



# REGULATORY AGENCY ACTION

## Fault Hazard Reports.

### LEGISLATION:

The Board is seeking a sponsor for a bill to increase its fee ceiling. The current application fee is \$60, and the Professional Practices Committee has recommended an increase to \$100. The Board expressed concern that the legislature might not be receptive to such a large increase. The Board is self-funded through the fees it generates, and the Board's annual budget is now approximately equal to its income. The budget increase has been proposed to expand the Board's investigative and enforcement functions, add one office position to process the continuing large number of applications and other administrative work, and to allow the administration of two examinations per year.

### RECENT MEETINGS:

At its October meeting, the Board expressed concern over recent criticism of its enforcement record. The Board seeks to pursue a vigorous enforcement program but, as is common with other small agencies, BRGG suffers from limited revenue and a lack of investigative and other support services. Executive Officer John Wolfe commented that in some cases, BRGG lacks jurisdiction over the individual complained of. At this writing, only one BRGG enforcement case is pending in the Attorney General's Office.

Also at its October meeting, the Board adopted a recommendation of the Professional Practices Committee concerning distribution of unsigned draft reports. The Committee felt that the practice should not be discouraged. Access to draft reports while work is still in progress facilitates coordination between different consultants who may be investigating different aspects of the same project. In order to avoid confusion between draft reports and final reports, the Committee recommended that draft reports be unsigned, and that each page be clearly and prominently marked to indicate its draft status. The Board elected not to adopt this recommendation as a rule or regulation, but merely as Board policy which reflects the preferred practice. However, the policy will be submitted to the Office of Administrative Law for determination on this issue.

John Wolfe reported that the target date for publication of the next BRGG newsletter is April 1989. He also reported that the directory listing all persons registered by BRGG will be updated and distributed soon.

### FUTURE MEETINGS:

To be announced.

## BOARD OF GUIDE DOGS FOR THE BLIND

*Executive Officer: Manuel Urena  
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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.

There are three guide dog schools in California. These schools train the blind in the use of guide dogs. Each school also trains its own dogs. Each blind person is then matched with a dog using factors such as size and temperament. To provide this specialized service, the schools must have special facilities, which are inspected by the Board members as needed.

The Board consists of seven members, two of whom must be dog users (Business and Professions Code section 7200).

### MAJOR PROJECTS:

*Implementation of SB 2229.* SB 2229 (Marks), which was signed by the Governor on September 30, requires the Board to complete a study regarding possible expansion of the Board's jurisdiction to include signal dogs for the hearing impaired, service dogs for the physically disabled, and other appropriately trainable animals. The Board received funding to conduct public hearings throughout California between July 1, 1989 and June 30, 1990. It will seek information concerning the special needs and problems involved in the licensing and training of these assistance animals and their handlers. A tentative schedule of the hearings is as follows: July 12-14 in Los Angeles and San Bernardino; August 9-10 in San Francisco; September 18-19 in Sacramento and Chico; October 9 in San Jose; November 16 in Santa Barbara; December 4 in San Diego; and an undetermined January 1990 date in Fresno.

### RECENT MEETINGS:

At its December 2 meeting in Burbank, the Board approved an application for a license to solicit funds for the establishment of a new guide dog school. The Board granted the license to Guide Dogs of the Pacific (GDP). It approved

of GDP's plan of operation and determined it is of "sufficient financial responsibility," which is required by section 2268 of the Board's regulations (Title 16 of the California Code of Regulations). The license will remain valid for one year and GDP must apply for a school license before the expiration of that year. The school will be located at a southern California site to be chosen in the future.

### FUTURE MEETINGS:

To be announced.

## BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

*Chief: Gordon Damant  
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The Bureau of Home Furnishings and Thermal Insulation (BHF) regulates manufacturers, wholesalers, dealers, upholsterers, retailers, renovators, and sterilizers of furniture and bedding. In addition, the Bureau establishes rules regarding labeling requirements approved by the state Department of Public Health pertaining to furniture and bedding.

To enforce its regulations, the Bureau has access to premises, equipment, materials, and articles of furniture.

The chief or any inspector may open, inspect and analyze the contents of any furniture or bedding and may condemn, withhold from sale, seize or destroy any upholstered furniture or bedding or any filling material found to be in violation of Bureau rules and regulations. The Bureau may also revoke or suspend registration for violation of its rules.

The Bureau is assisted by a thirteen-member Advisory Board consisting of seven public members and six industry representatives. Governor Deukmejian recently appointed Thomas D. Wilternik to serve on the Advisory Board. Wilternik is general manager of Sackner Products in Long Beach. He replaces Neal Puro as a supply dealer representative. Jerry P. Barrus, owner of Barrus Interiors of Long Beach, was also appointed by the Governor to fill a vacancy for a custom upholsterer representative.

### MAJOR PROJECTS:

*Public Occupancies.* The Bureau recently proposed regulations requiring higher flammability standards for furniture used in "public occupancies." (See CRLR Vol. 8, No. 1 (Winter 1988) p. 56 for background information.) The Bureau contends that fire dangers are



magnified in facilities where occupants are physically unable to escape (e.g., health care institutions), not allowed access outdoors (e.g., correctional facilities), or in unfamiliar, densely occupied surroundings (e.g., auditoriums, hotels). There is a general consensus among fire prevention authorities that residential furniture flammability standards are inadequate to protect health and safety in public occupancies. In a 1987 survey, over 100 of the largest California fire departments supported higher standards for public occupancies.

A proposed amendment to section 1374, Chapter 3, Title 4 of the California Code of Regulations, would define the term "public occupancies" and require that all seating furniture sold for use in public occupancies after September 1, 1989, not smolder or ignite when in contact with a cigarette; such furniture must also meet other technical flammability specifications. The Bureau reports that seating furniture meeting these requirements is readily available at little or no increase in cost. A proposed amendment to section 1374.3 would add a labeling requirement for seating furniture in public occupancies.

The Bureau was scheduled to hold a public hearing on these proposed regulations on January 5 in Sacramento.

**Waterbed Regulations.** The Bureau has responded to consumer and industry concerns by proposing new and clarified regulations for waterbed frames and heaters. The frame regulations reflect concern about the great weight of waterbeds by requiring materials to conform to minimum strength standards. The heater regulations are mandated by SB 1645 (Keene) (Chapter 1503, Statutes of 1987), and would require consumer warnings regarding draining a waterbed and safety features ensuring that the heater will shut off or not damage the waterbed while it is being drained. (For additional information, see CRLR Vol. 8, No. 1 (Winter 1988) p. 56.)

The Bureau was scheduled to hold a public hearing on its proposed amendments to sections 1350-1359 and the addition of sections 1356.1-1356.3 on January 5 in Sacramento.

**Cellulose Insulation Study.** The Bureau has begun to study the effects of aging on cellulose insulation. There is concern that chemical flame retardants used to treat the cellulose may break down over time and present a greater flammability danger than realized. The study is open-ended and its length will be determined by results obtained during the initial stages.

## LITIGATION:

In *People v. Gevin International Corp.*, No. 504353 (Sacramento County Superior Court), a final judgment was entered in September 1988. Civil penalties of \$10,000 were assessed against Gevin, a San Jose furniture manufacturer, in this action enforcing state labeling and flammability requirements. Injunctive relief was also awarded, including an order to comply with a mandatory quality control program. The Bureau was awarded its investigative costs.

## RECENT MEETINGS:

At its December 6 meeting in Los Angeles, Chief Damant announced that the Bureau has completed its Question and Answer Booklet. Two versions addressing the most common concerns of licensees and consumers will be available in spring 1989. Consumers contacting the Bureau will receive a copy and licensees will receive one at the time of renewal. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 61 for background information.)

The Bureau is considering standards for flexible insulated ducting, a product mainly used in commercial air conditioning systems. Chief Damant was scheduled to meet with industry representatives in January 1989 to discuss regulations and testing standards.

Board members were provided with copies of the Bureau's licensing, complaint, enforcement, and testing activity reports for the first quarter of the 1988-89 fiscal year (July 1 to September 30). During this period, the Bureau issued original licenses to 935 retailers, manufacturers, and supply dealers. Currently, 17,684 licenses are in effect, including those for retail furniture or bedding (4,935); retail furniture and bedding (7,445); custom upholsterer renovator sterilizer (1,602); and manufacturer, wholesaler, and supply dealer (3,702). The Bureau's enforcement program withheld 9,533 articles from sale and re-labeled 1,135 others.

The Bureau and the Department of Consumer Affairs co-sponsored a conference on thermal insulation on September 19-20, 1988 in Sacramento. Over 100 attendees heard nineteen presentations. The Bureau will publish the papers presented at the conference in spring 1989.

## FUTURE MEETINGS:

June 13 in San Diego.

## BOARD OF LANDSCAPE ARCHITECTS

*Executive Officer: Jeanne Brode*  
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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), an additional section covering landscape architecture in California, and 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.

BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms.

## MAJOR PROJECTS:

**Regulatory Changes.** At its December 2 meeting, the Board held a regulatory hearing on three proposed changes to its regulations, which appear in Chapter 26, Title 16 of the California Code of Regulations. Following the hearing, the Board adopted section 2612, which specifies the time period dating from receipt of a permit application within which the Board must either give written notice to the applicant that the application is complete or that it is deficient and what specific information is lacking. The Board also adopted section 2613, which specifies the minimum, median, and maximum times for processing an application for licensure. Finally, the Board approved an amendment to section 2649 which increases the Board's fees for examinations, original certificates,