

B&P REFERENCE CODE SECTIONS

8505.

“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 such other pests which 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: identification of infestations or infections; 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 such pests or organisms; the making of inspection reports, recommendations, estimates, and bids, whether oral or written, with respect to such infestations or infections; and 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 insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances, or mechanical devices for the purpose of eliminating, exterminating, controlling or preventing infestations or infections of such pests, or organisms.

“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.

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.

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:

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

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

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.

(b) 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.

(c) Unless otherwise authorized by the board, all written examinations shall be in ink in books supplied by the board. All examination papers shall be kept for a period of one year, upon the expiration of which these papers 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 examination papers are graded. No person shall be admitted to the examination room except members of the board, the examining personnel, and the applicants for license.

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

(e) Licensees may be licensed in other branches upon complying with the requirements for qualification and by examination in those other branches. No failure of the licensee to pass examination in the other branch or branches shall have any effect on existing licenses.

(f) 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.

8593.

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.

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.

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 cost of administering each examination, provided, however, that in no event shall the fee exceed fifty dollars (\$50) for each examination.

CCR CODE SECTIONS

§ 1950. Continuing Education Requirements.

(a) Except as provided in section 1951, every licensee is required, as a condition to renewal of a license, to certify that he or she has completed the continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested to do so by the Board, may be subject to disciplinary action under section 8641 of the code.

(b) Each licensee is required to complete a certain number of continuing education hours during the three year renewal period. The number of hours required depends on the number of branches of pest control in which licenses are held. The subject matter covered by each activity shall be designated as "technical" or "general" by the Board when the activity is approved. Hour values shall be assigned by the Board to each approved educational activity, in accordance with the provisions of section 1950.5.

(c) Operators licensed in one branch of pest control shall complete 16 continuing education hours during each three year renewal period. Operators licensed in two branches of pest control shall complete 20 continuing education hours during each three year renewal period. Operators licensed in three branches of pest control shall complete 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch license, a minimum of two hours in Integrated Pest Management as defined in section 1984 must be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours must be completed from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

(d) Field representatives licensed in one branch of pest control shall have completed 16 continuing education hours, field representatives licensed in two branches of pest control shall have completed 20 continuing education hours, field representatives licensed in three branches of pest control shall have completed 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch of pest control licensed, a minimum of two hours in Integrated Pest Management must be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours must be completed from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.

(e) For the renewal period ending December 31, 2008, and each subsequent renewal period up to the renewal period ending June 29, 2010, a licensed applicator shall have completed 12 hours of Board approved continuing education. Such continuing education shall consist of eight hours of continuing education covering pesticide application and use, and four hours covering the Structural Pest Control Act and its rules and regulations or structural pest related agencies' rules and regulations.

(f) For the renewal period ending June 30, 2010 and each subsequent renewal period, a licensed applicator shall have completed 12 hours of Board approved continuing education. Such continuing education shall consist of six hours of continuing education covering pesticide application and use, two hours covering Integrated Pest Management, and four hours covering the Structural Pest Control Act and its rules and regulations or structural pest related agencies' rules and regulations.

(g) Operators who hold a field representative's license in a branch of pest control in which they do not hold an operator's license must complete four of the continuing education hours required by section 1950(c) in a technical subject directly related to the branch or branches of pest control in which the field representative's license is held, in order to keep the field representative's license active.

(h) No course, including complete operator's courses developed pursuant to section 8565.5, may be taken more than once during a renewal period for continuing education hours.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560 and 8593, Business and Professions Code.

§ 1950.5. Hour Value System.

The following hour values shall be assigned to the educational activities approved by the Board. All educational activities must be submitted to the Board for approval before presentation for continuing education credit, in accordance with section 1953. Each activity approved for technical or rules and regulations continuing education hours must include a written examination to be administered at the end of the course. Examinations administered at the end of the course must consist of ten questions per one hour of instruction, with 40 questions minimum for any activity of instruction of four hours or more. Licensees must obtain a passing score of 70% or better in order to obtain a certificate of course completion. If the examination is failed, the licensee shall be allowed to be reexamined by taking a different examination within sixty days.

(a) Accredited college courses - 10 hours for each 2 semester-unit course; 16 hours for each 3 semester-unit course.

(b) Adult education courses - 6 hours

(c) Professional seminars or meetings - up to a maximum of 6 hours per seminar or meeting. Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control.

(d) Technical seminars or meetings - up to a maximum of 6 hours per seminar or meeting. Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control.

(e) Operators' courses approved by the Board pursuant to section 8565.5 of the code - 1 hour per hour of instruction.

(f) Correspondence courses developed by the Board pursuant to section 8565.5 of the code - full credit per branch.

(g) Correspondence courses approved by the Board - hours will be assigned depending on the complexity of the course and its relevance to new developments in the field of pest control.

(h) Association meetings - 1 hour for every hour of instruction up to a maximum of 4 hours per meeting.

(i) Structural Pest Control Board meetings - 1 general hour and 1 rule and regulation hour per meeting, up to a maximum of 4 hours per renewal period (excluding Board Members.) This activity is exempt from examination requirements pursuant to this section.

(j) Structural Pest Control Board Committee meetings - 1 hour per meeting, up to a maximum of 2 hours per renewal period (excluding Board Members).

(k) In-house training in technical subjects - 1 hour per hour of instruction.

(l) Board approved Rules and Regulations courses - 1 hour for every hour of instruction.

(m) Integrated Pest Management courses - 1 hour for every hour of instruction.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8593, Business and Professions Code.

§ 1984. Structural Integrated Pest Management.

(a) Structural integrated pest management (IPM) means a systematic decision making approach to managing pests, which focuses on long-term prevention or suppression with minimal impact on human health, property, the environment, and non-target organisms. Structural IPM incorporates all reasonable measures to prevent pest problems by properly identifying pests, monitoring population dynamics, and using behavioral, physical, biological or chemical pest population control measures to reduce pests to acceptable levels. If a pesticide application or other intervention is determined to be necessary, the selection and application of the intervention shall be performed in a manner that minimizes risk to people, property, the environment, and non-target organisms, while providing effective pest management.

(b) For the purpose of this section, intervention means an action, device, product or practice that is intended for the prevention, control, management, elimination or abatement of a pest.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8505, Business and Professions Code.

MINUTES OF THE
INTERESTED PARTIES' WORKSHOP
ON IPM'S ROLE IN CONTINUING EDUCATION

Board Staff Present:

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

Departmental Staff Present:

Kyle Muteff, Legal Counsel
Kurt Heppler, Legal Counsel

The workshop was held on Thursday, January 23, 2014 at the Structural Pest Control Board, 2005 Evergreen Street, Sacramento, California.

Ms. Saylor began the meeting at 10:01 A.M by outlining the format and parameters of the workshop. Ms. Saylor stated that the focus of the workshop is Title 16, Division 19, Article 3.5, Sections 1950 and 1984 and ways in which they may be improved.

Mr. Heppler stated that questions arose at the October 16 and 17, 2013 Board Meeting as to the approval of and criteria required for IPM continuing education courses. The workshop is designed to address those questions and utilize the collective knowledge and expertise of the workshop attendees to present to the Board for their consideration.

Al Steyr, AIB International, stated that the approval process for IPM CE courses can be too rigid. Course approval criteria should allow for variation according to the specific circumstances in different areas of pest control, i.e. food safety.

Sylvia Kenmuir, Target Specialty Products, stated that there is a need for courses to be approved as both Technical and IPM so licensees can use them toward whichever CE requirement is needed.

Curtis Good, Newport Exterminating, stated that water quality should be more an area of emphasis in CE courses and the general CE requirement should be re-focused as an IPM requirement with manufacturers and suppliers providing training.

Kurt Heppler, DCA Legal Counsel summarized the Workshop as follows:

1. The alignment of IPM into all categories of CE.
2. An increase in the amount of IPM CE hours that are required across all classes and branches of licensure.
3. The criteria for the subjects and materials that constitute an IPM CE course should include:
 - a. Instruction for technicians on how to educate and inform consumers.
 - b. Air, water, and soil quality issues associated with pest control.
 - c. Weather factors associated with off target movement of product.
 - d. Human health risks associated with pesticide application, and the definition of IPM itself.
 - e. The technician's decision making process and documentation.
 - f. That the inputs used to create IPM CE/Training are diverse and not limited to the UC's and education community.
4. The ability to have CE courses approved in a manner which allows for half-hour and quarter-hour credits for different CE categories.
5. A greater role from the Board in public outreach to educate the public on IPM.

Items identified outside the scope of the Workshop were:

1. Pre-licensing education for entry level pest control applicants.
2. Progression of licensure for applicators. Allowing a finite period of time to retain applicators license.

Dear Board Members:

We are writing on behalf of Pesticide Alternatives Santa Clara County, a group that developed and worked to pass a comprehensive pesticide reduction ordinance for Santa Clara County in 2002 that was based on San Francisco's Integrated Pest Management (IPM) Ordinance. We gathered 5,000 signatures and 120 groups endorsed our efforts.

We are fully in support of increasing the IPM credits for continuing education for pest control operators from the limit of 2 units to the maximum 16 units and at all levels as we feel that Integrated Pest Management is the future of pest control. IPM can be used for almost all structural pest issues. It is safer, better and cheaper. Much of IPM deals with housecleaning and building maintenance. It is appropriate to have all of these issues discussed as valuable IPM methods. Studies have shown that IPM works better than pesticides for structural pest control in most cases as it deals with the root pest problems including shelter, food and water for pests.

Pesticides are toxic by definition, and are associated with a host of chronic and acute health problems including cancer, neuro-developmental problems in children, asthma and immune system dysfunction.

Using IPM is consistent with a healthy and safe environment. A healthy diverse soil provides multiple ecosystem functions. Organic farming and landscaping methods mitigate global climate change in that there are at least 28% higher carbon levels in soil in addition to higher root biomass. This is an overlooked aspect of carbon sequestration.

In addition soil humus levels determine water holding capacity and drainage rates. Organic methods increase drought tolerance and a conservative estimate shows organic farms use 26% less irrigation water. (1) A healthy soil builds and protects a robust topsoil and acts as a water filtration system.(2) A healthy soil also helps plants resist pests due to healthy balanced nutrient cycles. (3)

Considering the possibility of a prolonged drought in California combined with expected climate change it seems most reasonable to use IPM methods to rebuild the soil to maximize ecosystem functions and provide a safe habitat for humans and animals. It will as a side benefit lessen vegetation susceptibility to pest damage and lessen the need for pesticides.

We believe that the course credits should be broad based and easily formulated from a diverse group of experts in the IPM field who are practicing certified pest control operators who are using alternatives to pesticides. We do not believe that the control of the continuing education credits should be with the universities alone as this would stifle innovation and IPM accreditation. We think this would be a step backwards. In addition it is well known that major pesticide corporations have signed Memorandum of Understandings with Universities in California in order to direct research. This gives undue influence to corporations who profit from the sale and use of pesticides.

In the transition to IPM, standards are needed. A broad based and a diverse group of stakeholders involved in the process would assure that IPM will flourish. IPM is an exciting field and those who begin to work in it gain in enthusiasm. It is a cooperative and relationship building system that is based on problem solving.

Thank you for your consideration in this important matter.

Respectfully Submitted,
Cindy Russell, MD, Chair (PASCC) Pesticide Alternatives Santa Clara County

Dear Mr. Skelton:

Pesticide Alternatives Santa Clara County (PASCC) would like to add a few more comments to the ones we submitted to you January 29, 2014 regarding changes to continuing education requirements of California pest control operators.

We understand that there are 3 branches of licenses offered by the California Department of Consumer Affairs Structural Pest Control Board.

- 1) Branch 1, controlling household pests and wood-destroying organisms through fumigation
- 2) Branch 2, eliminating household pests without performing fumigation techniques
- 3) Branch 3, controlling wood-destroying pests/organisms through fumigation, insecticides and structural repairs/corrections

By definition integrated pest management is "a process you can use to solve pest problems while minimizing risks to people and the environment. IPM can be used to manage all kinds of pests anywhere—in urban, agricultural, and wildland or natural areas...Rather than simply eliminating the pests you see right now, using IPM means you'll look at environmental factors that affect the pest and its ability to thrive. Armed with this information, you can create conditions that are unfavorable for the pest." (UC IPM) IPM is ecologically sound and does not harm the environment or humans that inhabit the environment.

IPM should not be the last resort to deal with pests but the foundation of any pest control program. As such IPM should not be taught separately from "traditional" pest control. IPM should be the framework for all training, not a separate specialty. It should represent best practices for all pest abatement activities. Branch 3 is far ahead of Branch 2 in that building modifications are required, if necessary, as part of the inspection and treatment/repair recommendations. Termite reports require this. We urge you to modify the training and licensing of pest control operators to use IPM as the preferred method of pest control with pesticides as a last resort. Building modifications and habit modifications should be part of all pest control training and licensing.

We very much appreciate your consideration in this important matter.

Cindy Russell, M.D.
Pesticide Alternatives of Santa Clara County



EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

January 23, 2014

My name is Jan O'Hara and I'm representing the San Francisco Regional Water Board, which is responsible for restoring, enhancing and maintaining the water quality of the San Francisco Estuary and many hundreds of rivers, creeks, and lakes.

I am an engineer in the Total Maximum Daily Load (TMDL) Division; TMDLs are basically action plans for cleaning up polluted waters, and the federal Clean Water Act requires the State of CA to develop TMDLs once we know a water body is impaired, or polluted. In the early 2000s, we developed a TMDL for Diazinon and Pesticide-Related Toxicity for all San Francisco Bay Area urban creeks, and I am responsible for overseeing implementation of that cleanup plan.

There are 4 points about this TMDL that I want to share with this Board today:

1. In the early 2000s we had a small amount of monitoring funds, so we did a special project in which we looked for toxicity in one creek. We found toxicity, and further analysis showed diazinon caused the creek sediment to be toxic to aquatic organisms. So we looked in 35 more urban creeks, and **found toxicity caused by diazinon in every single place we looked**. This meant we needed a cleanup plan to cover all the urban creeks in the Bay Area.
2. While developing the diazinon cleanup plan, USEPA banned urban uses of diazinon. However, pyrethroids were replacing diazinon in the marketplace & we expected that it could have the same impact - toxicity in creeks. Currently, we are finding pyrethroid-caused toxicity in a number of creeks. It isn't hard to project this concept into the future: if we limit pyrethroid usage, fipronil is right behind it, and fipronil is beginning to show up in water samples. This is a serious issue for water quality, which I call "the replacement problem." **To address this problem, our plan covers toxicity in our creeks no matter what pesticide causes it.**
3. The data show that **pesticides used in accordance with label directions are causing toxicity** in our urban water bodies. Spills and poor practices aren't causing our water quality problems.
4. As you know, neither the Water Boards, nor any of the entities we issue permits to, such as municipalities and wastewater treatment utilities, have authority to limit pesticide usage to protect water quality. So our cleanup plan, our TMDL, focuses on what we CAN do. For example, we and our permittees work with USEPA and DPR to encourage and support better evaluation of water quality impacts during the pesticide

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registration processes. We also practice IPM in our daily activities. But more germane to today's workshop - **the TMDL requires cities to do IPM outreach** to 3 groups:

- Residents at point of purchase
- **Residents who hire pest control services**
- **Pest control operators**

These 4 concepts illustrate why the Water Boards support the inclusion of IPM education in the continuing education requirements for PCOs. Municipalities across the Bay Area and the State conduct IPM-oriented outreach to PCOs and residents who hire PCOs on a somewhat ad-hoc basis, and they need the help of an over-arching, permanent framework for delivering basic education on why IPM is important to consider in a profession based on the use of pesticides and how IPM can be implemented within that profession.

Comments on Title 16, Division 19, Article 3.5, Section 1950:

- We recommend approximately 25% of the required continuing education hours required for licensing be in an area related to IPM.
- PAPA and CAPCA currently offer IPM topics during their seminars, and at this time PAPA offers 3 all-IPM seminars annually in the Bay Area. This illustrates that there is a "market" amongst PCOs who are interested in receiving IPM information and there are knowledgeable individuals who can provide training. However, the PAPA and CAPCA business model by which trainers take time from their workdays as a service is not sustainable – the goodwill of professionals knowledgeable about IPM cannot be expected to continue indefinitely.
- While we at the Water Board do not have staffing to deliver IPM training, we could assist the Structural Pest Control Board and/or others in developing IPM training materials, including materials related to water quality protection.

Comments on Title 16, Division 19, Article 3.5, Section 1984:

- We support the 1st sentence as currently written.
- The 2nd sentence is unclear: it appears that chemicals such as pesticides are "equal partners" with cultural, physical and biological methods of pest control. The definition of IPM should convey a hierarchy in which other methods are used before chemicals, with the goal of reducing overall pesticide usage clearly stated.
- We support the 3rd sentence as currently written. (If the 2nd sentence is rewritten, we recognize that the 3rd sentence could change accordingly.)

MINUTES OF THE
SPECIAL MEETING OF THE
STRUCTURAL PEST CONTROL BOARD
April 25 and 26, 2012

The meeting was held on Wednesday and Thursday, April 25 and 26, 2012; in the Hearing Room located at 2005 Evergreen Street in Sacramento, commencing at 1:54 P.M. with the following members constituting a quorum:

Curtis Good, President
David Tamayo, Vice President
Cris Arzate
Cliff Utley

Board staff present:

Bill Douglas, Interim / Executive Officer
Susan Saylor, Assistant Executive Officer
Robert Lucas, Consumer Services Manager
Ronni O'Fiaherty, Staff Services Analyst
Elizabeth Chervenak, Special Projects Analyst
Tom Ineichen, Board Specialist
Fred Bartley, Board Specialist

Departmental staff present:

Jodi Clary, Legal Counsel
Mike Zeiss, Staff Environmental Scientist
Kathy Boyle, Enforcement Program Specialist

ROLL CALL

Ms. Saylor read the roll call.

FLAG SALUTE

Mr. Good led everyone in the flag salute.

IPM CERTIFICATION PROGRAM COMMITTEE UPDATE

Mr. Douglas stated that the Board members have a copy of the committee's recommendation as well as a letter from Caroline Cox, Center for Environmental Health.

Mr. Arzate asked what position Ms. Cox is in with the Center for Environmental Health.

Mr. Van Steenyk stated that he believes that she is a Staff Scientist. He presented the following committee findings and recommendations to the Board:

- Legitimate IPM certification programs have the potential of helping customers obtain IPM services without having beyond a lay person's knowledge of IPM.
- Current IPM certifications known to the committee and available in California (EcoWise, GreenPro, and GreenShield) appear to have the characteristics of a legitimate program that can benefit consumers.
- To date, no complaints of improper IPM certification claims have been received by the Board.
- The Board currently has a definition of IPM in regulation that can serve as the basis for enforcement for false or misleading claims regarding the offer or provision of IPM services.
- The Board does not currently have a definition of "certification", so its ability to pursue enforcement against false or misleading claims of certification is likely to be limited.
- Claims of IPM certification made by licensees have the potential to be misleading to consumers if the certification is not backed by programmatic requirements for the licensee; that a consumer would reasonably expect to be associated with the words "IPM" and "certified".
- IPM certification in structural pest control is new and not yet widely recognized by consumers. It is in the interest of consumers to have information regarding the potential benefits of IPM and IPM certification, what to look for in an IPM certification program, and how to obtain bona fide certified IPM services.
- Staff should work with stakeholders to develop and promote a fact sheet that provides guidance to consumers regarding the potential benefits of IPM and IPM certification, what to look for in an IPM certification, and how to obtain bona fide certified IPM services.
- Staff should monitor IPM certification claims, and report to the Board annually on the extent to which complaints are received regarding misuse of IPM certification claims.

- Given the lack of complaints regarding IPM certification claims, the resources required to amend regulations, and the desirability of encouraging beneficial innovation in the early stages of this field's development, do not establish a regulatory definition of "IPM certification" or "certification" at this time.
- In recognition that IPM certification programs may grow substantially, revisit this issue in approximately 3 years, or earlier if circumstances warrant.

Mr. Van Steenwyk summarized Ms. Cox's letter in that she disagrees with the committee's recommendations and feels that defining "certification" is warranted at this point.

Mr. Arzate stated that the committee's recommendation to develop a fact sheet contradicts the recommendation to not define certification.

Mr. Van Steenwyk explained that the committee wants to promote the use of IPM certified services and educate the public on IPM as well as a third party certification without defining certification or setting specific criteria as to what that program should look like.

Mr. Tamayo moved and Mr. Utley seconded to accept the recommendations of the committee.

Mr. Tamayo moved to amend his previous motion to now adopt the committee's findings and recommendations and Mr. Utley seconded. Passed unanimously.