



Department of Pesticide Regulation

Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, California 95815-3831



Edmund G. Brown
Governor

Wood Destroying Organism (WDO) Activity Reporting Enforcement

July 2011

To: ALL BRANCH 3 REGISTERED COMPANIES, BRANCH OFFICES,
AND OPERATORS

This matter was discussed at the latest meeting of the Structural Pest Control Board on July 21, 2011 in Van Nuys, California.

Beginning August 1, 2011, enforcement of violations pertaining to Business and Professions Code Sections 8516(b) and 8518 and California Code of Regulations Section 1996.3 will be placed into a three tiered review process. This review system will be geared toward issuance of citations and fines but may result in disciplinary action if needed.

Tier 1 (first violation) - \$2,500 administrative fine plus the costs of unreported activities at \$2.50 per activity. For example, 5 unreported activities will equal \$2,512.50 in fines.

Tier 2 (second violation with two or more unreported activities) - \$5,000 administrative fine (first and second unreported activities at \$2,500 per activity) plus the costs of unreported activities at \$2.50 per activity. For example, 10 unreported activities will equal \$5,025.00 in fines. Please note that a second violation with one unreported activity will follow the same fine structure under Tier 1 but will be counted as a second violation.

Tier 3 (third violation with three or more unreported activities) - \$2,500 administrative fine per unreported activity plus the costs of unreported activities at \$2.50 per activity. For example, 20 unreported activities will equal \$50,050 in fines. Please note that a third violation with two or less unreported activities will be grounds for disciplinary action against the primary registration.

All violations past the third violation will result in disciplinary action against the primary registration.

While the first glance at this three tiered review may appear harsh or heavy handed, the intent behind this action is to create a level playing field for all licensees in the State of California performing branch 3 structural pest control.

Filing wood destroying organism activities is required by law. If some businesses are following the Structural Pest Control Act and all of its provisions while other companies are merely "skating by and crossing their fingers in hope that they don't get caught," for the companies that are handling business the correct way, it is an incredible disservice to them if efforts are not made on our part to ensure that the field is even for everyone involved in the game.

The primary goals of a good enforcement program are aimed at education and compliance. Disciplinary action should only be used as a "last resort" when all efforts to educate have been completely exhausted beyond reason or when an offense is so egregious that it warrants nothing less.

Failing to file wood destroying organism activities falls into the category of education and compliance and the goal of this renewed focus is to bring its importance back to the table.