



BOARD MEETING

NOTICE and AGENDA

Thursday, July 14, 2016
9:00 A.M.

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

Contact Person: Susan Saylor
(916) 561-8700

A G E N D A

- 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. Approval of Minutes of the April 6 & 7, 2016 Board Meeting
- V. Executive Officer's Report
 - Licensing and Enforcement Survey Results & Statistics
 - CAC Training
 - Examination Statistics
 - Staffing Changes
 - WDO Statistics
 - Examination Development – Occupational Analyses
 - SPCB Specialist Examination
 - Regulatory Update
 - Executive Officer Will Provide Regulatory Action Updates for the Following Sections of the California Code of Regulations, Title 16 , Division 19: Sections 1911, 1914, 1937.11, 1990, 1993.2, 1993.3, 1993.4
 - Executive Officer Will Provide Regulatory Action Updates Regarding the Following Approved Regulations: Title 16 California Code of Regulations Section 1960 and 1970.4

- The Executive Officer Will Provide Regulatory Action Updates Regarding the Following Proposed Regulations: Title 16 California Code of Regulations Section 1936, 1936.1 and 1936.2, and Title 16 California Code of Regulations section 1970.4

- Legislative Update
 - Assembly Bill 1874 (Support)
 - Assembly Bill 2529 (Support)
 - Senate Bill 1039 (Support)

- VI. Board Discussion and Possible Position on Assembly Bill 2596 to Prohibit the Use of Specified Anticoagulants in California
- VII. Consideration and Possible Board Action to Consider Seeking an Amendment to Business and Professions (B&P) Code Section 8621 in Order to Extend the Length of Time for the Board to Take Formal Action on a Complaint
- VIII. Discussion and Possible Board Action to Amend Title 16, CCR Section 1920 to Update Notification Requirements Pertaining to Informal Conferences
- IX. Board Calendar
- X. Future Agenda Items

11:00 A.M

- XI. Petition for Reinstatement
Ryan Christopher Van Velzer / FR 35866 / Branches 2 & 3
- XII. 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

- XIII. 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 April 6 & 7, 2016, at the Department of Consumer Affairs,
Hearing Room, 2005 Evergreen Street, Sacramento, California.

Board Members Present:

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

Board Members Absent:

Ronna Brand
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
Kurt Heppler, Legal Counsel

Wednesday, April 6, 2016

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 12:02 P.M. and Ms. Saylor called roll.

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

Board members Brand and Duggal were 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

DAWN MARIE CHARRETTE – OPR 9119, BRANCHES 1 & 3

Administrative Law Judge Timothy Aspinwall sat with the Board to hear the Petition for Reinstatement for Dawn Marie Charrette, Operator License Number 9119. Ms. Charrette was informed that she would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT

RODNEY J. OVERSTREET, JR. – RA 51309, BRANCHES 2 & 3

Administrative Law Judge Timothy Aspinwall sat with the Board to hear the Petition for Reinstatement for Rodney J. Overstreet, Jr., Applicator License Number 51309. Mr. Overstreet was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT

GEORGE DON PEDRO – OPR 8197, BRANCH 3

Administrative Law Judge Timothy Aspinwall sat with the Board to hear the Petition for Reinstatement for George Don Pedro, Operator License Number 8197. Mr. Don Pedro was informed that he would be notified by mail of the Board's decision.

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 adjourned for the day at 3:08 P.M.

Thursday, April 7, 2016

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 9:01 A.M. and Ms. Saylor called roll.

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

Board members Brand and Duggal were 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 JANUARY 13 & 14, 2016 BOARD MEETING

Mr. Duran moved and Mr. Utley seconded to approved the Minutes of the January 13 & 14, 2016 Board Meeting. Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

EXECUTIVE OFFICER'S REPORT

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

Ms. Saylor reported to the Board on the approval and implementation of California Code of Regulations (CCR) section 1960, a regulatory addition to require licensees who have never been fingerprinted to do so as a condition of license renewal.

Mr. Utley asked about the response from industry to the approval of CCR section 1960.

Ms. Saylor stated that the Board notified all licensees who were affected by CCR section 1960 and that the Board initially received a high volume of phone calls from the industry. Ms. Saylor stated that the Board would continue to conduct outreach to those affected by CCR section 1960 throughout the renewal process.

Ms. Saylor updated the Board on Assembly Bills 2529 and 1874 and Senate Bill 1039.

Martyn Hopper, Pest Control Operators of California (PCOC), updated the Board on Assembly Bill 2596 to ban all anticoagulant rodenticides in California and stated that PCOC is strongly opposed to the Bill.

Mr. Tamayo stated for the record that the Board has not taken a position on Assembly Bill 2596 and that PCOC's opposition should not be interpreted as the Board's position.

**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**

Mike Katz, Structural Pest Control Board Act Review Committee, presented the recommendations of the Act Review Committee to the Board.

Mr. Uteley moved and Mr. Duran seconded to approve the recommendations for change to B&P Code section 8504.4. Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

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

Mr. Good moved and Mr. Uteley seconded to approve the recommendations for change to B&P Code section 8619. Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

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.

Mr. Good moved and Mr. Uteley seconded to approve the recommendations for change to CCR section 1902. Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

§ 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.

Mr. Utley moved and Mr. Duran seconded to approve the recommendations for change to CCR section 1970.4. Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

§ 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.

Mr. Utley moved and Mr. Duran seconded to reject the proposed changes to CCR section 1991 concerning the removal of the terms "pellets and frass" and the addition of the term "evidence" and to reject the proposed changes to CCR section 1991 concerning the addition of the phrase "with an approved termiticide." Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

Mr. Utley moved and Mr. Duran seconded to approve the remaining proposed changes to CCR section 1991. Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

§ 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 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 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 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).

Mr. Good moved and Mr. Duran seconded to approve the recommended changes to CCR section 1992. Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

§ 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.

Mr. Duran moved and Mr. Good seconded for Ms. Saylor to seek a legislative author to enact the previously approved B&P Code sections 8504.4 and 8619. Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

Mr. Utley moved and Mr. Good seconded to authorize staff to begin the rulemaking process for the previously approved CCR sections 1902, 1970.4, 1991, and 1992. Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

RESEARCH FUND BALANCE UPDATE AND POTENTIAL APPOINTMENT OF A RESEARCH PANEL TO IDENTIFY NEED FOR SPECIFIC RESEARCH TOPICS OR AREAS

Mr. Chan-You stated the Research Advisory Panel is responsible for establishing criteria for research proposals, sending out requests for proposal, and selecting which research proposals will be funded.

Ms. Saylor stated that Nita Davidson, Department of Pesticide Regulation (DPR), Karey Windbiel-Rojas, University of California Statewide Integrated Pest Management Program, and Mike Katz, Western Exterminator Company, have agreed to serve on the Research Advisory Panel.

Pat Copps, Orkin, volunteered to serve on the Research Advisory Panel.

Mr. Tamayo appointed Mr. Copps to the Research Advisory Panel and stated he would speak to the other public Board members and appoint one of them at some point in the near future.

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

Mr. Lucas stated the proposed changes are staff recommendations intended to give the Board more enforcement flexibility.

Mr. Good asked if the proposed changes were consistent with the length of time other programs have to take formal action on a complaint.

Mr. Lucas stated that the proposed changes were fairly consistent with other programs.

Mr. Heppler stated that in his opinion the wording of some of the recommended changes could be improved.

Mr. Chan-You recommended staff and legal be given an opportunity to review the proposed changes and present any changes to the Board at a future meeting.

Mr. Good moved and Ms. Quiroz seconded for staff and legal to review the proposed changes and bring back a recommendation that extends the length of time the Board has to take formal action on a complaint from 12 to 18 months at a future meeting. Passed unanimously. (AYES: TAMAYO, GOOD, DURAN, QUIROZ, UTLEY. NOES: NONE. ABSTENTIONS: NONE.)

STAFF UPDATE AND BOARD DISCUSSION ON THE REDUCTION OF REFERENCE MATERIALS USED IN LICENSING EXAMINATION CREATION

Ms. Saylor updated the Board on the reduction in reference material used in the creation of licensing examinations. Ms. Saylor stated that by working with the Office of Professional Examinations Services (OPES) the Board has been able to reduce the reference material to 10 books.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING THE DEVELOPMENT OF A POTENTIAL STRUCTURAL IPM STUDY MANUAL / REFERENCE MATERIAL

Mr. Chan-You advised the Board that creating a study guide could be construed as a conflict with the Board's primary mission.

Tracy Montez, Department of Consumer Affairs Chief of Programs and Policy Review, stated that the Board should not be involved in the creation of a study guide and that if a third party were to create one it could be used as reference material in the exam creation process.

Mr. Tamayo stated that the Board's goal is for applicants to be aware of what they are expected to know before they take the examination.

Ms. Montez stated that examination applicants are provided with a candidate handbook that identifies what the applicants are expected to know.

Mr. Good stated that experienced and knowledgeable subject matter experts are needed and that continuing education providers should be able to contribute in the exam creation process.

Ms. Montez stated that the criteria that is used in the selection of subject matter experts can be reviewed and that reducing reference material is an ongoing process. Ms. Montez further stated that the use of continuing education providers in the exam construction process could perhaps be accomplished if they were not exposed to the actual test questions.

Mr. Hopper stated that PCOC would begin the process of developing a study guide.

BOARD CALENDAR

Mr. Tamayo thanked and congratulated Ms. Quiroz and Mr. Utey for their contributions and accomplishments during their tenure as Board members.

Mr. Utey thanked the industry and Board staff for everything they did during his tenure as a Board member.

Mr. Good thanked Ms. Quiroz and Mr. Utey and stated that it was a privilege to work with them as Board members.

Mr. Duran thanked Ms. Quiroz and Mr. Utley for all they've done as Board members.

Ms. Quiroz thanked everyone for their help during her time as a Board member.

Ms. Quiroz and Mr. Utley were each presented with an award to commemorate their tenure as members of the Board.

The following 4 Board Meetings were scheduled for July 13 & 14, 2016 in Sacramento, October 12 & 13, 2016 in Sacramento, January 11 & 12, 2017 in San Diego, and April 5 & 6, 2017 in Sacramento.

FUTURE AGENDA ITEMS

The following were identified as future agenda items –

Assembly Bill 2596 and other legislation impacting the Board.

Staff and Legal recommendation for amendments to B&P Code section 8621.

Staff recommendation for amendments to B&P Code section 8617.

ADJOURNMENT

The Meeting was adjourned at 11:06 A.M.

Dave Tamayo, President

Date

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR MAY 2016	FISCAL YEAR 2015/2016		FISCAL YEAR 2014/2015	
	Monthly	Year To Date	Monthly	Year To Date
EXAMINATION				
Field Representatives Scheduled/Authorized	556	5,375	450	4,953
Field Representatives Examined	596	4,224	440	3,638
Field Representatives Passed	364	1,894	198	1,077
Field Representatives Failed	232	2,330	242	2,561
Operators Scheduled/Authorized	25	386	42	438
Operators Examined	28	353	32	386
Operators Passed	18	229	16	180
Operators Failed	10	124	16	206
Applicators Scheduled/Authorized	389	3,490		
Applicators Examined	341	2,873	296	2,180
Applicators Passed	175	1,364	163	1,031
Applicators Failed	166	1,509	133	1,149
Field Representatives Passing Rate	61%	45%	45%	30%
Operator Passing Rate	64%	65%	50%	47%
Applicators Passing Rate	51%	47%	55%	47%
LICENSING				
Field Representative Licenses Issued	184	1,203	188	767
Operator Licenses Issued	14	152	19	125
Company Registrations Issued	17	216	16	204
Branch Office Registrations Issued	6	35	4	30
Change of Registered Company Officers	0	24	4	27
Change Of Qualifying Manager	11	105	10	94
Applicator Licenses Issued	162	1,281	129	961
Duplicate Licenses Issued	75	867	50	856
Upgrade Present License	25	210	24	180
Change of Status Processed	23	362	25	291
Address Change	101	1,517	120	1,254
Address Change (Principal Office)	28	249	20	214
Address Change (Branch Office)	2	37	2	15
Transfer of Employment Processed	122	1,436	73	1,138
Change of Name	2	22	0	8
Change of Registered Company Name	0	14	0	9
License Histories Prepared	16	203	19	223
Down Grade Present License	98	687	56	545
LICENSES/REGISTRATIONS IN EFFECT				
Field Representative		11,044		10,701
Operator		4,087		4,082
Company Registration		2,987		2,980
Branch Office		442		448
Licensed Applicator		7,226		6,430
LICENSES/REGISTRATIONS ON PROBATION				
Companies		17		20
Licensees		101		96

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR MAY 2016		FISCAL YEAR 2015/2016		FISCAL YEAR 2014/2015	
Page 2 of 2					
		Monthly	Year To Date	Monthly	Year To Date
LICENSES RENEWED					
Operator		282	462	306	461
Field Representative		556	967	502	1,408
Applicator		149	222	44	412
LICENSES/ REGISTRATIONS CANCELLED					
Operator		3	135	3	214
Field Representative		10	116	13	877
Company Registration		13	176	9	167
Branch Office		4	36	1	26
Applicator		0	17	17	741
LICENSES DENIED					
Licenses		1	26	4	18
INVESTIGATIVE FINES PROCESSED					
Fines Processed		\$0	\$0	\$0	\$104
Penalty Assessment		\$3,000	\$3,000	\$0	\$0
Pesticide Fines		\$16,250	\$156,520	\$8,125	\$112,570
STAMPS SOLD					
Pesticide		6,950	67,200	5,960	64,670
SEARCHES MADE					
Public		69	1138	86	801
Complaints		17	321	44	386
BOND & INSURANCE					
Bonds Processed		14	173	10	759
Insurance Processed		230	2574	220	2526
Restoration Bonds Processed		1	13	2	8
Suspension Orders		50	383	39	515
Cancellations Processed		34	326	39	785
Change of Bond/Insurance		17	293	42	959
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

July 14, 2016 – SPCB Meeting

March 18, 2016 – June 22, 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. 110 survey cards were mailed during this reporting period. 14 responses were received.

	Question	Yes	No	N/A
1	Was staff courteous?	100%	0%	0%
2	Did staff understand your question?	86%	0%	14%
3	Did staff clearly answer your question?	86%	0%	14%
4	Did staff promptly return your telephone call?	50%	14%	36%
5	Did staff efficiently and promptly handle your transaction?	93%	7%	0%
6	How long did it take to complete its action on your file?* (Average)	13 days		

*There were 10 responses to question 6, ranging from 1 day to 30 days.

Company Registration: 20 days average (1 response)

Operator License: 21 days average (1 response)

Field Representative License: 20 days average (1 response)

Applicator License: 16 days average (3 responses)

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: 7 days average (4 responses)

Comments:

- Thanks

- About 3 weeks
- Great job!
- Slow process, but staff was helpful
- Everyone was very helpful

WDO ACTIVITIES FILED

	2012/13	2013/14	2014/15	2015/16	MO. AVG
July	110,432	123,958	122,803	121,639	119,708
August	110,534	116,087	112,400	112,511	112,883
September	103,223	129,161	116,100	115,977	116,115
October	120,645	117,714	123,250	123,409	121,255
November	102,655	103,787	94,750	100,779	100,493
December	88,935	101,132	95,373	105,326	97,692
January	94,775	92,959	88,247	83,209	89,798
February	98,208	88,870	97,884	97,100	95,516
March	114,785	109,979	124,448	122,261	117,868
April	121,802	122,692	131,292	128,201	125,997
May	115,207	114,956	116,578	123,028	117,442
June	116,313	117,773	124,648		119,578
FY Total	1,297,514	1,339,068	1,347,773	1,233,440	1,304,449
AVG PER MO.	108,126	111,589	112,314	112,131	

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. Staff preparing language.
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.	<p>December 16, 1998 – Public Hearing. Disapproved by the Board.</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>
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> <p>June 1, 2016 – Notice for public hearing submitted to DCA for legal review.</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	Re-states supervision of multiple locations, clarifies liability / responsibility of qualifying manager[s] & supervisor(s).	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.
1919	Research Panel – Deletes reference to public board member on panel.	March 13, 1996 – Approved by the Office of Administrative Law.
1920	Cite & Fine – Authorizes board staff to issue citations and fines.	August 13, 1998 – Approved by the Office of Administrative Law.
	Cite & Fine – Amends to clarify no appeal after modification of decision.	October 15, 1999 – Public Hearing - Board voted to adopt.
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 amount 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	<p>Civil Penalty Actions by Commissioners – Specifies penalty ranges.</p> <p>Penalty ranges serious, minor and moderate upped to mirror new law.</p>	<p>May 14, 1998 – Approved by the Office of Administrative Law.</p> <p>Noticed for Public Hearing: October 7, 2005.</p> <p>Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.</p>
1922.3	<p>Course requirements by County Agricultural Commissioners - Will place into regulation specific guidelines for licensee / County Ag Commissioners re: civil penalty actions.</p>	<p>Noticed for the April 23, 2004 Board Meeting.</p> <p>Approved by the Office of Administrative Law - July 6, 2005.</p>

1923	<p>Consumer Complaint Disclosure.</p> <p>DCA created new document: Public Information System – Disclosure.</p>	<p>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.</p> <p>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])</p>
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.	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms</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 legal review.</p> <p>June 8, 2016 – 15 Day Notice of Modified Text issued to clarify that California ID in lieu of driver license is acceptable.</p>

1936.1	Company Registration Form Revisions to include military and veteran status, revised criminal history question, etc.	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms</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 legal review.</p> <p>June 8, 2016 – 15 Day Notice of Modified Text issued to clarify that California ID in lieu of driver license is acceptable.</p>
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.	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms</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 legal review.</p> <p>June 8, 2016 – 15 Day Notice of Modified Text issued to clarify that California ID in lieu of driver license is acceptable.</p>

1937	<p>Qualification of Applicant – Specifies minimum number of hours of training and experience.</p> <p>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</p>	<p>August 13, 1998 – Approved by the Office of Administrative Law.</p> <p>January 2008 – Noticed for Public Hearing to amend the current regulation.</p> <p>April 18, 2008 - Public Hearing - Board approved to adopt.</p> <p>June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p> <p>November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file.</p> <p>January 6, 2009 – Rulemaking file submitted to DCA for Director review.</p> <p>March 20, 2009 - Approved by the Office of Administrative Law.</p>
1937.11	<p>Disciplinary Guidelines – Incorporates by reference the Manual of Disciplinary Guidelines and Model Disciplinary Orders.</p> <p>Clean up language to change reference of UC Berkeley correspondence course to a CE course approved by board.</p>	<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> <p>June 1, 2016 – Notice for Public Hearing submitted to DCA for legal review.</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>
1940 1941 1942	Applicator – Amends these actions to make distinction between field representatives, operators and applicators.	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p>

1948	<p>Applicator Renewal Fee – Establishes the fee for applicator license renewal.</p> <p>Applicator – Establish and specify fee for applicator’s license and license renewal.</p>	<p>June 26, 1998 – Public Hearing.</p> <p>Pending approval by Department of Finance.</p> <p>January 20, 2000 – Public Hearing - Board voted to adopt. March 13, 2002 disapproved by OAL. April 12, 2002 Public Hearing: Board voted to take no action. May 5, 2002: Rulemaking file submitted to the Director. July 7, 2002 file disapproved, DCA opposed approval due to Board’s current fund condition. 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. April 2005 - DCA opposed proposal. Withdrawn from rulemaking file on April 28, 2005 for separate submission.</p> <p>Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.</p>
	<p>Applicator license/renewal fee lowered to \$10, Operator license/renewal fee lowered to \$120.</p>	
	<p>Field Representative – Increase field representative examination fee.</p>	<p>October 15, 1999 – Public Hearing - Adopted by the Board. January 20, 2000 Board decided to drop this section.</p>
1950	<p>Continuing Education - Deletes outdated renewal requirements.</p>	<p>August 12, 1996 - Approved by the Office of Administrative Law.</p>
1950		

1950	<p>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.</p>	<p>June 26, 1998 - Public Hearing. Pending approval by Department of Finance.</p> <p>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.</p> <p>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.</p>
	<p>Continuing Education - Deletes language regarding Wood Roof Cleaning & Treatment</p> <p>Continuing Education - Hours.</p>	<p>Change without Regulatory Effect - Approved by the Office of Administrative Law effective March 26, 2002.</p>
	<p>Continuing Education - To establish four hours in ethics for license renewal of Operators and Field Representatives.</p>	<p>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.</p>
	<p>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.</p>	<p>Noticed for the April 18, 2008 Board Meeting.</p> <p>April 18, 2008 - Public Hearing - Board approved to adopt after proposed language modified with a 15-day public comment period.</p> <p>June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p> <p>November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file.</p> <p>January 6, 2009 – Rulemaking file submitted to DCA for Director review.</p> <p>March 20, 2009 - Approved by the Office of Administrative Law.</p>

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] 1950.5(c),(d)(g),(h),[g] 1950.5	Continuing Education - Requires that course providers administer a second examination.	March 13, 1996 - Approved by the Office of Administrative Law.
	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
	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.	<p>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.</p>
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.	<p>October 15, 1999 - Public Hearing - referred to committee. April 6, 2000 - Committee recommendations to the Board.</p>
	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.	<p>Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.</p>
1953(a)	<p>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.</p> <p>Adopt a revised form 43M-18.</p>	<p>January 11, 2001 - Public Hearing - Board voted to adopt. February 2001-DCA opposed proposal.</p> <p>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.</p>

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.
	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
	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(3) (A)(C)(D)(E) (4)(g)		
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 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>
	<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.	<p>July 28, 1995 - Board voted to adopt. Technical error - Necessary to re-notice all amendments.</p>
	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	<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>
1970.4	Allows for signed Occupants Fumigation Notice to be in electronic format	<p>January 15, 2015 - Text Approved by Board Members</p> <p>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.</p> <p>March 22, 2016 – Approved to become effective July 1, 2016. Industry notified May 31, 2016.</p>
1970.4	<p>Pesticide Disclosure Requirement</p> <p>Additional updates allowing information about pesticide use to be distributed electronically.</p>	<p>October 8, 2015 – Language approved by the Board.</p> <p>January 15, 2016 – Act Review Committee recommended additional changes. Staff preparing documents.</p>
1970.5	<p>Aeration - Clarifies that a field representative or operator must be present during aeration.</p> <p>Amendment regarding when licensee is required to be present to correlate with DPR's CAP regulation. – DEAD 05/10/12</p>	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p> <p>December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR.</p> <p>March 11, 2011 DPR request this regulation be repealed.</p> <p>April 28, 2011 Board voted to repeal regulation.</p> <p>May 10, 2012 – Public Hearing – Board voted to non-adopt proposed repeal of regulation.</p>

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 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.
	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 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. 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. March 10, 2008 - Final rulemaking file submitted to the Department. June 6, 2008 - Approved by the Director, filed with the Office of Administrative Law. July 9, 2008 - Approved by the Office of Administrative Law. Noticed for the January 23, 2009 Board Meeting. January 23, 2009 - Public hearing, Board voted to adopt with proposed amendments. June 10, 2009 - Rulemaking file submitted to DCA for Director review. August 5, 2009 - Received approved rulemaking file from DCA. August 5, 2009 - Final rulemaking file submitted to OAL. 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. Staff preparing documents.
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>

1991(b)(10)	Report Requirements – Non-substantive correction to heading.	March 28, 2000 – Filed with the Office of Administrative Law. May 15, 2000 - Approved by the Office of Administrative Law.
1993(a)(b) (c)(d)(e)	Inspection - Specifies that reports shall comply With 8516 and defines different types of inspection reports. Also clarifies difference between duties performed by a field representative, operator and applicator.	March 13, 1996 - Approved by the Office of Administrative Law.
	Inspection Reports - Clarifies that the requirement applies to licensed field representative and licensed operators, not license applicators.	August 12, 1996 - Approved by the Office of Administrative Law.
	1993 Deletes language regarding the filing of stamps.	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.
1993, 1998	Report Requirements – To eliminate reference to filing inspection reports and notices of work completed and require companies to file the address of properties inspected.	January 20, 2000 - Public Hearing Board voted to adopt. March 13, 2001 Rulemaking File disapproved by the Office of Administrative Law. April 4, 2003 - Public Hearing. Sec.1996 proceed with a 15-Day Notice, Sec. 1996.3 re-notice for July 18, 2003 meeting, Sec.1993 & 1998 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.

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.	<p>May 22, 1998 – Rulemaking file disapproved by Office of Administrative Law. December 16, 1998 – Public Hearing. December 30, 1998 - Notice of Modifications mailed.</p> <p>January 11, 2001 - Public Hearing. Board voted to adopt. December 1, 2001 rulemaking file not completed by deadline.</p> <p>April 4, 2003 re-noticed for Public Hearing. Approved by the Office of Administrative Law - July 6, 2005.</p>
1993.2	Bait Stations.	<p>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.</p> <p>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.</p> <p>July 26, 2003 - Approved by the Office of Administrative Law.</p>
1993.2	<p>Termite Bait Stations.</p> <p>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.</p>	<p>October 8, 2015 Board voted to adopt the Act Review Committee's revisions and instructed staff to begin the rulemaking process.</p> <p>June 1, 2016 – Notice for public hearing submitted to DCA for legal review.</p>

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>	<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.</p> <p>June 1, 2016 – Notice for public hearing submitted to DCA for legal review.</p>
1993.4	<p>Termite Monitoring Devices.</p> <p>New section defining termite monitoring devices and providing guidelines for their installation and use.</p>	<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.</p> <p>June 1, 2016 – Notice for public hearing submitted to DCA for legal review.</p>
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.</p> <p>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	Advertising Guidelines.	<p>June 18, 1999 – Public Hearing August 27, 1999 – Modified language mailed November 22, 2001 approved by the Office of Administrative Law.</p> <p>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.)	Include an introductory statement to clarify the purpose of the regulation. Clarify that certain subsections pertain only to Branch 3 companies.	<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>
----------------	--	--



California

LEGISLATIVE INFORMATION

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

AMENDED IN SENATE JUNE 14, 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 amended, 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~~ *administer* 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~~ *9 days* every 3 consecutive calendar months, and to require that these ~~hours~~ *days* 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 physically present at the principal office or branch office location for a minimum of ~~72 hours~~ *nine days* every three consecutive calendar months to supervise and assist the company's employees. These ~~hours~~ *days* 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

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

AMENDED IN ASSEMBLY APRIL 14, 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 amended, 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~~ *administer* 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~~ *individuals* 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 Branch 1, 2, or 3, or combination~~ *combinations* thereof.

Existing law *designates the county agricultural commissioner as the lead agency for inspections and routine investigations of pesticide use by the board licensees and registered companies.* Existing law prescribes the circumstances under which an employer may be cited *by the commissioner* if, during an inspection or investigation, an employee is found not wearing personal protective clothing required by regulation.

The bill ~~would, instead, would recast these provisions to permit referral for statewide disciplinary action against the employer and employer, suspension of the employer, the assessment of a civil an administrative fine against both the employer and the employee not to exceed \$— \$5,000~~ 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, ~~employer and the employer is not assessed an administrative fine, permit a civil fine an administrative 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 ~~or assessed an administrative fine~~ 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.

(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 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.

(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 ~~may take disciplinary action refer the violation by the employer for statewide disciplinary action by the board or suspend the right of the employer to work in the county for up to three working days. If the commissioner does neither, the commissioner may assess an administrative fine against both the employer and may assess a civil fine against the employee. If the commissioner does not take disciplinary action against an employer, the~~ *If the commissioner takes no action against the employer for this violation, the* commissioner may assess ~~a civil an administrative~~ fine against the employee ~~only~~ if the employer provides evidence of all of the following:

- (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.
- (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.
- (3) The employer is in compliance with regulations relating to the workplace and supervision of employees.
- (4) The employer has 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.
- (5) The employer has not been disciplined *or assessed an administrative fine* 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 (\$_____).~~

(b) (1) An administrative fine assessed against an employer pursuant to this section shall not be less than seven hundred dollars (\$700) nor more than five thousand dollars (\$5,000). An administrative fine assessed

against an employee pursuant to this section shall not be less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000).

(2) In assessing an administrative fine pursuant to this section, the board or commissioner shall consider the appropriateness of the amount of the fine to the gravity of the violation, the good faith of the licensee, and the history of prior violations.

(c) Nothing in this section is intended to limit the authority of the commissioner to take action against the employee pursuant to Section 8617, including suspension of the employee's license or referral of the violation for statewide disciplinary action by the board pursuant to Section 8620.

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

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

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE APRIL 12, 2016

AMENDED IN SENATE APRIL 07, 2016

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

No. 1039

Introduced by Senator Hill

February 12, 2016

An act to amend Sections 115.6, 144, 146, 651, 656, 683, 800, 805, 805.1, 805.5, 805.6, 810, 2052.5, 2423, ~~2460, 2461, 2475, 2479, 2486, 2488, 2492, 2499,~~ 2733, 2746.51, 2786.5, 2811, 2811.5, 2815, 2815.5, 2816, 2830.7, 2836.3, 2838.2, 4128.2, 4170, 4175, 4830, 4999, 4999.2, ~~7137, 7153.3,~~ 8031, 8516, and 8518 of, to amend, repeal, and add ~~Section 4400~~ Sections 4400, 7137, and 7153.3 of, to add ~~Section 2499.7 to,~~ Chapter 3.5 (commencing with Section 1460) to Division 2 of, to repeal Sections 4999.1, 4999.3, 4999.4, and 4999.6 of, to repeal Article 22 (commencing with Section 2460) of Chapter 5 of Division 2 of, and to repeal and add Section 4999.5 of, the Business and Professions Code, to amend Section 13401 of the Corporations Code, to amend Section 1348.8 of the Health and Safety Code, and to amend Section 10279 of the Insurance Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1039, as amended, 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 Medical Practice Act creates, within the jurisdiction of the Medical Board of California, the California Board of Podiatric Medicine. Under the act, certificates to practice podiatric medicine and registrations of spectacle lens dispensers and contact lens dispensers, among others, expire on a certain date during the second year of a 2-year term if not renewed.

~~This bill, on and after July 1, 2017, would raise specified fees, would instead authorize the board to set the fees by regulation, and would require the board to establish criteria for the approval of expedited processing of applications, as specified. By increasing fees deposited into a continuously appropriated fund, this bill would make an appropriation.~~

~~(7)~~

~~(8) Existing law provides for the licensure and regulation of shorthand reporters by the Court Reporters Board of California within the Department of Consumer Affairs. That law authorizes the board, by resolution, to establish a fee for the renewal of a certificate issued by the board, and prohibits the fee from exceeding \$125, as specified. Under existing law, all fees and revenues received by the board are deposited into the Court Reporters' Fund, which is a continuously appropriated fund as it pertains to fees collected by the board.~~

~~This bill would raise that fee limit to \$250. By authorizing an increase in a fee deposited into a continuously appropriated fund, this bill would make an appropriation.~~

~~(8)~~

(9) 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.

(9)

(10) 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:

dollars (\$10) annually, with the following exception:

Any person who is employed full time by the State of California as a hearing reporter and who does not otherwise render shorthand reporting services for a fee shall be exempt from licensure while in state employment and shall not be subject to the renewal fee provisions of this subdivision until 30 days after leaving state employment. The renewal fee shall, in addition to the amount fixed by this subdivision, include any unpaid fees required by this section plus any delinquency fee.

(e) The duplicate certificate fee shall be no greater than ten dollars (\$10).

(f) The penalty for failure to notify the board of a change of name or address as required by Section 8024.6 shall be no greater than fifty dollars (\$50).

~~SEC. 37.~~**SEC. 48.** Section 8516 of the Business and Professions Code is amended to read:

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

(b) 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 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 property owner's designated agent, within 10 business days 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 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 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. All inspection reports or copies thereof shall be submitted to the board upon 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, 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.

An estimate or bid 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 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." 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 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 separate report is available pursuant to this subdivision. If a separate 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 separate 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 property owner or 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 separate 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) 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 covered by the control service agreement.

(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.

(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.

(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.

(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.

(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.

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

(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. 38. SEC. 49. 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 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. 50. Section 13401 of the Corporations Code is amended to read:

13401. As used in this part:

(a) "Professional services" means any type of professional services that may be lawfully rendered only



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~~ 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.

8621. ~~All~~ A verified complaint in writing of any person ~~complaints~~ against a non-licensee, licensees or registered ~~companies~~ company shall be filed with the board ~~within~~ no later than two years after the act or omission alleged as the ground for disciplinary action or, ~~in the case of fraud~~ a matter involving fraud, gross negligence or misrepresentation, ~~within~~ no later than four years after commission of the ~~fraudulent~~ act or omission. The board shall file an administrative action including, but not limited to, any accusation, citation or other formal action ~~within~~ no later than ~~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~~ administrative action may be filed ~~within~~ no later than two years after the discovery by the board of the alleged facts constituting the fraud or misrepresentation prohibited by the section.



MEMORANDUM

DATE	June 24, 2016
TO	Board Members
FROM	Susan Saylor, Executive Officer Structural Pest Control Board
SUBJECT	AGENDA ITEM VIII – AMENDMENT OF CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, SECTION 1920

Enclosed in your Board packages is proposed language that adds that the Board shall have 30 days from the conclusion of the informal conference to notify the person of the decision.

§ 1920. Citations and Fines

(a) Authority to Issue Citations and Fines:

(1) The Registrar or Deputy Registrar of the Board is authorized to issue citations which may contain an order of abatement or an administrative fine ("fine") for violations of the statutes contained in the Structural Pest Control Act (commencing with Business and Professions Code Section 8500) or the regulations adopted by the Board.

(2) Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute(s) or regulation(s) alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

(b) Citation; Assessment of Fine:

(1) Citations may be issued without the assessment of a fine. The amount of any fine to be levied by the Registrar or Deputy Registrar shall be no more than \$5,000.

(2) In determining whether a citation shall contain an order of abatement or a fine and if a fine is to be imposed, the Registrar or Deputy Registrar shall consider the following factors:

(A) Gravity of the violation.

(B) History of previous violations of the same or similar nature.

(C) The good or bad faith exhibited by the cited person.

(D) Evidence that the violation was willful.

(E) The extent to which the cited person cooperated with the Board's investigation.

(F) The extent to which the cited person has mitigated or attempted to mitigate any damage caused by his or her violation.

(G) Such other factors as the Registrar or Deputy Registrar considers relevant.

(c) Citations for Unlicensed Practice:

The Registrar or Deputy Registrar of the Board is authorized to issue citations which may contain order of abatement or a fine against persons who are performing or who have performed services for which a structural pest control license is required under the Structural Pest Control Act. The citation issued under this section shall be separate from and in addition to any other civil or criminal remedies.

(d) Compliance with Orders of Abatement:

When a citation is not contested or if the citation is appealed and the person cited does not prevail, failure to comply with the order of abatement or to pay the fine in the citation within the time allowed by a licensee may result in disciplinary action being taken by the Board against the person cited, or where the cited person is unlicensed in appropriate judicial relief being taken against the person cited.

(e) Contest of Citations:

(1) In addition to requesting a hearing provided for in subdivision (b)(4) of section 125.9 of the code (hereinafter "administrative hearing"), the person cited may, within ten (10) days after service or receipt of the citation, notify the Registrar or Deputy Registrar, as designated, in writing of his or her request for an informal conference with the designated Registrar or Deputy Registrar. The informal conference shall include at least one, but no more than two, industry members of the Board, as designated by the Registrar.

(2) The informal conference shall be held within 60 days from the receipt of the request of the person cited. At the conclusion of the informal conference, the Registrar or Deputy Registrar may affirm, modify or dismiss the citation, including any fine levied or order of abatement

issued. The decision shall state in writing the reasons for the action and shall be served or mailed to the person within ~~ten (10)~~ thirty (30) days from the date of the informal conference.

(3) The person cited does not waive his or her request for an administrative hearing to contest a citation by requesting an informal conference after which the citation is affirmed by the Registrar or Deputy Registrar. If the citation is dismissed after the informal conference, the request for an administrative hearing on the matter of the citation shall be deemed to be withdrawn. If the informal conference results in the modification of the findings of violation(s), the amount of the fine or the order of abatement, the citation shall be considered modified, but not withdrawn. The cited person shall be entitled to an administrative hearing to contest the modified citation if he or she made a request in accordance with subdivision (b)(4) of section 125.9 of the code for an administrative hearing, within thirty (30) days after service of the original citation. The cited person shall not be entitled to an informal conference to contest a modified citation. If the cited person did not make a request for an administrative hearing after service of the original citation, the decision in the modified citation shall be considered a final order.

October 2016

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

July 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1 86
2 87	3 88	4 89	5 90	6 91	7 92	8 93
9 94	10 95	11 96	12 97	13 98	14 99	15 100
16 101	17 102	18 103	19 104	20 105	21 106	22 107
23 108	24 109	25 110	26 111	27 112	28 113	29 114
30 115	31 116					