



accidents; *SB 478 (B. Greene)*, which would create the Crane Operators Licensing Board and require all crane operators to be licensed under penalty of misdemeanor; *AB 167 (Floyd)*, which, as amended July 12, would provide that only qualified electrical workers, as defined, shall work on energized conductors or equipment connected to energized high voltage systems; *SB 356 (Petris)*, which, as amended September 14, would enact the Agricultural Hazard Communication Act requiring the Director of Food and Agriculture, in cooperation with the Department of Industrial Relations, to adopt regulations setting forth an employer's duties towards its agricultural laborers and requiring the Director to enforce these regulations; *AB 1469 (Margolin)*, which would require OSB, within a specified period of time, to revise the CCR to include any carcinogen on the Governor's list of those chemicals known to cause cancer or reproductive toxicity, unless a substance is covered by a separate comparable standard, or the OSB exempts a substance which presents no substantial threat to employee health pursuant to a specified provision; and *AB 750 (Roos)*, which would require OSB to adopt occupational safety and health standards concerning work involving contact with bodily fluids so as to protect the safety of health care workers.

LITIGATION:

On March 23, the California Supreme Court dismissed *Ixta, et al. v. Rinaldi*, No. C002805 (Third District Court of Appeal), the administration's appeal of the Third District's unanimous ruling that Governor Deukmejian exceeded his authority when he vetoed \$7 million in Cal-OSHA funding from the state budget. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 85 for background information.) The court dismissed the appeal on grounds of mootness; the passage of Proposition 97 in November 1988 restored Cal-OSHA's private sector enforcement program.

RECENT MEETINGS:

At its June 22 business meeting, OSB granted permanent variances to the following entities: Arechiga, Graham, and Fylke, Inc. from section 3000(d)(11), Title 8 (installation of a private residence elevator); Awdeh and Company from section 3292(f), Title 8 (forty-seven foot building without roof tie-backs); and University of California Regents from section 3000(c)(13), Title 8 (installation of a vertical wheelchair lift with vertical rise of nine feet, three inches).

During its July 27 public hearing, OSB considered public comments on a proposal by Associated General Contractors of California, Inc. (AGC) to amend section 1717(d) of the Construction Safety Orders to permit employees to work underneath formwork if other required safeguards are provided. At this writing, OSB has not yet voted on whether to approve the amendment.

During its July 27 business meeting, OSB granted permanent variances to the following entities: The Chimneys Condominiums Homeowners Association from sections 3021(a), 3035(a), 3036(a), 3038, and 3042(f) of the Elevator Safety Orders (installation of two private residence elevators in Carmel); Anomil Enterprises, Inc. from section 462(m)(3) of the Unfired Pressure Vessel Safety Orders (compressed air systems using plastic pipe); County of Santa Clara from sections 3040(b)(5), 3040(d)(5), and 3041(c)(1)(B)2(D)3 of the Elevator Safety Orders (three inmate elevators); Ocean Park Partnership from section 3000(c)(13) of the Elevator Safety Orders (installation of a vertical wheelchair ramp with a rise of nine feet, two inches); Building Management Services from section 3000(c)(13) (installation of a vertical wheelchair lift with a rise of eight feet, nine inches); Fred Arkenberg from section 3272(b) of

the General Safety Orders (car stacking equipment with less than six feet, eight inches clear head room for egress); and Delta Airlines, Inc. from section 3000(c)(13) of the Elevator Safety Orders (installation of an inclined wheelchair lift with a rise of fourteen feet).

During its August 24 business meeting, OSB granted permanent variances to the following entities: City of Fairfield from section 3000(c)(13) of the Elevator Safety Orders (installation of a vertical wheelchair lift with a rise of eight feet); Solano County from section 3040 of the Elevator Safety Orders (lockable covers installed over elevator emergency stop switches in jail); and Loyola Law School from section 3000(c)(13) of the Elevator Safety Orders (installation of a vertical wheelchair lift with a rise of six feet, six inches). Also during the August 24 business meeting, OSB granted a petition requesting a modification of section 3212(d) of the General Industry Safety Orders (Petition File No. 271) to require guardrails around roof-mounted equipment and roof access areas. The Board will now conduct formal rulemaking proceedings on the proposed regulatory change.

FUTURE MEETINGS:

To be announced.



DEPARTMENT OF FOOD AND AGRICULTURE

DEPARTMENT OF FOOD AND AGRICULTURE

Director: Henry Voss
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The Department of Food and Agriculture (CDFA) promotes and protects California's agriculture and executes the provisions of the Agriculture Code which provide for the Department's organization, authorize it to expend available monies and prescribe various powers and duties. The legislature initially created the Department in 1880 to study "diseases of the vine." Today the Department's functions are numerous and complex.

The Department works to improve the quality of the environment and farm community through regulation and control of pesticides and through the exclusion, control and eradication of pests harmful to the state's farms, forests,

and gardens. The Department also works to prevent fraud and deception in the marketing of agricultural products and commodities by assuring that everyone receives the true weight and measure of goods and services.

The Department collects information regarding agriculture, and issues, broadcasts and exhibits that information. This includes the conducting of surveys and investigations, and the maintenance of laboratories for the testing, examining and diagnosing of livestock and poultry diseases.

The executive office of the Department consists of the director and chief deputy director who are appointed by the Governor. The director, the executive officer in control of the Department, appoints two deputy directors. In addition to the director's general prescribed duties, he may also appoint committees



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to study and advise on special problems affecting the agricultural interests of the state and the work of the Department.

The executive office oversees the activities of seven operating divisions:

1. Division of Animal Industry—Provides inspections to assure that meat and dairy products are safe, wholesome and properly labeled and helps protect cattle producers from losses from theft and straying;

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

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

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

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

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

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

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

The State Board of Food and Agriculture consists of the Executive Officer, Executive Secretary, and fifteen members including the Board President who voluntarily represent different localities of the state. The State Board inquires into the needs of the agricultural industry and the functions of the Department. It confers with and advises the Governor and the director as to how the Department can best serve the agricultural industry and the consumers of agricultural products. In addition, it may make in-

vestigations, conduct hearings and prosecute actions concerning all matters and subjects under the jurisdiction of the Department.

At the local level, county agricultural commissioners are in charge of county departments of agriculture. County agricultural commissioners cooperate in the study and control of pests that may exist in their county. They provide public information concerning the work of the county department and the resources of their county, and make reports as to condition, acreage, production and value of the agricultural products in their county.

On February 24, Governor Deukmejian reappointed the following individuals for another term on the State Board of Food and Agriculture: Richard C. Keehn of Hopland; Thomas F. DiMare of Modesto; and William F. Borrer of Gerber.

MAJOR PROJECTS:

Groundwater Protection Regulation Proposed. The Pesticide Contamination Prevention Act of 1985, which added sections 13141-13152 to Division 7 of the Food and Agricultural Code, was enacted to prevent pesticide contamination of California's groundwater aquifers. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 95 and Vol. 9, No. 2 (Spring 1989) p. 94 for background information.) Section 13149 requires that within ninety days after an active ingredient, degradation product, or other specified ingredient of an economic poison is found in groundwater or at or below the deepest of three specified depths below the soil surface, the CDFA Director must determine whether the residue of the economic poison resulted from legal agricultural use; if so, a review of the pesticide's potential threat to groundwater must be initiated. The three soil depths specified are: eight feet below the soil surface; below the root zone of the crop where the active ingredient was found; or below the soil microbial zone.

CDFA recently proposed the addition of regulatory section 6808, Title 3 of the California Code of Regulations (CCR), to describe the "root zone of the crop" and "soil microbial zone" in section 13149 of the Code as the area extending from the soil surface to the upper boundary of the C horizon in soil (the deepest of several identifiable soil depths, which is not usually affected by soil-forming processes such as leaching, accumulation of organic matter, and weathering of parent material). This would allow CDFA to implement subsection 13149(a)(1) and provide for review of pesticide residues

detected below eight feet in soil, if those residues are also below the upper boundary of the C horizon. Thus, pesticide residues in soil would only be evaluated when found below the zone of significant microbial degradation, beyond which the residue poses a potential threat to groundwater.

The public comment period on the proposed addition of section 6808 was scheduled to end on October 13. No public hearing is scheduled at this writing.

Pesticide Worker Safety and Minimal Exposure Pesticides Regulations. On August 31, CDFA held a public hearing on numerous proposed changes to its regulations in Titles 3 and 26 of the CCR on fieldworker protection standards for agricultural pesticides. The Department believes the analogous regulations adopted by the U.S. Environmental Protection Agency (EPA) are substandard when applied to California conditions, and has proposed regulatory changes which it believes are more comprehensive than those of EPA in that they apply to other than fieldworkers.

Included in the proposed changes is an amendment to section 6400(n), to make the temporary restricted status of propargite, bromoxynil, and folpet (and most of their products) permanent. The Department also proposes to repeal section 6482, which currently sets forth specific requirements under which these three substances may be used, and move it to a new article entitled "Pesticides Requiring Minimal Exposure." New Article 5 (section 6790 *et seq.*) would establish a list of these "minimal exposure pesticides" (section 6790), and set forth conditions of use (section 6792), applicator restrictions and training requirements (section 6793), training program requirements (section 6794), training records requirements (section 6795), employer/employee responsibilities (section 6796), and exemptions (section 6791).

The Department also proposes to repeal section 6410 (requiring employers to post or distribute pesticide safety information leaflets to employees) and move that requirement to section 6724, to clarify that it is not applicable only to employees handling restricted materials. Section 6724, which currently requires an employer to provide training to each employee handling pesticides, would be amended to include the leaflet requirement and to require the employer to document the identify of the trainer on the training record.

This action would also amend section 6738 to change safety equipment requirements applicable to employees working



as "flaggers". Section 6770 regarding field reentry after pesticide application would be amended to require that employees be notified of the reentry interval, the pesticide used, and protective work procedures to follow; be required to wear protective clothing; and be instructed to shower at the end of the workday. An amendment to section 6772 would make permanent some temporary reentry intervals applicable to propargite and folpet for several crops.

At this writing, the Department is currently reviewing the comments received on these proposed regulations.

Proposition 65 Rulemaking. The California Health and Welfare Agency (HWA), the lead agency overseeing the implementation of Proposition 65, held a public hearing on September 13 to receive testimony on several proposed amendments to its Proposition 65 regulations in Title 22 of the CCR.

Proposition 65 prohibits persons in the course of doing business from knowingly discharging or releasing chemicals known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemicals pass or probably will pass into a source of drinking water. The initiative also states that such persons shall not knowingly and intentionally expose individuals to such chemicals without first giving a clear and reasonable warning.

Section 12201, Title 22 of the CCR, would be amended to define the term "Act" as the Safe Drinking Water and Toxics Enforcement Act of 1986 (Proposition 65), and the term "listed chemical" as chemicals listed by the state pursuant to Health and Safety Code section 25249.8(a). The amendment would also delete several references to "hydraulic continuity" and specified saline bodies of water as they relate to discharges or releases of listed chemicals, and replace them with a new definition of the term "probably will pass" as contained in section 25249.5 of the Code.

HWA also proposed to adopt section 12901, which defines the term "any detectable amount" in section 25249.11 of the Code to mean an amount detected by the methods of analysis described therein. It further provides that, where specified governmental agencies have adopted or employ a method of analysis, the method must be employed for purposes of the Act. Where these governmental agencies have not adopted a method, but there is a method of analysis generally accepted in the scientific community, that method must be used. Where no such method is available, a scientific-

ally valid method must be used. The amendment provides that no discharge, release, or exposure will be found to have occurred unless a listed chemical is detectable as provided under section 12901. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 94 for background information.)

HWA also received testimony on the proposed adoption of section 12306, which implements a provision of Proposition 65 stating that a chemical is known to the state to cause cancer or reproductive toxicity "if a body considered to be authoritative by [the state's qualified experts] has formally identified it as causing cancer or reproductive toxicity." Section 12306 would define these terms, and set forth procedures for adding chemicals formally identified as causing cancer or reproductive toxicity by a body considered to be authoritative to the state's list, and for reconsideration of chemicals added to the state's list.

At this writing, HWA is still in the process of responding to the public comments received on the proposed regulations.

OAL Disapproves CDFA's Permit Reform Act Regulations. On August 24, the Office of Administrative Law (OAL) disapproved CDFA's adoption of sections 300 and 301, Title 3 of the CCR, which would have put CDFA in compliance with the Permit Reform Act of 1981 (Government Code sections 15374-15378). As required by the Act, the regulations would have specified application processing times for 44 different CDFA licenses, permits, registrations, certificates, and renewals. Although acknowledging CDFA's substantial efforts in developing the proposed regulations, OAL disapproved them because they failed to comply with the clarity, authority, and reference standards in Government Code section 11349.1, and because CDFA's rulemaking file failed to contain a statement confirming that CDFA mailed notice of the proposed action to all of the parties required to be notified under Government Code section 11346.4(a)(1)(4). CDFA plans to modify the rulemaking file and resubmit it to OAL for approval.

OAL Approves Emergency Hydrilla Eradication Area Regulations. On June 26, OAL approved CDFA's proposed emergency amendment to section 3962(a) which added Madera and Mariposa counties to the existing list of eradication areas for hydrilla, a noxious weed which clogs irrigation canals and other waterways, causing serious damage to the agricultural industry. Eastman Lake, located on the Madera/Mariposa county line, was found to be infested with

hydrilla. The effect of the amendment was to provide authority for the state to immediately perform eradication activities in those counties. On September 1, CDFA published notice of its intent to permanently adopt this regulatory change; the public comment period ended on October 16.

Proposed Juice Grape Regulations. On September 26, CDFA was scheduled to hold a hearing on a proposed amendment to section 1437.10, Title 3 of the CCR, which would prohibit the use of stick-on labels on juice grape containers to indicate varietal designation and require all variety labels to be printed or embossed on each container. The prohibition of stick-on labels is intended to prevent deliberate mislabeling activities by receivers who can easily remove the stick-on labels and replace the labels identifying the juice grapes with a label of a variety commanding a higher price.

The proposed amendment would also exempt containers of juice grapes shipped to foreign countries other than Canada from having to comply with the 36- or 42-pound net weight requirement. This amendment is intended to placate Pacific Rim countries in which a market for California juice grapes has developed. These countries have requested that containers be shipped with lighter net weights to improve grape quality upon arrival. CDFA hopes the proposed amendment will increase the marketing potential for the fresh juice grape industry.

Status Update on Other Proposed Regulations. The following is an update on the status of several regulatory changes proposed and/or adopted by CDFA and discussed in recent issues of the *Reporter*:

-Methyl Bromide/Chloropicrin Regulations. CDFA has decided not to resubmit its proposed amendments to section 6450, Title 3 of the CCR, to OAL, which disapproved the proposals on March 29. The amendments would have set forth more stringent use requirements for field fumigations using the two substances. At this writing, CDFA hopes to publish new amendments by the end of the year. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 95 and Vol. 8, No. 4 (Fall 1988) p. 95 for background information.)

-Quantity/Weight Regulations. Following a March 10 disapproval, OAL approved CDFA's proposed amendment of section 4500, Title 4 of the CCR, which allows berries to be sold by weight when in a container. CDFA plans to modify and resubmit its adoption of section 4521.30 and amendments to sections 4513, 4514, and 4522, Title 4 of



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the CCR, which would update California's packaging and labeling regulations to be consistent with the National Bureau of Standards Handbook 130. (See CRLR Vol. 9, No. 3 (Summer 1989) pp. 95-96 and Vol. 8, No. 4 (Fall 1988) p. 95 for background information.)

-Emergency Methomyl Regulations. On June 29, OAL approved CDFA's emergency amendments to section 6772(a), Titles 3 and 26 of the CCR, which increase the reentry interval after methomyl field spraying from 2 days to 7 days for early season applications and to 21 days for late season applications (or 10 days if leaf samples reveal methomyl degradation to defined safe levels. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 96 for background information.) The emergency regulations were set to expire at the end of September; at this writing, CDFA plans to permanently adopt the amendments, but may vary the language slightly prior to formally publishing its notice.

LEGISLATION:

AB 2295 (Cortese). Existing law regulates the manufacture, labeling, and distribution of agricultural products derived from municipal sewage sludge as fertilizer material, and exempts these products, when used in general commerce, from regulation as a hazardous substance and as a waste under designated provisions. This bill, as amended September 13, provides for the exemption of these agricultural products from regulation as a solid waste under other designated provisions. This bill was signed by the Governor on October 1 (Chapter 1247, Statutes of 1989).

AB 1212 (Aretias), as amended September 1, authorizes the CDFA Director to create a California-grown seal for agricultural products to certify that the products have been produced in the state; prohibits the use of the seal without the approval and certification of the Director and county agricultural commissioners; authorizes the Director or the board of supervisors of a county to establish a certification fee; and authorizes the Director to adopt rules and regulations to carry out the provisions of this bill. This bill was signed by the Governor on September 25 (Chapter 819, Statutes of 1989).

AB 1873 (Jones), as amended September 11, authorizes the CDFA Director, in lieu of civil prosecution against a person violating specified pest control and pesticide laws and regulations, to levy a specified maximum civil penalty against a person violating specified provisions regarding pesticides and economic

poisons; increases the maximum civil penalty for violations of specified provisions regarding pest control operations, economic poisons, and restricted materials from \$500 to \$1,000; and increases the penalties for negligent violations which create a hazard to human health or the environment. This bill was signed by the Governor on September 25 (Chapter 843, Statutes of 1989).

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 3 (Summer 1989) at pages 96-98:

AB 2161 (Bronzan), as amended September 13, requires CDFA, on or before March 1, 1990, to establish a separate scientific advisory committee to review, as prescribed, recent scientific advancements concerning new and revised analytical methods for testing produce and processed foods for the presence of pesticide residues. Commencing July 1, 1990, CDFA is also required to conduct an assessment, in conjunction with the state Department of Health Services (DHS), of dietary risks associated with the consumption of produce and processed foods treated with pesticides, and to submit each risk assessment to the state department for peer review, as specified. This bill was signed by the Governor on October 1 (Chapter 1200, Statutes of 1989).

AB 2157 (Filante), as amended August 29, revises the number of voters required to vote in favor of establishment of the California Winegrape Growers Commission and allows specified producer regions to vote in a referendum to establish local commissions for those regions with powers, duties, and responsibilities similar to the statewide commission. This bill was signed by the Governor on September 25 (Chapter 854, Statutes of 1989).

AB 63 (Waters), authorizes sweeteners approved by the U.S. Food and Drug Administration to be added to milk products, prescribes labeling requirements, and directs the CDFA Director to develop and distribute specified guidelines, was signed by the Governor on July 25 (Chapter 199, Statutes of 1989).

AB 222 (N. Waters), as amended September 8, would have repealed the termination date for CDFA's Foreign Market Development Export Incentive Program, and would have raised the current limit on the program's annual administrative costs from \$400,000 to \$500,000. This bill was vetoed by the Governor on October 1.

AB 489 (N. Waters), as amended July 6, makes it unlawful for any livestock owner or agent to knowingly sell or dispose of any livestock or livestock

carcasses which have drug residues in excess of allowable federal or state tolerances. This bill also prohibits any sale of livestock drug prior to obtaining a CDFA registration certificate. This bill was signed by the Governor on September 25 (Chapter 834, Statutes of 1989).

The following bills were made two-year bills, and may be pursued when the legislature reconvenes in January: **SB 970 (Petris),** which would enact the Child Poisoning Act of 1989 and which would prohibit the CDFA Director from renewing the registration of a household pesticide after December 31, 1990, if there is an acute effects data gap, as defined, for the produce; **AB 1681 (Burton),** which would require the Occupational Safety and Health Standards Board of the Department of Industrial Relations to adopt mandatory data requirements for quarantine periods to protect field workers from hazardous pesticide residues in labor intensive crops; **SB 1251 (Mello),** which would require the CDFA Director to establish the Task Force on Alternatives to Agricultural Chemicals; **SB 1610 (Petris),** which would establish the Sustainable Agriculture Research and Education Fund in the State Treasury; **SB 952 (Petris),** which would require CDFA to report pesticide active ingredient data gap and other specified information to the legislature by March 1, 1990; **AB 417 (Connelly),** which would, among other things, prohibit the CDFA Director from registering, or renewing the registration of, any economic poison in violation of a regulation adopted pursuant to the provisions of this bill, and which would require the Director to establish and maintain a program to detect and monitor pesticide residues in raw produce, as specified, and to enforce tolerances for raw agricultural commodities adopted by the DHS Director pursuant to this bill; **AB 563 (Hannigan),** which would require CDFA to develop and establish a program for the collection of banned or unregistered agricultural waste on or before July 1, 1990, if specified funds are made available; **AB 311 (Felando),** which would require every food facility which sells any meat, poultry, vegetable, or fruit to post conspicuous signs identifying food additives in the food for sale; and **AB 618 (Speier),** which would provide that any packaged food distributed on or after January 1, 1991, is misbranded unless it bears a label disclosing specified nutritional information on the fat and cholesterol content of the food.

Proposed Initiative. State Attorney General John Van de Kamp has proposed a ballot initiative known as the "Envi-



ronmental Cleanup Initiative" that will address pesticide use and food safety, among other things. The initiative calls for a phase-out, over a five-year period, of pesticides used on food that are classified by the EPA as "known or probable human carcinogens" as well as one other acutely poisonous pesticide. The initiative will transfer responsibility for regulating the public health impacts of pesticide use from CDFA to the DHS, which will be directed to set health-based pesticide residue standards for hazardous pesticides including but not limited to those on the EPA list, according to the standards required to protect

the health of children. Children as a group have been found to be more sensitive to pesticide hazards in the diet than adults. The initiative will establish a program to monitor processed food and improve monitoring techniques for fresh fruits and vegetables, require Cal-OSHA to develop a plan to protect farmworkers, and allocate \$20 million to research alternatives to pesticides that endanger the public health. The Attorney General hopes to qualify this initiative for the November 1990 ballot.

FUTURE MEETINGS:
To be announced.

goals are not sufficient to attain state standards for ozone, PM10, and visibility; and that some of the measures in all three tiers do not contain legally enforceable commitments or are not technologically feasible. Thus, the Plan directs the District and SCAG to pursue the stated reduction goals through technological advancements and to secure additional enforceable commitments from the government agencies responsible for implementing them. The District, with the active cooperation of SCAG, will be required to submit semi-annual reports to ARB to indicate the progress being made in obtaining legally enforceable commitments and in developing technologically feasible measures.

Some of the control measures received full approval, including a heavy-duty vehicle smoke enforcement program, new emission standards for new heavy-duty construction equipment, control of emissions from domestic products, further emission reductions from can, coil, and wood flatstock coating, control of emissions from pleasure boat fueling operations, gasoline transfer, and stationary sources, and banning new drive-through facilities. Other measures received conditional approval, including urban bus system electrification, vanpool vehicle purchase incentives, alternative work weeks and flextime programs, and high-speed rail.

On-Board Diagnostics II Requirement. At its September 14 meeting, ARB adopted section 1968.1, Title 13 of the California Code of Regulations (CCR), which requires vehicle manufacturers to equip 1994 and later model vehicles with advanced on-board diagnostic systems (OBD II). The new computerized warning system will monitor all emission-related components or systems for proper performance. OBD II will provide early detection of pollution-producing malfunctions, thereby leading to prompt and efficient repair. The new regulation supplements 1985 OBD I regulations, section 1968, Title 13 of the CCR, applicable to 1988 and later vehicles. OBD I requires monitoring of some emission-critical systems, though not all. The technological feasibility of OBD II-type monitoring was less certain in 1985.

The OBD II regulation includes new monitoring requirements covering catalyst system condition, engine misfire detection, evaporative control system operation, supplementary air system function, exhaust gas recirculation flow rate, and monitoring of other components or systems which are controlled by the computer. The regulation requires compliance begin-



RESOURCES AGENCY

AIR RESOURCES BOARD

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

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

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

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

MAJOR PROJECTS:

ARB Adopts 1989 South Coast Air Quality Management Plan. Following a formal public hearing on June 22-23, ARB at its August 15 meeting approved the 1989 Air Quality Management Plan (1989 Plan) submitted by the South Coast Air Quality Management District and the Southern California Association of Governments (SCAG), with some conditions and clarifications. The 1989 Plan was approved as a revision to the California State Implementation Plan (SIP) which ARB is required to adopt and enforce pursuant to the federal Clean Air Act. The Board found that the state and national health-based ambient air quality standards for carbon monoxide, nitrogen dioxide, ozone, and PM10 (particulate matter) are regularly and significantly exceeded in the South Coast Air Basin. The 1989 Plan identifies measures needed for the attainment of the national ambient air quality standards by the year 2007.

The 1989 Plan includes three tiers. Tier I contains commitments to adopt all reasonably available stationary source, mobile source, and transportation control measures identified. Tiers II and III contain commitments to develop other potentially feasible measures which will apply existing and anticipated control technologies. Tier II includes emission reduction goals which will require deployment of low-emitting and extremely low-emitting motor vehicles by the years 2000 and 2007. In its findings, the Board noted that the Plan's emission reduction