STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
STRUCTURAL PEST CONTROL BOARD-ADMINISTRATION UNIT
2005 EVERGREEN STREET, STE. 1500 SACRAMENTO, CA 95815
P 916-561-8700 | F 916-263-2469 | WWW.PESTBOARD.CA.GOV

BOARD MEETING

NOTICE and AGENDA

Wednesday, July 9, 2014
1:00 P.M.
Thursday, July 10, 2014
9:00 A.M.

The San Diego Foundation
Hoffman Community Room
2508 Historic Decatur Road
San Diego, CA 92106

Contact Person: Susan Saylor
(916) 561-8700

AGENDA

The public may provide comment on any issue before the Board at the time the agenda item is discussed.

Wednesday - 1:00 P.M.

I. Roll Call / Establishment of Quorum

II. Flag Salute / Pledge of Allegiance

III. Public Comment on Items Not on the Agenda
The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]

IV. Petition for Reinstatement
Joshua King- FR 30569

V. Petition for Modification of Probation
D & S Termite Control- PR 1164

VI. Petition for Reinstatement
Jason Bohannon- RA 48306, FR 45160

VII. Closed Session- Pursuant to subdivision (c) (3) of Section 11126 of the Government Code, the Board will meet in closed session to consider proposed disciplinary actions, stipulated settlements, and petitions for modification / termination of probation and reinstatement.

Return to Open Session

VIII. Adjournment

Thursday – 9:00 A.M. Resume Open Session

IX. PUBLIC HEARING: Proposed Regulatory Change to Amend Title 16, Section 1948, California Code of Regulations, to Increase Licensure and Challenge Examination Fees.

X. Department of Pesticide Regulation's (DPR) Product Compliance Branch Presentation on Product Compliance and Online Sales of Pesticides

XI. Approval of the Minutes from the March 27 and April 22, 2014 Board Meetings

XII. Executive Officer's Report
Licensing and Enforcement Survey Results and Statistics, Staffing Changes, WDO Statistics, Research Fund Balance Report, Computer Based Testing (CBT) Update, Examination Compromise Criminal Case Update, DPR and Board Co-authored Enforcement Letter, DPR Second Generation Anticoagulant Rodenticides Notice to Industry

XIII. Update on SB 1244 Sunset Bill

XIV. Update on AB 1685 Exam Fees

XV. Consideration and Possible Position on SB 1405 Pesticides – Schoolsites

XVI. Consideration and Possible Position on SB 1167 Vector Control

XVII. Update on Progress of Pre-treatment Committee

XVIII. Board Meeting Calendar

XIX. Future Agenda Items

XX. Closed Session- Pursuant to subdivision (c) (3) of Section 11126 of the Government Code, the Board will meet in closed session to consider proposed disciplinary actions, stipulated settlements, and petitions for modification / termination of probation and reinstatement.

Return to Open Session

XXI. Adjournment

The meeting may be cancelled or changed without notice. For verification, please check the Board's website at www.pestboard.ca.gov or call 916-561-8700. Action may be taken on any item on the agenda. Any item may be taken out of order to accommodate speakers and/or to maintain a quorum. Meetings of the Structural Pest Control Board are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard, but the President may, at his discretion, apportion available time among those who wish to speak. If you are presenting information to the Board, please provide 13 copies of your testimony for the Board Members and staff. Copying equipment is not available at the meeting location.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Structural Pest Control Board at (916) 561-8700 or email pestboard@dca.ca.gov or send a written request to the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

This agenda can be found on the Structural Pest Control Board's Website at: www.pestboard.ca.gov

TITLE 16. STRUCTURAL PEST CONTROL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

NOTICE OF PROPOSED CHANGES

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (Board) is proposing to take the action as described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

The San Diego Historic Foundation
2508 Historic Decatur Road, Hoffman Community Room
San Diego, CA 92106
Thursday, July 10, 2014
9:00 A.M.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 P.M., on Wednesday, July 9, 2014, or must be received by the Board at the hearing. The Board upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by section 8525 of the Business and Professions Code and to implement, interpret or make specific sections 8564.5, 8593, and 8674 of said code, the Board is considering changes to Section 1948, Division 19 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board currently regulates approximately 18,933 licensees consisting of approximately 3,669 Operators (OPR), 10,058 Field Representatives (FR), and 5,206 Applicators (RA). The Board's highest priority is consumer protection when exercising

its licensing, regulatory, and disciplinary functions. One of the ways the Board achieves this goal is by administering examinations to licensure applicants.

The Board has the authority in section 8525, Chapter 14, Division 3 of the Business and Professions Code to amend reasonably necessary rules and regulations related to the practice of pest control.

In January 2013, the Board's examinations were compromised when examination participants misappropriated examination questions. This subversion led to suspension of the examinations until the Board was able to draft a new examination at a cost of $41,532.

In March 2014, the Board implemented Computer Based Testing (CBT) for examination applicants. This will improve examination security while also allowing more places and times for applicants to take the examination.

The ability to offer uncompromised examinations will help the Board ensure its applicants meet an acceptable level of competency for licensure. This helps the Board achieve its goals of protection of public health and the promotion of worker safety.

Currently, the Board is absorbing the additional costs associated with offering CBT to applicants.

Assembly Bill 1685 (Williams, 2014) will amend Business and Professions Code section 8564.5, 8593, and 8674 to increase the maximum amount the Board can charge applicants to take an examination. AB 1685 is sponsored by the industry and the Board anticipates it will be chaptered and become effective January 1, 2015.

The purpose of this proposal is to amend Section 1948, Division 19, Title 16 of the California Code of Regulations to increase each examination fee by forty dollars ($40) for Applicators, Field Representatives, and Operators to cover the increased cost associated with Computer Based Testing.

More specifically, the following fees are increased as follows:

Examination Type	Current Fee	Proposed Fee
Operator's Examination	$25	$65
Field Representative's Examination	$10	$50
Applicator's Examination	$15	$55
Operator's Continuing Education Examination	$25	$65
Field Representative's Continuing Education Examination	$10	$50

Each fee is being increased by $40 to cover the increased cost of Computer Based Testing.

ANTICIPATED BENEFITS:

The benefits of the proposed regulation will be to allow the Board to continue administering Computer Based Testing (CBT). Currently, the Board is paying the increased cost for CBT. However, the Board is only authorized to incur this increased cost through 2014 in anticipation that it can raise the fee in 2015.

CBT significantly lowers the risk of the Board's examinations being compromised which will greatly help the Board ensure its applicants meet an acceptable level of competency for licensure. The reduced risk of the Board's examinations being compromised will also save money by eliminating the need for the Board to construct new examinations.

Additionally, CBT is substantially more convenient for licensure applicants and their employers or prospective employers. CBT allows the Board to offer seventeen (17) testing locations throughout California as opposed to traditional testing methods which limited the Board to offering only two (2) testing locations once a month. CBT also allows applicants to schedule their examination at a convenient time Monday through Saturday, 8 A.M to 5 P.M.

Additionally, CBT allows the Board to offer twenty-two (22) testing locations across the United States for licensure applicants who anticipate moving to California.

The ability to offer many testing times and locations throughout the United States allows applicants to choose when and where they want to test. This benefits applicants and businesses by eliminating the delay between when an applicant wants to test and when the test is provided. With CBT, once an applicant is authorized to test, the applicant can choose any available testing time and location as soon as the next day. Providing multiple locations also greatly reduces the travel expenses. With CBT, applicants can choose from thirty-nine (39) testing locations across the United States and California versus the two (2) locations without CBT. CBT also reduces examination subversion costs to the Board.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS:

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are not inconsistent or incompatible with existing state regulations. The Board is the only state agency authorized to conduct examinations for licensure in the practice of structural pest control; therefore, the proposed regulations will not conflict with any other regulations concerning the administration of structural pest control examinations.

FISCAL IMPACT ESTIMATES:

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None
Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: None

Business Impact:

The Board has made an initial determination that the proposed regulation would not have a significant statewide economic impact affecting business, including the ability of California businesses to compete with businesses in other states.

The Board has determined that the following type of business may be minimally impacted by the proposed regulation.

- Businesses that pay for their employees or prospective employees to take a licensure examination administered by the Board.

The following reporting, record keeping, or other compliance requirements are projected to result from the proposed action: None

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are:

⇨ Impact on Businesses Who Pay for Their Employees or Prospective Employees to Take Board-Administered Examinations

In Fiscal Year 2012-2013, the Board administered 560 Operator Examinations, 3548 Field Representative examinations, and 2598 Applicator examinations.

The proposed regulation would increase examination fees by $40 per examination. The Board estimates that it will administer approximately 6,600 examinations per year. The businesses who pay for their employees or prospective employees to take Board-administered examinations will incur these costs. Based on these estimates, the total statewide annual cost to business is expected to be $264,000.

However, these costs will be substantially mitigated by the Board's ability to offer a multitude of testing locations and dates which relieves the cost of travel,

expenses, and overnight accommodations associated with sending applicants to test.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS:

The Board has determined that the proposed regulations would affect small businesses in the following way:

A small business who pays for their employees or prospective employees to take a Board administered examination would incur an increase in the cost of the examination of $40 per examination.

However, these costs will be substantially mitigated by the Board's ability to offer a multitude of testing locations which relieves the cost of travel, expenses, and overnight accommodations associated with sending applicants to test.

Additionally, the proposed regulation decreases overall Board costs to re-administer subverted examinations, thus saving unnecessary delays to businesses and applicants while the Board re-writes the examinations.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. The Board made this determination because the examination fee increases and the mitigating benefits associated with it nullify any adverse economic impact and, alternatively, promotes the creation of jobs in California with testing sites throughout the United States.

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

The proposed regulation will allow the Board to continue to offer Computer Based Testing to its licensure applicant population. This will aid the Board in its foremost priority of consumer protection to California residents by allowing the Board to administer rigorous, uncompromised examinations. This ensures that licensure applicants will meet an acceptable standard of competency before being licensed and prior to offering services to members of the public.

This regulatory proposal increases worker safety by ensuring that licensure applicants pass a rigorous, uncompromised examination and meet an acceptable worker safety standard of competency before being licensed in the field of structural pest control.

This regulatory proposal does not affect the state's environment because it is not relevant to the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at, 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at http://www.pestboard.ca.gov/forms/index.shtml.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	David Skelton (Administrative Analyst)
Address:	Structural Pest Control Board 2005 Evergreen Street, Suite 1500 Sacramento, CA 95815
Telephone Number:	916-561-8700
Fax Number:	916-263-2469
Email Address:	david.skelton@dca.ca.gov

The backup contact person is:

Name:	Ronni O'Flaherty (Administrative Analyst)
Address:	Structural Pest Control Board 2005 Evergreen Street, Suite 1500 Sacramento, CA 95815
Telephone Number:	916-561-8700
Fax Number:	916-263-2469
Email Address:	ronni.oflaherty@dca.ca.gov

Website access: Materials regarding this proposal can be found at the Board's website at http://www.pestboard.ca.gov/forms/index.shtml.

TITLE 16. STRUCTURAL PEST CONTROL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

INITIAL STATEMENT OF REASONS

HEARING DATE: July 10, 2014

SUBJECT MATTER OF PROPOSED REGUALTIONS: Initial Examination and Challenge Examination fee increase

SECTION(S) AFFECTED: California Code of Regulations, Title 16, Division 19, Section 1948.

INTRODUCTION:

The Structural Pest Control Board (Board) has a history of its licensure examinations being compromised. The most recent incident occurred in January 2013 and resulted in arrests. This latest event required the Board to suspend licensure examinations until such time as new examinations could be created. The cost to the Board for the creation of one new examination to replace the compromised examination was $41,532.

In March 2014, the Board implemented Computer Based Testing. Unlike paper examinations, computer based examinations can randomize questions. This practice substantially reduces the risk that the Board's examinations will be compromised.

Additionally, the pest control industry has been desirous of a move to Computer Based Testing. The manner in which examinations were previously conducted allowed for only two (2) examination locations in California. Applicants, employers or prospective employers incurred the costs associated with travel.

Computer Based Testing allows the Board to offer 17 testing locations throughout California and 22 additional testing locations throughout the United States, thus reducing costs to applicants and businesses.

Currently, the Board is absorbing the additional costs associated with Computer Based Testing. The Board seeks regulatory authority to increase examination fee amounts by $40 per examination to cover the increased cost of Computer Based Testing.

The pest control industry supports the proposed regulatory change as evidenced by the sponsorship of Assembly Bill 1685 (Williams, 2014) by the Pest Control Operators of California, which is the largest pest control association in California.

SPECIFIC PURPOSE:

The Board proposes to amend Section 1948 of Division 19, Title 16 California Code of Regulations, to increase initial examination and challenge examination fees for Operators, Field Representatives, and Applicators by $40 each.

More specifically, the following fees are increased as follows:

Examination Type	Current Fee	Proposed Fee
Operator's Examination	$25	$65
Field Representative's Examination	$10	$50
Applicator's Examination	$15	$55
Operator's Continuing Education Examination	$25	$65
Field Representative's Continuing Education Examination	$10	$50

Problem Being Addressed:

This proposed regulatory change addresses the issue of the Board's licensure and challenge examinations being compromised. Additionally, it addresses issues of cost and convenience to pest control businesses and examination applicants.

Anticipated Benefits From This Regulatory Action:

As a result of this regulatory change, the Board anticipates the ability to administer rigorous, uncompromised examinations which ensures an appropriate standard of competency for licensees. Additionally, as a result of this regulatory change, the Board anticipates benefits to pest control businesses and examination applicants in the mitigation of costs associated with travel to examination locations.

FACTUAL BASIS/RATIONALE

Pursuant to Business and Professions Code section 8525, the Board has the authority to amend reasonably necessary rules and regulations relating to the practice of pest control and its various branches.

The Board seeks to make these regulatory changes subject to pending legislative authority to amend Business and Professions Code sections 8564.5, 8593(c) and 8674 as provided by Assembly Bill 1685 (Williams, 2014).

AB 1685 increases the examination fee limit the Board can charge an applicant to take an examination. AB 1685 will allow the Board to increase the examination by $40 per examination. The fees need to be increased by $40 to pay for the increased costs associated with Computer Based Testing.

The implementation of Computer Based Testing has caused the Board to incur costs which are untenable in the long term. In order for the Board to continue Computer Based Testing, it is necessary for the Board to amend Section 1948, Division 19, Title 16 of the California Code of Regulations to increase initial examination and challenge examination fees by $40 for each of the following license types, Operators, Field Representatives, and Applicators.

UNDERLYING DATA:

1. Assembly Bill 1685 (Williams, 2014) from 2013-2014 legislative session as amended in Assembly April 2, 2014
2. The California Department of Consumer Affairs, Office of Public Affairs, March 6, 2014 Exam Subversion News Release
3. Structural Pest Control Board Licensing Statistics, February, Fiscal Year 2013-2014
4. Psychological Services, LLC, Service Contract, February 12, 2014-December 31, 2014
5. Office of Professional Examination Services, Service Contract, November 1, 2013-June 30, 2014
6. Industry Support Letters, Newport Exterminating, March 3, 2014, Pest Control Operators of California

BUSINESS IMPACT

The Board has determined that the following type of businesses may be impacted by the proposed regulation.

- Businesses that pay for their employees or prospective employees to take an examination administered by the Board.

Businesses that pay for their employees or prospective employees to take a licensure examination administered by the Board will incur the additional costs associated with the proposed regulation. However, most or all of the additional costs to businesses will be mitigated by the benefits offered through Computer Based Testing. This is because Computer Based Testing offers more locations with more times to test. This will relieve costs to businesses for travel, expenses, and overnight accommodations for applicants. Without Computer Based Testing, the Board is able to offer only two (2) locations in California once a month.

In Fiscal Year 2012-2013, the Board administered 560 Operator Examinations, 3548 Field Representative examinations, and 2598 Applicator examinations.

The proposed regulation would increase examination fees by $40 per examination. The Board estimates that it will administer approximately 6,600 examinations per year.

The Board has not identified any feasible alternatives to the proposed regulatory action that would achieve the purpose of the regulation that would lessen any adverse economic impact on businesses. The Board invites any suggested alternatives.

ECONOMIC IMPACT ASSESSMENT

This regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the examination fee increases which are being proposed do not serve as a deterrent to applicants from taking examinations, nor do they deter businesses from paying the additional costs for examinations for current or prospective employees.

- It will not eliminate existing businesses because the examination fee increases which are being proposed are applied to individuals. Businesses that pay for their employees or prospective employees to take examinations do so by choice.

- It is likely to create new businesses as licensure and challenge examinations are precursors to starting a new business and the convenience offered by Computer Based Testing encourages new licensure applicants.

- It will not affect the expansion of businesses currently doing business within the State of California because the examination fee increases which are being proposed are not related to the expansion of businesses.

- This regulatory proposal benefits the health and welfare of California residents by ensuring that licensure applicants pass a rigorous, uncompromised examination which ensures that licensure applicants meet an acceptable standard of competency before being licensed and prior to offering services to members of the public.

- This regulatory proposal's benefits increase worker safety by ensuring that licensure applicants pass a rigorous, uncompromised examination and meet an acceptable worker safety standard of competency.

- This regulatory proposal's benefits do not affect the state's environment because the examination fee increases which are being proposed are not relevant to the state's environment.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons or businesses or equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Alternative No. 1: The Board continues to absorb the cost of Computer Based Testing

Rejected: The increased cost associated with Computer Based Testing is more than the Board is able sustain on a long term basis.

Structural Pest Control Board
Proposed Language

Amend Section 1948 of Division 19 of Title 16 of the California Code of Regulations to read as follows:

§1948. Fees.

(a) Pursuant to the provisions of section 8674 of the code, the following fees are established:

(1) Duplicate license	$2
(2) Change of licensee name	$2
(3) Operator's examination	~~$25~~ $65
(4) Operator's license.	$120
(5) Renewal operator's license	$120
(6) Company office registration	$120
(7) Branch office registration	$ 60
(8) Field representative's examination	~~$10~~ $50
(9) Field representative's license	$30
(10) Renewal field representative's license	$30
(11) Change of registered company's name	$25
(12) Change of principal office address	$25
(13) Change of branch office address	$25
(14) Change of qualifying manager	$25
(15) Change of registered company's officers	$25
(16) Change of bond or insurance	$25
(17) Continuing education provider	$50
(18) Continuing education course approval	$25
(19) Pesticides use report filing	$6
(20) Applicator's License	$10
(21) Renewal applicator's license	$10

(b) Pursuant to section 8564.5 of the code, the fee for examination for licensure as an applicator is ~~$15.00~~ $55.00 for each branch in which an examination is taken.

(c) Pursuant to section 8593 of the code, the fee for the continuing education examination for operators is ~~$25.00~~ $65.00, for each branch in which an examination is taken.

(d) Pursuant to section 8593 of the code, the fee for the continuing education examination for field representatives is ~~$10.00~~ $50.00, for each branch in which an examination is taken.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8564.5, 8593 and 8674, Business and Professions Code.

MINUTES OF THE
BOARD MEETING OF THE
STRUCTURAL PEST CONTROL BOARD
March 27, 2014

The meeting was held on March 27, 2014 in the Hearing Room located at 2005 Evergreen Street, Sacramento commencing at 9:00 A.M. with the following members present constituting a quorum.

David Tamayo, President
Curtis Good, Vice President
Ronna Brand
Naresh Duggal
Mike Duran
Cliff Utley

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Consumer Services Manager
Ronni O'Flaherty, Administrative Analyst
David Skelton, Administrative Analyst

Departmental Staff Present:

Christine Lally, DCA Executive Office
Kyle Muteff, Legal Counsel

ROLL CALL/ESTABLISHMENT OF QUORUM

A quorum of the board was established.

FLAG SALUTE/PLEDGE OF ALLEGIANCE

Mr. Tamayo led everyone in the flag salute and recitation of the Pledge of Allegiance.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

There were no public comments on items not on the agenda.

APPROVAL OF THE MINUTES FROM THE JANUARY 23 & 24, 2014 BOARD MEETING

Mr. Tamayo asked the Board if there were any changes to the minutes from the January 23 & 24, 2014 Board Meeting.

Mr. Good asked that his comment on Page 5 of the January 23 & 24, 2014 Board Meeting Minutes be changed from "congratulated PCOC" to "congratulated the Board".

> Mr. Utley moved and Mr. Duran seconded to approve the minutes from the January 23 & 24, 2014 Board Meeting as amended. Passed unanimously.

REVIEW OF COMMENTS AND RESPONSES FROM THE INTERESTED PARTIES WORKSHOP ON IPM'S ROLE IN CONTINUING EDUCATION (CE)

Ms. Saylor referred the Board to the minutes (included in Board Materials) from the IPM Interested Parties Workshop and to the 3 written public comments received by staff (also included in Board Materials).

Mr. Tamayo introduced Darren Van Steenwyk, Clark Pest Control, as the Chair of a newly formed CE IPM Committee and asked him to provide a summary of its members and goals.

Mr. Van Steenwyk introduced the members of the CE IPM Committee as follows- Nita Davidson, Department of Pesticide Regulation, Naresh Duggal, Santa Clara County, Brandon Kitagawa, Regional Asthma Management and Prevention, Sylvia Kenmuir, Target Specialty Products, Jim Steed, Neighborly Pest Management, and Dave Tamayo, Sacramento County Water Department, and stated that their first meeting is scheduled for May 13, 2014.

PRESENTATION AND DISUCSSION BY DR. ANDREW SUTHERLAND, UC IPM BAY AREA ADVISOR ON HUMAN HEALTH AND ENVIRONMENTAL CONSIDERATIONS WHILE CONDUCTING STRUCTURAL PEST CONTROL AND SUGGESTED PATH

Dr. Andrew Sutherland gave a presentation explaining the theory and practice of Integrated Pest Management as it relates to the public and to the pest control industry.

Mr. Tamayo asked the Board and IPM Review Committee to consider Dr. Sutherland's presentation and how some of the information it contained could fit into a structural IPM framework.

CONSIDERATION OF AMENDING SECTION 1950 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS- INCREASE IPM CE REQUIREMENT

Mr. Tamayo stated that this agenda item will be an area of particular focus for the CE IPM Committee.

Mr. Duggal stated that the CE IPM Committee should consider the report and recommendations made by the Urban Pest Management Working Group to DPR in 2008.

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported on the history of the Board's examinations being compromised, the criminal investigation of those responsible for it, the development of one new examination at a cost of $40,000, and the implementation of computer based testing.

Ms. Saylor reported on the examination passing rates and stated that the Board is currently conducting examination workshops which will result in new tests being debuted starting in June, 2014.

Ms. Saylor reported on the Sunset Review Committee and the Board's response to the areas of concern raised by that Committee. Ms. Saylor stated that the Sunset Committee raised 18 areas of concern and that her, Mr. Lucas, and Mr. Tamayo attended the March 17, 2014 Sunset Hearing to address 8 of those in person.

Ms. Saylor stated that now with the Board being back at DCA the capability exists to broadcast the Board Meetings over the web. Ms. Saylor stated the plan is to begin webcasting at the October Board Meeting.

Ms. Saylor stated that the Board Meeting materials are now available on the Board's website and that will be the case going forward. Ms. Saylor stated that webcasting the Board Meetings and making the Board Meeting materials available on the website both addressed concerns raised by the Sunset Review Committee.

CONSIDERATION AND POSSIBLE POSITION ON SB 1244 SUNSET BILL

Ms. Saylor stated that the SB 1244 Sunset Bill was introduced in February and that it would be prudent for the Board to take a position on it.

> Mr. Good moved and Mr. Utley seconded for the Board to support SB 1244 Sunset Review Bill. Passed unanimously.

CONSIDERATION AND POSSIBLE POSITION ON AB 1685 EXAMINATION FEE INCREASE BILL

Ms. Saylor reported on the contents and status of AB 1685 in advance of the Board possibly taking a position on it.

Mr. Muteff stated that in addition to the fee increase contained in AB 1685 there is a change that authorizes PCOs to notify by electronic means when pest control work is to be performed.

Mr. Tamayo asked if the Board should define in regulations the exact meaning of the term "electronic means."

Mr. Muteff stated that the Board has the authority to define terms in regulations and that defining the term "electronic means" would be a good idea.

> Mr. Duran moved and Mr. Utley seconded to support AB 1685 Examination Fee Increase Bill. Passed unanimously.

CONSIDERATION OF PROPOSED AMENDMENTS TO SECTIONS 1936, 1936.1 AND 1936.2 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS- TO REVISE COMPANY REGISTRATION AND LICENSE APPLICATIONS

Ms. Saylor referred the Board to examples of revised applications in their Board materials and stated that if the Board approved them it could direct staff to begin the rulemaking process to change them.

Mr. Tamayo asked if there is time pressure on the Board to make these changes.

Mr. Muteff stated that there is time pressure to change the wording on applications asking about criminal conviction history. The changes adding questions about military service are not as time sensitive, but were added in anticipation of next year's requirement.

Mr. Tamayo asked if the Board could authorize staff to begin the rulemaking process and still make any additional changes that might be needed during that process.

Mr. Muteff stated that the Board would be voting today to authorize staff to begin the rulemaking process and that additional changes could be made during that process.

> Mr. Utley moved and Mr. Duran seconded to approve the proposed text, prepare a notice for hearing on the regulations, and set that hearing for the next board meeting. Passed unanimously.

CONSIDERATION OF PROPOSED AMENDMENT OF SECTION 1948 OF TITLE 16 OF THE CALIFORNIA CODE OF REGULATIONS- OPERATOR, FIELD REPRESENTATIVE, AND APPLICATOR EXAMINATION FEE INCREASE

Ms. Saylor stated that AB 1685 is the Examination Fee Increase Bill that will set a maximum fee cap and if that becomes law the Board will need to do a rulemaking package to identify exactly what the fee increase will be in regulation for each license type.

Ms. Saylor stated that the cost to the Board for each person who attends computer based testing is thirty seven dollars and fifty cents ($37.50) and her recommendation is to increase license examination fees by forty dollars ($40) for applicators, field representatives, and operators.

Mr. Tamayo asked if the Board can begin the rulemaking process even though they currently do not have the statutory authority to increase fees.

Mr. Muteff stated that the Board can begin the rulemaking process in anticipation of the statutory authority.

> Mr. Duran moved and Mr. Good seconded to approve the proposed text and for staff to prepare a notice for hearing, and set that hearing for the next board meeting. Passed unanimously.

STRUCTURAL PEST CONTROL BOARD BROCHURES REVIEW AND DISCUSSION REGARDING COST OF PUBLISHING IN LAMGUAGES OTHER THAN IN ENGLISH

Ms. Saylor stated that at the previous Board Meeting a Board member had inquired about the ability to publish public informational brochures in languages other than English. Ms. Saylor stated that after looking into that possibility she believes it will be too expensive. Ms. Saylor

further stated that she would be working with DCA on translating the brochures to the most widely used languages other than English and making them available on the website.

The Board discussed the publication of brochures in languages other than English and ultimately decided to table the discussion and add a future agenda item during which the topic of brochures could be discussed more broadly.

PRESENTATION OF ACT REVIEW COMMITTEE RECOMMENDED LEGISLATIVE CHANGES TO BUSINESS AND PROFESSIONS CODE SECTIONS 8504, 8505.1, 8505.2, 8505.5, 8505.10, 8505.12, 8505.14, 8507.1, 8514, 8518, 8538, 8551.5, 8555, 8560, 8562, 8564, 8564.5, 8564.6, 8565, 8565.6, 8566, 8567, 8590, 8590.1, 8593.1, 8612, 8613, 8617, 8622, 8643, 8647, 8651, 8656, 8660, 8673, DELETION OF 8505.6 AND ADDITION OF 8504.1 AND 8672.1

Mr. Gordon gave a presentation explaining the process and rationale of the recommendations made to the Board by the Structural Pest Control Board Act Review Committee.

CONSIDERATION OF ACT REVIEW COMMITTEE'S RECOMMENDATION TO CHANGE BUSINESS AND PROFESSIONS CODE SECTIONS 8504, 8505.1, 8505.2, 8505.5, 8505.10, 8505.12, 8505.14, 8507.1, 8514, 8518, 8538, 8551.5, 8555, 8560, 8562, 8564, 8564.5, 8564.6, 8565, 8565.6, 8566, 8567, 8590, 8590.1, 8593.1, 8612, 8613, 8617, 8622, 8643, 8647, 8651, 8656, 8660, 8673, DELETION OF 8505.6 AND ADDITION OF 8504.1 AND 8672.1

Mr. Tamayo asked if the proposed change to B&P Code Section 8505.12 needed to more clearly define who the State Regulatory Authority is.

Mr. Muteff stated that statutes are typically worded broadly and the Board may make regulatory changes to further define the State Regulatory Authority in regulation.

Mr. Good asked Mr. Gordon if he could explain the Committee's approach to the process of recommending these changes.

Mr. Gordon stated that the Committee started at the beginning of the Structural Pest Control Act and went through every code section with the intention of bringing it up to date.

Mr. Gordon stated that the changes being presented to the Board at this meeting are the first in a series of planned recommendations and were chosen because the Committee felt these were non-controversial.

Mr. Duggal asked Mr. Gordon if the Committee considered OSHA regulations when making the proposed change to B&P Code Section 8505.10.

Mr. Gordon stated that the Committee did consider OSHA regulations when making the proposed change to B&P Code Section 8505.10.

Mr. Duggal asked Mr. Gordon if the Committee considered adding reciprocity for Operators in B&P Code Section 8562.

Mr. Gordon stated that the Committee did not consider adding reciprocity for Operators in B&P Code Section 8562 but that it is a very good suggestion.

Mr. Tamayo asked about the rationale for adding a statute of limitations to B&P Code Section 8617.

Mr. Muteff stated that he consulted with Kathy Boyle, Department of Pesticide Regulation, Staff Environmental Scientist, at one of the Act Review Committee Meetings and was told this was needed for commissioner action to increase consumer protection.

Eric Paulsen, Clark Pest Control, asked if the Committee considered striking "bees" from B&P Code Section 8555 due to the court decision in the Merrifield case.

Mr. Muteff stated that bees were not excluded in the Merrifield court decision.

Mr. Paulsen asked what the Committee's rationale was for removing B&P Code 8565.6.

Mr. Gordon stated that a Branch 2 license grants a licensee the ability to control bees regardless if they are Africanized or not so there was no need to draw a distinction between them.

Mr. Utley asked Mr. Gordon about written comment received in regards to their recommendations.

Mr. Gordon stated that most of the written comment received was from the County Agricultural Commissioners (CACs) in regards to B&P Code Section 8505.12 and the approval process for allowing fumigations without the warning agent, chloropicrin.

Mr. Gordon stated that the Committee chose language in their recommendation for B&P Code Section 8505.12 that allowed the CACs to create their own guidelines for the approval of fumigation without chloropicrin.

Mr. Gordon stated that there was written comment received from a CAC in response to the Committee's recommendation to strike, "given by telephone" from B&P Code Section 8505.5.

Mr. Gordon stated that the Committee felt it was important that a notice of intent to fumigate be filed in writing rather than over the phone.

Mr. Utley asked if the Committee felt it had addressed the concerns expressed in the written comment that was received.

Mr. Gordon stated he felt the Committee had addressed the concerns expressed in the written comment that was received.

Mr. Duggal asked Ms. Saylor if staff was prepared to handle the anticipated increase in workload resulting from the recommended changes to B&P Code Section 8590.

Ms. Saylor stated that the majority of renewal applications are processed at DCA Central Cashiering and that staff could absorb the increase in workload resulting from the recommended changes to B&P Code Section 8590.

Lee Whitmore, Beneficial Exterminating, stated that the Fumigation Enforcement Committee suggested removing the language "such as but not limited to artifacts in museums or in police evidence storage" from the recommending changes to B&P Code Section 8505.12.

Mr. Gordon stated that the Committee included the all-encompassing term "such as, but not limited to" and that removing "such as but not limited to artifacts in museums or in police evidence storage" from the recommended change would be unnecessary.

The Board discussed removing "such as but not limited to artifacts in museums or in police evidence storage" and declined to do so.

> Mr. Duran moved and Mr. Good seconded to adopt the recommended changes as they have been presented. Passed unanimously.
>
> Mr. Utley moved and Mr. Good seconded to delegate authority to the Executive Officer to find a legislative author or to include the recommended changes in a bill. Passed unanimously.

BOARD MEETING CALENDER

The following three meetings were previously scheduled for July 9 and 10, 2014 in San Diego, October 15, 16, and 17, 2014 in Sacramento with the intent that one day would be for strategic planning and January 14 and 15, 2015 in San Diego.

The following meeting was scheduled for March 25 and 26, 2015 in Sacramento.

FUTURE AGENDA ITEMS

Mr. Utley requested a future agenda item to discuss a Honda commercial which has been airing in which a person runs into a house that is being fumigated to retrieve something. Mr. Utley wishes to discuss possible Board action to stop the airing of that commercial.

Mr. Utley requested a future agenda item to discuss the online sale of pesticides and what the Board can do to monitor or limit it.

Mr. Duran asked about the formation of a Pre-Treatment Committee.

Mr. Lewis suggested a future agenda item for an update on the research fund.

CLOSED SESSION

The Board entered closed session to deliberate on decisions in accordance with subdivision (c)(3) of section 11126 of the Government Code.

The open meeting resumed at 1:20 P.M.

ADJOURNMENT

The meeting adjourned at 1:20 P.M.

_____ _____

Board President Susan Saylor, Registrar

_____

Date

MINUTES OF THE TELECONFERENCE BOARD MEETING
OF THE STRUCTURL PEST CONTROL BOARD
April 22, 2014

The meeting was held on April 22, 2014 at the following locations: Department of Consumer Affairs, 2005 Evergreen Street, Lake Tahoe Conference Room, Sacramento, CA., 95815; Office of the County Executive, 70 West Hedding Street, East Wing, 11th Floor, San Jose, CA.; 95110. Newport Exterminating, 16661 Millikan Avenue, Irvine, CA., 92606; Cliff's Pest Control, Inc., 3165 June Street, San Bernardino, CA., 92407; 2419 Crenshaw Drive, Los Angeles, CA., 90046; 82229 Bliss Avenue, Indio, CA., 92201. The meeting commenced at 10:01 A.M. with the following members present constituting a quorum:

Dave Tamayo, President
Curtis Good, Vice President
Ronna Brand
Mike Duran
Marisa Quiroz
Cliff Utley

Board Staff Present:

Susan Saylor, Executive Officer
Ronni O'Flaherty, Administrative Analyst
David Skelton, Administrative Analyst

Departmental Staff Present:

Kyle Muteff, Legal Counsel

ROLL CALL/ESTABLISHMENT OF QUORUM

Ms. Saylor read roll call, quorum established. Harvey Logan, Western Exterminator Company, was present at the Sacramento location. Dean Wiley, Newport Exterminating, was present at the Irvine location. No members of the public were present at the San Jose, San Bernardino, Los Angeles, or Indio locations.

PRESENTATION AND CONSIDERATION OF ACT REVIEW COMMITTEE'S PROPOSED REVISIONS TO BUSINESS AND PROFESSIONS CODE SECTIONS 8505.17 AND 8674

Board member Marisa Quiroz joined the teleconference meeting at 10:04 A.M.

Ms. Saylor stated that the Act Review Committee has proposed two more recommendations for the Board's consideration. Currently, the Act requires a physical stamp for all pesticide use reports. The Committee's recommends the Board allow pesticide use reports to have a physical stamp or a stamp number.

Mr. Utley moved and Mr. Duran seconded to adopt the recommended changes to B&P Code Sections 8505.17 and 8674 and to delegate authority to the Executive Officer to find a legislative author and/or bill for the recommendations to be included in.

8505.17. (a) There is hereby continued in existence in the State Treasury a special fund to be known as the Structural Pest Control Education and Enforcement Fund. Funds derived from the pesticide use report filing fee provided for in Section 8674 and all proceeds from civil penalties collected by the board pursuant to Section 8617 shall be deposited in the Education and Enforcement Account which is hereby created in the fund. The account shall be used by the board (1) for the purposes of training as provided in Section 8616, (2) for reimbursement to the Director of Pesticide Regulation for work performed as the agent of the board pursuant to Sections 8616, 8616.4, and 8617 and Section 15202 of the Food and Agricultural Code and for cases referred to the board pursuant to subdivision (b) of Section 8616.5, and (3) for reasonable expenses incurred by the Disciplinary Review Committee. There is no reimbursement from this fund for inspections and routine investigations.

(b) The board may withhold funds from its agent if it is not satisfied that its agent has corrected the problems which resulted in a suspension as provided in Section 8616.6. The authority to withhold funds shall be limited only to the withholding of an amount otherwise due the agent for reimbursable activities performed in the county or counties for which a notice has been filed pursuant to Section 8616.6.

(c) Registered structural pest control companies shall prepare and submit to the county agricultural commissioner a monthly report of all pesticides used in that county. The report shall be on a form approved by the Director of Pesticide Regulation and shall contain the name and registration number of each pesticide and ~~,~~ the amount used~~, . and the number of applications made.~~ The report shall be submitted to the commissioner by the 10th day of the month following the month of application~~.~~ and a copy maintained by the licensee for a period of three years from the report submission date. Each pesticide use report or combination of use reports representing a registered structural pest control company's total county pesticide use for the month shall ~~have affixed thereto~~ require a pesticide use stamp or stamp number issued by the board in the denomination fixed by the board in accordance

with Section 8674 as the pesticide use report filing fee. The board shall provide for the sale of these stamps and stamp numbers and for the refund of moneys paid for stamps and stamp numbers which are returned to it unused. When a registered structural pest control company performs no pest control during a month in a county in which it has given notice pursuant to Section 15204 of the Food and Agricultural Code, the registered company shall submit a use report stating this fact to the commissioner. No pesticide use stamp or stamp number is required on negative use reports.

(d) All other proceeds from civil penalties collected by the board shall be deposited in the Civil Penalties Account which is hereby created in the fund. These funds shall be available to the board upon appropriation by the Legislature for the purposes of enforcing this chapter.

8674. The fees prescribed by this chapter are the following:
(a) A duplicate license fee of not more than two dollars ($2).
(b) A fee for filing a change of name of a licensee of not more than two dollars ($2).
(c) An operator's examination fee of not more than twenty-five dollars ($25).
(d) An operator's license fee of not more than one hundred fifty dollars ($150).
(e) An operator's license renewal fee of not more than one hundred fifty dollars ($150).
(f) A company registration fee of not more than one hundred twenty dollars ($120).
(g) A branch office registration fee of not more than sixty dollars ($60).
(h) A field representative's examination fee of not more than fifteen dollars ($15).
(i) A field representative's license fee of not more than forty-five dollars ($45).
(j) A field representative's license renewal fee of not more than forty-five dollars ($45).
(k) An applicator's examination fee of not more than fifteen dollars ($15).
(l) An applicator's license fee of not more than fifty dollars ($50).
(m) An applicator's license renewal fee of not more than fifty dollars ($50).
(n) An activity form fee, per property address, of not more than three dollars ($3).
(o) A fee for certifying a copy of an activity form of not more than three dollars ($3).
(p) A fee for filing a change of a registered company's name, principal office address, or branch office address, qualifying manager, or the names of a registered company's officers, or bond or insurance of not more than twenty-five dollars ($25) for each change.
(q) A fee for approval of continuing education providers of not more than fifty dollars ($50).
(r) A pesticide use report filing fee of not more than five dollars ($5) for each pesticide use report or combination of use reports representing a registered structural pest control company's total county pesticide use for the month.
(s) A fee for approval of continuing education courses of not more than twenty-five dollars ($25).
(t) (1) Any person who pays a fee pursuant to subdivision (r) shall, in addition, pay a fee of two dollars ($2) for each pesticide use stamp or stamp number purchased from the board. Notwithstanding any other provision of law, the fee established

pursuant to this subdivision shall be deposited ~~with a bank or other depository approved by the Department of Finance and designated by the Research Advisory Panel or~~ into the Structural Pest Control Research Fund that is hereby continued in existence and continuously appropriated to be used only for structural pest control research. ~~If the Research Advisory Panel designates that the fees be deposited in an account other than the Structural Pest Control Research Fund, any moneys in the fund shall be transferred to the designated account.~~

(2) Prior to the deposit of any funds, the depository shall enter into an agreement with the Department of Consumer Affairs that includes, but is not limited to, all of the following requirements:

(A) The depository shall serve as custodian for the safekeeping of the funds.

(B) Funds deposited in the designated account shall be encumbered solely for the exclusive purpose of implementing and continuing the program for which they were collected.

(C) Funds deposited in the designated account shall be subject to an audit at least once every two years by an auditor selected by the Director of Consumer Affairs. A copy of the audit shall be provided to the director within 30 days of completion of the audit.

(D) The Department of Consumer Affairs shall be reimbursed for all expenses it incurs that are reasonably related to implementing and continuing the program for which the funds were collected in accordance with the agreement.

(E) A reserve in an amount sufficient to pay for costs arising from unanticipated occurrences associated with administration of the program shall be maintained in the designated account.

(3) A charge for administrative expenses of the board in an amount not to exceed 5 percent of the amount collected and deposited in the Structural Pest Control Research Fund may be assessed against the fund. The charge shall be limited to expenses directly related to the administration of the fund.

(4) The board shall, by regulation, establish a five-member research advisory panel, including, but not limited to, representatives from each of the following: (A) the Structural Pest Control Board, (B) the structural pest control industry, (C) the Department of Pesticide Regulation, and (D) the University of California. The panel, or other entity designated by the board, shall solicit on behalf of the board all requests for proposals and present to the panel all proposals that meet the criteria established by the panel. The panel shall review the proposals and recommend to the board which proposals to accept. The recommendations shall be accepted upon a two-thirds vote of the board. The board shall direct the panel, or other entity designated by the board, to prepare and issue the research contracts and authorize the transfer of funds from the Structural Pest Control Research Fund to the applicants whose proposals were accepted by the board.

(5) A charge for requests for proposals, contracts, and monitoring of contracted research shall not exceed 5 percent of the research funds available each year and shall be paid from the Structural Pest Control Research Fund.

ADJOURNMENT

The meeting adjourned at 10:11 A.M.

Dave Tamayo, President

Susan Saylor, Registrar

Date

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR MAY 2014 Page 1 of 2	FISCAL YEAR 2013/2014		FISCAL YEAR 2012/2013	
EXAMINATION	Monthly	Year To Date	Monthly	Year To Date
Field Representatives Scheduled/Authorized	370	5,283	485	3,967
Field Representatives Examined	285	3,691	415	3,185
Field Representatives Passed	106	950	81	966
Field Representatives Failed	179	2,741	334	2,219
Operators Scheduled/Authorized	37	576	64	606
Operators Examined	46	463	57	509
Operators Passed	15	192	24	206
Operators Failed	31	271	33	303
Applicators Examined	307	2,551	287	2,302
Applicators Passed	168	1,311	145	1,115
Applicators Failed	139	1,240	142	1,187
Field Representatives Passing Rate	37%	26%	20%	30%
Operator Passing Rate	33%	41%	42%	40%
Applicators Passing Rate	55%	51%	51%	48%
LICENSING				
Field Representative Licenses Issued	89	720	64	850
Operator Licenses Issued	9	181	9	159
Company Registrations Issued	27	244	20	230
Branch Office Registrations Issued	1	47	1	57
Change of Registered Company Officers	0	28	2	29
Change Of Qualifying Manager	11	122	8	95
Applicator Licenses Issued	176	1,232	140	961
Duplicate Licenses Issued	70	864	72	862
Upgrade Present License	15	158	12	281
Change of Status Processed	28	312	23	294
Address Change	131	1,521	161	1,999
Address Change (Principal Office)	21	246	30	298
Address Change (Branch Office)	2	16	2	24
Transfer of Employment Processed	105	1,363	167	2,034
Change of Name	4	17	0	17
Change of Registered Company Name	4	13	0	12
License Histories Prepared	16	179	28	202
Down Grade Present License	32	335	26	307
LICENSES/REGISTRATIONS IN EFFECT				
Field Representative		10,310		10,568
Operator		3,795		3,613
Company Registration		2,946		2,704
Branch Office		445		436
Licensed Applicator		5,756		5,003
LICENSES/REGISTRATIONS ON PROBATION				
Companies		22		14
Licensees		93		68

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR MAY 2014 Page 2 of 2	FISCAL YEAR 2013/2014		FISCAL YEAR 2012/2013	
LICENSES RENEWED	Monthly	Year To Date	Monthly	Year To Date
Operator	312	487	112	244
Field Representative	556	961	297	668
Applicator	54	436	68	489
LICENSES/ REGISTRATIONS CANCELED				
Operator	2	176	0	99
Field Representative	8	1,054	5	1,075
Company Registration	15	134	8	139
Branch Office	1	34	0	57
Applicator	71	827	57	834
LICENSES DENIED				
Licenses	2	21	4	7
INVESTIGATIVE FINES PROCESSED				
Fines Processed	$204	$433	$0	$0
Penalty Assessment	$50	$2,632	$0	$50
Pesticide Fines	$6,875	$92,765	$8,800	$90,747
STAMPS SOLD				
Pesticide	5,870	63,380	5,570	61,555
SEARCHES MADE				
Public	73	871	85	854
Complaints	39	512	28	372
BOND & INSURANCE				
Bonds Processed	250	886	32	312
Insurance Processed	240	2,510	240	2,551
Restoration Bonds Processed	0	0	0	0
Suspension Orders	40	296	17	390
Cancellations Processed	21	501	21	658
Change of Bond/Insurance	141	1,063	207	910
CONTINUING EDUCATION EXAMS				
Field Representative Examined	0	1	0	0
Field Representative Passed	0	0	0	0
Field Representative Failed	0	0	0	0
Operator Examined	0	1	0	0
Operator Passed	0	0	0	0
Operator Failed	0	0	0	0
Applicator Examined	0	0	0	1
Applicator Passed	0	0	0	1
Applicator Failed	0	0	0	0

LICENSING UNIT SURVEY RESULTS

July 10, 2014 – SPCB Meeting
March 9, 2014 – June 13, 2014

Response cards are sent to licensees, registered companies, and applicants receiving the following services: Licensure, Renewal of License, Upgrade/Downgrade License, Change of Qualifying Manager, Bond/Insurance, Company Registration, Transfer of Employment, Change of Address, and Examination. 192 survey cards were mailed during this reporting period. 36 responses were received.

	Question	Yes	No	N/A
1	Was staff courteous?	97%	3%	
2	Did staff understand your question?	88%	3%	9%
3	Did staff clearly answer your question?	91%	3%	6%
4	Did staff promptly return your telephone call?	63%	9%	28%
5	Did staff efficiently and promptly handle your transaction?	77%	14%	9%
6	How long did it take to complete its action on your file?* (Average)	23 day		

*There were 22 responses for question six. The answers ranged from 1 day to 90 days.

Company Registration – 14 days average (7 responses)

Operator License – 17 days average (6 responses)

Field Representative License – 23 days average (3 responses)

Applicator License – 90 days average (2 responses)

Transfer of Employment – No responses

Change of Address – No responses

Bond/Insurance – No Responses

Change of Qualifying Manager – No Responses

Examination – 14 days average (4 responses)

Comments:

- Staff is excellent!
- Very good! Thanks!
- Very satisfied with staff. Mr. Frank Munoz is a very professional person. Thank you! God Bless.

- Too long to schedule re-exam.
- Doing a great job!
- The new computer version of the test was much better than the previous one.
- The whole process has taken several months – but very helpful and informative.
- The guy in your office, Frank, is unprofessional and rude! I never want to deal with him again.
- I wish you guys had worked a little faster. I also wish communication via email was possible instead of just phone and mail.
- Great experience and I look forward to the next test.
- I spoke to Frank Munoz. He was nothing but professional and helpful, very timely and extremely courteous!
- Mr. Frank Munoz is the best! He is so professional and I really appreciate his help and follow up with calls. Thanks a lot.
- Staff was great, the whole process took longer than I expected, but I don't have to do it again.
- Everybody was great! Thank you.
- This method is easier and less tense than driving to Sacramento, CA. (referring to computer based testing)
- I really liked the new option for computer based testing. Awesome!
- Couldn't understand why it took so long after I went through all I was asked to do.
- Frank Munoz is great! He helped me a lot. Thank you.
- Good experience!
- I'm a new company and I have a lot of questions and the staff is always friendly and helpful. ****
- Awesome job! Great staff. Keep up the good work!

COMPLAINT HANDLING SURVEY
July 10, 2014 – SPCB Meeting
March 12, 2014 – June 13, 2014

Results from survey cards sent to consumers and companies for closed complaints/cases

20 responses were received from consumers

	Question	Yes	No	N/R
1	Was our representative courteous?	20	0	0
2	Do you feel the representative understood your problem?	20	0	0
3	Did our representative fully explain our role and jurisdiction over your problem?	20	0	0
4	Did our representative deal with your problem in a fair and reasonable manner?	20	0	0
5	Were you satisfied with the results?	16	3	1
6	If you experience structural pest control problems in the future, would you contact the Board?	20	0	0
7	Will you recommend our serves to others?	20	0	0
8	How long did it take the Board to complete its action on your problem?*(Average)	64 days		

*There were 12 survey responses from question number 8. The answers ranged from 2 days to 215 days.

20 responses were received from companies

	Question	Yes	No	N/R
1	Was our representative courteous?	20	0	0
2	Do you feel the representative understood the aspects of the case?	20	0	0
3	Did our representative deal with the case in a fair and reasonable manner?	20	0	0
4	Were you given adequate time to resolve the consumer complaint?	20	0	0
5	Were you satisfied with the results?	19	1	0

COMPLAINT SURVEY RESPONSES
July 14, 2014 - SPCB Meeting

Case Number	Respondent	Comments
14-435	Consumer	No Comment
13-489	Consumer	It took the Pest Company a long time to finish but the Specialist kept them on task. I was very pleased with his service.
14-70	Consumer	No Comment
14-135	Consumer	To long! It was in the coldest part of the year, and my house was wide open. I ended up in the hospital.
14-154	Company	Mr. Graves was very helpful and professional
14-167	Company	No Comment
14-174	Company	Thank you for all the help in bringing the property into compliance. Our intentions are not bad. I have become more knowledgeable about the business. Thanks.
14-175	Company	Thank you for the opportunity. All staff has been very helpful.
14-184	Consumer	Ed Ackerman was exceptional. Thanks Ed! You're a life saver. Only comment would be that the processing time could be improved if possible.
14-198	Company	Ron is always so helpful and courteous.
14-198	Consumer	Ron Moss is a class act. You are lucky to have him. Highly professional and responsive.
14-255	Consumer	We felt that the Board Specialist listened carefully to our issues and addressed all of them as well as others we did not know existed. Thank you!
14-231	Company	Probably did a little more than requested, but that was my decision.
14-231	Consumer	No Comment
14-242	Consumer	The letter I got with this card said: "The company was found in violation of the pest control act." I understand that they did it alright.
14-247	Company	No Comment
14-292	Company	No Comment
14-315	Company	Not the Boards fault. Owner is unreasonable. (referring to question # 5 for company responses)
14-315	Consumer	Very satisfied with SPCB. Very dissatisfied with Pest Control Company.
14-332	Company	Once we received the complaint I felt the Board gave us the freedom to contact the home owner and resolve this matter in a timely amount of time. I was glad that we didn't have to wait for reports, ect. We contacted the home owner and he explained his concerns and together we resolved them to the satisfaction of both sides.
14-359	Company	No Comment

14-377	Company	Thank you very much for your assistance in this matter. You were very courteous and helpful.
14-377	Consumer	When information was provided, response time was quick.
14-383	Consumer	Thank you for handling my case.
14-402	Consumer	Thanks.
14-404	Company	All staff have been really helpful to understand all aspects of the complaint.
14-410	Company	No Comment
14-412	Consumer	Mr. Winfrey began sometime after I submitted our formal complaint in December 2013. Resolution was on a period before March 2014. He quickly responded by phone and in person.
14-418	Company	No Comment
14-422	Consumer	No Comment
14-423	Company	No Comment
14-423	Consumer	I don't recall the days to completion but it was a satisfactory time frame.
14-430	Consumer	No Comment
14-431	Consumer	No Comment
14-441	Company	No Comment
14-446	Consumer	The complaint should be part of the Pest Controls file as unsatisfied experience and missed inspection.
14-456	Company	No Comment
14-456	Consumer	No Comment
14-466	Company	Thank you Gayle!

WDO ACTIVITIES FILED

	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	MO. AVG
July	110,740	110,615	99,163	116,972	110,432	123,958	**111,980**
August	106,326	113,033	104,141	124,622	110,534	116,087	**112,457**
September	110,470	110,919	87,158	117,013	103,223	129,161	**106,390**
October	125,545	120,744	113,586	120,171	120,645	117,714	**119,734**
November	98,739	107,830	90,626	110,723	102,655	103,787	**102,393**
December	88,689	88,499	81,140	91,644	88,935	101,132	**90,007**
January	89,271	82,806	77,774	84,492	94,775	92,959	**83,586**
February	86,740	88,560	83,071	95,226	98,208	88,870	**90,113**
March	105,981	120,443	109,522	108,429	114,785	109,979	**111,832**
April	115,412	124,141	117,107	118,528	121,802	122,692	**119,947**
May	113,224	116,654	120,792	111,594	115,207	114,956	**115,405**
June	102,520	133,637	118,929	113,080	116,313		**117,042**
FY Total	***1,253,657***	***1,317,881***	***1,203,009***	***1,312,494***	***1,297,514***	***1,221,295***	**1,280,884**
AVG PER MO.	104,471	109,823	100,251	109,375	108,126	111,027	

0168 - Structural Pest Research Fund
Analysis of Fund Condition

(Dollars in Thousands)

Prepared 6/11/14

	Actual 2012-13	BUDGET ACT CY 2013-14	BY 2014-15	BY +1 2015-16
BEGINNING BALANCE	$ 183	$ 313	$ 430	$ 547
Prior Year Adjustment	$ (2)	$ -	$ -	$ -
Adjusted Beginning Balance	$ 181	$ 313	$ 430	$ 547
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	$ 134	$ 120	$ 120	$ 120
125700 Other regulatory licenses and permits	$ -	$ -	$ -	$ -
125800 Renewal fees	$ -	$ -	$ -	$ -
125900 Delinquent fees	$ -	$ -	$ -	$ -
141200 Sales of documents	$ -	$ -	$ -	$ -
142500 Miscellaneous services to the public	$ -	$ -	$ -	$ -
150300 Income from surplus money investments	$ 1	$ -	$ -	$ -
160400 Sale of fixed assets	$ -	$ -	$ -	$ -
161000 Escheat of unclaimed checks and warrants	$ -	$ -	$ -	$ -
161400 Miscellaneous revenues	$ -	$ -	$ -	$ -
Totals, Revenues	$ 135	$ 120	$ 120	$ 120
Transfers from Other Funds				
	$ -	$ -	$ -	$ -
Transfers to Other Funds				
	$ -	$ -	$ -	$ -
Totals, Revenues and Transfers	$ 135	$ 120	$ 120	$ 120
Totals, Resources	$ 316	$ 433	$ 550	$ 667
EXPENDITURES				
Disbursements:				
1110 DCA (State Operations)	$ -	$ 3	$ 3	$ 3
3930 Department of Pesticide Regulation (State Operations)	$ 3	$ -	$ -	$ -
	$ -	$ -	$ -	$ -
Total Disbursements	$ 3	$ 3	$ 3	$ 3
FUND BALANCE				
Reserve for economic uncertainties	$ 313	$ 430	$ 547	$ 664
Months in Reserve	1252.0	1720.0	2188.0	2656.0

CBT EXAM STATS				
	MAR	APR	MAY	OVERALL
Candidates Sent to PSI	813	316	407	1536
Candidates Scheduled for Exam		175	168	
Candidates Scheduled through		6/2/2014	7/24/2014	
Examinations Given	9	296	331	636
FR1 TAKEN EXAM	0	10	6	16
FR1 PASS	0	2	2	4
FR1 FAIL	0	8	4	12
FR1 PASSING RATE		20%	33%	25%
FR2 TAKEN EXAM	4	178	190	372
FR2 PASS	2	89	78	169
FR2 FAIL	2	89	112	203
FR2 PASSING RATE	50%	50%	41%	45%
FR3 TAKEN EXAM	3	76	89	168
FR3 PASS	1	25	26	52
FR3 FAIL	2	51	63	116
FR3 PASSING RATE	33%	33%	29%	31%
FR DID NOT APPEAR	0	17	15	32
OPR1 TAKEN EXAM	0	4	4	8
OPR1 PASS	0	2	1	3
OPR 1 FAIL	0	2	3	5
OPR1 PASSING RATE		50%	25%	38%
OPR2 TAKEN EXAM	2	19	24	45
OPR2 PASS	2	5	5	12
OPR2 FAIL	0	14	19	33
OPR2 PASSING RATE	100%	26%	21%	27%
OPR TAKEN EXAM	0	9	18	27
OPR3 PASS	0	6	9	15
OPR3 FAIL	0	3	9	12
OPR3 PASSING RATE		67%	50%	56%
OPR DID NOT APPEAR	0	3	5	8
OUT OF STATE EXAMS GIVEN	1	11	0	12
TOTAL DID NOT APPEAR	0	20	20	40

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
STRUCTURAL PEST CONTROL BOARD - LICENSING UNIT
2005 Evergreen Street, Ste. 1500, Sacramento, CA 95815
P 916-561-8704 | F 916-263-2469 | www.pestboard.ca.gov

APRIL 2014

TO: ALL BRANCH 2 REGISTERED COMPANIES AND BRANCH OFFICES

SUBJECT: NEW SECOND GENERATION ANTICOAGULANT RODENTICIDES REGULATIONS

Beginning July 1, 2014, the Department of Pesticide Regulation (DPR) will be implementing new restrictions on the ability to purchase and use second generation anticoagulant rodenticides (SGAR) containing certain active ingredients.

Attached is a directive from DPR outlining the changes that will take effect with the implementation of the new and amended regulations.

If you have any questions regarding the effects on structural pest control companies and licensees, please contact the Structural Pest Control Board at (916) 561-8700.

dpr

Department of Pesticide Regulation

Brian R. Leahy
Director

Edmund G. Brown Jr.
Governor

April 1, 2014

TO: POTENTIAL USERS OF SECOND GENERATION ANTICOAGULANT RODENTICIDES

SUBJECT: NOTICE OF NEW PURCHASE AND USE RESTRICTIONS

The Department of Pesticide Regulation (DPR) will be implementing new regulations, effective on **July 1, 2014**, that will impact entities who purchase and use second generation anticoagulant rodenticide (SGAR) products containing the active ingredients brodifacoum, bromadiolone, difenacoum, and difethialone. In summary, the regulation (available at http://www.cdpr.ca.gov/docs/legbills/rulepkgs/13-002/13-002.htm) will:

1. Designate all SGAR products containing brodifacoum, bromadiolone, difenacoum, and difethialone as California **restricted materials**. This means that:
   - SGAR products can only be used by certified private applicators and certified commercial applicators, or those under their direct supervision.
   - SGAR products can only be purchased from a DPR-licensed pest control dealer by a certified private applicator or certified commercial applicator.
   - All certified applicators, except those licensed by the Structural Pest Control Board (SPCB), must obtain a restricted materials permit from the county agricultural commissioner (CAC) before purchasing or using a SGAR product.

2. Prohibit the placement of above ground SGAR bait more than 50 feet from a man-made structure (as defined by the label), unless there is a feature associated with the site that is harboring or attracting the target pest beyond the 50-foot limit (up to the limit on the label).

3. Expand the DPR definition of "private applicator" to allow livestock, poultry, and fish producers the option of qualifying for private applicator certification. SGAR products can be used by private applicator certificate holders *only* if they intend to protect structures related to the production of an agricultural commodity.

If an individual or business wants to use a SGAR product on or after July 1, 2014, and is not certified to use restricted materials, they must either: (1) hire a pest control business licensed by DPR or SPCB or (2) become or employ a certified applicator. Private applicators are certified by the CAC and commercial applicators are certified by DPR or SPCB, depending on the scope of work.

- For questions on private applicator certification or permits, please contact your CAC.
- For questions on how to become a certified applicator with DPR by obtaining either a qualified applicator certificate (QAC) or qualified applicator license (QAL), or how to search for a DPR-licensed pest control business or pest control dealer, go to DPR's Licensing & Certification website at www.cdpr.ca.gov/docs/license/liccert.htm or call 916-445-4038.
- For questions on structural pest control licenses and businesses, go to the SPCB website at www.pestboard.ca.gov or call 916-561-8704.

Department of Pesticide Regulation

Brian R. Leahy
Director

Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS

Structural Pest Control Board

June 2, 2014

ENF 14-11

TO: County Agricultural Commissioners

SUBJECT: VALIDATION OF STRUCTURAL PESTICIDE USE STAMPS VIA CAL AG PERMITS

Effective June 2, 2014 Structural Pesticide Use Stamps (Stamps) issued by the Structural Pest Control Board (SPCB) will be validated through CalAgPermits.

Background:

The existing requirement to affix the structural pesticide use stamp (Stamp) to Monthly Summary Pesticide Use Reports (MSPURs) submitted by structural pest control companies (SPCCs) has been updated to include electronic and on-line submissions.

The Department of Pesticide Regulation (DPR) and the Structural Pest Control Board agreed upon the validation of issued Stamps through CalAgPermits which will account for the purchase and proper use of Stamps submitted electronically, on-line or by hard copy (paper submissions).

Electronic Submissions:

CalAgPermits will now include a Stamp Field for entry of the unique Stamp number issued by the SPCB. Stamp numbers can be entered on-line by SPCCs or electronically by County Agricultural Commissioners (CACs).

Paper Submissions:

SPCCs may continue to submit to CACs a paper copy of a MSPUR with a Stamp affixed.

Stamp Retention:

DPR provided the following options to CACs regarding the retention of Stamps to comply with regulations for structural MSPUR/Stamp record retention requirements. The options apply to either paper, on-line or electronic submissions of structural MSPURs.

1) SPCC retains the purchased Stamp.
    a. Stamp(s) are kept by SPCC, affixed to the MSPUR paper copy and submitted to the CAC as required. Stamps are validated upon MSPUR submission or during a CAC inspection.
    b. Stamp# for each required MSPUR is submitted on-line. SPCC retains MSPUR / Stamp submission. Stamp# validated through CalAgPermits.
2) CAC retains Stamps submitted by SPCC.
    a. SPCCs submit up to 12 Stamps at beginning of calendar year to each CAC in which work will be performed.
    b. SPCC submits MSPUR as required, and CAC electronically enters Stamp# through CalAgPermits for each MSPUR submission. CACs validate Stamps in their possession.

Structural Stamp Validation:

SPCB staff will log onto CalAgPermits, and enter the letter/6 digit number of the latest structural stamp sold. SPCB staff will update issued Stamps via CalAgPermits on a weekly basis to provide timely validation. The letter prefix is "D" followed by a 6 digit number.

When Monthly Summary Pesticide Use Reports for structural applications (Code 10) are entered into CalAgPermits, CAC & SPCC users are reminded to enter a Stamp# in the proper letter/6 digit number format.

On June 8, 2014, the validation process will start, and every Sunday thereafter. The validation will compare the Stamp# entered on all reports created during the previous week (e.g. June 2-8), with the latest Stamp# entered by SPCB staff and with all Stamp#s in CalAgPermits. The Stamp Validation Process will identify whether:
a) an unsold Stamp# is being used or;
b) the Stamp# is a duplicate of the Stamp# on an existing report for a different month, county, or operator, or;
c) a Stamp# is missing

Negative reports can be submitted on-line without a Stamp#. CACs can query for all reports submitted by operators to determine whether months are missing. Records generated via CalAgPermits for invalid Stamp# entries will be transmitted to SPCB staff who may contact the appropriate County Agricultural Commissioner to investigate and take further action.

If you have any questions, please contact the Enforcement Branch Liaison assigned to your county.

Sincerely,

James Shattuck
For

George Farnsworth
Chief, DPR Enforcement Branch
916-324-4100

Susan Saylor
Executive Officer, SPCB
916-561-8700

cc: Mr. Joe Marade, DPR Agricultural Commissioner Liaison
Mr. John Gless, CalAgPermits, Project Manager
Enforcement Branch Liaisons

bcc: Kathleen Boyle

California LEGISLATIVE INFORMATION

SB-1244 Structural Pest Control Board. (2013-2014)

Date	Result	Location	Ayes	Noes	NVR	Motion
06/17/14	(PASS)	Asm Environmental Safety and Toxic Materials	6	0	1	Do pass and be re-referred to the Committee on Appropriations.
		Ayes: Alejo, Bloom, Dahle, Gomez, Lowenthal, Ting				
		Noes:				
		No Votes Recorded: Donnelly				
06/10/14	(PASS)	Asm Business, Professions and Consumer Protection	11	0	3	Do pass and be re-referred to the Committee on Environmental Safety and Toxic Materials.
		Ayes: Bonilla, Dickinson, Eggman, Gordon, Hagman, Holden, Jones, Mullin, Skinner, Ting, Wilk				
		Noes:				
		No Votes Recorded: Bocanegra, Campos, Maienschein				
05/27/14	(PASS)	Senate Floor	36	0	4	Senate 3rd Reading SB1244 Lieu
		Ayes: Anderson, Beall, Berryhill, Block, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Mitchell, Monning, Morrell, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Walters, Wolk, Wyland				
		Noes:				
		No Votes Recorded: Calderon, Liu, Wright, Yee				
05/23/14	(PASS)	Sen Appropriations	7	0	0	Do pass.
		Ayes: De León, Gaines, Hill, Lara, Padilla, Steinberg, Walters				
		Noes:				
		No Votes Recorded:				
05/12/14	(PASS)	Sen Appropriations	7	0	0	Placed on Appropriations Suspense file.

Ayes: De León, Gaines, Hill, Lara, Padilla, Steinberg, Walters

Noes:

No Votes Recorded:

04/28/14	(PASS)	Sen Business, Professions and Economic Development	9	0	0	Do pass, but re-refer to the Committee on Appropriations.

Ayes: Berryhill, Block, Corbett, Galgiani, Hernandez, Hill, Lieu, Padilla, Wyland

Noes:

No Votes Recorded:

California LEGISLATIVE INFORMATION

SB-1244 Structural Pest Control Board. (2013-2014)

AMENDED IN ASSEMBLY JUNE 11, 2014

AMENDED IN SENATE APRIL 24, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

SENATE BILL No. 1244

Introduced by Senator Lieu
(Principal coauthor: Assembly Member Bonilla)

February 20, 2014

An act to amend Sections ~~8504,~~ 8505, 8505.1, 8505.2, 8505.5, 8505.10, 8505.12, 8505.14, 8507.1, 8514, 8518, 8520, 8528, 8551.5, 8560, 8562, 8564, 8564.6, 8565, 8566, 8567, 8590, 8593.1, 8612, 8613, 8617, 8622, 8643, 8647, 8651, 8660, and 8673 of, ~~to repeal Sections 8505.6, 8565.6, and 8590.1 of, and~~ to add Sections 8504.1 and 8672.1 to, *and to repeal Sections 8505.6, 8565.6, and 8590.1 of* the Business and Professions Code, relating to the Structural Pest Control Board.

LEGISLATIVE COUNSEL'S DIGEST

SB 1244, as amended, Lieu. Structural Pest Control Board.

Existing law, until January 1, 2015, establishes the Structural Pest Control Board,

within the Department of Consumer Affairs, and authorizes the Director of Consumer Affairs to appoint a registrar to be the executive officer of the board. The board is required to license and regulate structural pest control operators, as specified.

This bill would extend the operation of those provisions until January 1, 2019.

Existing law provides, in pertinent part, that structural pest control includes, with respect to household pests and wood destroying pests or organisms, or other pests which may invade households or other structures, the engaging in, offering to engage in, advertising for, soliciting, or the performance of, among other things, the identification of infestations, or the use of insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances for the purpose of eliminating, exterminating, controlling or preventing infestations or infections of those pests, or organisms. Under existing law, an applicator's license expires 3 years from the date the license is issued.

This bill would define the term "pesticide" to include any spray adjuvant and any substance, or mixture of substances, which is intended to be used for preventing, destroying, repelling, or mitigating any pest or organism, and would make conforming changes pertaining to that definition. The bill would ~~prohibit a limited liability company from providing structural pest control services,~~ delete obsolete provisions pertaining to the definition of fumigants and fumigation procedures, and would conform notice provisions relating to fumigation to other provisions of law. The bill would authorize, in specified circumstances, waiving the use of warning agents in conjunction with fumigants. The bill would provide that an applicator's license instead would expire on June 30 of the 3rd year after issuance.

Existing law authorizes suspension and fines to be imposed on a registered structural pest control company for specified violations.

This bill would provide that the time for an action for a suspension or fine against a structural pest control licensee or registered company would be 2 years from the date of the violation, provided however, that when an agricultural commissioner submits a completed investigation to the Structural Pest Control Board, as specified, the action would be required to be brought within one year of the commissioner's submission.

Existing law establishes a disciplinary review committee, in connection with disciplinary procedures against structural pest control licensees and registered companies, which requires as a member of the committee, a person representing the Secretary of Food and Agriculture.

This bill would instead require as a member of the committee, a person who represents the Director of Pesticide Regulation.

The bill would make additional conforming and technical, nonsubstantive changes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1.Section 8504 of the Business and Professions Code is amended to read:~~

~~8504."Person" includes an individual, firm, partnership, corporation, association or other organization or any combination thereof.~~

~~**SEC. 2.**~~***SECTION 1.*** Section 8504.1 is added to the Business and Professions Code, to read:

8504.1. "Pesticide" includes any of the following:

(a) Any spray adjuvant.

(b) Any substance, or mixture of substances, which is intended to be used for preventing, destroying, repelling, or mitigating any pest or organism.

~~**SEC. 3.**~~***SEC. 2.*** Section 8505 of the Business and Professions Code is amended to read:

8505. (a) "Structural pest control" and "pest control" as used in this chapter are synonymous. Except as provided in Section 8555 and elsewhere in this chapter, it is, with respect to household pests and wood destroying pests or organisms, or other pests that may invade households or other structures, including railroad cars, ships, docks, trucks, airplanes, or the contents thereof, the engaging in, offering to engage in, advertising for, soliciting, or the performance of, any of the following:

(1) Identification of infestations or infections.

(2) The making of an inspection or inspections for the purpose of identifying or attempting to identify infestations or infections of household or other structures by those pests or organisms.

(3) The making of inspection reports, recommendations, estimates, and bids, whether oral or written, with respect to those infestations or infections.

(4) The making of contracts, or the submitting of bids for, or the performance of any work including the making of structural repairs or replacements, or the use of pesticides, or mechanical devices for the purpose of eliminating, exterminating, controlling or preventing infestations or infections of those pests, or organisms.

(b) "Household pests" are defined for the purpose of this chapter as those pests other than wood destroying pests or organisms, which invade households and

other structures, including, but not limited to, rodents, vermin, and insects.

~~SEC. 4.~~*SEC. 3.* Section 8505.1 of the Business and Professions Code is amended to read:

8505.1. (a) Except as provided in subdivisions (b) and (c), for the purpose of this act, "fumigation" shall be defined as the use within an enclosed space for the destruction of plant or animal life, a substance having a vapor pressure greater than 5 millimeters of mercury at 25 degrees centigrade when the substance is labeled for those purposes.

The following is a list of lethal fumigants:

(1) Methyl bromide.

(2) Sulfuryl fluoride.

(3) Aluminum phosphide.

The board may adopt, and may as necessary amend, by regulation, a list of fumigants.

(b) For the purpose of this act, "warning agent" is any agent used in combination with any fumigant that lacks warning properties.

The following is a warning agent:

Chloropicrin.

The board may adopt, and may as necessary amend, by regulation, a list of warning agents.

(c) For the purpose of this act "simple asphyxiants" shall not be deemed to be fumigants.

The following is a list of simple asphyxiants:

(1) Liquid nitrogen.

(2) Carbon dioxide.

The board may adopt, and may as necessary amend, by regulation, a list of simple asphyxiants.

~~SEC. 5.~~*SEC. 4.* Section 8505.2 of the Business and Professions Code is amended to read:

8505.2. Fumigation shall be performed only under the direct and personal supervision of an individual who is licensed by the board as an operator or field representative in Branch 1 as set forth in Section 8560.

~~SEC. 6.~~*SEC. 5.* Section 8505.5 of the Business and Professions Code is amended to read:

8505.5. (a) Notice of the date and place of fumigation, and chemicals to be used, shall be given by the fumigator to the fire department serving the area in which fumigation is to be performed not less than two hours prior to the time fumigation begins. The fire department shall not charge any fees for any service related to structural pest control activities except for the costs of an emergency response necessitated by illegal or negligent actions.

(b) Notice of each fumigation to be performed shall be given to the commissioner in the county in which the job is to be performed. The notice, which may be mailed or given by telephone, at the option of the commissioner, shall be given at least 24 hours prior to the time fumigation begins, unless the commissioner determines that less time is sufficient. A fee shall not be assessed for processing this notice.

~~SEC. 7.~~*SEC. 6.* Section 8505.6 of the Business and Professions Code is repealed.

~~SEC. 8.~~*SEC. 7.* Section 8505.10 of the Business and Professions Code is amended to read:

8505.10. Warning signs shall be printed in red on white background and shall contain the following statement in letters not less than two inches in height: "DANGER—FUMIGATION." They shall also depict a skull and crossbones not less than one inch in height and shall state in letters not less than one-half inch in height the name of the fumigant. These signs shall also include in legible ink of any color, the date and time fumigant was injected, and the name, address, and telephone number of the registered company performing the fumigation. Warning signs placed under a tarpaulin shall not be required to state the time the fumigant was injected.

~~SEC. 9.~~*SEC. 8.* Section 8505.12 of the Business and Professions Code is amended to read:

8505.12. A registered company performing fumigation shall use an adequate warning agent with all fumigants which lack those properties. There may be circumstances in which the use of chloropicrin is not possible due to its unknown effects on sensitive items, including, but not limited to, artifacts in museums or in police evidence storage. In these circumstances, waiving the use of chloropicrin shall be approved by the state regulatory authority and documented in advance and shall include alternative safety precautions which address initial clearance of the site to be fumigated, potential movement of the fumigant to unattended areas, and continued site security. When conditions involving abnormal hazards exist, the licensee exercising direct and personal supervision shall take those safety precautions in addition to those prescribed by this chapter as are

reasonably necessary to protect the public health and safety.

~~SEC. 10.~~*SEC. 9.* Section 8505.14 of the Business and Professions Code is amended to read:

8505.14. "Fumigator" means any individual licensed by the board as a structural pest control operator or as a structural pest control field representative in Branch 1 as set forth in Section 8560.

~~SEC. 11.~~*SEC. 10.* Section 8507.1 of the Business and Professions Code is amended to read:

8507.1. (a) (1) "Structural pest control applicator" is any individual who is licensed by the board to apply pesticides in Branch 2 or Branch 3 on behalf of a registered company.

(2) A structural pest control applicator shall not contract for pest control work or perform pest control work in his or her own behalf.

(b) As used in this chapter, "applicator" refers to "structural pest control applicator."

~~SEC. 12.~~*SEC. 11.* Section 8514 of the Business and Professions Code is amended to read:

8514. (a) A Branch 2 or 3 registered company shall not commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the control of household pests, or wood destroying pests or organisms until the registered company has completed an inspection.

(b) Notwithstanding any provision of this chapter, after an inspection has been made, a registered company which holds a branch registration for the control of household pests, or wood destroying pests or organisms, but whose branch registration restricts the method of eradication or control permitted, may recommend and enter into a contract for the eradication or control of pests within the scope of its branch registration, provided that it subcontracts, in writing, the actual performance of the work to a registered company which holds a branch registration authorizing the particular method to be used.

(c) A registered company may subcontract, in writing, any pest control work for which it is registered in any branch or branches to a registered company holding a valid branch registration to do that work.

(d) Nothing in this chapter shall be construed to prohibit a registered company or the consumer from subcontracting with a licensed contractor to do any work authorized under Section 8556.

(e) A registered company shall not subcontract structural fumigation work, as permitted in this section, without the written consent of the consumer. The consumer shall be informed in advance, in writing, of any proposed work which the registered company intends to subcontract and of the consumer's right to select another person or entity of the consumer's choosing to perform the work. The consumer may authorize the subcontracting of the work as proposed or may contract directly with another registered company licensed to perform the work. Nothing in this paragraph shall be construed to eliminate any otherwise applicable licensure requirements, nor permit a licensed contractor to perform any work beyond that authorized by Section 8556.

(f) Nothing contained in this section shall permit or authorize a registered company to perform, attempt to perform, advertise or hold out to the public or to any person that it is authorized, qualified, or registered to perform, pest control work in a branch, or by a method, for which it is not registered, except that a Branch 2 or Branch 3 registered company may advertise fumigation or any all encompassing treatment described in paragraph (8) of subdivision (a) of Section 1991 of Title 16 of the California Code of Regulations if the company complies with the requirements of this section.

(g) Subcontracting of work, as permitted in this section, shall not relieve the prime contractor or the subcontractor from responsibility for, or from disciplinary action because of, an act or omission on its part, which would otherwise be a ground for disciplinary action. However, the registered company making the initial proposal including proposed work that the registered company intends to subcontract shall not be subject to disciplinary action or otherwise responsible for an act or omission in the performance of the work that the consumer directly contracts with another registered company, person, or entity to perform, as permitted by this section. All home solicitation contracts shall comply with Chapter 2 (commencing with Section 1688) of Title 5 of Part 2 of Division 3 of the Civil Code.

~~SEC. 13.~~ ***SEC. 12.*** Section 8518 of the Business and Professions Code is amended to read:

8518. (a) When a registered company completes work under a contract, it shall prepare, on a form prescribed by the board, a notice of work completed and not completed, and shall furnish that notice to the owner of the property or the owner's agent within 10 business days after completing the work. The notice shall include a statement of the cost of the completed work and estimated cost of work not completed.

(b) The address of each property inspected or upon which work was completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after completed work.

(c) A filing fee shall be assessed pursuant to Section 8674 for every property upon which work is completed.

(d) Failure of a registered company to report and file with the board the address of any property upon which work was completed pursuant to subdivision (b) of Section 8516 or Section 8518 is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars ($2,500).

(e) The registered company shall retain for three years all original notices of work completed, work not completed, and activity forms.

(f) Notices of work completed and not completed shall be made available for inspection and reproduction to the executive officer of the board or his or her duly authorized representative during business hours. Original notices of work completed or not completed or copies thereof shall be submitted to the board upon request within two business days.

~~SEC. 14.~~*SEC. 13.* Section 8520 of the Business and Professions Code is amended to read:

8520. (a) There is in the Department of Consumer Affairs a Structural Pest Control Board, which consists of seven members.

(b) Subject to the jurisdiction conferred upon the director by Division 1 (commencing with Section 100), the board is vested with the power to and shall administer the provisions of this chapter.

(c) It is the intent of the Legislature that consumer protection is the primary mission of the board.

(d) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

~~SEC. 15.~~*SEC. 14.* Section 8528 of the Business and Professions Code is amended to read:

8528. (a) With the approval of the director, the board shall appoint a registrar, fix his or her compensation, and prescribe his or her duties.

(b) The registrar is the executive officer and secretary of the board.

(c) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

~~SEC. 16.~~*SEC. 15.* Section 8551.5 of the Business and Professions Code is amended to read:

8551.5. Except as provided in this chapter, an unlicensed individual in the employ of a registered company shall not apply any pesticides included in Branch 2 or Branch 3. However, an individual may, for 90 days from the date of employment, apply pesticides for the purposes of training under the direct supervision of a licensed field representative or operator employed by the company. This direct supervision means in the presence of the licensed field representative or operator at all times. The 90-day time period may not be extended.

~~SEC. 17.~~*SEC. 16.* Section 8560 of the Business and Professions Code is amended to read:

8560. (a) Licenses issued to operators, field representatives, or applicators shall be limited to the branch or branches of pest control for which the applicant has qualified by application and examination.

(b) For the purpose of delimiting the type and character of work authorized by the various branch licenses, the practice of pest control is classified into the following branches:

(1) Branch 1. Fumigation. The practice relating to the control of household and wood-destroying pests or organisms by fumigation with poisonous or lethal gases.

(2) Branch 2. General pest. The practice relating to the control of household pests, excluding fumigation with poisonous or lethal gases.

(3) Branch 3. Termite. The practice relating to the control of wood-destroying pests or organisms by the use of insecticides, or structural repairs and corrections, excluding fumigation with poisonous or lethal gases.

(c) The board may issue a license for a combination of two or more branches for which an applicant qualifies under the provisions of this chapter, and the combination license shall be considered one license.

(d) Unless otherwise authorized by the board, all examinations shall be supplied by the board. All examinations shall be kept for a period of one year, upon the expiration of which these records may be destroyed on order of the board. Each applicant for license as an operator or a field representative shall be designated by a number instead of by name, and the identity thereof shall not be disclosed until the examinations are graded. A person shall not be admitted to the examination room except members of the board, the examining personnel, and the applicants.

(e) The board shall make rules and regulations for the purpose of securing fair, impartial, and proper examinations.

(f) Licensees may be licensed in other branches upon complying with the requirements for qualification and by examination in those other branches. A failure of the licensee to pass examination in the other branch or branches shall not have any effect on existing licenses.

(g) The examination shall be in each of the subjects specified in the branch or branches relating to the respective applications. A license according to the applications shall be granted to any applicant who shall make a general average of not less than 70 percent on each of the subjects of the branch or branches.

~~SEC. 18.~~*SEC. 17.* Section 8562 of the Business and Professions Code is amended to read:

8562. (a) To obtain an original operator's license, an applicant shall submit to the registrar an application containing the statement that the applicant desires the issuance of an operator's license under the terms of this chapter.

(b) The application shall be made on forms prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board, and shall contain the following:

(1) The name of the applicant.

(2) Proof satisfactory to the board that the applicant has had actual experience for a period of not less than the time specified opposite the branches of pest control listed below in the employ of a registered company in the State of California in the particular branch or branches of pest control for which the applicant desires to be licensed, or the equivalent of that experience:

Branch 1	2 years
Branch 2	2 years
Branch 3	4 years

(c) For the purpose of this subdivision one year shall equal 1,600 hours of actual experience in the field.

(d) A designation of the branch or branches for which the application is made.

(e) The fees prescribed by this chapter.

(f) No operator's license shall be issued to an individual under 18 years of age.

(g) Effective January 1, 1993, an operator's license shall not be issued to an individual unless that individual has been licensed as a field representative in the branch in which the individual has applied for an operator's license for a period of at least one year, in the case of Branches 1 and 2, or for a period of at least two years for Branch 3, or has demonstrated to the satisfaction of the board that he

or she has the equivalent of that training and experience.

~~SEC. 19.~~*SEC. 18.* Section 8564 of the Business and Professions Code is amended to read:

8564. (a) To obtain an original field representative's license, an applicant shall submit to the registrar an application containing a statement that the applicant desires the issuance of a field representative's license under the terms of this chapter.

(b) The application shall be made on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board, and shall contain the following:

(1) The length of time during which the applicant has engaged in any work relating to pest control.

(2) The name and place of business of the person who last employed him or her.

(3) The name of the person by whom the applicant is employed.

(4) The name of the registered company by which the applicant is to be employed.

(5) The fees prescribed by this chapter.

(c) The board shall not accept any application for a field representative's license in Branch 1 unless the applicant submits proof satisfactory to the board that he or she has had six months' training and experience in the practice of fumigating with poisonous or lethal gases under the immediate supervision of an individual licensed to practice fumigating, or the equivalent of that training and experience.

(d) The board shall not accept any application for a field representative's license in Branch 2 unless the applicant submits proof satisfactory to the board that he or she has had training and experience in the practice of pesticide application, Branch 2 pest identification and biology, pesticide application equipment, and pesticide hazards and safety practice under the immediate supervision of an operator or field representative licensed in Branch 2, or the equivalent of that training and experience.

(e) The board shall not accept any application for a field representative's license in Branch 3 unless the applicant submits proof satisfactory to the board that he or she has had training and experience in the practice of pesticide application, Branch 3 pest identification and biology, pesticide application equipment, pesticide hazards and safety practices, structural repairs, and structural inspection procedures and report writing under the immediate supervision of an operator or field representative licensed in Branch 3, or the equivalent of that training and experience.

~~SEC. 20.~~*SEC. 19.* Section 8564.6 of the Business and Professions Code is amended to read:

8564.6. (a) To obtain an original applicator's license, an applicant shall submit to the registrar an application containing a statement that the applicant requests the issuance of an applicator's license under the terms of this chapter.

(b) The application shall be made on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board and shall contain the following:

(1) The name of the registered company by which the applicant is to be employed.

(2) The fee prescribed by this chapter.

~~SEC. 21.~~*SEC. 20.* Section 8565 of the Business and Professions Code is amended to read:

8565. The board shall ascertain by examination that an applicant for a license as operator is qualified in the use and understanding of all of the following:

(a) The English language, including reading and writing.

(b) The building and safety laws of the state and any of its political subdivisions, if the branch or branches of pest control for which he or she is applying, require that knowledge.

(c) The labor laws of the state.

(d) The provisions of this chapter.

(e) Pesticides used in pest control, if the branch license or licenses for which he or she is applying, require that knowledge.

(f) The theory and practice of the branch or branches of pest control in which the applicant desires to be licensed.

(g) Other state laws, safety or health measures, or practices that are reasonably within the scope of structural pest control in the various branches, including an applicant's knowledge of the requirements regarding health effects and restrictions on applications, as set forth in Section 8538.

~~SEC. 22.~~*SEC. 21.* Section 8565.6 of the Business and Professions Code is repealed.

~~SEC. 23.~~*SEC. 22.* Section 8566 of the Business and Professions Code is amended to read:

8566. The board shall ascertain by examination that an applicant for a license as field representative is qualified in the use and understanding of the following:

(a) The safety laws of the state, if the branch or branches of pest control for which he or she is applying, require that knowledge.

(b) The provisions of this chapter.

(c) Pesticides used in pest control, if the branch or branches of pest control for which he or she is applying, require that knowledge.

(d) The theory and practice of pest control in the branch or branches thereof for which the applicant desires to be licensed.

(e) Other state laws, safety or health measures, or practices as are reasonably within the scope of structural pest control in the various branches.

~~**SEC. 24.**~~***SEC. 23.*** Section 8567 of the Business and Professions Code is amended to read:

8567. Should a field representative or applicator change his or her employment, or should an operator enter the employ of a registered company, or being already employed by a registered company change his or her employment, or being employed by a registered company leave that employment and enter the pest control business on his or her own behalf, he or she shall notify the registrar on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. The registrar shall register the change in his or her records.

~~**SEC. 25.**~~***SEC. 24.*** Section 8590 of the Business and Professions Code is amended to read:

8590. (a) Except as otherwise provided herein, an operator's, field representative's, and applicator's licenses shall expire at 12 midnight on June 30 of the third year from the date of issue.

(b) An individual licensed in more than one category may request that each license expire on the same date. The date requested shall be the date of the earliest expiration.

(c) An operator, field representative, and applicator shall pay a fee for the renewal of his or her license.

(d) The board shall on or before the first day of June of each year mail to each operator, field representative, and applicator whose license will expire in that year, addressed to him or her at his or her last known address, a notice that his or her renewal fee is due and payable and that, if not paid by June 30, a penalty will be added thereto.

(e) In no case shall the penalty be waived.

(f) Upon the receipt of the fee the board shall cause the renewal certificate to be issued.

~~SEC. 26.~~*SEC. 25.* Section 8590.1 of the Business and Professions Code is repealed.

~~SEC. 27.~~*SEC. 26.* Section 8593.1 of the Business and Professions Code is amended to read:

8593.1. The board shall require as a condition to the renewal of each applicator's license that the holder thereof submit proof satisfactory to the board that he or she has completed courses of continuing education in pesticide application and use approved by the board or equivalent activity approved by the board. In lieu of submitting that proof, the licenseholder, if he or she so desires, may successfully apply for and pass an appropriate applicator's examination for renewal of a license given by the board.

~~SEC. 28.~~*SEC. 27.* Section 8612 of the Business and Professions Code is amended to read:

8612. (a) The licenses of qualifying managers and company registrations shall be prominently displayed in the registered company's office, and no registration issued hereunder shall authorize the company to do business except from the location for which the registration was issued. Each registered company having a branch office or more than one branch office shall be required to display its branch office registration prominently in each branch office it maintains.

(b) When a registered company opens a branch office it shall notify the registrar on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. The notification shall include the name of the individual designated as the branch supervisor and shall be submitted with the fee for a branch office prescribed by this chapter.

~~SEC. 29.~~*SEC. 28.* Section 8613 of the Business and Professions Code is amended to read:

8613. A registered company which changes the location of its principal office or any branch office or which changes its qualifying manager, branch supervisor, officers, or its bond or insurance shall notify the registrar on a form prescribed by the board of that change within 30 days thereafter. A fee for filing those changes shall be charged in accordance with Section 8674.

~~SEC. 30.~~*SEC. 29.* Section 8617 of the Business and Professions Code is amended to read:

8617. (a) The board or county agricultural commissioners, when acting pursuant to Section 8616.4, may suspend the right of a structural pest control licensee or registered company to work in a county for up to three working days or, for a licensee, registered company, or an unlicensed individual acting as a licensee, may levy an administrative fine up to one thousand dollars ($1,000) or direct the licensee to attend and pass a board-approved course of instruction at a cost not to exceed the administrative fine, or both, for each violation of this chapter or Chapter 14.5 (commencing with Section 8698), or any regulations adopted pursuant to these chapters, or Chapter 2 (commencing with Section 12751), Chapter 3 (commencing with Section 14001), Chapter 3.5 (commencing with Section 14101), or Chapter 7 (commencing with Section 15201) of Division 7 of the Food and Agricultural Code, or any regulations adopted pursuant to those chapters, relating to pesticides. However, any violation determined by the board or the commissioner to be a serious violation as defined in Section 1922 of Title 16 of the California Code of Regulations shall be subject to a fine of not more than five thousand dollars ($5,000) for each violation. Fines collected shall be paid to the Education and Enforcement Account in the Structural Pest Control Education and Enforcement Fund. Suspension may include all or part of the registered company's business within the county based on the nature of the violation, but shall, whenever possible, be restricted to that portion of a registered company's business in a county that was in violation.

(b) A licensee who passes a course pursuant to this section shall not be awarded continuing education credit for that course.

(c) Before a suspension action is taken, a fine levied, or a licensee is required to attend and pass a board-approved course of instruction, the person charged with the violation shall be provided a written notice of the proposed action, including the nature of the violation, the amount of the proposed fine or suspension, or the requirement to attend and pass a board-approved course of instruction. The notice of proposed action shall inform the person charged with the violation that if he or she desires a hearing before the commissioner issuing the proposed action to contest the finding of a violation, that hearing shall be requested by written notice to the commissioner within 20 days of the date of receipt of the written notice of proposed action.

(d) A notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address.

(e) If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. At the hearing, the person shall be given an opportunity to review the commissioner's evidence and a right to present evidence on his or her own behalf. If a hearing is not requested within the prescribed time, the commissioner may take the action proposed without a hearing.

(f) If the person upon whom the commissioner imposed a fine or suspension or required attendance at a board-approved course of instruction requested and appeared at a hearing before the commissioner, the person may appeal the commissioner's decision to the Disciplinary Review Committee and shall be subject to the procedures in Section 8662.

(g) If a suspension or fine is ordered, it may not take effect until 20 days after the date of the commissioner's decision if no appeal is filed. If an appeal pursuant to Section 8662 is filed, the commissioner's order shall be stayed until 30 days after the Disciplinary Review Committee has ruled on the appeal.

(h) Failure of a licensee or registered company to pay a fine within 30 days of the date of assessment or to comply with the order of suspension, unless the citation is being appealed, may result in disciplinary action being taken by the board.

(i) If a citation containing a fine is issued to a licensee and it is not contested or the time to appeal the citation has expired and the fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of that license. A license shall not be renewed without payment of the renewal fee and fine.

(j) If a citation containing a fine is issued to a registered company and it is not contested or the time to appeal the citation has expired and the fine is not paid, the board shall not sell to the registered company any pesticide use stamps until the assessed fine has been paid.

(k) If a citation containing the requirement that a licensee attend and pass a board-approved course of instruction is not contested or the time to appeal the citation has expired and the licensee has not attended and passed the required board-approved course of instruction, the licensee's license shall not be renewed without proof of attendance and passage of the required board-approved course of instruction.

(l) Once final action pursuant to this section is taken, no other administrative or civil action may be taken by any state governmental agency for the same violation. However, action taken pursuant to this section may be used by the board as evidence of prior discipline, and multiple local actions may be the basis for statewide disciplinary action by the board pursuant to Section 8620. A certified copy of the order of suspension or fine issued pursuant to this section or Section 8662 shall constitute conclusive evidence of the occurrence of the violation.

(m) If the board is the party issuing the notice of proposed action to suspend or impose a fine pursuant to subdivision (a), "commissioner" as used in subdivisions (c), (f), and (g) includes the board's registrar.

(n) An action brought pursuant to this section shall be commenced by the commissioner within two years of the occurrence of the violation. If a commissioner submits a completed investigation to the board for action by the

registrar of the Attorney General, the action shall be commenced within one year of that submission.

~~SEC. 31.~~*SEC. 30.* Section 8622 of the Business and Professions Code is amended to read:

8622. (a) When a complaint is accepted for investigation of a registered company, the board, through an authorized representative, may inspect any or all properties on which a report has been issued pursuant to Section 8516 or a notice of completion has been issued pursuant to Section 8518 by the registered company to determine compliance with the provisions of this chapter and the rules and regulations issued thereunder. If the board determines the property or properties are not in compliance, a notice shall be sent to the registered company so stating. The registered company shall have 30 days from the receipt of the notice to bring the property into compliance, unless an extension is authorized by the board, and it shall submit a new original report or completion notice or both and an inspection fee of not more than one hundred twenty-five dollars ($125) for each property inspected. If a subsequent reinspection is necessary, pursuant to the board's review of the new original report or notice or both, a commensurate reinspection fee shall also be charged. If the board's authorized representative makes no determination or determines the property is in compliance, no inspection fee shall be charged.

(b) The notice sent to the registered company shall inform the registered company that if it desires a hearing to contest the finding of noncompliance, the hearing shall be requested by written notice to the board within 20 days of receipt of the notice of noncompliance from the board. If a hearing is not requested pursuant to this section, payment of any assessment shall not constitute an admission of any noncompliance charged.

~~SEC. 32.~~*SEC. 31.* Section 8643 of the Business and Professions Code is amended to read:

8643. The negligent handling or use of any pesticide is a ground for disciplinary action.

~~SEC. 33.~~*SEC. 32.* Section 8647 of the Business and Professions Code is amended to read:

8647. Failure to comply in the sale or use of pesticides with the provisions of Chapter 2 (commencing with Section 12751) of Division 7 of the Food and Agricultural Code is a ground for disciplinary action.

~~SEC. 34.~~*SEC. 33.* Section 8651 of the Business and Professions Code is amended to read:

8651. The performing or soliciting of structural pest control work, the inspecting for structural or household pests, or the applying of any pesticide for the purpose of eliminating, exterminating, controlling, or preventing structural or household pests in branches of pest control other than those for which the operator, field representative, or applicator is licensed or the company is registered is a ground for disciplinary action.

~~SEC. 35.~~ ***SEC. 34.*** Section 8660 of the Business and Professions Code is amended to read:

8660. A disciplinary review committee consisting of three members shall be established for the purposes of reviewing appeals of orders issued pursuant to Section 8617. The committee shall be made up of one member representing the Director of Pesticide Regulation and one member representing the board. The third member shall be a licensed pest control operator actively involved in the business of pest control and shall be selected by agreement of the other members.

~~SEC. 36.~~ ***SEC. 35.*** Section 8672.1 is added to the Business and Professions Code, to read:

8672.1. (a) As used in this chapter, "original applicator's license" means an applicator's license issued for an individual who did not have a license on the preceding June 30.

(b) For the purposes of this chapter, a renewal of an applicator's license means an applicator's license issued to an individual who had an applicator's license on June 30 of the preceding renewal period.

~~SEC. 37.~~ ***SEC. 36.*** Section 8673 of the Business and Professions Code is amended to read:

8673. License fees shall not be prorated unless an individual licensed as an operator, a field representative, or an applicator requests an earlier expiration date of one of the licenses in accordance with Section 8590. All license and registration fees shall be paid in advance of the issuance of the license or registration, and all examination fees shall be paid in advance of the examination.

California LEGISLATIVE INFORMATION

AB-1685 Structural pest control operators: fees. (2013-2014)

Date	Result	Location	Ayes	Noes	NVR	Motion
06/16/14	(PASS)	Sen Business, Professions and Economic Development	8	0	1	Do pass, but re-refer to the Committee on Appropriations.
		Ayes: Berryhill, Block, Corbett, Galgiani, Hill, Lieu, Torres, Wyland				
		Noes:				
		No Votes Recorded: Hernandez				
05/08/14	(PASS)	Assembly Floor	72	0	7	AB 1685 WILLIAMS Assembly Third Reading
		Ayes: Achadjian, Alejo, Allen, Ammiano, Atkins, Bigelow, Bloom, Bocanegra, Bonilla, Bonta, Bradford, Brown, Buchanan, Ian Calderon, Campos, Chau, Chávez, Chesbro, Conway, Cooley, Dababneh, Dahle, Daly, Dickinson, Fong, Frazier, Beth Gaines, Garcia, Gatto, Gomez, Gonzalez, Gordon, Gray, Grove, Hagman, Hall, Harkey, Roger Hernández, Holden, Jones, Jones-Sawyer, Levine, Linder, Logue, Lowenthal, Maienschein, Medina, Melendez, Mullin, Muratsuchi, Nazarian, Nestande, Olsen, Pan, Perea, Quirk, Quirk-Silva, Rendon, Ridley-Thomas, Rodriguez, Salas, Skinner, Stone, Ting, Wagner, Waldron, Weber, Wieckowski, Wilk, Williams, Yamada, John A. Pérez				
		Noes:				
		No Votes Recorded: Donnelly, Eggman, Fox, Gorell, Mansoor, Patterson, V. Manuel Pérez				
04/30/14	(PASS)	Asm Appropriations	16	0	1	Do pass.
		Ayes: Bigelow, Bocanegra, Bradford, Ian Calderon, Campos, Eggman, Gatto, Gomez, Holden, Jones, Linder, Pan, Quirk, Ridley-Thomas, Wagner, Weber				
		Noes:				
		No Votes Recorded: Donnelly				
04/08/14	(PASS)	Asm Business, Professions and Consumer Protection	14	0	0	Do pass and be re-referred to the Committee on Appropriations.
		Ayes: Bocanegra, Bonilla, Campos, Dickinson, Eggman, Gordon, Hagman, Holden, Jones, Maienschein, Mullin, Skinner, Ting, Wilk				

Noes:

No Votes Recorded:

California LEGISLATIVE INFORMATION

AB-1685 Structural pest control operators: fees. (2013-2014)

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY APRIL 02, 2014

AMENDED IN ASSEMBLY MARCH 11, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

ASSEMBLY BILL No. 1685

Introduced by Assembly Member Williams

February 13, 2014

An act to amend Sections 8538, 8564.5, 8593, and 8674 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

AB 1685, as amended, Williams. Structural pest control operators: fees.

Existing law provides for the regulation of registered structural pest control companies by the Structural Pest Control Board. Existing law requires a registered structural pest control company to provide a specified written notice to the owner, or owner's agent, and the tenant of the premises where pest control work is to be done. Existing law authorizes the notice to be given by first-class mail, posting in a conspicuous place on the real property, or personal mail.

This bill would permit notice to be given by electronic ~~mail~~ *mail,* in addition to the currently authorized ~~methods~~ *methods, if an electronic mailing address has been provided.*

Existing law authorizes an individual who is 18 years of age or older to apply for a license as an applicator. Existing law requires the board to ascertain the knowledge of the applicant to apply certain classes of chemicals by means of a written examination and authorizes the board to charge a fee for the examination in an amount sufficient to cover the reasonable cost of administering the exam, not to exceed $15.

This bill would instead authorize the board to charge a fee in an amount sufficient to cover the reasonable regulatory cost of administering the ~~examination~~ *examination, not to exceed $60.*

Existing law requires, as a condition of renewal of each operator's and field representative's license, that the holder submit proof of continuing education, as specified. Existing law authorizes the person, in lieu of that requirement, to take and successfully complete an examination given by the board to test his or her knowledge of development in the field of pest control since the issuance of his or her license. Existing law authorizes the board to charge a fee for the taking of an examination in each branch of pest control in an amount sufficient to cover the cost of administering the examination, but in no event to exceed $50 for each examination.

This bill would authorize the board to charge a fee for administering an examination in each branch of pest control in an amount sufficient to cover the reasonable regulatory cost of administering the examination and would remove the $50 fee limit.

Existing law provides a comprehensive scheme for the licensure and regulation of structural pest control operators which, among other things, sets forth a fee schedule for licensure and registration of those companies and their personnel who are engaged in structural pest control work.

This bill would increase specified fees paid by structural pest control operators.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8538 of the Business and Professions Code is amended to read:

8538. (a) A registered structural pest control company shall provide the owner, or owner's agent, and tenant of the premises for which the work is to be done with

clear written notice which contains the following statements and information using words with common and everyday meaning:

(1) The pest to be controlled.

(2) The pesticide or pesticides proposed to be used, and the active ingredient or ingredients.

(3) "State law requires that you be given the following information: CAUTION—PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board, and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the state finds that, based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.

"If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or poison control center (telephone number) and your pest control company immediately." (This statement shall be modified to include any other symptoms of overexposure which are not typical of influenza.)

"For further information, contact any of the following: Your Pest Control Company (telephone number); for Health Questions—the County Health Department (telephone number); for Application Information—the County Agricultural Commissioner (telephone number), and for Regulatory Information—the Structural Pest Control Board (telephone number and address)."

(4) If a contract for periodic pest control has been executed, the frequency with which the treatment is to be done.

(b) In the case of Branch 1 applications, the notice prescribed by subdivision (a) shall be provided at least 48 hours prior to application unless fumigation follows inspection by less than 48 hours.

In the case of Branch 2 or Branch 3 registered company applications, the notice prescribed by subdivision (a) shall be provided no later than prior to application.

In either case, the notice shall be given to the owner, or owner's agent, and tenant, if there is a tenant, in at least one of the following ways:

(1) First-class or electronic mail, *if an electronic mailing address has been provided.*

(2) Posting in a conspicuous place on the real property.

(3) Personal delivery.

If the building is commercial or industrial, a notice shall be posted in a conspicuous place, unless the owner or owner's agent objects, in addition to any other notification required by this section.

The notice shall only be required to be provided at the time of the initial treatment if a contract for periodic service has been executed. If the pesticide to be used is changed, another notice shall be required to be provided in the manner previously set forth herein.

(c) Any person or licensee who, or registered company which, violates any provision of this section is guilty of a misdemeanor and is punishable as set forth in Section 8553.

SEC. 2. Section 8564.5 of the Business and Professions Code is amended to read:

8564.5. (a) Any individual 18 years of age or older may apply for a license as an applicator.

(b) The board shall ascertain by written examination that an applicant for a license as applicator in Branch 2 or Branch 3 has sufficient knowledge in pesticide equipment, pesticide mixing and formulation, pesticide application procedures and pesticide label directions.

(c) Passage of the written examination authorizes an individual to apply any chemical substance in Branch 2 or Branch 3.

(d) The board may charge a fee for any examination required by this section in an amount sufficient to cover the reasonable regulatory cost of administering the ~~examination~~ *examination, but not to exceed the amount set forth in subdivision (k) of Section 8674.*

(e) Nothing in this chapter shall prohibit an applicator, authorized to apply any chemical substance in Branch 2 or Branch 3 before January 1, 1995, from acting as an applicator pursuant to that authorization. Upon expiration of the authorization, an applicator's license shall be required.

SEC. 3. Section 8593 of the Business and Professions Code is amended to read:

8593. (a) The board shall require as a condition to the renewal of each operator's and field representative's license that the holder submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control either by completion of courses of continuing education in pest control approved by the board or equivalent activity approved by the board. In lieu of submitting that proof, the licenseholder, if he or she so desires, may take and successfully complete an examination given by the board, designed to test his or her knowledge of developments in the field of pest control since the issuance of his or her license.

(b) The board shall develop a correspondence course or courses with any educational institution or institutions as it deems appropriate. This course may be used to fulfill the requirements of this section. The institution may charge a reasonable fee for each course.

(c) The board may charge a fee for the taking of an examination in each branch of pest control pursuant to this section in an amount sufficient to cover the reasonable regulatory cost of administering each examination.

SEC. 4. Section 8674 of the Business and Professions Code is amended to read:

8674. The fees prescribed by this chapter are the following:

(a) A duplicate license fee of not more than two dollars ($2).

(b) A fee for filing a change of name of a licensee of not more than two dollars ($2).

(c) An operator's examination fee of not more than one hundred dollars ($100).

(d) An operator's license fee of not more than one hundred fifty dollars ($150).

(e) An operator's license renewal fee of not more than one hundred fifty dollars ($150).

(f) A company registration fee of not more than one hundred twenty dollars ($120).

(g) A branch office registration fee of not more than sixty dollars ($60).

(h) A field representative's examination fee of not more than seventy-five dollars ($75).

(i) A field representative's license fee of not more than forty-five dollars ($45).

(j) A field representative's license renewal fee of not more than forty-five dollars ($45).

(k) An applicator's examination fee of not more than sixty dollars ($60).

(l) An applicator's license fee of not more than fifty dollars ($50).

(m) An applicator's license renewal fee of not more than fifty dollars ($50).

(n) An activity form fee, per property address, of not more than three dollars ($3).

(o) A fee for certifying a copy of an activity form of not more than three dollars ($3).

(p) A fee for filing a change of a registered company's name, principal office

address, or branch office address, qualifying manager, or the names of a registered company's officers, or bond or insurance of not more than twenty-five dollars ($25) for each change.

(q) A fee for approval of continuing education providers of not more than fifty dollars ($50).

(r) A pesticide use report filing fee of not more than five dollars ($5) for each pesticide use report or combination of use reports representing a registered structural pest control company's total county pesticide use for the month.

(s) A fee for approval of continuing education courses of not more than twenty-five dollars ($25).

(t) (1) Any person who pays a fee pursuant to subdivision (r) shall, in addition, pay a fee of two dollars ($2) for each pesticide use stamp purchased from the board. Notwithstanding any other provision of law, the fee established pursuant to this subdivision shall be deposited with a bank or other depository approved by the Department of Finance and designated by the Research Advisory Panel or into the Structural Pest Control Research Fund that is hereby continued in existence and continuously appropriated to be used only for structural pest control research. If the Research Advisory Panel designates that the fees be deposited in an account other than the Structural Pest Control Research Fund, any moneys in the fund shall be transferred to the designated account.

(2) Prior to the deposit of any funds, the depository shall enter into an agreement with the Department of Consumer Affairs that includes, but is not limited to, all of the following requirements:

(A) The depository shall serve as custodian for the safekeeping of the funds.

(B) Funds deposited in the designated account shall be encumbered solely for the exclusive purpose of implementing and continuing the program for which they were collected.

(C) Funds deposited in the designated account shall be subject to an audit at least once every two years by an auditor selected by the Director of Consumer Affairs. A copy of the audit shall be provided to the director within 30 days of completion of the audit.

(D) The Department of Consumer Affairs shall be reimbursed for all expenses it incurs that are reasonably related to implementing and continuing the program for which the funds were collected in accordance with the agreement.

(E) A reserve in an amount sufficient to pay for costs arising from unanticipated occurrences associated with administration of the program shall be maintained in the designated account.

(3) A charge for administrative expenses of the board in an amount not to exceed

5 percent of the amount collected and deposited in the Structural Pest Control Research Fund may be assessed against the fund. The charge shall be limited to expenses directly related to the administration of the fund.

(4) The board shall, by regulation, establish a five-member research advisory panel, including, but not limited to, representatives from each of the following: (A) the Structural Pest Control Board, (B) the structural pest control industry, (C) the Department of Pesticide Regulation, and (D) the University of California. The panel, or other entity designated by the board, shall solicit on behalf of the board all requests for proposals and present to the panel all proposals that meet the criteria established by the panel. The panel shall review the proposals and recommend to the board which proposals to accept. The recommendations shall be accepted upon a two-thirds vote of the board. The board shall direct the panel, or other entity designated by the board, to prepare and issue the research contracts and authorize the transfer of funds from the Structural Pest Control Research Fund to the applicants whose proposals were accepted by the board.

(5) A charge for requests for proposals, contracts, and monitoring of contracted research shall not exceed 5 percent of the research funds available each year and shall be paid from the Structural Pest Control Research Fund.

California LEGISLATIVE INFORMATION

SB-1405 Pesticides: schoolsites. (2013-2014)

Date	Result	Location	Ayes	Noes	NVR	Motion
06/17/14	(PASS)	Asm Environmental Safety and Toxic Materials	7	0	0	Do pass and be re-referred to the Committee on Appropriations.
		Ayes: Alejo, Bloom, Dahle, Donnelly, Gomez, Lowenthal, Ting				
		Noes:				
		No Votes Recorded:				
06/11/14	(PASS)	Asm Education	5	0	2	Do pass and be re-referred to the Committee on Environmental Safety and Toxic Materials.
		Ayes: Buchanan, Gonzalez, Olsen, Weber, Williams				
		Noes:				
		No Votes Recorded: Chávez, Nazarian				
05/27/14	(PASS)	Senate Floor	34	0	6	Senate 3rd Reading SB1405 DeSaulnier
		Ayes: Anderson, Beall, Block, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Mitchell, Monning, Morrell, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Walters, Wolk, Wyland				
		Noes:				
		No Votes Recorded: Berryhill, Calderon, Lieu, Liu, Wright, Yee				
05/23/14	(PASS)	Sen Appropriations	7	0	0	Do pass.
		Ayes: De León, Gaines, Hill, Lara, Padilla, Steinberg, Walters				
		Noes:				
		No Votes Recorded:				
05/12/14	(PASS)	Sen Appropriations	7	0	0	Placed on Appropriations Suspense file.

Ayes: De León, Gaines, Hill, Lara, Padilla, Steinberg, Walters

Noes:

No Votes Recorded:

04/30/14	(PASS)	Sen Environmental Quality	7	0	0	Do pass, but re-refer to the Committee on Appropriations.

Ayes: Fuller, Gaines, Hancock, Hill, Jackson, Leno, Pavley

Noes:

No Votes Recorded:

04/02/14	(PASS)	Sen Education	8	0	1	Do pass as amended, and re-refer to the Committee on Environmental Quality.

Ayes: Correa, Galgiani, Hancock, Hueso, Huff, Liu, Monning, Wyland

Noes:

No Votes Recorded: Block

California LEGISLATIVE INFORMATION

SB-1405 Pesticides: schoolsites. (2013-2014)

AMENDED IN ASSEMBLY JUNE 12, 2014

AMENDED IN ASSEMBLY JUNE 04, 2014

AMENDED IN SENATE APRIL 21, 2014

AMENDED IN SENATE APRIL 09, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

SENATE BILL No. 1405

Introduced by Senator DeSaulnier
(Coauthor: Senator Lara)

February 21, 2014

An act to amend Sections 17609, 17610, 17611, and 17612 of, and to add Sections 17611.5 and 17614 to, the Education Code, and to amend Sections 12996, 12999.4, 13181, 13182, 13183, and 13187 of, and to add Section 13186.5 to, the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

SB 1405, as amended, DeSaulnier. Pesticides: schoolsites.

(1) Existing law, the Healthy Schools Act of 2000, requires each schoolsite to

maintain records of all pesticide use at the schoolsite for a period of 4 years and to make these records available to the public upon request, as specified. Existing law authorizes a schoolsite to meet these requirements by retaining a copy of the warning sign posted for each pesticide application, as specified, and recording on the copy the amount of pesticide used. Existing law requires a schoolsite or school district to identify an individual, known as a school designee, to carry out the requirements of the act.

This bill, if a school chooses to use certain pesticides, would require the school designee, at the end of each calendar year, or more often at his or her discretion, to submit to the Director of Pesticide Regulation a copy of the records, as specified, of all pesticide use at the schoolsite. The bill, if a schoolsite chooses to use certain pesticides, would require the school designee to develop and post on the Internet Web site of the schoolsite an integrated pest management plan for the schoolsite or school district, except if the schoolsite does not maintain an Internet Web site, the school designee would be required to include the integrated pest management plan with a certain annual notification sent to staff and parents or guardians of pupils enrolled at the schoolsite. The bill would authorize a school designee to do these things related to an integrated pest management plan if the schoolsite does not choose to use certain pesticides.

(2) Existing law requires the Department of Pesticide Regulation to promote and facilitate the voluntary adoption of integrated pest management programs for schoolsites that voluntarily choose to do so, excluding privately operated child day care facilities. For these schoolsites, existing law requires the department to establish an integrated pest management program for schoolsites. Existing law, in establishing the program, requires the department to develop criteria for identifying least-hazardous pest control practices and encourage their adoption as part of an integrated pest management program at each schoolsite and develop a model program guidebook, as specified, that prescribes essential program elements for schoolsites that have adopted a least-hazardous integrated pest management program. Existing law provides that a violation of the laws, and the regulations adopted pursuant to those laws, relating to pesticides is generally a misdemeanor.

This bill would require the Department of Pesticide Regulation to develop a training course to train any person who ~~plans~~ *intends* to apply pesticides on a schoolsite, and would require the training course to cover integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health. The bill would require the training course to be provided by the department or an agent authorized by the department. The bill would also require, commencing July 1, 2016, a school designee and any person ~~hired to, or who in the course of his or her work intends to, apply~~ *applying* a pesticide at a schoolsite subject to the act, to annually complete a training course provided by the department or an agent authorized by the department. The bill would require the training to include integrated pest management and the safe

use of pesticides in relation to the unique nature of schoolsites and children's health.

(3) This bill would make conforming changes and various nonsubstantive changes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17609 of the Education Code is amended to read:

17609. The definitions set forth in this section govern the construction of this article unless the context clearly requires otherwise:

(a) "Antimicrobial" means those pesticides defined by the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136(mm)).

(b) "Crack and crevice treatment" means the application of small quantities of a pesticide consistent with labeling instructions in a building into openings such as those commonly found at expansion joints, between levels of construction, and between equipment and floors.

(c) "Emergency conditions" means any circumstances in which the school designee or a property owner of a property where a privately operated child day care facility is located, or the property owner's agent, deems that the immediate use of a pesticide is necessary to protect the health and safety of pupils, staff, or other persons, or the schoolsite.

(d) "Integrated pest management plan" means a written plan based on a template provided or approved by the Department of Pesticide Regulation that outlines a strategy for integrated pest management, as described in Section 13181 of the Food and Agricultural Code.

(e) "School designee" or "IPM coordinator" means a school *or district* employee identified by a schoolsite or school district to carry out the requirements of this article ~~at the schoolsite.~~ *or to ensure that the requirements of this article are carried out.*

(f) "Schoolsite" means any facility used as a child day care facility, as defined in Section 1596.750 of the Health and Safety Code, or for kindergarten, elementary, or secondary school purposes. The term includes the buildings or structures, playgrounds, athletic fields, vehicles, or any other area of property visited or used by pupils. "Schoolsite" does not include any postsecondary educational facility attended by secondary pupils or private kindergarten, elementary, or secondary school facilities. For child day care facilities, the State Department of Social

Services shall serve as the liaison to these facilities, as needed.

SEC. 2. Section 17610 of the Education Code is amended to read:

17610. (a) It is the policy of the state that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites and that the state, in order to reduce children's exposure to toxic pesticides, shall take the necessary steps, pursuant to Article 17 (commencing with Section 13180) of Chapter 2 of Division 7 of the Food and Agricultural Code, to facilitate the adoption of effective least toxic pest management practices at schoolsites. It is the intent of the Legislature that all school personnel involved in the application of a pesticide at a schoolsite be trained in integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health.

(b) (1) (A) A property owner of a property where a child day care facility is located, or the property owner's agent, who personally applies any pesticides on an area listed in paragraph (2) shall provide notice to the child day care facility as described in paragraph (3) at least 120 hours before the application, unless an emergency condition, as defined in Section 17609, exists.

(B) An owner of property on which a child day care facility is located shall be subject to the requirement to provide notice pursuant to this subdivision 30 days after it has received notice from a child day care facility of its presence at the property, unless the property owner, or his or her agent, received that notice pursuant to paragraph (1) of subdivision (d) of Section 1597.40 of the Health and Safety Code before the effective date of this subdivision in which case the property owner shall be subject to the notice requirements on and after the effective date of this subdivision.

(2) This subdivision applies when a property owner or his or her agent intends to personally apply pesticides on any of the following:

(A) Inside the rented premises on which the child day care facility is located.

(B) Upon a designated child day care facility playground designated by the property owner.

(C) Upon an area designated for use by the child day care facility.

(D) Upon an area within 10 feet of the perimeter of the child day care facility.

(3) The notice required by paragraph (1) shall include the following:

(A) The product name.

(B) The manufacturer's name.

(C) The active ingredients of each pesticide.

(D) The United States Environmental Protection Agency's product registration number.

(E) The intended date of application.

(F) The areas of application listed in paragraph (2).

(G) The reason for application.

(4) A notice of pesticide application provided to a tenant pursuant to subdivision (d) of Section 13186 of the Food and Agricultural Code shall satisfy the notice requirements of this section.

(5) If the child day care facility ceases to operate on the property, the provisions of this act shall no longer apply to the property.

SEC. 3. Section 17611 of the Education Code is amended to read:

17611. (a) Each schoolsite shall maintain records of all pesticide use at the schoolsite for a period of four years, and shall make this information available to the public, upon request, pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code). A schoolsite may meet the requirements of this section by retaining a copy of the warning sign posted for each application required pursuant to Section 17612, and recording on that copy the amount of the pesticide used.

(b) (1) If a schoolsite chooses to use a pesticide not included within Section 17610.5, at the end of each calendar year, or more often at the discretion of a school designee, the school designee shall submit to the Director of Pesticide Regulation a copy of the records of all pesticide use at the schoolsite for the calendar year. The records submitted to the Director of Pesticide Regulation shall be submitted using a form prepared by the Department of Pesticide Regulation similar to that prepared pursuant to subdivision (b) of Section 13186 of the Food and Agricultural Code, and shall include all of the following:

(A) The name of a school designee for the schoolsite.

(B) The name and address of the schoolsite, or the department code or licensed child day care facility number indicating if the site is an elementary or secondary school facility, or a child day care facility.

(C) The product name, manufacturer's name, the United States Environmental Protection Agency's product registration number and the amount used, including the unit of measurement.

(D) The date, time, and location of application.

(2) The report submitted pursuant to paragraph (1) shall not include pesticide use reported pursuant to subdivision (c) of Section 13186 of the Food and Agricultural

Code.

SEC. 4. Section 17611.5 is added to the Education Code, to read:

17611.5. (a) The school designee may develop and post on the Internet Web site of the schoolsite an integrated pest management plan for the schoolsite or the school district. If the schoolsite does not maintain an Internet Web site, the school designee may include the integrated pest management plan with the annual notification sent to staff and parents or guardians of pupils enrolled at the schoolsite pursuant to Section 17612. The integrated pest management plan shall include the name of the school designee or IPM coordinator, include the pesticides applied at the schoolsite by schoolsite *or district* employees and hired pest control applicators, and include a date when the plan shall be reviewed and, if necessary, updated.

(b) If a schoolsite chooses to use a pesticide not included within Section 17610.5, the school designee shall post on the Internet Web site of the schoolsite an integrated pest management plan for the schoolsite or the school district. If the schoolsite does not maintain an Internet Web site, the school designee shall include the integrated pest management plan with the annual notification sent to staff and parents or guardians of pupils enrolled at the schoolsite pursuant to Section 17612. The integrated pest management plan shall include the name of the school designee or IPM coordinator, include the pesticides applied at the schoolsite by school *or district* employees and hired pest control applicators, and include a date when the plan shall be reviewed and, if necessary, updated.

(c) Nothing in this section shall limit or otherwise change the requirements of Section 17612.

SEC. 5. Section 17612 of the Education Code is amended to read:

17612. (a) The school designee shall annually provide to all staff and parents or guardians of pupils enrolled at a schoolsite a written notification of the name of all pesticide products expected to be applied at the schoolsite during the upcoming year. The notification shall identify the active ingredient or ingredients in each pesticide product. The notice shall also contain the Internet address used to access information on pesticides and pesticide use reduction developed by the Department of Pesticide Regulation pursuant to Section 13184 of the Food and Agricultural Code and may contain other information deemed necessary by the school designee, and the Internet address where the schoolsite integrated pest management plan may be found if the school has posted the plan. The notice shall also inform staff and parents and guardians of pupils enrolled at a schoolsite that they may view a copy of the integrated pest management plan in the schoolsite office. No other written notification of pesticide applications shall be required by this act except as follows:

(1) In the written notification provided pursuant to this subdivision, the school designee shall provide the opportunity for recipients to register with the schoolsite if they wish to receive notification of individual pesticide applications at the schoolsite. Persons who register for notification shall be notified of individual pesticide applications at least 72 hours before the application. The notice shall include the product name, the active ingredient or ingredients in the product, and the intended date of application.

(2) If a pesticide product not included in the annual notification is subsequently intended for use at the schoolsite, the school designee shall, consistent with this subdivision and at least 72 hours before application, provide written notification of its intended use.

(b) The school designee shall make every effort to meet the requirements of this section in the least costly manner. Annual notification by a school district to parents and guardians shall be provided pursuant to Section 48980.3. Any other notification shall, to the extent feasible and consistent with the act adding this article, be included as part of any other written communication provided to individual parents or guardians. This section shall not require the school designee to issue the notice through first-class mail, unless he or she determines that no other method is feasible.

(c) Pest control measures taken during an emergency condition as defined in Section 17609 shall not be subject to the requirements of paragraphs (1) and (2) of subdivision (a). However, the school designee or property owner shall make every effort to provide the required notification for an application of a pesticide under emergency conditions.

(d) The school designee shall post each area of the schoolsite where pesticides will be applied with a warning sign. The warning sign shall prominently display the term "Warning/Pesticide Treated Area" and shall include the product name, manufacturer's name, the United States Environmental Protection Agency's product registration number, intended date and areas of application, and reason for the pesticide application. The warning sign shall be visible to all persons entering the treated area and shall be posted 24 hours before the application and remain posted until 72 hours after the application. In case of a pest control emergency, the warning sign shall be posted immediately upon application and shall remain posted until 72 hours after the application.

(e) Subdivisions (a) and (d) shall not apply to schools operated by the Division of Juvenile Justice. The school administrator of a school operated by the Division of Juvenile Justice shall notify the chief medical officer of that facility at least 72 hours before the application of pesticides. The chief medical officer shall take any steps necessary to protect the health of pupils in that facility.

(f) This section and Section 17611 shall not apply to activities undertaken at a school by participants in the state program of agricultural vocational education,

pursuant to Article 7 (commencing with Section 52450) of Chapter 9 of Part 28 of Division 4 of Title 2, if the activities are necessary to meet the curriculum requirements prescribed in Section 52454. This subdivision does not relieve schools participating in the state program of agricultural vocational education of any duties pursuant to this section for activities that are not directly related to the curriculum requirements of Section 52454.

(g) Sections 17610 to 17614, inclusive, shall not apply to family day care homes or property owners of family day care homes, as defined in Section 1596.78 of the Health and Safety Code, or their agents who personally apply any pesticides.

(h) If pesticide is applied by a property owner or his or her agent, or by a pest control operator, failure to provide notice pursuant to subdivision (b) of Section 17610 or subdivision (d) of Section 13186 of the Food and Agricultural Code shall relieve a privately operated child day care facility from the requirements of this section.

SEC. 6. Section 17614 is added to the Education Code, to read:

17614. Commencing July 1, 2016, the school designee and any person, including, but not necessarily limited to, a pest control applicator or schoolsite *or district* employee, who, in the course of his or her work intends to apply a pesticide at a schoolsite subject to this article, shall annually complete a training course provided by the Department of Pesticide Regulation or an agent authorized by the Department of Pesticide Regulation. The training course shall include integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health.

SEC. 7. Section 12996 of the Food and Agricultural Code is amended to read:

12996. (a) Every person who violates any provision of this division relating to pesticides, or any regulation issued pursuant to a provision of this division relating to pesticides, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than five hundred dollars ($500) nor more than five thousand dollars ($5,000), or by imprisonment of not more than six months, or by both the fine and imprisonment. Upon a second or subsequent conviction of the same provision of this division relating to pesticides, a person shall be punished by a fine of not less than one thousand dollars ($1,000) nor more than ten thousand dollars ($10,000), or by imprisonment of not more than six months or by both the fine and imprisonment. Each violation constitutes a separate offense.

(b) Notwithstanding the penalties prescribed in subdivision (a), if the offense involves an intentional or negligent violation that created or reasonably could have created a hazard to human health or the environment, the convicted person shall be punished by imprisonment in a county jail not exceeding one year or in

the state prison or by a fine of not less than five thousand dollars ($5,000) nor more than fifty thousand dollars ($50,000), or by both the fine and imprisonment.

(c) This section does not apply to violations of Chapter 7.5 (commencing with Section 15300) or Section 13186.5.

SEC. 8. Section 12999.4 of the Food and Agricultural Code is amended to read:

12999.4. (a) In lieu of civil prosecution by the director, the director may levy a civil penalty against a person violating Sections 12115, 12116, 12671, 12992, 12993, Chapter 10 (commencing with Section 12400) of Division 6, Article 4.5 (commencing with Section 12841), Section 13186.5, Chapter 7.5 (commencing with Section 15300), or the regulations adopted pursuant to those provisions, of not more than five thousand dollars ($5,000) for each violation.

(b) Before a civil penalty is levied, the person charged with the violation shall be given a written notice of the proposed action, including the nature of the violation and the amount of the proposed penalty, and shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. Before the hearing, the person shall be given an opportunity to review the director's evidence. At the hearing, the person shall be given the opportunity to present evidence on his or her own behalf. If a hearing is not timely requested, the director may take the action proposed without a hearing.

(c) If the person against whom the director levied a civil penalty requested and appeared at a hearing, the person may seek review of the director's decision within 30 days of the date of the decision pursuant to Section 1094.5 of the Code of Civil Procedure.

(d) After the exhaustion of the review procedure provided in this section, the director, or his or her representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

(e) Any money recovered under this section shall be paid into the Department of Pesticide Regulation Fund for use by the department, upon appropriation, in administering this division and Division 6 (commencing with Section 11401).

SEC. 9. Section 13181 of the Food and Agricultural Code is amended to read:

13181. (a) Notwithstanding any other law, for purposes of this article, "integrated pest management" means a pest management strategy that focuses on long-term prevention or suppression of pest problems through a combination of techniques such as monitoring for pest presence and establishing treatment threshold levels, using nonchemical practices to make the habitat less conducive to pest development, improving sanitation, and employing mechanical and physical controls. Pesticides that pose the least possible hazard and are effective in a manner that minimizes risks to people, property, and the environment, are used only after careful monitoring indicates they are needed according to preestablished guidelines and treatment thresholds. This definition shall apply only to integrated pest management at school facilities and child day care facilities.

(b) For purposes of this article "IPM coordinator" has the same meaning as school designee or IPM coordinator, as those terms are defined in subdivision (e) of Section 17609 of the Education Code.

SEC. 10. Section 13182 of the Food and Agricultural Code is amended to read:

13182. It is the policy of the state that effective least toxic pest management practices should be the preferred method of managing pests at schoolsites and that the state, in order to reduce children's exposure to toxic pesticides, shall take the necessary steps, pursuant to this article, to facilitate the adoption of effective least toxic pest management practices at schoolsites. It is the intent of the Legislature that all school personnel involved in the application of pesticide at a schoolsite be trained in integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health.

SEC. 11. Section 13183 of the Food and Agricultural Code is amended to read:

13183. (a) The department shall promote and facilitate the voluntary adoption of integrated pest management programs for schoolsites, excluding privately operated child day care facilities, as defined in Section 1596.750 of the Health and Safety Code, that voluntarily choose to do so. For these schoolsites, the department shall do all of the following:

(1) Establish an integrated pest management program for schoolsites consistent with Section 13181. In establishing the program, the department shall:

(A) Develop criteria for identifying least-hazardous pest control practices and encourage their adoption as part of an integrated pest management program at each schoolsite.

(B) Develop a model program guidebook that prescribes essential program elements for schoolsites that have adopted a least-hazardous integrated pest management program. At a minimum, this guidebook shall include guidance on

all of the following:

(i) Adopting an IPM policy.

(ii) Selecting and training an IPM coordinator.

(iii) Identifying and monitoring pest populations and damage.

(iv) Establishing a community-based school district advisory committee.

(v) Developing a pest management plan for making least-hazardous pest control choices.

(vi) Contracting for integrated pest management services.

(vii) Training and licensing opportunities.

(viii) Establishing a community-based right-to-know standard for notification and posting of pesticide applications.

(ix) Recordkeeping and program review.

(C) Develop a template for an integrated pest management plan to be used by schoolsites *or school districts*. The template shall outline a strategy for integrated pest management as described in Section 13180.

(2) Make the model program guidebook available to schoolsites and establish a process for systematically updating the guidebook and supporting documentation.

(b) The department shall promote and facilitate the voluntary adoption of integrated pest management programs at child day care facilities, as defined in Section 1596.750 of the Health and Safety Code, through the following:

(1) Modifying the department's existing integrated pest management program for schoolsites as described in subdivision (a) of Section 13183 for the child day care setting.

(2) Creating or modifying existing educational and informational materials on integrated pest management for the child day care setting.

(3) Making the materials available to child day care facilities and establishing a process for systematically updating them.

(c) The department shall develop a training course to train any person who intends to apply pesticides on a schoolsite. The training course shall cover integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health. The training course shall be provided by the department or an agent authorized by the department.

SEC. 12. Section 13186.5 is added to the Food and Agricultural Code, to read:

13186.5. Commencing July 1, 2016, a school designee, as defined in Section 17609 of the Education Code, and any person ~~hired to apply~~ *applying* a pesticide at a schoolsite subject to this article shall annually complete a training course provided by the department or an agent authorized by the department. The training shall include integrated pest management and the safe use of pesticides in relation to the unique nature of schoolsites and children's health.

SEC. 13. Section 13187 of the Food and Agricultural Code is amended to read:

13187. Sections 13186 and 13186.5 shall not apply to any agency signatory to a cooperative agreement with the State Department of Public Health pursuant to Section 116180 of the Health and Safety Code.

California LEGISLATIVE INFORMATION

SB-1167 Vector control. (2013-2014)

Date	Result	Location	Ayes	Noes	NVR	Motion
04/24/14	(PASS)	Senate Floor	37	0	3	Special Consent #12 SB1167 Hueso
		Ayes: Anderson, Beall, Berryhill, Block, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Mitchell, Monning, Morrell, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Walters, Wolk, Wyland				
		Noes:				
		No Votes Recorded: Calderon, Wright, Yee				
04/01/14	(PASS)	Sen Transportation and Housing	11	0	0	Do pass.
		Ayes: Beall, Cannella, DeSaulnier, Gaines, Galgiani, Hueso, Lara, Liu, Pavley, Roth, Wyland				
		Noes:				
		No Votes Recorded:				

California LEGISLATIVE INFORMATION

SB-1167 Vector control. (2013-2014)

AMENDED IN SENATE MARCH 26, 2014

CALIFORNIA LEGISLATURE— 2013–2014 REGULAR SESSION

SENATE BILL **No. 1167**

Introduced by Senator Hueso

February 20, 2014

An act to amend Sections 17980, 116125, 116130, 116135, 116140, and 116145 of the Health and Safety Code, relating to vector control.

LEGISLATIVE COUNSEL'S DIGEST

SB 1167, as amended, Hueso. Vector ~~control: rodents.~~ *control.*

(1) Existing law requires a person who possesses a place that is infested with rodents to immediately proceed and continue in good faith to exterminate and destroy the rodents. Existing law authorizes the State Department of Public Health, a county board of supervisors, or a governing board of a city to take specified actions, including purchasing poison, traps, and other materials, for the purpose of exterminating and destroying rodents.

This bill ~~instead~~ would *additionally* require ~~that the rodents be eliminated and that remedial measures be taken to eliminate contributing~~ *that person to abate*

specified conditions *that are causing the infestation*. The bill would *also* authorize the department, the county board of supervisors, and the governing body of a city ~~to take specified actions, including purchasing materials, to eliminate rodents and remediate contributing~~ *abate specified* conditions *that are causing the infestation*.

(2) Existing law requires the building department of every city or county to enforce within its jurisdiction all the provisions published in the State Building Standards Code and other housing standards. Existing law provides various methods of remediating building code and safety violations, including repair, rehabilitation, vacation, or demolition of the building.

This bill would require, ~~where~~ *whenever* the enforcement agency determines that ~~the building is substandard due to an~~ *there is an* infestation, as specified, that the ~~agency order the owner of the building to remediate~~ *enforcement agency's abatement order include abatement of any other specified* conditions ~~contributing to~~ *that the agency determines to have caused* the infestation. ~~The bill would also require that a proscribed notice be given to affected tenants when eradication is required. By requiring local building departments to perform additional duties, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority Appropriation: no Fiscal Committee: ~~yes~~*no* Local Program: ~~yes~~*no*

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 17980 of the Health and Safety Code is amended to read:

17980. (a) If a building is constructed, altered, converted, or maintained in violation of any provision of, or in violation of any order or notice that gives a reasonable time to correct that violation issued by an enforcement agency pursuant to this part, the building standards published in the California Building Standards Code, or other rules and regulations adopted pursuant to this part, or if a nuisance exists in a building or upon the lot on which it is situated, the enforcement agency shall, after 30 days' notice to abate the nuisance or violation, or a notice to abate with a shorter period of time if deemed necessary by the enforcement agency to prevent or remedy an immediate threat to the health and

safety of the public or occupants of the structure, institute appropriate action or proceeding to prevent, restrain, correct, or abate the violation or nuisance. Notwithstanding the above, if a person has purchased and is in the process of diligently abating any violation at a residential property that had been foreclosed on or after January 1, 2008, an enforcement agency shall not commence an action or proceeding until at least 60 days after the person takes title to the property, unless a shorter period of time is deemed necessary by the enforcement agency, in its sole discretion, to prevent or remedy an immediate threat to the health and safety of the neighboring community, public, or occupants of the structure.

(b) If an entity releases a lien securing a deed of trust or mortgage on a property for which a notice of pendency of action, as defined in Section 405.2 of the Code of Civil Procedure, has been recorded against the property by an enforcement agency pursuant to subdivision (a) of Section 17985 of the Health and Safety Code or Section 405.7 or 405.20 of the Code of Civil Procedure, it shall notify in writing the enforcement agency that issued the order or notice within 30 days of releasing the lien.

(c) (1) Whenever the enforcement agency has inspected or caused to be inspected a building and has determined that the building is a substandard building or a building described in Section 17920.10, the enforcement agency shall commence proceedings to abate the violation by repair, rehabilitation, vacation, or demolition of the building. The enforcement agency shall not require the vacating of a residential building unless it concurrently requires expeditious demolition or repair to comply with this part, the building standards published in the California Building Standards Code, or other rules and regulations adopted pursuant to this part. The owner shall have the choice of repairing or demolishing. However, if the owner chooses to repair, the enforcement agency shall require that the building be brought into compliance according to a reasonable and feasible schedule for expeditious repair. The enforcement agency may require vacation and demolition or may itself vacate the building, repair, demolish, or institute any other appropriate action or proceeding, if any of the following occur:

(A) The repair work is not done within the period required by the notice.

(B) The owner does not make a timely choice of repair or demolition.

(C) The owner selects an option which cannot be completed within a reasonable period of time, as determined by the enforcement agency, for any reason, including, but not limited to, an outstanding judicial or administrative order.

(2) In deciding whether to require vacation of the building or to repair as necessary, the enforcement agency shall give preference to the repair of the building whenever it is economically feasible to do so without having to repair more than 75 percent of the dwelling, as determined by the enforcement agency, and shall give full consideration to the needs for housing as expressed in the local

jurisdiction's housing element.

(d) (1) Notwithstanding subdivision (c) and notwithstanding local ordinances, tenants in a residential building shall be provided copies of any of the following:

(A) The notice of a violation described in subdivision (a) that affects the health and safety of the occupants and that causes the building to be substandard pursuant to Section 17920.3 or in violation of Section 17920.10.

(B) An order of the code enforcement agency issued after inspection of the premises declaring the dwelling to be in violation of a provision described in subdivision (a).

(C) The enforcement agency's decision to repair or demolish.

(D) The issuance of a building or demolition permit following the abatement order of an enforcement agency.

(2) Each document provided pursuant to paragraph (1) shall be provided to each affected residential unit by the enforcement agency that issued the order or notice, in the manner prescribed by subdivision (a) of Section 17980.6.

(e) All notices issued by the enforcement agency to correct violations or to abate nuisances shall contain a provision notifying the owner that, in accordance with Sections 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in the taxable year.

(f) The enforcement agency may charge the owner of the building for its postage or mileage cost for sending or posting the notices required to be given by this section.

(g) ~~Where~~ *If* the enforcement agency determines that ~~the building is substandard due to an~~ *there is an* infestation pursuant to paragraph (12) of subdivision (a) of Section 17920.3 or Section ~~116125, in addition to any orders pursuant to this part, the agency shall order that the owner of the building remediate conditions contributing to the infestation, including substandard characteristics pursuant to subdivision (a) of Section 1941.1 of the Civil Code.~~ *116130, the enforcement agency's abatement order shall require the abatement of any other conditions listed in Section 17920.3 that the enforcement agency determines to have caused the infestation.*

~~(h)Where an order requires eradication of an infestation, the order shall be accompanied by a written notice to the affected tenant that contains, in nontechnical language and in a clear and coherent manner, the following statements and information:~~

~~(1)The pest to be controlled.~~

~~(2)The pesticide product proposed to be used.~~

~~(3) The telephone number of the local poison control center immediately following this statement:~~

~~"If within 24 hours following application you experience symptoms similar to common seasonal illness, including symptoms comparable to influenza, you should contact your physician or poison control center."~~

SEC. 2. Section 116125 of the Health and Safety Code is amended to read:

116125. Every person possessing a place that is infested with rodents, as soon as their presence comes to his or her knowledge, shall at once proceed and continue in good faith to endeavor to ~~eliminate~~ *exterminate and destroy* the rodents, *by poisoning, trapping, and other appropriate means,* and ~~remediate~~ *to abate the* conditions ~~contributing to infestation, including substandard characteristics pursuant to subdivision (a) of Section 1941.1 of the Civil Code.~~ *listed in Section 17920.3 that are causing the infestation.*

SEC. 3. Section 116130 of the Health and Safety Code is amended to read:

116130. The department, the board of supervisors of each county, local health officers, or inspectors appointed by any of them, as provided in this article and Chapter 3 (commencing with Section 116250), may inspect a place for the purpose of ascertaining whether it is infested with rodents and whether the requirements of this article and Chapter 3 (commencing with Section 116250) as to ~~the elimination of the rodents~~ *their extermination and destruction,* and the ~~remediation of contributing~~ *abatement of the* conditions *listed in Section 17920.3 that are causing the infestation* are being complied with. However, no building occupied as a dwelling, hotel, or rooming house, shall be entered for inspection purposes except between the hours of 9 a.m., and 5 p.m.

SEC. 4. Section 116135 of the Health and Safety Code is amended to read:

116135. The board of supervisors of each county and the governing body of each city, whenever it may by resolution determine that it is necessary for the preservation of the public health or to prevent the spread of contagious or infectious disease, communicable to mankind, or when it determines that it is necessary to prevent great and irreparable damage to crops or other property, may appropriate money for the purchase of, and may purchase, *poison, traps, and other* materials for the purpose of ~~eliminating~~ *exterminating and destroying* rodents and ~~remediating contributing~~ *abating the* conditions *listed in Section 17920.3 that are causing the infestation* in that county or city, and may employ and pay inspectors, who shall prosecute the work of ~~elimination and remediation~~

extermination, destruction, and abatement on both private and public property in the county or city.

SEC. 5. Section 116140 of the Health and Safety Code is amended to read:

116140. Whenever a person possessing a place that is infested with rodents, fails, neglects, or refuses to proceed and to continue to endeavor to ~~eliminate~~ *exterminate and destroy* the rodents and ~~remediate the contributing conditions,~~ *abate the conditions listed in Section 17920.3 that are causing the infestation,* as required in this article and Chapter 3 (commencing with Section 116250), the department and its inspectors, the county board of supervisors and its inspectors, and the local health officer, shall at once cause the rodents to be ~~eliminated~~ *exterminated and destroyed* and ~~contributing~~ *the* conditions *listed in Section 17920.3 that are causing the infestation* to be ~~remedied~~ *abated*.

SEC. 6. Section 116145 of the Health and Safety Code is amended to read:

116145. The expense of ~~eliminating~~ *exterminating and destroying* the rodents and ~~remediating contributing~~ *abating the* conditions *listed in Section 17920.3 that are causing the infestation* is a charge against the county or city in which the work is done, and the board of supervisors or other governing body shall allow and pay it.

~~SEC. 7.If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

◄ Sep 2014 **~ October 2014 ~** Nov 2014 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15 SPCB Meeting (Sacramento) (Strategic Planning?)	16 SPCB Meeting (Sacramento)	17 SPCB Meeting (Sacramento) (Strategic Planning?)	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

◄ Dec 2014 **~ January 2015 ~** Feb 2015 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14 SPCB Meeting (San Diego)	15 SPCB Meeting (San Diego)	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

◄ Feb 2015 | ~ March 2015 ~ | Apr 2015 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25 SPCB Meeting (Sacramento)	26 SPCB Meeting (Sacramento)	27	28
29	30	31				

◄ Jun 2015 | ~ July 2015 ~ | Aug 2015 ►

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
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