

REGULATORY AGENCY ACTION



National Laboratory from sections 3011(a)(2), 3051, 3050(a), 3050(b)(1), and 3050(b)(2), Title 8 (Elevator Safety Orders); Residence Inn (Orange), San Leandro Unified School District, San Diego Community College District, Our Lady of Angels Church, and Los Angeles Mission from section 3000(c)(13), Title 8 (Elevator Safety Orders); Southern California Rapid Transit District from sections 3020(b)(18)(D), 3034(b)(4)(A), and 3090(b)(1)(B), Title 8 (Elevator Safety Orders); and County of El Dorado from sections 3041(a)(1), 3071(d)(1), 3071(i), and 3071(1), Title 8 (Elevator Safety Orders). OSB denied a permanent variance to Nordstrom, Inc., from section 3089(c)(13), Title 8 (Elevator Safety Orders).

Also at its August 18 meeting, the Board heard a petition from Otis Elevator Company, requesting that Title 8, sections 3040(b)(5) of the Elevator Safety Orders be amended with respect to emergency stop switches. The petitioner requested that the Elevator Safety Orders be revised to reflect the American Nation-

al Standards Institute (ANSI) rule, which now requires that in-car stop switches be either key-operated or locked behind a cover to prevent passenger use or misuse. The Board granted the petition to the extent that the Division was directed to review the proposal to amend section 3040(b)(5), revise it, and/or reconvene an advisory committee, if necessary.

At its September 22 meeting in Los Angeles, OSB granted permanent variances to the following entities: Custom Wood Products Manufacturing, Inc. from section 462(m)(3)(c), Title 8 (Unfired Pressure Vessel Safety Orders); Daley Corporate Center from section 3292(f), Title 8 (General Industry Safety Orders); Wanis Koyomejian and Solomon Equities from section 3000(c)(13), Title 8 (Elevator Safety Orders); and Northern Energy, Inc. from section 475(a), Title 8 (Unfired Pressure Vessel Safety Orders).

FUTURE MEETINGS:
December 15 in Sacramento.

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 activities of the Division of Administrative Services, which includes Departmental Services, Financial Services, Personnel Management and Training and Development.

The Board of Food and Agriculture consists of the executive secretary, assistant executive secretary and 14 members who voluntarily represent different localities of the state. The 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. In addition, it may make investigations, 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



DEPARTMENT OF FOOD AND AGRICULTURE

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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, parks 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, one of whom serves as legislative liaison and as executive secretary of the Board of Food and Agriculture. In addition to the director's general prescribed duties, he may also appoint committees 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



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condition, acreage, production and value of the agricultural products in their county.

MAJOR PROJECTS:

Zolone Study. During the summer, CDFA approved a residue and worker study which applied phosalone, a controversial insecticide commercially known as Zolone, to grapes and used paid college students as harvest workers. The study was conducted near Porterville by Rhone-Poulenc Ag Company, the manufacturer of Zolone, to determine the health effects of the pesticide on harvest workers and, if it is safe, to have it reregistered for use on fruit crops in California. Zolone sales for use on grapes and other selected fruits were discontinued this year because 80 farm workers fell ill after picking fruit in fields where it had been sprayed in 1987.

The purpose of the study was to measure the residue of phosalone and its degradate phosalone oxon which might be dislodged from the plants after application and thus harm harvest workers. The insecticide was applied in July at proposed new maximum label rates and application frequencies. The new rates represent reductions from previous levels: from 21 to 16 pints per acre for the label rate, and from an unspecified application frequency to a maximum of twice per year.

Approximately one month later, the volunteer college students went into the field to harvest the grapes. CDFA Associate Director Rex Magee told the Board of Food and Agriculture at its regular meeting on September 1 that the reason college students were used in the study (rather than professional field workers) was to make sure that the volunteers understood what they were doing. CDFA was concerned that professional field workers would not be able to give adequately informed consent. The students attended an orientation meeting before deciding to take part in the study and were required to sign consent forms which identified the hazards associated with the test.

The students were paid \$60 per day plus overtime and bonuses for each ton of grapes picked. Every time a blood sample was taken by monitoring physicians, the students were paid an additional \$75. It was estimated that the students could earn between \$1100 and \$1800 for six days of work.

CDFA's role in the study was attacked in a *Sacramento Bee* editorial appearing on August 22. The editorial criticized CDFA for not clearing the testing procedures with the Department

of Health Services (DHS) and for not conducting adequate research into the possible long-term effects of Zolone. Magee responded to these charges by stating that he had personally signed off on the test and that, based on the facts, he felt it was safe. He also said that CDFA met with DHS representatives to discuss the test before it was performed. According to CDFA, the California Code of Regulations (CCR) does not require DHS approval of this type of study.

A CDFA memo stated that the harvester protocol was reviewed by physicians from Duke University Medical Center, who concluded that no direct threat to the health of the students was posed by the test. The physicians' report noted: "reentry into the treated field two weeks following the last spraying should present no acute or chronic hazard to the workers."

The memo also stated that the Study Director communicated daily with CDFA's Worker Health and Safety Branch during the study and reported no illnesses as a result of the phosalone exposure. The students' health was monitored by attending physicians who took daily blood samples to compare with samples taken before and after the harvest period. Urine samples were also taken.

CDFA's position is that, regardless of the results of this study, the chemical will not be reregistered for use in California unless Rhone-Poulenc can explain why the 80 field workers fell ill last year.

Proposition 65. On July 29, the Health and Welfare Agency (HWA) held a public hearing in Sacramento to receive comments on its emergency regulatory section 12901, Title 22 of the CCR, adopted by HWA on February 27. That emergency regulation was valid for 120 days.

Under section 25249.5 of the Health and Safety Code, Proposition 65 prohibits any person doing business from discharging a chemical known to the state to cause cancer, except as provided in section 29249.9 of the Code. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 100 and Vol. 8, No. 2 (Spring 1988) pp. 94 and 110-11 for background information on Proposition 65.) Section 29249.9 provides that section 29249.5 may not apply to a discharge which will not cause a "significant amount" of the chemical to enter a source of drinking water. Section 25249.11(c) defines "significant amount" to mean "any detectable amount," but does not specify how chemicals should be detected, or what

analytical methods to use. Therefore, HWA adopted emergency section 12901, which provided that "any detectable amount" means an amount detected by the methods of sampling and analysis referred to in the section. It required that, where specified governmental agencies have adopted or employed a method of analysis, or a method is generally accepted in the scientific community for the detection or measurement of a listed chemical in a given medium, that method must be employed for the purposes of Proposition 65. Where no such method is available, a scientifically valid method must be used. It further provided that, in the conduct of such analysis, generally accepted laboratory standards of practice must be observed. HWA let this version of section 12901 lapse after its 120-day effective period.

Following the July 29 public hearing, HWA subsequently revised and adopted a new emergency section 12901 to clarify appropriate "methods of analysis". First, where a state agency such as CDFA, the Department of Health Services, the Air Resources Board, a local air pollution control district, the Water Resources Control Board, or a regional water quality control board has adopted or employed a method of analysis for a listed chemical in a specific medium, such method shall be the method for that chemical in that medium.

Where no state or local agency listed above has adopted or employs a method of analysis for a listed chemical, a method of analysis adopted or employed by a federal agency shall be the appropriate method. Where no state, local, or federal agency has adopted a method of analysis for a listed chemical, a method generally accepted by the scientific community, as evidenced by its publication in compilations by professional and scientific associations, shall be the appropriate method of analysis. If no method of analysis for a listed chemical has been adopted by any of the above-described entities, a scientifically valid method may be used.

Under the new version of section 12901, if a listed chemical is not "detectable" under these methods, no discharge, release or exposure triggering Proposition 65 warning requirements has occurred. HWA adopted the new emergency section 12901 on October 14; the Office of Administrative Law (OAL) approved it on October 21 for a 120-day period.

In other Proposition 65 developments, a top White House committee, the Domestic Policy Council, met on July 27 to decide whether Proposition



65, which requires warnings on food products containing toxics, conflicts with the federal Food and Drug Act, which also regulates food labeling. The Council formed a group to study this issue; its recommendations are due in December. If the Council's group decides that Proposition 65 conflicts with the federal statute, it may urge President Reagan to declare this aspect of Proposition 65 void before he leaves office on January 20.

New Investigative Unit Formed. In response to concerns about the increasing problem of cattle theft in California, the formation of a new CDFA investigative unit was announced on September 1. The investigative unit, which will consist of two investigators and a clerk to follow up on rustling reports, will assist law enforcement personnel throughout the state to combat cattle theft, and will implement a rural cattle theft prevention program that may include random roadside stops of cattle trucks to verify livestock ownership. Del Fletcher, a 17-year CDFA employee with management and investigative experience, assumed his duties as head of the new unit on September 10.

Proposed Financial Responsibility Requirement. In August, CDFA filed with OAL proposed section 6254, Title 4 of the CCR, which would require applicants for an agricultural pest control business license to provide proof that they are financially able to respond in damages for illness, injury, or property damage resulting from licensed pest control activities. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 100 for background information.) If approved, the regulation would require that applicants file either a certificate of insurance covering chemical bodily injury and chemical property damage, or a certificate of deposit or surety bond.

The proposed regulation divides applicants into three categories by pest control operation method: (1) applicants who apply pest control by ground rig or fumigation; (2) applicants who make application by aircraft; and (3) maintenance gardener applicants. Applicants in the first category (ground rig or fumigation application) would be required to file a certificate of insurance covering \$100,000 bodily injury per person, \$300,000 bodily injury per occurrence, and \$50,000 property damage. Applicants in the second category (aircraft application) would be required to file a certificate of insurance with the same coverage limits as those in the first category, with property damage cover-

age increased to \$100,000 per aircraft. The optional surety bond limit for these applicants is \$50,000 per aircraft, not to exceed \$300,000 total per business license. Maintenance gardener applicants may file a certificate of insurance covering \$500,000 bodily injury per person, \$10,000 bodily injury per occurrence, and \$500,000 property damage, or they may elect instead to provide a statement under penalty of perjury to the Director that they are able to respond to such damages using their own personal assets.

Proposed Amendment to Regulations Pertaining to Chloropicrin and Methyl Bromide Field Fumigation. CDFA has proposed more stringent use requirements for field fumigations using methyl bromide and chloropicrin. (For more information on the proposed regulation, see CRLR Vol. 8, No. 3 (Summer 1988) p. 100.) The public comment period concerning the proposed amendments ended on September 13. At this writing, the comments are being reviewed by CDFA's Pesticide Enforcement Branch.

Proposed Regulations Pertaining to Mediterranean Fruit Fly Quarantine and Eradication Area. On July 27, CDFA filed with the OAL proposed regulations designed to implement the Department's authority to perform control and eradication activities against, and to regulate the movement of, hosts and possible carriers of the Mediterranean fruit fly (medfly) in Los Angeles County. Proposed section 3406, Title 3 of the CCR, establishes a quarantine against the medfly with a quarantine area of approximately 62 square miles in the Northridge area of Los Angeles County; identifies the hosts and possible carriers of the medfly; and establishes restrictions on the movement, possession, and sale of hosts and possible carriers of the medfly.

Proposed section 3591.5 establishes Los Angeles County as an eradication area for the medfly, identifies hosts of the medfly, and sets forth the means and methods which may be used to eradicate the medfly.

The proposed regulations are authorized under Food and Agricultural Code sections 407, 5301, 5302, and 5322, which provide that the CDFA Director may establish, maintain, and enforce such quarantine and eradication regulations as he/she deems necessary to protect the agricultural industry from the introduction and spread of pests. CDFA anticipates that if approved, the proposed regulations would prevent the spread of the medfly to noninfested areas to protect California's agricultural

industry.

Proposed Changes to Quantity and Weight Regulations. In an effort to offer the retail consumer more choice in purchasing berries and broaden the marketing ability of sellers of berries, the CDFA has proposed regulatory revisions which would allow berries to be sold by weight when in a container. The current regulation (section 4500, Title 4 of the CCR) establishes the standard method of sale for berries either by net weight or volume, or by net weight from bulk displays where the berries are not in containers.

CDFA also proposes to repeal section 4502, which specifies the standard method and conditions of sale for firewood, and replace it with a new section establishing a uniform method of stocking firewood for measurement, and providing uniform guidelines concerning the methods for sale of manufactured and prepackaged fuel products.

Finally, CDFA has proposed several additions of and amendments to product labeling requirements (sections 4513, 4514, 4521.30 and 4522) to align the California requirements with those of the National Bureau of Standards H-130 (1988 edition), in order to afford California packers the same exemptions and marketing practices as other states. To date, no public hearing has been requested regarding these proposals. The public comment period ended on October 10.

Ethyl Parathion Proposed a Toxic Air Contaminant. CDFA has proposed to adopt regulations in Titles 3 and 26 of the CCR declaring ethyl parathion a toxic air contaminant, defined in Food and Agricultural Code section 14021(b) as an air pollutant which may cause or contribute to an increase in mortality or serious illness, or which may pose a present or potential hazard to human health. The proposal is made pursuant to Food and Agricultural Code section 14023(d), which requires the Director to establish a list of pesticides determined to be air contaminants. Ethyl parathion is a broad spectrum insecticide used widely in California. If the proposed regulation is adopted, the Director must next determine whether control measures are required. A public hearing was held on September 7 to collect testimony on the proposed regulation. The public comment period ended September 14. The comments are being reviewed by CDFA's Environmental Monitoring and Pest Management Branch.

Tributyltin Regulations Approved. Several regulatory changes to Title 3



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regarding tributyltin (TBT) antifouling paints and coatings were approved in May. Sections 6400(n) and 6414 were amended, and sections 6488 and 6574 were adopted. The regulations were originally approved as emergency rules effective January 2, 1988, but were disapproved by the OAL in February. (See CRLR Vol. 8, No. 2 (Spring 1988) pp. 94-95 for background information.)

Section 6400(n)(13) was modified to clarify the particular tin compounds affected by the regulation, and section 6414 was amended to exempt TBT antifouling paints and coatings from permit requirements.

Section 6488 was modified to specify that TBT antifouling paints may only be applied to aluminum vessel hulls or to vessel hulls 82 feet or more in length. Dealer requirements in section 6574 state that TBT antifouling paints may only be sold for the purposes listed in section 6488, and that the dealer must verify that the paint will be used properly. To verify proper use, the dealer must obtain from the purchaser a copy of the vessel registration or a sworn statement from the purchaser that the paint will be applied only to the types of hulls authorized by the regulation. The statement must include a serial number of the boat.

On June 16, OAL approved CDFA's adoption of section 6849, Titles 3 and 26 of the CCR, which explicitly prohibits a person from buying fungicide additives containing TBT to mix with antifouling paints containing TBT. This regulation was adopted specifically to prevent persons from circumventing proposed maximum release rates for TBT antifouling paints by increasing the TBT content of the paint through mixing.

Revised TBT Release Rate Requirement Proposed. Proposed section 6900, which would set a maximum allowable release rate of organotin from TBT antifouling paints and coating, has been revised. The release rate shall be no more than four micrograms of organotin per square centimeter per day. The section as originally proposed in June 1988 set the maximum allowable release rate at five micrograms. (See CRLR Vol. 8, No. 3 (Summer 1988) pp. 100-01 for background information.)

No public hearings on the proposed modification have been scheduled; the written comment period ended on August 15.

Proposed Regulation Defining Pesticide Application Terms. Proposed section 6000.5 would define three terms used without definition in sections 13145(d) and 13146(a) of the Food and

Agricultural Code. Sections 13145 and 13146 establish criteria to be used by the Director in determining whether to regulate an economic poison and whether the registration of an economic poison should be continued after December 1, 1988. The terms which the proposed regulation defines are "applied to the soil", "applied to the ground", and "ground-based equipment."

"Applied to the soil" and "applied to the ground" are defined according to the instructions for application on the label of the pesticide to be applied. The proposed regulation includes but is not limited to fourteen different methods of application. "Ground-based equipment" includes but is not limited to eight different types of sprayers, dusters, injectors, and applicators which are either carried or set up.

No public hearing was scheduled at this writing, but written comments were accepted until September 19.

Other Regulation Changes Approved. The OAL recently announced its approval of several regulatory packages discussed in detail in previous issues of the *Reporter*:

-On July 13, the OAL approved section 2992, Title 3 of the CCR, which establishes regulations to control honeybee tracheal mites in certain counties. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 101 for background information.)

-On May 18, OAL approved the adoption of section 6484 and amendment of section 6400(n), Titles 3 and 26 of the CCR, concerning regulation of bentazon when used as a rice herbicide. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 95 for background information.)

LEGISLATION:

AB 932 (N. Waters) would have required the Director of CDFA to establish a certification program for imported raw food products. The bill was vetoed by the Governor on September 20.

AB 2886 (Chandler), signed by the Governor on June 29 (Chapter 240, Statutes of 1988), creates a new crime for the possession, propagation, processing, selling, or taking of any other action with regard to a plant or other thing subject to a quarantine which has been imported or moved in violation of the quarantine. The bill also authorizes the Attorney General to seek injunctive relief and to bring an action for civil penalties up to \$10,000 against a person who violates the quarantine laws, to be recovered by CDFA and designated to defray enforcement costs of plant quarantine and pest control provisions.

Under current law, a violation of plant quarantine regulations is an infraction for the first offense and a misdemeanor for subsequent offenses.

AB 1286 (Jones) was signed by the Governor on June 10 as an urgency statute (Chapter 161, Statutes of 1988). In addition to redefining "economic poisons" and "pests" for purposes of economic poison regulation, the bill states the intention of the legislature that the laws relating to economic poison regulation require CDFA to register all economic poisons prior to their sale, and to regulate and control economic poison use.

The bill additionally specifies that CDFA is to collect a mill tax from each registrant of an economic poison, currently \$0.008 per dollar of all sales of the product in the state, at the same rate for all economic poisons. The revised definition of "economic poison" includes any substance used for preventing, destroying, repelling, or mitigating any pests, as defined, which may infest or be detrimental to or be present in any agricultural or non-agricultural environment. The bill defines "pest" for these purposes to mean any of specified plants, animals, or microorganisms, with certain exceptions, that are or are liable to become dangerous or detrimental to the agricultural or non-agricultural environment, as well as anything that the Director, by regulation, declares to be a pest.

AB 418 (Margolin) would have specifically prohibited the addition of sulfite compounds to any raw or partially cooked potato. The bill passed the Assembly but died in the Senate inactive file.

The following is a status update on bills reported in detail in CRLR Vol. 8, No. 3 (Summer 1988) at page 101:

AB 1028 (Katz), as amended August 1, would have revised the definition of "person" under Proposition 65 to include public agencies; and the definition of "person in the course of doing business" to exclude public agencies and water systems which are water companies from the discharge prohibition, and to include public agencies and certain public water systems within the initiative's exposure prohibition. This bill was vetoed by the Governor on September 28.

AB 2714 (Jones) would have revised the definition of the term "significant amount" for purposes of Proposition 65's discharge exemption. This bill died on the Assembly floor.

SB 269 (Kopp) would have placed language on the November 8 ballot re-



quiring public agencies to conform to Proposition 65 provisions, which they are not currently required to do. Governor Deukmejian vetoed this bill on August 12.

AB 4097 (Connelly) died at the end of the term in the Assembly Agriculture Committee after its second reading. The bill would have increased the assessment paid to the CDFA Director by the registrant of a pesticide; required that these funds be used to enforce testing requirements involving registration of pesticide products; and required the CDFA and the Department of Health Services to determine whether there is a practical analytical testing method for each priority pesticide. (For further information, see CRLR Vol. 8, No. 1 (Winter 1988) p. 88.)

AB 2691 (Johnston), which creates the California Pepper Commission, was signed by the Governor on July 14 (Chapter 335, Statutes of 1988).

SB 554 (McCorquodale), which authorizes county boards of supervisors to establish fee schedules to be charged certain produce importers for inspections to ensure compliance with CDFA standards, was signed on September 20 (Chapter 1067, Statutes of 1988).

AB 1142 (N. Waters), which revises the authority of the CDFA Director with regard to declaring a commodity to be a public nuisance and the resultant CDFA seizure of that commodity, was signed on September 15 (Chapter 908, Statutes of 1988).

AB 2642 (Brown), regarding intervention by the CDFA Director in negotiations between a bargaining association and food processors; and *AB 1596 (Cortese)*, authorizing the Director to impose specified civil penalties against imported produce handlers for violations for pesticide residue standards, were both vetoed by the Governor.

LITIGATION:

On May 31, several plaintiffs—including the AFL-CIO, several environmental groups, and a Kern County farmworker—filed suit in Sacramento Superior Court to prevent Governor Deukmejian from exempting food, drugs, cosmetics, and medical devices from the list of products covered by Proposition 65. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 136 for background information.) The plaintiffs filed the suit in response to emergency temporary regulations issued by the Governor last February. These regulations exempted most food, drugs, and cosmetics which contain one of the chemicals which the Health and Welfare

Agency has designated as cancer-causing from being labelled as such in accordance with Proposition 65. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 94 for complete background information.) Numerous industry groups have entered the litigation to help defend the temporary regulations.

RECENT MEETINGS:

At its regular meeting on September 1 in Sacramento, the Board passed a resolution recommending "increased use of best management practices by regional water quality control boards for the purpose of protecting beneficial uses" of California's water supply from non-point source pollution.

"Best management practices" are defined in U.S. Environmental Protection Agency regulations as procedures which may be applied before, during, and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters from non-point sources. Agriculturally-produced non-point source pollution includes return flows from irrigated agriculture, and their cumulative effects, and runoff from manure disposal areas, and from land used for livestock and crop production.

Section 1329 of the Federal Water Pollution Control Act, also known as the Clean Water Act, requires the states to develop programs to reduce to the maximum extent possible non-point source pollution of each state's water supply. The Act allows best management practices to be used in that effort.

Elisio Samaniego, member of the state Water Resources Control Board (WRCB), told the Board that "best management practices" can be "done to avoid regulation when parties in good faith get together to manage a problem... (which)...if not done will require or result in a regulation which is enforceable." Examples of practices which can be done to avoid water pollution without treatment include holding water and recirculation ponds. Samaniego said that the WRCB believes that a reasonable approach to non-point source pollution involves best management practices. Copies of the resolution were to be transmitted to the Governor, the CDFA Director, and the Chair of the WRCB for their consideration.

Robert Monagan, president of the California Economic Development Corporation (EDC), spoke to the Board on *Vision: California 2010*, a major report prepared by the EDC for the Governor which addresses the problems and the

direction of California. Monagan said that *2010* was intended to inform Californians of the trends affecting California, such as population growth, declining federal funds, and the need to improve education, training, and the economic infrastructure.

The discussion which followed Monagan's presentation revealed dissatisfaction with the manner in which *2010* represents agriculture's point of view. John Ross, a representative of the Cattlemen's Association, said that *2010* reveals business's view of agriculture as a "source of water, a source of land, and a transgressor in pesticides and herbicides."

Director Jack Parnell told the Board that agriculture must "get its head out of the sand" and begin to address the issues of pesticides, worker safety, and water development. He said that it is "time to stop being adversaries and start being co-partners," and that agriculture needs to "sit down with the environmental community to address the concerns people have for the environment."

After more discussion, the Board decided that it would produce a supplemental report to *2010* for the Governor which would better represent agriculture's point of view. Director Parnell said that he would work with several of the Board members to prepare a report for the Board's next meeting suggesting a focus for the *2010* supplement.

In other matters, the Board was told that agreements between the United States and Japan will phase out import quotas on American beef into Japan by 1992. Beef will remain subject to an import tariff, but it will be smaller than it is now. Japanese businesses are now buying ranches in California and are building a feed lot in this state and a beef packing plant in Washington.

CDFA Associate Director Rex Magee reported that the current medfly eradication program is working well and winding down, but that the Japanese are very concerned about the infestation in California and its impact on food shipped from this state to Japan.

Director Parnell reported on his recent trip to the Orient and Australia with the Governor. He felt the trip was successful because relationships were started "which will eventually lead to business." He opined that Hong Kong is especially important because it will open the door into the Chinese market.

FUTURE MEETINGS:

To be announced.