

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

**FINAL STATEMENT OF REASONS**

**HEARING DATE:** July 23, 2015

**SUBJECT OF PROPOSED REGULATIONS:** Pesticide Disclosure Requirements

**SECTION AFFECTED:** California Code of Regulations, Title 16, Division 19, Section 1970.4

**INITIAL STATEMENT OF REASONS UPDATED INFORMATION:** Technical and non-substantive grammatical and typographical changes are noted as follows:

1. Page 1 - **PROBLEM BEING ADDRESSED:** - First paragraph – second line - the Form number is incorrectly identified as (43M-8). This is updated to reflect the correct form number which is (43M-48).

**NOTICE OF PROPOSED RULEMAKING:** Technical and non-substantive grammatical and typographical changes are noted as follows:

2. Page 1 - **INFORMATIVE DIGEST** – First paragraph – second line - the Form number is incorrectly identified as (43M-8). This is updated to reflect the correct form number which is (43M-48).
3. Page 2 – **Policy Statement Overview / Anticipated Benefits of the Proposed Regulation** – second paragraph – end of fourth line: should be a semicolon after the word “electronically.”
4. Page 2 – **Consistency and Compatibility with Existing State Regulations** – first and only paragraph – middle of first line: should be a comma after the word “regulation.”
5. Page 3 – **RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS** – fourth paragraph – end of first line: “the health of welfare” should be “the health and welfare.”

**UPDATED INFORMATIVE DIGEST:** There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Changes.

**LOCAL MANADTE DETERMINATION:** The proposed regulation does not impose any mandate on local agencies or school districts.

**SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JUNE 5, 2015 THROUGH JULY 23, 2015:**

All of the following comments were received at the public hearing, held on July 23, 2015.

Mike Katz, Western Exterminator Company, stated his support for the proposed regulation citing the benefits of bringing regulations up to date with what modern technology allows.

Sam Tutton, Ecoskan Pest Solutions, voiced his support for the proposed regulation stating that both consumers and pest control companies benefit from allowing modern technology to be employed.

Dr. Hanif Gulmahamad stated his support for the proposed regulation but also expressed concern that the County Agricultural Commissioners would not accept the Occupant Fumigation Notice in electronic format. Dr. Gulmahamad was advised that the County Agricultural Commissioners would accept the Occupant Fumigation Notice in electronic formation once the proposed regulation becomes effective.

Lee Whitmore, Beneficial Exterminating, stated his support for the proposed regulation specifically mentioning the added convenience of storing, filing, and presenting documents electronically.

Kurt Hepler, Legal Counsel for the Structural Pest Control Board (Board), stated for the record that although the proposed regulation would allow for an electronic copy of the Occupant Fumigation Notice to be present at the time the fumigant is released, it would not require it, and that people who wish to continue keeping a paper copy present may do so.

Dr. Hanif Gulmahamad expressed his support for continuing to allow a paper copy of the Occupant Fumigation Notice to be present at the time the fumigant is released.

Mr. Utley voiced his support for the proposed regulation stating that the increased convenience afforded by allowing an electronic copy of the Occupant Fumigation Notice to be present will benefit both consumers and the pest control industry.

No changes to the proposed language were made because of these comments.

**CONSIDERATION OF ALTERNATIVES:** The Board has determined that no proposed or considered alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board has made this determination because the proposed regulation imposes no burden, financial or otherwise, on affected private persons. In order to make it clear that an electronic copy of the signed Occupant Fumigation Notice is permissible, the Board can think of no alternative to the proposed regulation.

**SMALL BUSINESS IMPACT:** No proposed alternative would lessen the economic impact on small business because the proposed regulation is not expected to have any economic impact on small businesses.