



# Department of Pesticide Regulation



Edmund G. Brown Jr.  
Governor

July 13, 2011

ENF 11-23

TO: County Agricultural Commissioners

SUBJECT: STRUCTURAL PRIME CONTRACTORS- SENDING COPIES OF NOTICES  
OF VIOLATION

For structural pesticide applications, the Business and Professions Code (BPC) subsection 8663(d) requires that a copy of the notice of any violation by a fumigation subcontractor must be sent to the prime contractor within 15 days from the date of violation.

The purpose of this letter is to provide guidance to comply with the requirements of subsection 8663(d). There has been some variation in interpreting this subsection, possibly because of confusion with the requirements of other subsections of section 8663.

The Department of Pesticide Regulation (DPR) recommends complying with subsection 8663 by sending a copy of any documentation of a violation, which would include non-compliant inspection forms, Notices of Violation, and warning letters. Any violation noted would be cause to send a copy to the prime contractor. An explanatory cover letter could be included with the copy of the notice of violation, citing the authority of BPC section 8663(d), at the commissioner's option.

Obtaining the identity of the prime contractor is likely to be the primary logistical challenge to compliance with the 15-day time limit if the Fumigation Log is not available at the work site. There may also be instances where the violation was committed in the more distant past and is only discovered by a records inspection or other retrospective means of data collection. In all cases, DPR recommends a policy of complying with the subsection as best possible given the situation and resources available.

The intent of this statute is to provide full and prompt notification to prime contractors of violations incurred by their sub-contractors. Conformity to this practice will promote structural fumigator compliance with regulatory requirements.

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

Sincerely,

*Original Signature by:*

Nan Gorder, Ph.D.

Chief, Enforcement Branch

916-324-4100

cc: Mr. Tom Babb, DPR Agricultural Commissioner Liaison  
Mr. William Douglas, Enforcement Officer, Structural Pest Control Board  
Enforcement Branch Liaisons