination to a prospective guide dog trainer. According to the DCA Annual Report, the Board did not administer any exams during the 1989-90 fiscal year.

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 (BHF) 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, insulation, and dry cleaning industries. The Bureau is established in Business and Professions Code section 19000 *et seq.*

The Bureau establishes rules regarding furniture and bedding labeling and sanitation. 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 Attorney 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.

The Bureau is also charged with the registration of dry cleaning plants throughout the state. The registration process includes submission of information regarding the plant's onsite storage, treatment, and disposal of toxic wastes. The Bureau, however, has no enforcement authority regarding this function.

The Bureau is assisted by a thirteen-member Advisory Board consisting of seven public members and six industry representatives.

MAJOR PROJECTS:

Governor Appoints New Deputy Chief. On May 2, Governor Pete Wilson announced the appointment of Maria

Guzman-Kennedy of Vallejo as Deputy Chief of BHF. Kennedy, a former business analyst with Cordoba Corporation, will receive an annual salary of \$55,836. Gordon Damant of Sacramento will continue to serve as BHF Chief; he has held this position since 1978 and currently earns an annual salary of \$64,728.

Status of Proposed Increase in License Fees. On May 17, the Bureau submitted its proposed regulatory changes to section 1107, Title 4 of the CCR, to the Office of Administrative Law (OAL) for approval; the changes would increase BHF license fees to the maximum levels authorized by law. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 78 and Vol. 11, No. 1 (Winter 1991) pp. 64-65 for background information.) At this writing, BHF is awaiting OAL's response. If approved, the regulatory changes will become effective August 1.

In its review of the fee changes, DCA's Budget Office projected that BHF will face a deficit by the end of the 1993-94 fiscal year, despite the additional revenue from the proposed fee increase. Since the proposed regulatory amendments would raise fees to the maximum levels allowed by law, the Bureau will need to obtain a statutory change before it may increase its fees further.

Furniture Flammability Standards. On May 16, BHF submitted its proposed regulatory changes to sections 1374 and 1374.3, Title 4 of the CCR, to DCA for approval. The proposed revisions would establish higher flammability standards for furniture in public buildings. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 78; Vol. 11, No. 1 (Winter 1991) p. 64; and Vol. 10, No. 4 (Fall 1990) p. 77 for background information.) BHF expects official approval from DCA by mid-June; the Bureau will then submit the regulatory package to OAL for final approval, which is expected in late July. If the regulations are approved, they are scheduled to go into effect January 1, 1992.

Proposed Revisions to the Insulation Quality Standards. BHF has proposed revisions to its Standards for Insulation Material to update existing standards and expand the present types and forms of insulation. The Insulation Quality Standards (IQS) program is a state-mandated program developed to establish standards which protect consumers from unsafe insulation products, minimize fraudulent labeling, and set guidelines for quality control to ensure that maximum energy savings are safely achieved for each energy conservation dollar spent by the consumer. Examples of new types of insulation which would be



added by the draft revisions include various forms of calcium silicate, cellular insulation, and phenolic. (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 58-59 for background information on BHF's IQS program.)

On April 15, BHF sent the draft revisions to all licensed manufacturers and interested parties; comments have been received from approximately 20 industry members and interested parties. BHF will schedule public hearings to discuss the proposed modifications later this year.

Dry Cleaning Plant Registration Fee Increased. Effective May 1, BHF increased the one-time registration fee for dry cleaning plants from \$25 to \$75, the maximum fee allowed under Business and Professions Code section 19236. According to BHF, this increase was necessary because the Dry Cleaning Program fund has declined rapidly since the program's inception in January 1987 (see CRLR Vol. 7, No. 2 (Spring 1987) p. 52 and Vol. 7, No. 1 (Winter 1987) p. 45 for background information), resulting in the severe depletion of the Dry Cleaning Account. The depletion is primarily due to the lack of sufficient revenue from dry cleaning plant registration fees, the program's basic source of income.

The increased fee is only a short-term solution. In addition, BHF recommends imposition of a biennial renewal process in place of the current one-time-only fee requirement. According to BHF, implementation of such a renewal process would require changes in the law; BHF has drafted proposed legislation to address this issue.

License Verification System. In April, BHF installed a License Verification System (LVS), which allows BHF employees to verify a license status without using the state's Teale Data Center, thus avoiding Teale's costs. The advantages of LVS include free searches, increased search speed, more versatile search scope, and the availability of essential data for license verification. However, data on LVS is not always current, as it is updated twice weekly, and data for each licensee is limited compared to the Teale system.

Budget Change Proposals. BHF is in the process of preparing two budget change proposals (BCP) which would affect Bureau staffing in fiscal year 1992-93. One change would make permanent the limited-term Staff Services Analyst position that is scheduled to expire on December 31, 1991; the second BCP would create a word processing position to provide clerical support to the flammability research and analyti-

cal/data processing work units. The final BCPs are expected to be submitted to DCA's Budget Office by July 10. After DCA review, the BCPs will go to the Department of Finance for acceptance or rejection.

False and Misleading Advertising Pamphlets. DCA has approved the text of the Bureau's false and misleading advertising booklets, which address what constitutes false or misleading advertising under the Home Furnishings and Thermal Insulation Act, BHF regulations, and the California Business and Professions Code. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 78 for background information.) BHF is currently preparing the pamphlet for printing, and expects the first printing to be completed early this summer.

Licensing Project. BHF is continuing to analyze different approaches to locating unlicensed industry members and enforcing licensing requirements. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 78 and Vol. 11, No. 1 (Winter 1991) p. 65 for background information.) BHF had considered the possibility of including information regarding its licensing program in State Board of Equalization pamphlet #35 (Tax Tips for Interior Designers and Decorators); however, after considering the data that would be provided and the cost involved, BHF decided not to pursue this option. BHF is pursuing other alternatives, including contacting design centers, furniture marts, showrooms, interior design association chapters, and city and county licensing offices, requesting assistance in reducing unlicensed activity.

LEGISLATION:

AB 1749 (Johnson). Under existing law, a BHF licensee who fails to timely renew his/her license prior to expiration must pay a delinquency fee. If the renewal fee and delinquency fee are not paid within a specified time period, the licensee is assessed an additional penalty fee of 5% of the renewal fee for each month or fraction thereof that the license is delinquent. As introduced March 8, this bill would revise to an unspecified amount the penalty fee for failure to timely renew a BHF license prior to its expiration. This bill is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development.

AB 1893 (Lancaster), as amended May 24, is DCA's omnibus bill. With respect to BHF, it would increase the additional penalty fee for failure to timely renew a BHF license after January 1, 1992, to 30% of the renewal fee. The bill also provides that a BHF license which

is not renewed within one year of its expiration shall be cancelled, and sets forth conditions for reinstatement of such a cancelled license. This bill is pending in the Assembly Ways and Means Committee.

LITIGATION:

In *People v. United Shredding, Inc.*, No. 366280 (Sacramento County Superior Court), United Shredding agreed to pay \$9,401 in civil penalties, investigation costs, and attorneys' fees. United Shredding, a Pennsylvania corporation, did not admit to any violation of law, although the court's judgment enjoins United Shredding from, among other things, placing upon its upholstered furniture a label or notice which indicates that the furniture complies with requirements of California law, unless in truth and in fact the upholstered furniture does comply with the legal requirements. Of the \$9,401 judgment, the Bureau will receive \$6,901 to cover its investigation costs in the matter.

FUTURE MEETINGS:

September 10 in San Francisco.
December 10 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
(916) 445-4954

The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB) and a section covering landscape architecture in California; out-of-state applicants must also pass an oral examination given by the Board. 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.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

Authorized in Business and Professions Code section 5615 *et seq.*, BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern