



BOARD MEETING

NOTICE and AGENDA

Wednesday, April 6, 2016
12:00 P.M.
Thursday, April 7, 2016
9:00 A.M.

Department of Consumer Affairs
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815

Contact Person: Susan Saylor
(916) 561-8700

AGENDA

Wednesday – 12:00 P.M.

- I. Roll Call / Establishment of Quorum
- II. Flag Salute / Pledge of Allegiance
- III. Public Comment for 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
Dawn Marie Charrette – OPR 9119, Branches 1 & 3
- V. Petition for Reinstatement
Rodney J. Overstreet, Jr. – RA 51309, Branches 2 & 3
- VI. Petition for Reinstatement
George Don Pedro – OPR 8197, Branch 3
- 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. Recess

Thursday – 9:00 A.M.

- IX. Roll Call / Establishment of Quorum
- X. Flag Salute / Pledge of Allegiance
- XI. Public Comment for 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)]
- XII. Approval of Minutes from the January 13 & 14, 2016 Board Meeting
- XIII. Executive Officer's Report
 - Licensing and Enforcement Survey Results and Statistics
 - Examination Statistics
 - Staffing Changes
 - WDO Statistics
 - Examination Development – Occupational Analyses
 - SPCB Specialist Examination
 - Regulatory Update
 - Legislative Update
- XIV. Consideration and Possible Board Action on Act Review Committee's Recommended Regulatory Changes to California Code of Regulations Sections 1902, 1970.4, 1991, and 1992, and Legislative Changes to Business and Professions Code Section 8619 and Addition of Business and Professions Code Section 8504.4
- XV. Research Fund Balance Update and Potential Appointment Of a Research Panel to Identify Need for Specific Research Topics or Areas
- XVI. Consideration and Possible Board Action Regarding Staff Recommendation to Amend Business and Professions Code Section 8621 to Extend the Length of Time for the Board to Take Formal Action on a Complaint From 12 to 18 Months
- XVII. Staff Update and Board Discussion on the Reduction of Reference Materials Used in Licensing Examination Creation
- XVIII. Discussion and Possible Board Action Regarding The Development Of A Potential Structural IPM Study Manual / Reference Material
- XIX. Board Calendar
- XX. Future Agenda Items
- 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. The public may comment on issues not on the agenda, but Board Members cannot discuss any issue that is not listed on the agenda. 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

MINUTES OF THE MEETING OF THE STRUCTURAL PEST CONTROL BOARD

The Meeting was held January 13 & 14, 2016 at the Hilton San Diego Airport / Harbor Island, Skyline / Lindberg Room, 1960 Harbor Island Drive, San Diego, California.

Board Members Present:

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

Board Members Absent:

Naresh Duggal

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
Kathy Boyle, Chief Enforcement Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Frederic Chan-You, Legal Counsel

Wednesday – 1:00 P.M.

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 1:00 P.M. and Ms. Saylor called roll.

Board members Tamayo, Good, Brand, Duran, Quiroz, and Utley were present.

Board member Duggal was absent.

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 COMMENT FOR ITEMS NOT ON THE AGENDA

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

PETITION FOR REINSTATEMENT

HENRY P. VILLAIRE / OPR 9198, BRANCH 2

Administrative Law Judge Alan S. Meth sat with the Board to hear the Petition for Reinstatement for Henry P. Villaire, Operator License Number 9198. Mr. Villaire was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT

DOUGLAS LEE SMITH / OPR 9832, BRANCH 2

The Petition for Reinstatement for Douglas Lee Smith, Operator License Number 9832, was cancelled. No new hearing date was scheduled.

CLOSED SESSION

Pursuant to subdivision (c) (3) of section 11126 of the Government code, the Board met in closed session to consider proposed disciplinary actions, stipulated settlements, and petitions for modification / termination of probation and reinstatement.

Return to Open Session

ADJOURNMENT

The meeting was adjourned for the day at 2:50 P.M.

Thursday, January 14, 2016

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 8:02 A.M. and Ms. Saylor called roll.

Board members Tamayo, Good, Brand, Duran, Quiroz, and Utley were present.

Board member Duggal was absent.

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 COMMENT FOR ITEMS NOT ON THE AGENDA

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

APPROVAL OF MINUTES FROM THE OCTOBER 7 & 8, 2015 BOARD MEETING

Mr. Utley moved and Mr. Duran seconded to approve the Minutes of the October 7 & 8, 2015 Board Meeting. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, UTLEY. NOES: NONE. ABSTENTIONS: QUIROZ.)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the Board on licensing and enforcement survey results and statistics, examination statistics, WDO statistics, examination development, and regulatory and legislative updates.

Ms. Saylor stated that the Board is currently seeking Branch 3 Field Representatives and Branch 2 Operators to participate in an Occupational Analysis survey as part of the Board's ongoing effort to update its licensing examinations.

Mr. Utley asked if Board members could take part in the Occupational Analysis surveys.

Ms. Saylor stated that Board members could participate in the Occupational Surveys but that they could not attend examination development workshops.

Ms. Saylor stated that she has been working with a lobbyist for the Pest Control Operators of California (PCOC) in an effort to find authors who could implement some of the Board approved legislative changes recommended by the Act Review Committee.

STAFF UPDATE ON OFFICE OF INSPECTOR GENERAL'S (OIG) EVALUATION OF STRUCTURAL FUMIGATION TREATMENT INCIDENTS PROJECT

Peggy Byerly, Department of Pesticide Regulation (DPR), provided the Board with information relating to OIG's Structural Fumigation Incidents Evaluation Project and stated that along with the Los Angeles County Agricultural Commissioner they observed a fumigation that was performed by Beneficial Exterminating and came away impressed with the safety measures that are in place in California, as well as the professionalism that was displayed by the fumigator.

Mr. Tamayo asked if there would be a report at the conclusion of the project.

Ms. Byerly stated that there would be a report at the conclusion of the project but that there is currently no timetable for when that will be.

Mr. Tamayo thanked the Board, DPR, and the industry for their contributions to the project.

UPDATE FROM LEGAL COUNSEL AND POSSIBLE BOARD POSITION ON BERKELEY, CALIFORNIA ORDINANCE REGARDING INSPECTION AND CERTIFICATION REQUIREMENTS OF EXTERIOR ELEVATED ELEMENTS AS THEY PERTAIN TO BOARD LICENSEES

Mr. Chan-You briefed the Board on how its licensees are impacted by the Berkeley ordinance requiring inspection and certification of exterior elevated elements.

Mr. Chan-You stated that in his opinion the Board need not take any action because the ordinance does not require Board licensees to perform work that is outside the scope of their license.

PRESENTATION, DISCUSSION AND POSSIBLE BOARD ACTION ON ACT REVIEW COMMITTEE RECOMMENDED LEGISLATIVE AND REGULATORY CHANGES TO BUSINESS AND PROFESSIONS CODE SECTION 8616.9 AND CALIFORNIA CODE OF REGULATIONS SECTIONS 1990, AND ADDITION OF BUSINESS AND PROFESSIONS CODE SECTIONS 8504.2 AND 8504.3

Mike Katz, Western Exterminator Company, presented the recommendations of the Act Review Committee to the Board.

Mr. Good moved and Mr. Utey seconded to approve the addition of B&P Code Section 8504.2 and to authorize Ms. Saylor to seek a legislative author to implement the addition. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

8504.2 Control means a pest population management system that utilizes all suitable techniques to reduce and maintain pest populations at levels below those causing economic or material injury or to so manipulate the populations that they are prevented from causing such injury.

Mr. Good moved and Mr. Utey seconded to approve the addition of B&P Code Section 8504.3 and to authorize Ms. Saylor to seek a legislative author to implement the addition. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

8504.3 Eradication means the total elimination of a pest from a designated area. For purposes of this subdivision eliminate and exterminate shall have the same meaning.

Mr. Utley moved and Mr. Duran seconded to approve the recommended changes to B&P Code Section 8616.9 and to authorize Ms. Saylor to seek a legislative author to implement the changes. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

8616.9. If an employee is found during an inspection or investigation not wearing

the following:

- (a) The employer has a written training program, has provided training to the employee, and has maintained a record of training as required by label or regulation.
- (b) The employer provided personal protective equipment required by label or regulation,

- (c) The employer is in compliance with regulations relating to the workplace and

- (d) The employer has documented ~~implemented~~ation and adheres to a written company

- (e) The employer has not been issued a compliance or enforcement action for violations

Mr. Utley stated his support for the proposed change to CCR Section 1990 regarding faulty

Mr. Duran moved and Mr. Good seconded to approve the recommended changes to

§ 1990. Report Requirements Under Section 8516(b) 1-9, Inclusive.

(a) All reports shall be completed as prescribed by the board. Copies ~~filed with~~ provided to the board shall be clear and legible. All reports must supply the information required by Section 8516 of the Code and the information regarding the pesticide or pesticides used as set forth in Section 8538 of the Code, and shall contain or describe the following:

- (1) Structural pest control license number of the ~~person~~ Branch 3 licensee(s) making who performed the inspection.

- (2) Signature of the Branch 3 licensee(s) who ~~made~~ performed the inspection.

- (3) Infestations, infections or evidence thereof.

- (4) Wood members found to be damaged by wood destroying pests or organisms.

- (b) Conditions usually deemed likely to lead to infestation or infection include, but are not limited to:

(1) Faulty Grade Level. A faulty grade level exists when the top of any foundation is even with or below the adjacent earth surface. The existing earth surface level shall be considered grade.

(2) Inaccessible subareas or portions thereof and areas where there is less than 12 inches clear space between the bottom of the floor joists and the unimproved ground area.

(3) Excessive Cellulose Debris. This is defined as any cellulose debris of a size that can be raked or larger. Stumps and wood imbedded in footings in earth contact shall be reported.

(4) Earth-wood contacts.

(5) Commonly controllable moisture conditions which would foster the growth of a fungus infection materially damaging to woodwork.

(c) When an infestation of carpenter ants or carpenter bees is found in a structure, control measures may be applied by a registered ~~companies holding a~~ Branch 2 or Branch 3 company registration certificate. If a Branch 3 licensee discovers an infestation or evidence of carpenter ant or carpenter bee infestation while performing an inspection pursuant to section 8516 of the code, he or she shall report his or her findings and make recommendations for controlling the infestation.

(d) Even though the licensee may consider the following areas inaccessible for purposes of inspection, the licensee must state specifically which of these areas or any other areas were not inspected and why the inspection of these areas is not practical: furnished interiors; inaccessible attics or portions thereof; the interior of hollow walls; spaces between a floor or porch deck and the ceiling or soffit below; stall showers over finished ceilings; such structural segments as porte cocheres, enclosed bay windows, buttresses, and similar areas to which there is no access without defacing or tearing out lumber, masonry or finished work; built-in cabinet work; floors beneath coverings, areas where storage conditions or locks make inspection impracticable.

(e) Information regarding all accessible areas of the structure including but not limited to the substructure, foundation walls and footings, porches, decks, patios and steps, stairways, air vents, abutments, stucco walls, columns, attached structures or other parts of a structure normally subject to attack by wood-destroying pests or organisms.

(f) The following language shall appear just prior to the first finding/recommendation on each separated report:

"This is a separated report which is defined as Section I/Section II conditions evident on the date of the inspection. Section I contains items where there is visible evidence of active infestation, infection or conditions that have resulted in or from infestation of infection. Section II items are conditions deemed likely to lead to infestation or infection but where no visible evidence of such was found. Further inspection items are defined as recommendations to inspect area(s) which during the original inspection did not allow the inspector access to complete the inspection and cannot be defined as Section I or Section II."

~~(g) Information must be reported regarding any wooden deck, wooden stairs or wooden landing in exterior exposure attached to or touching the structure being inspected.~~

~~Portions of such structure that are not available for visual inspection must be designated as inaccessible.~~

**PRESENTATION, DISCUSSION AND POSSIBLE BOARD ACTION ON STAFF
RECOMMENDATION TO AMEND CALIFORNIA CODE OF REGULATIONS SECTION 1914**

Ms. Saylor presented the staff recommendation to amend CCR Section 1914.

Mr. Duran moved and Mr. Utley seconded to approve the changes to CCR Section 1914 and for staff to begin the formal rulemaking process to implement the changes. Passed unanimously. (AYES: TAMAYO, GOOD, BRAND, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

§ 1914. Name Style - Company Registration.

No company registration certificate shall be issued in a fictitious name which the board determines is likely to be confused with that of a governmental agency or trade association. No company registration shall be issued in the same name of a firm whose company registration has been suspended, surrendered or revoked unless a period of at least one year has elapsed from the effective date of the suspension, surrender or revocation.

It shall be grounds for disciplinary action for a registered company to use the telephone number and/or name style of a firm whose company registration has been suspended, surrendered or revoked, without the prior written approval of the board.

**UPDATE FROM LEGAL COUNSEL AND POSSIBLE BOARD POSITION ON NORTH
CAROLINA STATE BOARD OF DENTAL EXAMINERS V. FEDERAL TRADE COMMISSION
AND CALIFORNIA ATTORNEY GENERAL, KAMALA HARRIS'S LEGAL OPINION ON
WHAT CONSTITUTES "ACTIVE STATE SUPERVISION" OF A CALIFORNIA STATE
LICENSING BOARD**

Mr. Chan-You explained the North Carolina State Board of Dental Examiners v. Federal Trade Commission Supreme Court decision and how it applies to the Board. Mr. Chan-You stated that the North Carolina holding mainly affected the issue of immunity for individual Board Members in an anti-trust lawsuit.

Mr. Chan-You stated that in the event the Board takes action that could have anti-trust implications it needs to do so while enforcing a clearly articulated state policy and while acting under "active state supervision" in order to receive immunity in an anti-trust lawsuit.

Mr. Tamayo asked what constitutes "active state supervision."

Mr. Chan-You explained what "active state supervision" could entail. However, he also stated that it isn't yet clear what constitutes "active state supervision" but that the legislature is in the process of addressing it.

Mr. Chan-You advised the Board to continue carrying out its mandate of consumer protection and that legal counsel would continue to monitor matters that the Board may be considering that could implicate anti-trust issues.

UPDATE ON PROPOSED FEDERAL CONTINUING EDUCATION REGULATIONS

Darren Van Steenwyk, Chairman, Structural Pest Control Board (SPCB) Continuing Education (CE) Integrated Pest Management (IPM) Review Committee, updated the Board on the status of the proposed Federal CE regulations.

Mr. Van Steenwyk stated that the National Pest Management Association (NPMA) submitted comments seeking clarification on the proposed CE categories, what a certified or non-certified applicator is, and the possible category or categories for structural fumigation.

Mr. Van Steenwyk advised the Board to delay moving forward with the recommendations of the CE IPM Review Committee until it is clear what is going to happen with the proposed Federal CE regulations.

Ms. Byerly stated that Department of Pesticide Regulation (DPR) submitted comment on the proposed Federal regulations and expressed concern that the requirement for a licensee to complete half their CE requirement in an 18 month period would be difficult to track. A calendar year CE completion requirement was suggested as an alternative.

BOARD CALENDAR

The following 4 Board Meetings were scheduled for April 6 & 7, 2016 in Sacramento, July 13 & 14, 2016 in Ontario, October 12 & 13, 2016 in Sacramento and January 11 & 12, 2017 in San Diego.

FUTURE AGENDA ITEMS

The following items were identified as future agenda items.

An update on the proposed Federal CE requirements.

A discussion on study guides and the reference material used in exam creation.

ADJOURNMENT

The meeting adjourned at 9:24 A.M.

Dave Tamayo, President

Date

STRUCTURAL PEST CONTROL BOARD		FISCAL YEAR		FISCAL YEAR	
STATISTICS FOR FEBRUARY 2016		2015/2016		2014/2015	
		Year		Year	
		Monthly	To Date	Monthly	To Date
EXAMINATION					
Field Representatives Scheduled		480	3,403	470	3,290
Field Representatives Examined		333	2,673	293	2,344
Field Representatives Passed		127	979	73	485
Field Representatives Failed		206	1,694	220	1,859
Operators Scheduled		47	280	37	312
Operators Examined		39	242	24	275
Operators Passed		24	161	19	119
Operators Failed		15	81	5	156
Applicators Scheduled		290	2,344		
Applicators Examined		216	1,961	133	1,330
Applicators Passed		106	878	50	598
Applicators Failed		110	1,083	83	732
Field Representatives Passing Rate		38%	37%	25%	21%
Operator Passing Rate		62%	67%	79%	43%
Applicators Passing Rate		49%	45%	38%	45%
LICENSING					
Field Representative Licenses Issued		95	731	60	376
Operator Licenses Issued		23	104	13	78
Company Registrations Issued		19	150	18	145
Branch Office Registrations Issued		0	15	3	17
Change of Registered Company Officers		0	19	2	21
Change Of Qualifying Manager		8	74	8	57
Applicator Licenses Issued		108	847	29	652
Duplicate Licenses Issued		79	572	103	653
Upgrade Present License		14	149	19	101
Change of Status Processed		33	246	26	198
Address Change		106	948	67	913
Address Change (Principal Office)		27	180	17	167
Address Change (Branch Office)		5	25	5	13
Transfer of Employment Processed		45	967	98	889
Change of Name		2	15	0	7
Change of Registered Company Name		0	12	1	6
License Histories Prepared		49	151	20	135
Down Grade Present License		66	410	53	366
LICENSES/REGISTRATIONS IN EFFECT					
Field Representative			10,605		10,316
Operator			4,048		4,020
Company Registration			2,983		2,957
Branch Office			437		437
Licensed Applicator			6,841		6,168
LICENSES/REGISTRATIONS ON PROBATION					
Companies			17		23
Licensees			92		97

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR FEBRUARY 2016 Page 2 of 2		FISCAL YEAR 2015/2016		FISCAL YEAR 2014/2015	
		Monthly	Year To Date	Monthly	Year To Date
LICENSES RENEWED					
Operator		0	175	1	155
Field Representative		0	409	1	906
Applicator		0	73	10	362
LICENSES/ REGISTRATIONS CANCELED					
Operator		1	124	2	211
Field Representative		10	78	11	843
Company Registration		10	128	46	132
Branch Office		4	27	2	25
Applicator		0	17	98	618
LICENSES DENIED					
Licenses		6	20	0	9
INVESTIGATIVE FINES PROCESSED					
Fines Processed		\$0	\$0	\$0	\$104
Penalty Assessment		\$0	\$0	\$0	\$0
Pesticide Fines		\$9,755	\$111,270	\$8,640	\$78,050
STAMPS SOLD					
Pesticide		6,480	48,760	5,590	45,860
WDO					
Filing		0	0	0	0
SEARCHES MADE					
Public		57	936	77	551
Complaints		12	265	38	257
BOND & INSURANCE					
Bonds Processed		15	129	10	734
Insurance Processed		260	1900	250	1872
Restoration Bonds Processed		3	9	0	5
Suspension Orders		18	231	73	400
Cancellations Processed		19	208	70	673
Change of Bond/Insurance		12	241	15	897
CONTINUING EDUCATION EXAMS					
Field Representative Examined		0	0	0	0
Field Representative Passed		0	0	0	0
Field Representative Failed		0	0	0	0
Operator Examined		0	0	0	0
Operator Passed		0	0	0	0
Operator Failed		0	0	0	0
Applicator Examined		0	0	0	0
Applicator Passed		0	0	0	0
Applicator Failed		0	0	0	0

LICENSING UNIT SURVEY RESULTS

April 6 & 7, 2016 – SPCB Meeting
December 16, 2015 – March 18, 2016

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. 185 survey cards were mailed during this reporting period. 16 responses were received.

	Question	Yes	No	N/A
1	Was staff courteous?	94%	6%	0%
2	Did staff understand your question?	94%	0%	6%
3	Did staff clearly answer your question?	88%	0%	12%
4	Did staff promptly return your telephone call?	63%	25%	12%
5	Did staff efficiently and promptly handle your transaction?	88%	12%	0%
6	How long did it take to complete its action on your file?* (Average)	16 days		

*There were 11 responses to question 6, ranging from 2 day to 30 days.

Company Registration: 23 days average (2 responses)

Operator License: 30 (1 response)

Field Representative License: 21 days average (2 responses)

Applicator License: 14 days average (1 response)

Transfer of Employment: N/A (0 responses)

Change of Address: N/A (0 responses)

Bond/Insurance: N/A (0 responses)

Change of Qualifying Manager: N/A (0 responses)

Examination: 11 days average (5 responses)

Comments:

- Thank you!!

- Mostly a good experience.
- Frank was great, but process was long.
- Thank you.
- Took a while.
- Staff was helpful.
- Easy process. Thank you.
- Thank you!

EXAMINATION STATISTICS AS OF 03/22/2016

Examination	Stat Dates	Release Date	# of Examinees	Passing Rate	Repeat Examinees	1st Time Passers
RA	3/1/15 - 12/31/15	Mar-15	2744	47%	951	47%
RA	1/1/16 - 3/22/16	Jan-16	593	52%	259	57%
FR1	3/1/15 - 3/22/16	May-13	112	42%	44	47%
FR2	3/1/15 - 2/29/16	Mar-15	3134	39%	1489	41%
FR2	3/1/16 - 3/22/16	Mar-16	251	53%	117	52%
FR3	3/1/15 - 2/29/16	Mar-15	1123	42%	525	40%
FR3	3/1/16 - 3/22/16	Mar-16	73	55%	35	55%
OPR1	3/1/15 - 3/22/16	May-13	28	36%	19	67%
OPR2	3/1/15 - 3/22/16	Jan-15	261	61%	84	72%
OPR3	3/1/15 - 3/22/16	Jan-15	127	72%	36	78%

CURRENT VERSION OF EXAM
PREVIOUS VERSION OF EXAM

WDO ACTIVITIES FILED

	2011/12	2012/13	2013/14	2014/15	2015/16	MO. AVG
July	116,972	110,432	123,958	122,803	121,639	119,161
August	124,622	110,534	116,087	112,400	112,511	115,231
September	117,013	103,223	129,161	116,100	115,977	116,295
October	120,171	120,645	117,714	123,250	123,409	121,038
November	110,723	102,655	103,787	94,750	100,779	102,539
December	91,644	88,935	101,132	95,373	105,326	96,482
January	84,492	94,775	92,959	88,247	83,209	88,736
February	95,226	98,208	88,870	97,884	97,100	95,458
March	108,429	114,785	109,979	124,448		114,410
April	118,528	121,802	122,692	131,292		123,579
May	111,594	115,207	114,956	116,578		114,584
June	113,080	116,313	117,773	124,648		117,954
FY Total	1,312,494	1,297,514	1,339,068	1,347,773		1,324,212
AVG PER MO.	109,375	108,126	111,589	112,314		

STRUCTURAL PEST CONTROL BOARD

REGULATORY ACTION STATUS

SECTION	SUBJECT	STATUS
1911	Addresses – Permits licensees to request a mailing address other than the address of record.	March 13, 1996 – Approved by the Office of Administrative Law.
	Addresses – Requires applicators to report change of address.	August 12, 1996 – Approved by the Office of Administrative Law.
	Transfer of Employment – Allow employers to disassociate employees	January 15, 2015 – Proposed text approved by Board Members Contradicts B&P Code Section 8567 – Being referred to Act Review Committee
1912	Branch Office Registration – Section 100 Change. To change the phrase “A registered company who opens a branch shall ...” to “A registered company which opens a branch office shall...”	Section 100 Change – Approved by the Office of Administrative Law on May 17, 2004.
1914	Name Style – Delete Board’s responsibility to disapprove confusingly similar name styles.	December 16, 1998 – Public Hearing. Disapproved by the Board. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 Approved by the Office of Administrative Law.

1914	<p>Name Style – Company Registration</p> <p>Will prohibit the approval or use of a company name or telephone number that is the same as the name or telephone number of a company whose registration has been surrendered.</p>	<p>January 14, 2016 – Language approved by the Board and staff instructed to begin the rulemaking process.</p>
1918	<p>Supervision – Clarifies that a field representative or an operator can supervise.</p> <p>Supervision – Permits qualifying managers to supervise multiple locations.</p>	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p> <p>December 16, 1998 – Public Hearing. Referred to Rules and Regulations Committee.</p> <p>August 6, 1999 – Modified language mailed. January 11, 2001 Public Hearing. Adopted by the Board. Rulemaking file not completed by deadline of December 1, 2001</p>
1918	<p>Re-states supervision of multiple locations, clarifies liability / responsibility of qualifying manager[s] & supervisor(s).</p>	<p>April 4, 2003 Public Hearing, referred to Rules and Regs Committee. Committee meeting held September 17, 2003. Placed on agenda for October 17, 2003 Bd. Mtg. Modified Text mailed Nov. 19, 2003. Comments due Dec. 3, 2003. No comments rec'd. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.</p>
1919	<p>Research Panel – Deletes reference to public board member on panel.</p>	<p>March 13, 1996 – Approved by the Office of Administrative Law.</p>
1920	<p>Cite & Fine – Authorizes board staff to issue citations and fines.</p>	<p>August 13, 1998 – Approved by the Office of Administrative Law.</p>
	<p>Cite & Fine – Amends to clarify no appeal after modification of decision.</p>	<p>October 15, 1999 – Public Hearing - Board voted to adopt.</p>

1920 (e)(1)(2)(3)	Cite & Fine – Specifies that a second informal conference for a modified citation will not be allowed.	January 11, 2001 - Public Hearing - Board voted to adopt. December 1, 2001 Rulemaking File not completed by deadline. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.
1920(b)	<p>Citation - Assessment of Fines – SB 362 increased max fine amt to \$5000.</p> <p>Repealed specific criteria required in assessing fines in excess of \$2,500.</p>	<p>Section 100 Change pending Administrative decision to go forward. Filed with Sec. of State: 12-18-03. Board approved DCA's four sets of circumstance for max. fine on October 8, 2004. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.</p> <p>Agency subsequently agreed that the specific criteria from 2004 for fines in excess of \$2,500 should no longer apply. Board approved on April 22, 2010.</p> <p>December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR and Agency.</p> <p>April 12, 2011 DPR returned package with approval signatures.</p> <p>May 10, 2012 – Public Hearing – Board voted to adopt.</p> <p>March 22, 2013 rulemaking file filed with Office of Administrative Law</p> <p>May 8, 2013 – Disapproved by OAL Economic Impact Statement not included</p> <p>June 25, 2013 – 15 day notice to add Economic Impact Statement</p> <p>July 17, 2015 – Resubmitted to OAL</p> <p>August 8, 2013 – Approved by OAL</p> <p>Became Effective October 1, 2013</p>

1922	Civil Penalty Actions by Commissioners – Specifies penalty ranges. Penalty ranges serious, minor and moderate upped to mirror new law.	May 14, 1998 – Approved by the Office of Administrative Law. Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.
1922.3	Course requirements by County Agricultural Commissioners - Will place into regulation specific guidelines for licensee / County Ag Commissioners re: civil penalty actions.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1923	Consumer Complaint Disclosure. DCA created new document: Public Information System – Disclosure.	July 18, 2003 - Public Hearing - Board approved to adopt after proposed language modified with a 15-day public comment period. Rulemaking file placed on hold due to Executive Order. Withdrawn by DCA Legal Dept. Noticed for Public Hearing: October 7, 2005. Board voted to not proceed. (Language needs re-drafting – (a)4(d)(A) and (B)(ii) – now conforms to healing arts situation, and, if [A] is satisfied – so is [B])
1934	Board Approved Operator’s License Course – Specifies time period in which courses must be completed.	August 13, 1998 – Approved by the Office of Administrative Law.
1936	Operator and Field Representative License Applications Revisions to include military and veteran status, revised criminal history question, etc.	March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms June 4, 2015 - Noticed for Public Hearing July 23, 2015 - Public Hearing – Adopted by Board August 20, 2015 – To DCA for Review
1936.1	Company Registration Form Revisions to include military and veteran status, revised criminal history question, etc.	March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms June 4, 2015 - Noticed for Public Hearing July 23, 2015 - Public Hearing – Adopted by Board August 20, 2015 – To DCA for Review

1936.2	Applicator – Established by regulation the form for the applicator's license.	August 12, 1996 – Approved by the Office of Administrative Law.
1936.2	Applicator License Application Form Revisions to include military and veteran status, revised criminal history question, etc.	March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms June 4, 2015 - Noticed for Public Hearing July 23, 2015 - Public Hearing – Adopted by Board August 20, 2015 – To DCA for Review
1937	Qualification of Applicant – Specifies minimum number of hours of training and experience. IPM training and experience – Requires that branch 2 and/or 3 applicants complete training and experience in structural Integrated Pest Management as part of their pre-licensing requirements	August 13, 1998 – Approved by the Office of Administrative Law. January 2008 – Noticed for Public Hearing to amend the current regulation. April 18, 2008 - Public Hearing - Board approved to adopt. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 – Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.

1937.11	Disciplinary Guidelines – Incorporates by reference the Manual of Disciplinary Guidelines and Model Disciplinary Orders. Clean up language to change reference of UC Berkeley correspondence course to a CE course approved by board.	<p>April 14, 1997 – Approved by the Office of Administrative Law.</p> <p>Board approved on October 28, 2010.</p> <p>December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR and Agency.</p> <p>April 12, 2011 DPR returned package with approval signatures.</p> <p>May 10, 2012 – Public Hearing - Board voted to adopt.</p> <p>March 22, 2013 rulemaking file filed with Office of Administrative Law</p> <p>May 8, 2013 – Disapproved by OAL Economic Impact Statement not included</p> <p>June 25, 2013 – 15 day notice to add Economic Impact Statement</p> <p>July 17, 2015 – Resubmitted to OAL</p> <p>August 8, 2013 – Approved by OAL</p> <p>Became Effective October 1, 2013</p>
1937.11	Revisions regarding when suspension time must be served, length of probation, tolling of probation, etc.	<p>March 26, 2015 - Board ask for additional time to review and ensure that maximum penalties are sufficient.</p> <p>July 23, 2015 – Approved by Board Members and staff instructed to begin the rulemaking process</p>
1937.17	Customer Notification of Licensure – Adopts regulation requiring practitioner notification to customer of licensure.	<p>October 15, 1999 – Public Hearing - Referred to committee.</p> <p>January 18, 2002 - Public Hearing adopted by the board with modified text.</p> <p>December 16, 2002 - Approved by the Office of Administrative Law.</p>

1950	Applicator Continuing Education – Establish and specify number and type of continuing education hours required for renewal of applicator’s license. At April 2005 Hearing CE hours were changed to 12 hrs total, 8 covering pesticide application/use and 4 covering SPC Act & its rules & regulations or structural pest related agencies’ rules & regulations.	June 26, 1998 - Public Hearing. Pending approval by Department of Finance. January 20, 2000 - Public Hearing Board voted to adopt. March 13, 2001 disapproved by the OAL. April 12, 2002 - Public Hearing. Board voted to adopt. Disapproved by the Director July 7, 2002. April 4, 2003 - Public Hearing - Board voted to proceed after 15-Day Notice. Notice mailed June 11, 2003, final comments due June 30, 2003. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Board voted to proceed after a 15-Day Notice. Notice mailed: May 27, 2005. March 21, 2006 - Approved by the Office of Administrative Law.
1950	Continuing Education - Deletes language regarding Wood Roof Cleaning & Treatment Continuing Education - Hours.	Change without Regulatory Effect - Approved by the Office of Administrative Law effective March 26, 2002.
	Continuing Education - To establish four hours in ethics for license renewal of Operators and Field Representatives.	Noticed for April 23, 2004 Bd. Mtg. Matter considered and rejected at July 23, 2004 Special Mtg. Withdrawn July 2004 with Notice of Decision Not to Proceed.
	Continuing Education - Requires that branch 2 and/or 3 licensees gain continuing education hours in structural Integrated Pest Management as part of their license renewal requirements.	Noticed for the April 18, 2008 Board Meeting. April 18, 2008 - Public Hearing - Board approved to adopt after proposed language modified with a 15-day public comment period. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 – Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.

1950.1	Armed Services Exemption – Grants a one-year extension for a licensee to complete his/her continuing education requirements if his/her license expired while serving for the United States armed services.	<p>Noticed for the January 23, 2009 Board Meeting.</p> <p>January 23, 2009 - Public hearing, Board voted to send out 15-day notice of modified text.</p> <p>February 9, 2009 – Notice of modified text sent out.</p> <p>June 10, 2009 - Rulemaking file submitted to DCA for Director review.</p> <p>August 5, 2009 – Received approved rulemaking file from DCA.</p> <p>August 5, 2009 – Final rulemaking file submitted to OAL.</p> <p>September 16, 2009 – Approved by the Office of Administrative Law</p>
1950.5(c),(d)(g),(h),[g]	Continuing Education - Requires that course providers administer a second examination.	March 13, 1996 - Approved by the Office of Administrative Law.
1950.5(c),(d)(g),(h),[g]	Continuing Education Requirements, Hour Value System, removal of language regarding wood roof cleaning and treatment.	March 26, 2002 - Approved by the Office of Administrative Law
1950.5	Hour Value System - Require all C.E. providers to administer written tests after licensees complete approved courses in technical or rules and regulations; equivalent activities will no longer be granted C.E.; Board mtg. attendance will drop to 4 hrs total C.E. credit - 1 hr General Ed and 1 hr Rules & Regs per meeting.	<p>Noticed for the April 23, 2004 Board Meeting.</p> <p>Approved by the Office of Administrative Law - July 6, 2005.</p>

1950.5	Hour Value System - Establish an hour value for board approved Integrated Pest Management courses.	Noticed for the April 18, 2008 Board Meeting. April 18, 2008 - Public Hearing - Board approved to adopt. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 - Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 - Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.
1951	Continuing Education - Makes distinction between field representative, operators and applicators.	August 12, 1996 - Approved by the Office of Administrative Law.
	Continuing Education -- Licensing examination to replace continuing education examination.	October 15, 1999 - Public Hearing - referred to committee. April 6, 2000 - Committee recommendations to the Board.
	Examination in Lieu of C.E. - To change references of operator/field representative to "licensee" and clarify that a passing score is 70% or higher.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1953(a)	Providers of Continuing Education - C.E. providers that providers do not charge an attendee fee to be exempt from the \$25 course approval fee. Thus eliminating financial burden to the provider. Adopt a revised form 43M-18.	January 11, 2001 - Public Hearing - Board voted to adopt. February 2001-DCA opposed proposal. July 18, 2003 - Public Hearing Board voted to adopt new form. March 17, 2004 Rulemaking file on hold due to Executive Order. Approved by Office Of Administrative Law on August 12, 2004.

1953(f)(3)	Approval of Activities - Revised Form.	July 18, 2003 Public Hearing - Board voted to adopt the revised form. Approved by Office Administrative Law, Section 100 Change effective on May 2, 2003.
1953(f)(3)	Section 100 Change – Typo. The dates for the form numbers were duplicated. Delete (New 5/87) and replace it with (Rev. 11/99) Revise the form - Return it back to 43M-38 (5/87). Current form (Rev.11/99) is obsolete.	Section 100 Change to OAL on May 13, 2004. Withdrawn June 17, 2004. Change requires language be re-noticed. Board needs to notice for public hearing.
	Correction of reversal of form numbers 43M-38 and 43M-39 in language and 43M-39 given Rev.10/03 date.	Approved by the Office of Administrative Law - July 6, 2005
1953(3) (A)(C)(D)(E) (4)(g)	Approval of Activities - Clean up language in item (3)(A), define “syllabus” in item (3)(C), revision of form No 43M-39, and language regarding the cost of postage in item (3)(D), delete the words “or products” and language regarding the approval for meetings of in-house staff or employee training being approved in item (4)(g).	Noticed for April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1953(f)(3)(D)	Approval of Activities - Remove the requirement that continuing education course providers provide course evaluation forms to students.	Noticed for the April 18, 2008 Board Meeting. April 18, 2008 - Public Hearing - Board approved to adopt. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 – Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.

1960	Fingerprint Requirement – requires all licensees who have not previously been fingerprinted to do so upon license renewal	<p>March 26, 2015 - Text Approved by Board Members</p> <p>June 4, 2015 - Noticed for Public Hearing</p> <p>July 23, 2015 - Public Hearing – Adopted by Board</p> <p>August 20, 2015 – To DCA for Review</p> <p>December 1, 2015 – Approved by DCA, to Agency for Review</p> <p>January 21, 2016 – To OAL for Final Review</p> <p>February 29, 2016 – Approved and Effective</p>
1970	Standards - Construction elements allowing passage of fumigants.	<p>October 12, 2000 - Public Hearing - Board voted to adopt with modifications.</p> <p>November 23, 2001 - Approved by the Office of Administrative Law.</p>
1970	<p>Fumigation Log - Delete the reporting requirements of the name and address of the guard, and delete the date and hour the police department was notified of fumigation. Rev. form 43M-47.</p> <p>Add additional fumigant calculators on the Fumigation Log</p>	<p>January 11, 2001 - Public Hearing - Board voted to adopt. Rulemaking file not complete by deadline of December 1, 2001.</p> <p>April 4, 2003 - Public Hearing. Due to errors in language, re-noticed for July 18, 2003 - Public Hearing. Board voted to adopt new language and revise log form number 43M-47. Approved by Office of Administrative Law on August 12, 2004.</p> <p>Noticed for Public Hearing July 20, 2007.</p> <p>July 20, 2007 - Public Hearing. Board voted to adopt.</p> <p>September 26, 2007 language under DCA legal review by the Director.</p> <p>March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law.</p> <p>April 29, 2008 – Approved by the Office of Administrative Law.</p>

1970	Standards and Record Requirements - Fumigating contractors will be required to provide a complete fumigation log to its prime contractors and retain the log for 3 years.	<p>July 18, 2003 - Board voted to place on October 17, 2003 board meeting agenda. October 17, 2003 Board voted not to adopt.</p> <p>Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt.</p> <p>September 26, 2007 language under DCA legal review by the Director.</p> <p>March 17, 2008 - Approved by the Director, filed with the Office of Administrative Law.</p> <p>April 29, 2008 - Approved by the Office of Administrative Law.</p>
1970.3	Securing Against Entry - Includes clamshell locks and pins in general description of secondary locks.	March 13, 1996 - Approved by the Office of Administrative Law.
1970.4	Pesticide Disclosure Requirement - Requires primary contractor to retain OFN for three years.	July 28, 1995 - Board voted to adopt. Technical error - Necessary to re-notice all amendments.
1970.4	Pesticide Disclosure Requirement - Includes the required Occupants Fumigation Notice into regulation.	May 12, 1995 - Public Hearing. Referred to the Laws and Regulations Committee for further review. December 8, 1995 - Board adopted revision to the OFN. Technical error- Necessary to re-notice all amendments.
	Pesticide Disclosure Requirement - Requires primary contractor to retain Occupants Fumigation Notice (OFN) for three years. Includes the required OFN into regulation.	April 28, 1998 - Approved by the Office of Administrative Law.
	Pet Notification - Amends OFN to include notification regarding neighboring pets.	<p>January 20, 2000 - Board voted to adopt. June 23, 2000 Board voted not to proceed. January 2005 Board voted to proceed. Noticed for Public Hearing July 15, 2005. December 30, 2005 - Approved by the Office of Administrative Law.</p>
	Disclosure Requirement - Deletes language regarding Wood Roof Cleaning & Treatment Pesticide.	March 26, 2002 change without regulatory effect approved by the Office of Administrative Law.

1970.4	Disclosure Requirement – Include presence of conduit language on the OFN	Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt. September 26, 2007 language under DCA legal review by the Director. March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law. April 29, 2008 – Approved by the Office of Administrative Law.
1970.4	Allows for signed Occupants Fumigation Notice to be in electronic format	January 15, 2015 - Text Approved by Board Members June 4, 2015 - Noticed for Public Hearing July 23, 2015 - Public Hearing August 20, 2015 – To DCA for Review February 17, 2016 – To OAL for Final Review.
1970.4	Pesticide Disclosure Requirement Additional updates allowing information about pesticide use to be distributed electronically.	October 8, 2015 – Language approved by the Board. January 15, 2016 – Act Review Committee recommended additional changes.
1970.5	Aeration - Clarifies that a field representative or operator must be present during aeration. Amendment regarding when licensee is required to be present to correlate with DPR's CAP regulation. – DEAD 05/10/12	August 12, 1996 – Approved by the Office of Administrative Law. December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR. March 11, 2011 DPR request this regulation be repealed. April 28, 2011 Board voted to repeal regulation. May 10, 2012 – Public Hearing – Board voted to non-adopt proposed repeal of regulation.

1970.6	Fumigation - Construction elements allowing passage of fumigants.	December 16, 1998 - Public Hearing - Action postponed until further input. June 18, 1999 - Board voted to adopt with modifications. November 23, 2001 - Approved by the Office of Administrative Law.
1971	Gas Masks – Removed the subsection concerning gas masks. B&P Code section 8505.15 was repealed January 1, 2008	Noticed for Public Hearing July 24, 2009 July 24, 2009 – Board members voted to carryover to next board meeting. October 22, 2009 – Board members voted not to proceed with amending the regulation.
1973	Re-entry Requirements - Requires use of proper testing equipment and changes printing on re-entry notice from red to black.	March 13, 1996 - Approved by the Office of Administrative Law.
1973	Notice of Re-entry – Replace a product trade name with the active ingredient.	Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt. September 26, 2007 language under DCA legal review by the Director. March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law. April 29, 2008 – Approved by the Office of Administrative Law.
1974	Fumigation Warning Signs - Specifies size and placement of signs. Fumigation warning signs to include the name of the fumigant used and its active ingredient.	March 13, 1996 - Approved by the Office of Administrative Law. Noticed for Public Hearing January 21, 2010 Public hearing held January 21, 2010 – Board voted to adopt . May 18, 2010, Rulemaking File submitted to DPR for approval. September 23, 2010 DPR returned package with approval signatures. September 30, 2010 Rulemaking File submitted to OAL. November 8, 2010 approved by OAL

1983(i)	Handling, Use and Storage of Pesticides - Clarification of bait station (rodenticide and avicide) reference.	<p>December 16, 1998 - Public Hearing</p> <p>December 30, 1998 - Notice of Modification mailed. January 11, 2001 - Public Hearing - Board voted to adopt. Rulemaking File not complete by deadline date of December 1, 2001.</p> <p>April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.</p>
1983(j)	Language regarding the removal of termite bait stations when a contract for service is terminated.	<p>July 18, 2003 - Public hearing Board voted to adopt with proposed amendments.</p> <p>Approved by the Office of Administrative Law on August 12, 2004</p>
1984	Proposed regulation to define structural Integrated Pest Management	<p>October 2007 - Noticed for Public Hearing to adopt new section.</p> <p>March 10, 2008 - Final rulemaking file submitted to the Department.</p> <p>June 6, 2008 - Approved by the Director, filed with the Office of Administrative Law.</p> <p>July 9, 2008 - Approved by the Office of Administrative Law.</p> <p>Noticed for the January 23, 2009 Board Meeting.</p> <p>January 23, 2009 - Public hearing, Board voted to adopt with proposed amendments.</p> <p>June 10, 2009 - Rulemaking file submitted to DCA for Director review.</p> <p>August 5, 2009 - Received approved rulemaking file from DCA.</p> <p>August 5, 2009 - Final rulemaking file submitted to OAL.</p> <p>September 16, 2009 - Approved by the Office of Administrative Law</p>

1990	Report Requirements - Defines separated reports and structural members, and addresses reporting requirements for carpenter ants/bees.	March 13, 1996 - Approved by the Office of Administrative Law.
1990	Report Requirements Under Section 8516 Makes various changes to clarify and update existing language.	January 14, 2016- Language approved by Board and staff instructed to begin the rulemaking process.
1990(g)	Report Requirements – Inspection of wooden decks.	April 28, 1998 - Approved by the Office of Administrative Law.
1990.1	Report Requirements - Repeal language under Section 8516.1(b) and (c)(1)(8).	March 26, 2002 change without regulatory effect - Approved by the Office of Administrative Law.
1991	Report Requirements - Eliminates requirement to cover accessible pellets and frass, and requires replacement of wood members no longer serving purpose to support or adorn the structure.	March 13, 1996 - Approved by the Office of Administrative Law.
1991(A)(B) (C)	Report Requirements - Specifies the restoration, refastening, removal or replacement of wooden decks, wooden stairs or wooden landings.	April 28, 1998 - Approved by the Office of Administrative Law.
1991(a)(5) 1991(a)(5)	Report Requirements – Allows for reinforcement of fungus infected wood and permits surface fungus to be chemically treated or left as is once the moisture is eliminated.	April 3, 1996 – Approved by the Office of Administrative Law.
1991(a)(8)c)	Report Requirements – Requires registered companies to report that local treatment and/or corrective work will not eradicate other undetected infestations which may be located in other areas of the structure.	October 6, 1995 – Public Hearing - Board voted to non-adopt. Referred to committee to consider the matter of an all-encompassing disclosure statement on all inspection reports addressing inaccessible areas and potential infection and infestations.

1991 (cont.)	Report Requirements - Local treatment notification.	<p>October 15, 1999 Public Hearing - Board voted to adopt.</p> <p>January 11, 2001 - Referred back to committee for comments.</p> <p>October 19, 2001 Public Hearing - Board voted to non-adopt, referred language back to committee. August 31, 2002 publication date expired.</p> <p>October 11, 2002 - Re-noticed -Public Hearing. Board voted to adopt.</p> <p>January 8, 2003 language under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. Rulemaking file withdrawn from OAL March 27, 2003 pending a 15-Day Notice. File resubmitted to OAL.</p> <p>July 26, 2003 - Approved by the Office of Administrative Law.</p>
1991(a)(9)	Report Requirement - Corrective Measures for extermination of a subterranean termite infestation and termite tubes. Exception for above ground termite bait stations.	<p>January 11, 2001 Board voted to amend 1991(a)(9). October 19, 2001 Board passed unanimously to modify language with a 15-Day Notice. Notice mailed January 28, 2002, 1 year past the publication date. Bd. needs to re-notice. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.</p>
1991(13)(A) (B)(C)	Report Requirements - Delete specific recommendations regarding wooden decks, wooden stairs and landings. Language already exists in 1991(a)(5).	<p>October 19, 2001 Board voted to repeal the language. August 31, 2002 publication date expired.</p> <p>April 4, 2003 - Public Hearing. Board voted to go forward after 15-Day Notice. Notice mailed June 11, 2003, final comments due June 30, 2003. February 14, 2004 rulemaking file expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.</p>

1993.1	Reinspection Language – To adopt section 1993.1 to require Wood Destroying Pest and Organism Inspection Reports to contain statement that work performed by others must be reinspected within ten days of request at a charge no greater than the original inspection fee.	May 22, 1998 – Rulemaking file disapproved by Office of Administrative Law. December 16, 1998 – Public Hearing. December 30, 1998 - Notice of Modifications mailed. January 11, 2001 - Public Hearing. Board voted to adopt. December 1, 2001 rulemaking file not completed by deadline. April 4, 2003 re-noticed for Public Hearing. Approved by the Office of Administrative Law - July 6, 2005.
1993.2	Bait Stations.	October 19, 2001 Board passed to adopt new language. Publication date expired. October 11, 2002 language re-noticed for Board meeting. December 23, 2002 rulemaking file under review. January 8, 2003 under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. March 27, 2003 rulemaking file withdrawn from OAL pending a 15-Day Notice. July 26, 2003 - Approved by the Office of Administrative Law.
1993.2	Termite Bait Stations. Defines above and below ground termite bait stations as devices containing pesticide bait. Specifies that use of termite bait stations are a control service agreement.	October 8, 2015 Board voted to adopt the Act Review Committee's revisions and instructed staff to begin the rulemaking process

1993.3	In-Ground Termite Bait Stations.	<p>October 12, 2001 Board passed to adopt new language. Publication date expired. Language re-noticed for October 11, 2002 Board meeting. Rulemaking package under review 12-23-02. January 8, 2003 – Under DCA legal review by the Director.</p> <p>February 21, 2003 filed with the Office of Administrative Law. March 27, 2003 rulemaking file withdrawn from OAL pending a 15-Day Notice.</p> <p>July 26, 2003 - Approved by the Office of Administrative Law.</p>
1993.3	<p>In-Ground Termite Bait Stations.</p> <p>Being repealed. Language in 1993.2 & 1993.4 make this section obsolete.</p>	October 8, 2015 Board voted to adopt the Act Review Committee's recommendation to repeal this section and instructed staff to begin the rulemaking process
1993.4	<p>Termite Monitoring Devices.</p> <p>New section defining termite monitoring devices and providing guidelines for their installation and use.</p>	October 8, 2015 Board voted to adopt the Act Review Committee's recommended addition of this section and instructed staff to begin the rulemaking process
1996	Pre-Treatment - Specifies Pre-Treatment Inspection Report/Notice of Intent form.	August 30, 1996 - Public Hearing. Amendment was not adopted. Board referred to Pre-Treatment Committee.
	Inspection Report – Includes a first page of the Inspection Report for scanning purposes.	August 13, 1998 – Approved by the Office of Administrative Law.

1996	Requirements for Reporting All Inspections Under Section 8516(b).	January 18, 2002 Public Hearing - Board voted to adopt. Form Rev. date completed 1-15-03. April 4, 2003 Board again voted to adopt regulatory lang. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.
1996.2	Revised Inspection Report Form and Standard Notice of work Completed and Not Completed.	December 16, 2002 - Approved by the Office of Administrative Law.
1996.1	<p>Inspection and Completion Tags - The completion tag shall include the method(s) of treatment.</p> <p>Completion tag to include the trade name of any pesticide used and active ingredient.</p>	<p>July 18, 2003 Public Hearing - Board members voted to adopt.</p> <p>Rulemaking file placed on hold due to Executive Order.</p> <p>Approved by Office of Administrative Law August 12, 2004</p> <p>Noticed for Public Hearing January 21, 2010</p> <p>Public hearing held January 21, 2010 – Board voted to adopt. May 18, 2010, Rulemaking File submitted to DPR for approval.</p> <p>September 23, 2010 DPR returned package with approval signatures.</p> <p>September 30, 2010 Rulemaking File submitted to OAL.</p> <p>November 8, 2010 approved by OAL.</p>
1996.2	Completion Notice – Includes a first page of the Completion Notice for scanning purposes.	August 13, 1998 – Approved by the Office of Administrative Law.
	Revised Completion Notice Form.	<p>January 18, 2002 Public Hearing - Adopted by the Board.</p> <p>December 16, 2002 - Approved by the Office of Administrative Law.</p>

1996.3	<p>Requirements for Reporting property addresses. Adopt new language that will provide guidelines of what is required when filing the WDO form with the Board.</p> <p>Increase filing fee to \$2.00 on form</p> <p>Increase filing fee to \$2.50 on form</p>	<p>March 17, 2003 Rulemaking file on hold due to Executive Order. July 18, 2003 Public Hearing - Board voted to adopt after a 15-Day Notice of modified language. Approved by Office of Administrative Law July 13, 2004</p> <p>Noticed for Public Hearing July 24, 2009 July 24, 2009 – Board voted to adopt. Sept. 3, 2009 – Rulemaking file submitted to DCA for review. January 21, 2010, Board considered 15-day comments to increase fee to \$2.50. Board voted to adopt at \$2.50 per activity. May 20, 2010 Office of Administrative Law approves Rulemaking File to increase fee to \$2.50 effective July 1, 2010.</p>
1997	<p>Filing Fee – Inspection Reports and Completion Notices.</p> <p>Filing Fee – Inspection Reports and Completion Notices – Fee increase.</p>	<p>October 15, 1996 – Approved by the Office of Administrative Law.</p> <p>December 16, 1998 – Public Hearing Adopted by Board. Rulemaking file not submitted based on recommendations from DCA that fee increase not necessary to fund condition.</p>

1997	<p>Filing Fee – WDO Activity Filing Fee.</p> <p>Filing Fee – Increase WDO Activity Filing Fee to \$2.00.</p> <p>15-Day Modified Text to increase fee to \$2.50 per activity effective July 1, 2010</p>	<p>December 16, 1999 – Non-substantive change without regulatory effect filed with the Office of Administrative Law. January 28, 2000 - Approved by the Office of Administrative Law.</p> <p>Noticed for Public Hearing July 24, 2009 July 24, 2009 Board voted to adopt. Sept. 3, 2009 – Rulemaking file submitted to DCA for review.</p> <p>Dec. 28, 2009 – Board passed unanimously to modify language with a 15-Day Notice. Notice mailed on December 29, 2009, final comments due January 13, 2010</p> <p>January 21, 2010, Board considered 15-day comments to increase fee to \$2.50. Board voted to adopt at \$2.50 per activity. May 20, 2010 Office of Administrative Law approves Rulemaking File to increase fee to \$2.50 effective July 1, 2010.</p>
1999.5	<p>Advertising Guidelines.</p> <p>Include an introductory statement to clarify the purpose of the regulation. Clarify that certain subsections pertain only to Branch 3 companies.</p>	<p>June 18, 1999 – Public Hearing August 27, 1999 – Modified language mailed November 22, 2001 approved by the Office of Administrative Law. September 24, 2002 non-substantive change without regulatory effect approved by the Office of Administrative Law.</p> <p>October 2007 – Noticed for Public Hearing to amend the current regulation. January 2008 – Board moved to request further analysis by Legal Counsel and staff. June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p>

1999.5 (cont.)		<p>September 11, 2008 - Rulemaking file submitted to OAL for approval.</p> <p>October 24, 2008 - Rulemaking file disapproved by OAL.</p> <p>February 19, 2009 – Task Force meeting held to discuss OAL’s disapproval</p> <p>March 2009 – Extension granted by OAL.</p> <p>June 2, 2009 – Resubmittal submitted to DCA for Director review.</p> <p>June 8, 2009 – Resubmittal submitted to OAL for approval.</p> <p>July 17, 2009 – Approved by OAL</p>
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California

LEGISLATIVE INFORMATION

AB-2529 Structural pest control. (2015-2016)

CALIFORNIA LEGISLATURE— 2015-2016 REGULAR SESSION

ASSEMBLY BILL

No. 2529

Introduced by Assembly Member Linder

February 19, 2016

An act to amend Sections 8506.1 and 8616.9 of the Business and Professions Code, relating to structural pest control.

LEGISLATIVE COUNSEL'S DIGEST

AB 2529, as introduced, Linder. Structural pest control.

Existing law defines, licenses, and regulates structural pest control operators and creates the Structural Pest Control Board in the Department of Consumers Affairs to administrate these provisions. Existing law defines a registered company to be specified types of business organizations registered with the board to engage in the practice of structural pest control and defines operators, field representatives, and applicators as specified classes of individual licensed by the board to practice structural pest control. Existing law prescribes 3 different classifications of structural pest control licenses based on the types of pest control work permitted, which are termed branches. Existing law makes a violation of these provisions a misdemeanor, punishable by a fine of not less than \$100 and not more \$1,000, or 6 months in jail, or both.

Existing law authorizes a company registered with the board to engage in the practice of structural pest control to hire or employ individuals who are unlicensed to perform contracts covering wood destroying organisms only after an operator or field representative completes the negotiation or signing of the contract covering the job.

This bill would specify that the registered company may hire or employ unlicensed individuals to perform work on contracts or service agreements, as defined, covering Branches 1, 2, or 3, or combination thereof.

Existing law prescribes the circumstances under which an employer may be cited if, during an inspection or investigation, an employee is found not wearing personal protective clothing required by regulation.

The bill would, instead, permit disciplinary action against the employer and the assessment of a civil fine not to exceed \$____ if the employee is found to not wear personal protective equipment required by label or regulation. The bill would, if disciplinary action is not taken against the employer, permit a civil fine to be assessed against the employee only if an employer provides evidence of specified employer practices and would also include, in this regard, the requirement that the employer has not been disciplined for a violation of the requirement for the previous 2 years.

By expanding the definition of a crime, 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 no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 8506.1 of the Business and Professions Code is amended to read:

8506.1. (a) A "registered company" is any sole proprietorship, partnership, corporation, or other organization or any combination thereof that is registered with the Structural Pest Control Board to engage in the practice of structural pest control.

A

(b) A registered company may secure structural pest control work, submit bids, or otherwise contract for pest control work. A registered company may employ licensed field representatives and licensed operators to identify infestations or infections, make inspections, and represent the company in the securing of pest control work. A registered company may hire or employ individuals who are not licensed under this chapter to perform work on contracts covering ~~wood-destroying organisms~~ *Branch 1, 2, or 3, or any combination of branches*, only after an operator or field representative has fully completed the negotiation or signing of the contract covering a given job.

~~A registered company may hire and use individuals who are not licensed under this chapter on service contracts already established.~~

(c) *This section shall not be construed to authorize an unlicensed individual to perform work that requires a license pursuant to this chapter.*

SEC. 2. Section 8616.9 of the Business and Professions Code is amended to read:

8616.9. (a) If an employee is found during an inspection or investigation not wearing personal protective equipment required by *label* or regulation, the commissioner ~~shall have the option to use discretion in citing an employer only if evidence of all of the following is provided:~~ *may take disciplinary action against an employer and may assess a civil fine against the employee. If the commissioner does not take disciplinary action against an employer, the commissioner may assess a civil fine against the employee only if the employer provides evidence of all of the following:*

(a)

(1) The employer has a written training program, has provided training to the employee, and has maintained a record of training as required by *label* or regulation.

(b)

(2) The employer provided personal protective equipment required by *label* or regulation, the equipment was available at the site when the employee was handling the pesticide or pesticides, and the equipment was properly maintained and in good working order.

(c)

(3) The employer is in compliance with regulations relating to the workplace and supervision of employees.

(d)

(4) The employer has ~~implemented~~ *documented implementation* and adheres to a written company policy of disciplinary action for employees who violate company policy or state or local laws or regulations.

(e)

(5) The employer has no history of repeated violations of this section, not been disciplined for a violation of the personal protective equipment requirement for the previous two years.

(b) A civil fine assessed against an employee pursuant to this section shall not exceed _____ dollars (\$_____).

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



California

LEGISLATIVE INFORMATION

AB-1874 Structural pest control. (2015-2016)

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL

No. 1874

Introduced by Assembly Member Wood

February 10, 2016

An act to amend Section 8506.2 of the Business and Professions Code, relating to structural pest control.

LEGISLATIVE COUNSEL'S DIGEST

AB 1874, as introduced, Wood. Structural pest control.

Existing law defines, licenses, and regulates structural pest control operators and creates the Structural Pest Control Board in the Department of Consumers Affairs to administrate these provisions. Existing law defines a registered company to be specified types of business organizations registered with the board to engage in the practice of structural pest control, and defines a "qualifying manager" as the licensed operator or operators designated by a registered company to supervise the daily business of the company and to be available to supervise and assist the company's employees. Existing law prescribes 3 different classifications of structural pest control licenses, which are termed branches, based on the types of pest control work permitted. Existing law makes a violation of provisions regulating structural pest control operators a misdemeanor.

This bill would revise the definition of "qualifying manager" to require that the licensed operator be physically present at the principal office or branch office location for a minimum of 72 hours every 3 consecutive calendar months, and to require that these hours be documented and provided to the board upon request.

By expanding the definition of a crime, 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 no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. Section 8506.2 of the Business and Professions Code is amended to read:

8506.2. A "qualifying manager" is the licensed operator or operators designated by a registered company to supervise the daily business of the company and to ~~be available to supervise and assist the company's employees.~~ *physically present at the principal office or branch office location for a minimum of 72 hours every three consecutive calendar months to supervise and assist the company's employees. These hours shall be documented and provided to the board upon request.*

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



California

LEGISLATIVE INFORMATION

SB-1039 Professions and vocations. (2015-2016)

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

No. 1039

Introduced by Senator Hill

February 12, 2016

An act to amend Sections 1636.4, 2811.5, 8516, 8518, and 8555 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as introduced, Hill. Professions and vocations.

(1) Existing law requires the Office of Statewide Health Planning and Development to establish the Health Professions Education Foundation to, among other things, solicit and receive funds for the purpose of providing scholarships, as specified.

The bill would state the intent of the Legislature to enact future legislation that would establish a Dental Corps Scholarship Program, as specified, to increase the supply of dentists serving in medically underserved areas.

(2) The Dental Practice Act provides for the licensure and regulation of persons engaged in the practice of dentistry by the Dental Board of California, which is within the Department of Consumer Affairs, and requires the board to be responsible for the approval of foreign dental schools by evaluating foreign dental schools based on specified criteria. That act authorizes the board to contract with outside consultants or a national professional organization to survey and evaluate foreign dental schools, as specified. That act requires the board to establish a technical advisory group to review the survey and evaluation contracted for prior to the board taking any final action regarding a foreign dental school. That act also requires periodic surveys and evaluations of all approved schools be made to ensure compliance with the act.

This bill would delete the authorization to contract with outside consultants and would instead authorize the board, in lieu of conducting its own survey and evaluation of a foreign dental school, to accept the findings of any commission or accreditation agency approved by the board, if the findings meet specified standards, and adopt those findings as the board's own. The bill would delete the requirement to establish a technical advisory group. The bill would instead authorize periodic surveys and evaluations be made to ensure compliance with that act.

(3) The Nursing Practice Act provides for the licensure and regulation of nurse practitioners by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to adopt regulations establishing standards for continuing education for licensees, as specified. That act requires

providers of continuing education programs approved by the board to make records of continuing education courses given to registered nurses available for board inspection.

This bill would require that the content of a continuing education course be based on generally accepted scientific principles. The bill would also require the board to audit continuing education providers, at least once every 5 years, to ensure adherence to regulatory requirements, and to withhold or rescind approval from any provider that is in violation of regulatory requirements.

(4) Existing law provides for the licensure and regulation of structural pest control operators and registered companies by the Structural Pest Control Board, which is within the Department of Consumer Affairs, and requires a licensee to pay a specified license fee. Existing law makes any violation of those provisions punishable as a misdemeanor. Existing law places certain requirements on a registered company or licensee with regards to wood destroying pests or organisms, including that a registered company or licensee is prohibited from commencing work on a contract until an inspection has been made by a licensed Branch 3 field representative or operator, that the address of each property inspected or upon which work was completed is required to be reported to the board, as specified, and that a written inspection report be prepared and delivered to the person requesting the inspection or his or her agent. Existing law requires the original inspection report to be submitted to the board upon demand. Existing law requires that written report to contain certain information, including a foundation diagram or sketch of the structure or portions of the structure inspected, and requires the report, and any contract entered into, to expressly state if a guarantee for the work is made, and if so, the terms and time period of the guarantee. Existing law establishes the Structural Pest Control Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.

This bill would require the operator who is conducting the inspection prior to the commencement of work to be employed by a registered company, except as specified. The bill would not require the address of an inspection report prepared for use by an attorney for litigation to be reported to the board or assessed a filing fee. The bill would require instead that the written inspection report be prepared and delivered to the person requesting it, the property owner, or the property owner's designated agent, as specified. The bill would allow an inspection report to be a complete, limited, supplemental, or reinspection report, as defined. The bill would require all inspection reports to be submitted to the board and maintained with field notes, activity forms, and notices of completion until one year after the guarantee expires if the guarantee extends beyond 3 years. The bill would require the inspection report to clearly list the infested or infected wood members or parts of the structure identified in the required diagram or sketch. By placing new requirements on a registered company or licensee this bill would expand an existing crime and would, therefore, impose a state-mandated local program.

Existing law requires a registered company to prepare a notice of work completed to give to the owner of the property when the work is completed.

This bill would make this provision only applicable to work relating to wood destroying pests and organisms.

Existing law provides that the laws governing structural pest control operators, including licensure, does not apply to persons engaged in the live capture and removal of vertebrate pests, bees, or wasps from a structure without the use of pesticides.

This bill would instead apply those laws to persons that engage in the live capture and removal of vertebrate pests without the use of pesticides. By requiring persons that engaged in the live capture and removal of vertebrate pests without the use of pesticides to comply with the laws governing structural pest control operators, this bill would expand an existing crime, and would, therefore, impose a state-mandated local program. By requiring those person to be licensed, this bill would require them to pay a licensee fee that would go into a continuously appropriated fund, which would, therefore, result in an appropriation.

(5) 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 no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: yes Fiscal Committee: yes Local Program: yes

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

SECTION 1. It is the intent of the Legislature to enact future legislation that would establish a Dental Corps

8516. (a) This section, and Section 8519, apply only to wood destroying pests or organisms.

(b) ~~No~~ A registered company or licensee shall *not* commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or ~~operator~~. *operator employed by a registered company, except as provided in Section 8519.5.* The address of each property inspected or upon which work is 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 the commencement of an inspection or upon completed work.

Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.

Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section 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). *The address of an inspection report prepared for use by an attorney for litigation purposes shall not be required to be reported to the board and shall not be assessed a filing fee.*

A written inspection report conforming to this section and a form approved by the board shall be prepared and delivered to the person requesting the inspection *and the property owner*, or to the ~~person's property owner's~~ designated ~~agent~~ *agent*, within 10 business days ~~of from~~ the *start of the* inspection, except that an inspection report prepared for use by an attorney for litigation purposes is not required to be reported to the ~~board~~. *board or the property owner. An inspection report may be a complete, limited, supplemental, or reinspection report, as defined by Section 1993 of Title 16 of the California Code of Regulations.* The report shall be delivered before work is commenced on any property. The registered company shall retain for three years all ~~original~~ inspection reports, field notes, and activity forms.

Reports 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~~ All inspection reports or copies thereof shall be submitted to the board upon ~~request~~ *demand* within two business days. The following shall be set forth in the report:

(1) The *start* date of the inspection and the name of the licensed field representative or operator making the inspection.

(2) The name and address of the person or firm ordering the report.

(3) The name and address of *the property owner* and any person who is a party in interest.

(4) The address or location of the property.

(5) A general description of the building or premises inspected.

(6) A foundation diagram or sketch of the structure or structures or portions of the structure or structures inspected, ~~indicating thereon~~ *including* the approximate location of any infested or infected areas evident, and the parts of the structure where conditions that would ordinarily subject those parts to attack by wood destroying pests or organisms exist. *Reporting of the infested or infected wood members, or parts of the structure identified, shall be listed in the inspection report to clearly identify them, as is typical in standard construction components, including, but not limited to, siding, studs, rafters, floor joists, fascia, subfloor, sheathing, and trim boards.*

(7) Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be reported.

(8) One of the following statements, as appropriate, printed in bold type:

(A) The exterior surface of the roof was not inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractors' State License Board.

(B) The exterior surface of the roof was inspected to determine whether or not wood destroying pests or organisms are present.

(9) Indication or description of any areas that are inaccessible or not inspected with recommendation for further inspection if practicable. If, after the report has been made in compliance with this section, authority is given later to open inaccessible areas, a supplemental report on conditions in these areas shall be made.

(10) Recommendations for corrective measures.

(11) Information regarding the pesticide or pesticides to be used for their control *or prevention* as set forth in subdivision (a) of Section 8538.

(12) The inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter.

~~(13) The inspection report shall contain the following statement, printed in boldface type:~~

~~"NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company."~~

An estimate or bid for repairs shall be given separately allocating the costs to perform each and every recommendation for corrective measures as specified in subdivision (c) with the original inspection report if the person who ordered the original inspection report so requests, and if the registered company is regularly in the business of performing *each* corrective measures. ~~measure.~~

If no estimate or bid was given with the original inspection report, or thereafter, then the registered company shall not be required to perform a reinspection.

A reinspection shall be an inspection of those items previously listed on an original report to determine if the recommendations have been completed. Each reinspection shall be reported on an original inspection report form and shall be labeled "~~Reinspection~~" in capital letters by rubber stamp or typewritten. "*Reinspection*." Each reinspection shall also identify the original report by date.

After four months from an original inspection, all inspections shall be original inspections and not reinspections.

Any reinspection shall be performed for not more than the price of the registered company's original inspection price and shall be completed within 10 ~~working~~ *business* days after a reinspection has been ordered.

~~(13) The inspection report shall contain the following statement, printed in boldface type:~~

~~"NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company."~~

(c) At the time a report is ordered, the registered company or licensee shall inform the person or entity ordering the report, that a separated report is available pursuant to this subdivision. If a separated report is requested at the time the inspection report is ordered, the registered company or licensee shall separately identify on the report each recommendation for corrective measures as follows:

(1) The infestation or infection that is evident.

(2) The conditions that are present that are deemed likely to lead to infestation or infection.

If a registered company or licensee fails to inform as required by this subdivision and a dispute arises, or if any other dispute arises as to whether this subdivision has been complied with, a separated report shall be provided within 24 hours of the request but, in no event, later than the next business day, and at no additional cost.

(d) When a corrective condition is identified, either as paragraph (1) or (2) of subdivision (c), and the responsible party, ~~as negotiated between the buyer and the seller, property owner of the property owner's designated agent~~ chooses not to correct those conditions, the registered company or licensee shall not be liable for damages resulting from a failure to correct those conditions or subject to any disciplinary action by the board. Nothing in this subdivision, however, shall relieve a registered company or a licensee of any liability resulting from negligence, fraud, dishonest dealing, other violations pursuant to this chapter, or contractual obligations between the registered company or licensee and the responsible parties.

(e) The inspection report form prescribed by the board shall separately identify the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection. If a separated form is requested, the form shall explain the infestation or infection that is evident and the conditions that are present that are deemed likely to lead to infestation or infection and the difference between those conditions. In no event, however, shall conditions deemed likely to lead to infestation or infection be characterized as actual "defects" or as actual "active" infestations or infections or in need of correction as a precondition to issuing a certification pursuant to Section 8519.

(f) The report and any contract entered into shall also state specifically when any guarantee for the work is made, and if so, the specific terms of the guarantee and the period of time for which the guarantee shall be in effect. *If a guarantee extends beyond three years, the registered company shall maintain all original inspection reports, field notes, activity forms, and notices of completion for the duration of the guarantee period and for one year after the guarantee expires.*

(g) ~~Control service is defined as the regular reinspection of a property after a report has been made in compliance with this section and any corrections as have been agreed upon have been completed. For purposes of this section, "control service agreement" means an agreement, including extended warranties, to have a licensee conduct over a period of time regular inspections and other activities related to the control or eradication of wood destroying pests and organisms.~~ Under a control service agreement a registered company shall refer to the original report and contract in a manner as to identify them clearly, and the report shall be assumed to be a true report of conditions as originally issued, except it may be modified after a control service inspection. A registered company is not required to issue a report as outlined in paragraphs (1) to (11), inclusive, of subdivision (b) after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall state specifically the particular wood destroying pests or organisms and the portions of the buildings or structures covered by the contract.

(h) A registered company or licensee may enter into and maintain a control service agreement provided the following requirements are met:

(1) The control service agreement shall be in writing, signed by both parties, and shall specifically include the following:

~~(A) The wood destroying pests and organisms that could infest and infect the structure.~~

~~(B)~~

(A) The wood destroying pests and organisms covered by the control service agreement. ~~Any~~

(B) Any wood destroying pest or organism that is not covered must be specifically listed.

(C) The type and manner of treatment to be used to correct the infestations or infections.

(D) The structures or buildings, or portions thereof, covered by the agreement, including a statement specifying whether the coverage for purposes of periodic inspections is limited or full. Any exclusions from those described in the original report must be specifically listed.

(E) A reference to the original inspection ~~report and agreement.~~ *report.*

(F) The frequency of the inspections to be provided, the fee to be charged for each renewal, and the duration of the agreement.

(G) Whether the fee includes structural repairs.

(H) If the services provided are guaranteed, and, if so, the terms of the guarantee.

(I) A statement that all corrections of infestations or infections covered by the control service agreement shall be completed within six months of discovery, unless otherwise agreed to in writing by both parties.

(2) *The original inspection report, the control service agreement, and completion report shall be maintained for three years after the cancellation of the control service agreement.*

{2}

(3) Inspections made pursuant to a control service agreement shall be conducted by a Branch 3 licensee. Section 8506.1 does not modify this provision.

{3}

(4) A full inspection of the property covered by the control service agreement shall be conducted and a report filed pursuant to subdivision (b) at least once every three years from the date that the agreement was entered into, unless the consumer cancels the contract within three years from the date the agreement was entered into.

{4}A

(5) *Under a control service agreement, a written report shall be required for the correction of any infestation or infection unless all of the following conditions are met:*

(A) The infestation or infection has been previously reported.

(B) The infestation or infection is covered by the control service agreement.

(C) There is no additional charge for correcting the infestation or infection.

(D) Correction of the infestation or infection takes place within 45 days of its discovery.

(E) Correction of the infestation or infection does not include fumigation.

{5}

(6) All notice requirements pursuant to Section 8538 shall apply to all pesticide treatments conducted under control service agreements.

~~(6) For purposes of this section, "control service agreement" means any agreement, including extended warranties, to have a licensee conduct over a period of time regular inspections and other activities related to the control or eradication of wood-destroying pests and organisms.~~

(I) All work recommended by a registered company, where an estimate or bid for making repairs was given with the original inspection report, or thereafter, shall be recorded on this report or a separate work agreement and shall specify a price for each recommendation. This information shall be provided to the person requesting the inspection, and shall be retained by the registered company with the inspection report copy for three years.

SEC. 5. 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~~ *this section* 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.

(g) This section shall only apply to work relating to wood destroying pests or organisms.

SEC. 6. Section 8555 of the Business and Professions Code is amended to read:

8555. This chapter does not apply to:

(a) Public utilities operating under the regulations of the Public Utilities Commission, except to work performed upon property of the utilities not subject to the jurisdiction of the Public Utilities Commission or work done by the utility for hire.

(b) Persons engaged only in agricultural pest control work under permit or license by the Department of Pesticide Regulation or a county agricultural commissioner.

(c) Pest control performed by persons upon property that they own, lease or rent, except that the persons shall be subject to the limitations imposed by Article 3 of this chapter.

(d) Governmental agencies, state, federal, city, or county officials, and their employees while officially engaged.

(e) Authorized representatives of an educational institution or state or federal agency engaged in research or study of pest control, or engaged in investigation or preparation for expert opinion or testimony. A professional engaging in research, study, investigation, or preparation for expert opinion or testimony on his or her own behalf shall comply with the requirements of this chapter.

(f) Certified architects and registered civil engineers, acting solely within their professional capacity, except that they shall be subject to the limitations imposed by Article 3 of this chapter.

(g) Persons engaged in the live capture and removal or exclusion of ~~vertebrate pests, bees, bees or wasps~~ from a structure without the use of pesticides, provided those persons maintain insurance coverage as described in Section 8692. ~~"Vertebrate pests" include, but are not limited to, bats, raccoons, skunks, and squirrels, but do not include mice, rats, or pigeons. This section does not exempt a person from the provisions of Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code.~~

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



California

LEGISLATIVE INFORMATION

AB-2596 Pesticides: use of anticoagulants. (2015-2016)

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL

No. 2596

Introduced by Assembly Member Bloom

February 19, 2016

An act to amend Section 12978.7 of the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 2596, as introduced, Bloom. Pesticides: use of anticoagulants.

Existing law regulates the use of pesticides and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of any pesticide, as prescribed. Existing law prohibits, except as specified, the use of any pesticide that contains one or more of specified anticoagulants in wildlife habitat areas, as defined. Existing law requires the director, and each county agricultural commissioner under the direction and supervision of the director, to enforce the provisions regulating the use of pesticides. A violation of these provisions is a misdemeanor.

This bill would expand this prohibition to include a pesticide containing additional specified anticoagulants and would also prohibit the use of a pesticide containing one of those anticoagulants in the entire state.

To the extent the bill would impose additional duties on county agricultural commissioners, and because the bill would expand the definition of a crime, 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Wildlife, including birds of prey, mountain lions, bobcats, fishers, foxes, coyotes, and endangered species such as the northern spotted owl, pacific fisher, and San Joaquin kit fox, are an irreplaceable part of California's natural ecosystems. As predators of small mammals, they play an important role in regulating and controlling the population of rodents throughout the state to improve public health and welfare.

(2) Millions of people annually visit California for the purposes of viewing and photographing wildlife, and these visits contribute millions of dollars to California's economy.

(3) Urban areas are increasingly being used by predatory mammals and birds of prey and the public enjoys seeing them and values these animals and the ecosystem services they provide.

(4) The ecosystem services provided by native wildlife predators are a public trust, just like clean air and water. We, as California residents, are obligated to conserve these wildlife populations for future generations of Californians.

(5) Scientific research and state studies have found rodenticides in over 75 percent of animals tested. These rodenticides lead to direct mortality and chronic long-term health impacts for natural predators, nontarget organisms, and endangered species and further steps are needed to reduce rodenticide exposure in nontarget animals.

(6) Rodenticides can be counterproductive to rodent control by poisoning, harming, and killing natural predators that help regulate rodent populations throughout California.

(b) It is the intent of the Legislature in enacting this measure to ensure that aquatic, terrestrial, and avian wildlife species remain a fully functional component of the ecosystems they inhabit and move through in California.

(c) This act shall be known, and may be cited, as the California Natural Predator Protection Act of 2016.

SEC. 2. Section 12978.7 of the Food and Agricultural Code is amended to read:

12978.7. (a) Except as provided in subdivision ~~(d)~~, (c), the use of any pesticide that contains one or more of the following anticoagulants is prohibited in a wildlife habitat area ~~in this state~~:

(1) Brodifacoum.

(2) Bromadiolone.

(3) Bromethalin.

(4) Chlorophacinone.

(5) Cholecalciferol.

~~(3)~~

(6) Difenacoum.

~~(4)~~

(7) Difethialone.

(8) Diphacinone.

(9) Warfarin.

~~(b) As used in subdivision (a), a "wildlife habitat area" means any state park, state wildlife refuge, or state conservancy.~~

~~(e)~~

(b) State agencies are directed to encourage federal agencies to comply with subdivision (a).

~~(d)~~

(c) This section does not apply to the use of pesticides for agricultural activities, as defined in Section 564.

(e)

(d) This section does not preempt or supersede any federal statute or the authority of any federal agency.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other 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.

8504.4. “Inspection” is the act of a field representative or operator physically performing an on-site assessment of real property.

8619. (a) An inspection tag shall be posted whenever any inspection for wood destroying pests or organisms is made.

(b) If the registered company completes any work with respect to wood destroying pests or organisms, it shall post a completion tag next to the inspection tag, unless both the inspection and completion tags are combined on the same form.

§ 1902. Definitions.

(a) For the purpose of these rules and regulations, “board” means the State Structural Pest Control Board, and “code” means the Business and Professions Code.

(b) “Spray Adjuvant” as used in 8504.1 of the Code shall be defined as it is in Section 12758 of the Food & Agricultural Code.

Food & Agricultural Code section 12758.

“Spray adjuvant” means any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent, with or without toxic properties of its own, which is intended to be used with another pesticide as an aid to the application or effect of the other pesticide, and sold in a package that is separate from that of the pesticide other than a spray adjuvant with which it is to be used.

§ 1970.4. Pesticide Disclosure Requirement.

(a) The primary contractor for fumigation shall have in his or her possession and shall provide to any subcontractor for fumigation a form (See Form 43M-48 (Rev. 5/07) at the end of this section) signed by the occupants or designated agent of a structure. The primary contractor for fumigation and the subcontractor for fumigation shall retain a copy of the occupants fumigation notice for a period of at least three years. In case of multiple-family dwellings, the owner, manager or designated agent of the building may obtain signatures and/or verify the notification of the occupants.

The form shall state the name of the pest to be controlled, the pesticide(s)/fumigant(s) proposed to be used, the active ingredient(s) and the health cautionary statement as required under section 8538 of the code. The form shall also state that a lethal gas (poison) will be used in the building on indicated dates and that it is unsafe to return to the building until a certification notice for reentry is posted by the licensed fumigator. The form shall also indicate that the occupant has received the prime contractor's information regarding the procedures for leaving the structure.

The properly signed form or a copy, written or electronic, thereof shall be in the possession of the licensed fumigator when the fumigant is released. Such form shall be attached to and become a permanent part of the fumigation log upon completion of the fumigation.

(b) Any death or serious injury relating to pesticide application or use, whether to a worker or member of the public, shall be reported to the nearest Structural Pest Control Board office immediately.

(c) Whenever a licensee employed by a branch 2 or branch 3 registered company applies a pesticide within, around or to any structure such person shall leave in a conspicuous location, or provide via electronic mail, if an electronic mailing address has been provided, a written, or electronic notice identifying the common, generic or chemical name of each pesticide applied and the registered company's name, address, and telephone number. In case of a multiple family structure, such notice may be given to the designated agent or the owner. Such pesticide identification notice may be a door hanger, invoice, billing statement or other similar written, or electronic document which contains the registered company's name, address, and telephone number. Notices provided electronically must be transmitted no later than the conclusion of service.

(d) All pest control operators, field representatives, applicators and employees in all branches shall comply in every respect with the requirements of section 8538 of the code. Failure to comply with section 8538 of the code is a misdemeanor and shall constitute grounds for discipline.

(e) Where notification is required under section 8538 of the code, and the premises on which the work is to be performed is a multiple family dwelling consisting of more than 4 units, the owner/owner's agent shall receive notification and other notices shall be posted in heavily frequented, highly visible areas including, but not limited to, all mailboxes, manager's apartment, in all laundry rooms, and community rooms on all external pest control servicing. Complexes with fewer than 5 units will have each affected unit notified. Any pest control servicing done within a tenant's apartment requires that the tenant be notified according to section 8538 of the code.

(f) A registered company which applies any pesticide within, around or to any structure shall provide to any person, within 24 hours after request therefore, the common, generic or chemical name of each pesticide applied.

(g) For the purposes of section 8538 "commercial" and "industrial" are defined as business structures.

§ 1991. Report Requirements Under Section 8516(b)10.

(a) Recommendations for corrective measures for the conditions found shall be made as required by paragraph 10 of subdivision (b) of Section 8516 of the code and shall also conform with the provisions of Title 24 of the California Code of Regulations and any other applicable local building code, and shall accomplish the following:

(1) Comply with the provisions of section 2516(c)(1) of Title 24 of the California Code of Regulations.

(2) Remove from the subarea all excessive cellulose debris in earth contact. This excludes shavings or other cellulose too small to be raked or stored goods not in earth contact. Stumps and wood imbedded in footings in earth contact shall be treated if removal is impractical.

(3) When evidence of moisture, infestations or infections exists as a result of faulty grade levels, earth fill planters or loose stucco, a recommendation shall be made to correct the condition. Any method of controlling infestations arising from these conditions is considered adequate if the infestation is controlled.

(4) Comply with the provisions of section 2516(c)(6.1) of Title 24 of the California Code of Regulations (Effective July 1992).

(5) Structural members which appear to be structurally weakened by wood-destroying pests to the point where they no longer serve their intended purpose shall be replaced or reinforced. Structural members which are structurally weakened by fungus to the point where they no longer serve their intended purpose shall be removed or, if feasible, may remain in place if another structural member is installed adjacent to it to perform the same function, if both members are dry (below 20% moisture content), and if the excessive moisture condition responsible for the fungus damage is corrected. Structural members which appear to have only surface fungus damage may be chemically treated and/or left as is if, in the opinion of the inspector, the structural member will continue to perform its originally intended function and if correcting the excessive moisture condition will stop the further expansion of the fungus.

(6) Comply with the provisions of section 2516(c)(6) of Title 24 of the California Code of Regulations.

(7) Comply with the provisions of section 2516(c)(4) of Title 24 of the California Code of Regulations.

(8) Exterminate all reported wood-destroying pests. Such extermination shall not be considered repair under section 8516(b)(12) of the code. If evidence indicates that wood-destroying pests extend into an inaccessible area(s), recommendation shall be made to either:

(A) enclose the structure for an all encompassing treatment utilizing materials listed in Section 8505.1 of the code, or

(B) use another all encompassing method of treatment which exterminates the infestation of the structure, or

(C) locally treat by any or all of the following:

1. exposing the infested area(s) for local treatment,

2. removing the infested wood,

3. using another method of treatment which exterminates the infestation. (If any recommendation is made for local treatment, the report must contain the following statement: "Local treatment is not intended to be an entire structure treatment method. If infestations of wood-destroying pests extend or exist beyond the area(s) of local treatment, they may not be exterminated.")

When a complete inspection is performed, a recommendation shall be made to remove or cover all accessible ~~pellets and frass~~ evidence of wood-destroying pests.

When a limited inspection is performed, the inspection report shall state that the inspection is limited to the area(s) described and diagrammed. A recommendation shall be made to remove or cover all accessible ~~pellets and frass~~ evidence of wood-destroying pests in the limited areas. The limited inspection report shall include a recommendation for further inspection of the entire structure and that all accessible evidence of wood-destroying pests be removed or covered.

(9) For the ~~extermination control~~ of subterranean termite infestations, treat ~~an~~ the infested area ~~under of~~ the structure with an approved termiticide when subterranean termite tubes are found ~~connected to the ground~~ or when active infestations are found in the ground. Subterranean termite tubes shall be removed where accessible, except where a licensee is using an above ground termite bait station that requires the use of the termite tubes to be effective. Where a licensee is using an above ground termite bait station that requires the use of termite tubes to be effective, subterranean termite tubes can remain in place for the duration of the licensee's use of the termite bait stations. At the conclusion of the treatment, the subterranean termite tubes shall be removed.

(10) Comply with the provisions of section 2516(c)(2) of Title 24 of the California Code of Regulations.

(11) Correct any excessive moisture condition that is commonly controllable. When there is reasonable evidence to believe a fungus infection exists in a concealed wall or area, recommendations shall be made to open the wall or area.

(12) Repair a stall shower if it is found to leak when water tested for a minimum of fifteen (15) minutes after the shower drain has been plugged and the base filled to within one (1) inch of the top of the shower dam. Stall showers with no dam or less than two (2) inches to the top of the dam are to be water tested by running water on the unplugged shower base for a minimum of

five (5) minutes. Showers over finished ceilings must be inspected but need not be water tested. If water stains are evident on the ceiling, recommendations shall be made for further inspection and testing.

(b) Preconstruction application of termiticide for protection from subterranean termites shall not be made at less than the manufacturer's label specifications.

(c) If in the opinion of the inspector a building permit is required, it must be noted on the wood destroying pests and organisms inspection report (Form No. 43M-41 as specified in section 1996 of the California Code of Regulations).

§ 1992. Secondary Recommendations.

In addition to the recommendations required in section 1991, the report may suggest secondary recommendations. When secondary recommendations are made, they shall be labeled as secondary recommendations and included as part of the inspection report with a full explanation of why they are made, with the notation that they are below standard measures. If secondary recommendations are performed, ~~any letter of completion, billing or other document referring to the work completed,~~ the notice of work completed and not completed must state specifically which recommendations were secondary and below standard and specify the name of the person or agency requesting completion of the secondary recommendations.



MEMORANDUM

DATE	March 11, 2016
TO	Board Members
FROM	Susan Saylor, Executive Officer Structural Pest Control Board
SUBJECT	AGENDA ITEM XV – RESEARCH FUND BALANCE UPDATE AND PANEL APPOINTMENT

As of June 30, 2015 the balance of the Research Fund was approximately \$590,000. Therefore, it is time to start the process for requests for proposals (RFP) to be prepared and sent out to researchers.

In July 2010 the Board appointed Cris Arzate from the Board, May Lou Flint from the University of California, Davis, Michael Lawton from Western Exterminator, Darrell Ennes from Terminix, and Nita Davidson from the Department of Pesticide Regulation (DPR) to serve on the Research Advisory Panel.

Enclosed in your Board packages are the guidelines provided by Business and Professions Code section 8674 and California Code of Regulations section 1919 for the appointment of a Research Fund Advisory Panel and the disbursement of funds.

8674.

(3) The board shall, by regulation, establish a five-member research advisory panel, including, but not limited to, representatives from the Structural Pest Control Board, the structural pest control industry, the Department of Pesticide Regulation, and 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.

(4) 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.

§ 1919. Research Advisory Panel.

The research advisory panel shall consist of one member from the Structural Pest Control Board, two representatives from the structural pest control industry, one representative from the Department of Pesticide Regulation and one representative from the University of California.



MEMORANDUM

DATE	March 10, 2016
TO	Board Members
FROM	Robert Lucas, Assistant Executive Officer Structural Pest Control Board
SUBJECT	AGENDA ITEM XVI – STAFF RECOMMENDATION TO AMEND BUSINESS AND PROFESSIONS (B&P) CODE SECTION 8621 (STATUTE OF LIMITATIONS)

Business and Professions Code section 8621 sets the time period in which the board may take formal action on a complaint. Existing law limits the board's authority to take action on specific cases involving fraud, misrepresentation, or negligence and in other cases where a contractual guarantee, warranty or other obligation is not honored.

The proposal corrects these deficiencies by, among other things, extending the time period for the board to act on a complaint from 12 to 18 months. This amendment ensures that the board has reasonable time to conduct investigations and, if merited, to take formal action on these matters.

Consistent with the board's strategic objectives, these changes strengthen the board's provision of consumer protection, which is the board's highest priority pursuant to section 8520.1.

8621. (a) All complaints against an unlicensed person, licensees or registered companies
company shall be filed with the board within two years after the act or omission alleged as: 1)
the ground for disciplinary action, or 2) the ground for citation; however or, in the case of a
complaint involving fraud, misrepresentation or negligence shall be filed with the board within
four years after commission of the ~~fraudulent~~ act or omission. A complaint involving a
guarantee, warranty, or equivalent agreement shall be filed with the board within the duration of
the guarantee, warranty, or equivalent agreement.

(1) The board shall file any accusation disciplinary action in accordance with Chapter 5
(commencing with section 11500) of the Government Code within one year 18 months after the
complaint has been filed with the board; ~~except that with respect to an accusation alleging a~~
violation of Section 8637, the ~~accusation~~ disciplinary action may be filed within two years after
the discovery by the board of the alleged facts constituting the fraud or misrepresentation
~~prohibited by the section.~~

(2) The board shall levy a citation in accordance with Division 1, Chapter 1 (section 125.9)
and Chapter 1.5 (section 148) of the Business and Professions Code within 18 months after the
complaint has been filed with the board.

July 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5	6	7	8	9
10	11	12	13 Board Meeting (Ontario)	14 Board Meeting (Ontario)	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

October 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
9	10	11	12 Board Meeting (Sacramento)	13 Board Meeting (Sacramento)	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

January 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6	7
8	9	10	11 Board Meeting (San Diego)	12 Board Meeting (San Diego)	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1 79
2 80	3 81	4 82	5 83	6 84	7 85	8 86
9 87	10 88	11 89	12 90	13 91	14 92	15 93
16 94	17 95	18 96	19 97	20 98	21 99	22 100
23 101	24 102	25 103	26 104	27 105	28 106	29 107
30 108						