

# California Association of Nurseries and Garden Centers **LEGISLATIVE SNAPSHOT**

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Monthly Legislative & Regulatory Report



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### **UPCOMING EVENTS**

June 17-19

## **CANGC Legislative Conference and Annual Meeting**

Full details being mailed this  
month. Call CANGC for hotel  
reservation information.

June 17

10:30am – 4:30pm  
**CANGC-PAC  
Golf Tournament**

June 17

6:00 – 10:00pm  
**CANERS Foundation Kampai  
Fundraiser • River Cats  
Ballgame and BBQ**

June 23

**CANGC Board Meeting**

**FIRST AID TREATMENT FOR WORKER'S COMPENSATION INJURIES – An Important Announcement for Employers, Physicians and Insurers** • First aid treatment is included as medical care that all employers must provide for their injured employees. In conjunction with the Department of Industrial Relations (DIR), Division of Workers' Compensation, California Department of Insurance (CDI) wants to remind all employers, physicians, insurance carriers and self-insurers of the need to comply with Section 6409(a) of the California Labor Code.

Section 6409(a) requires a physician who treats an injured employee to file a DFR ("Doctor's First Report of Injury") with the claims administrator for every work illness or injury, even first aid cases where there is no lost time from work. Although the Labor Code contains "first aid" exceptions for the Employers' Report (Form 5020) and the Employee Claim Form (DWC-1), there is no such exception for the DFR. The insurance carrier (or the employer if the employer is self-insured) must forward these DFRs to the Department of Industrial Relations. There is no "first aid" exception to this statute.

CDI and DIR believe there are improper arrangements in place between some medical providers and employers that allow the employer to dictate how injuries are to be classified by the physicians. In some cases, and at the request of the employers, the physicians send the "Doctors First Report of Injury" (DFR) only to the employers and not to the insurance carriers. This arrangement occurs even though the injuries clearly are beyond first aid. This agreement is often marketed to employers as a way to keep premiums from rising or to lower them. Such marketing practices are both improper and may also contribute to possible criminal violations related to premium fraud and the fraudulent denial of workers' compensation benefits to injured workers.

**GET READY FOR MORE FEES** • As a means of addressing the state budget shortfall, Assembly Bill 10X was recently signed by the governor that authorizes the State Water Resources Control Board (SWRCB) and the Air Resources Control Board (ARB) to collect fees to cover costs of implementing their regulatory programs.

In signing the bill the governor said in his signing statement "This bill authorizes the ARB to increase their existing emission-based fee

on stationary sources of air pollution, including consumer products and paints. AB 10X also authorizes the SWRCB to increase their existing annual fees for waste discharges that could pollute water resources." The authorization for new fees will allow cuts from general fund spending of \$12 million from the ARB and \$28.5 million from the SWRCB.

The Governor went on to say "I further urge the SWRCB and ARB to carefully balance the threat to water and air quality with any additional economic burdens placed on California small businesses, public agencies, and agriculture when developing their fee schedules. For the ARB, that means the fees from stationary sources, consumer products, and architectural coatings should not exceed a combined total of \$13 million in the budget year."

Plans are also underway to increase the mil tax paid on pesticide sales to fund the activity at the Department of Pesticide Regulation. Efforts are being made by industry representatives to cut out duplicative work and lower DPR costs through efficiencies.

**LANDSCAPE WATER CONSERVATION BILL AMENDED** • Senate Bill 312 (Machado) was recently amended to include many of the provisions feared by the green industry. Based on recent efforts by the sponsors of the bill, the intent seems to be to achieve water savings in the landscape by directing the kinds of plants to be used.

While giving other segments of the green industry minimal representation, the task force established by the bill gives the nursery industry no representation and is loaded with agency bureaucrats to report to the legislature on ways to strengthen the existing Model Water Efficient Landscape Ordinance. The first item of consideration on the list is the Evapotranspiration (ET) Adjustment Factor that is currently at .8 ET. Last year, the sponsors attempted to lower the rate to .6 ET, which by de facto, determines what kind of plants and how many can be planted.

In a meeting with Machado's office, CANGC and other green industry representatives clearly stated their dissatisfaction with the bill as amended. They also explained their support for water conservation through implementation of irrigation efficiencies and public education, expressing that simply dictating what kind of plants to use would not alone save water and be detrimental to the industry as well.