



BOARD MEETING

NOTICE and AGENDA

Thursday, January 12, 2017
9:00 A.M.

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

Contact Person: Susan Saylor
(916) 561-8700

AGENDA

The public may provide comment on any issue before the Board
at the time the agenda item is discussed.

Thursday - 9:00 A.M.

- I. Roll Call / Establishment of Quorum
- II. Flag Salute / Pledge of Allegiance
- III. Public Comment for Items Not on the Agenda
The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
- IV. Approval of Minutes of the October 12 & 13, 2016, Board Meeting
- V. Executive Officer's Report:
 - Licensing and Enforcement Survey Results and Statistics
 - Examination Statistics
 - Staffing Changes
 - WDO Statistics
 - Examination Development
 - Regulatory Update *(The Executive Officer Will Provide Regulatory Action Updates for the Following Sections of the California Code of Regulations, Title 16, Division 19: 1914, 1937.11, 1993.2, 1993.3 and 1993.4)*
 - Legislative Updates
- VI. Discussion and Possible Board Action Regarding the Recommendations of the CE IPM Review Committee and Potential Conflicts With the Proposed Federal Continuing Education / Training Guidelines

- VII Discussion and Possible Board Position and Action Regarding Business and Professions (B&P) Code Section 8698.6 and the Possible Extension of the Structural Fumigation Enforcement Program
- VIII Structural Pest Control Board Research Advisory Panel Update and Possible Board Discussion and Action Regarding the Proposed Topics of Research For the Requests For Proposal For the Board Research Fund Contract
- IX Discussion and Possible Board Action on Assembly Bill (AB) 551 and its Amendment to the Civil Code to Add Sections 1954.600 and 1954.601, Regarding Incorporating Training on Bed Bug Management for Licensure Requirements
- X Discussion and Possible Board Action Regarding Increasing Rodenticide Education and the Possible Implementation of a Stewardship Program
- XI Discussion and Possible Board Action Regarding Staff Recommendations to Amend the Following Sections in the Business and Professions (B&P) Code:
 - Amend B & P Code Section 8517 to Remove the Term “Nondecay Fungi”
 - Amend B&P Code Section 8560 to Clarify That Applicants Must Obtain an Overall Score of 70% or Above on Board Licensing Examinations
 - Amend B&P Code Section 8567 to Allow Companies to Notify the Board of an Employee Disassociation
 - Amend B&P Code Section 8623 to Align the Board’s Procedures for Providing a Copy of an Applicant’s Criminal History When the Board Denies a License With the Requirements of Penal Code Section 11105
- XII Board Calendar
- XIII. Future Agenda Items
- XIV 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 including the above petitions
- XV 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. All times indicated are approximate. 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 October 12 & 13, 2016 at the Department of Consumer Affairs,
Hearing Room, 2005 Evergreen Street, Sacramento, California

Board Members Present:

Dave Tamayo, President
Curtis Good, Vice President
Naresh Duggal
Mike Duran
Darren Van Steenwyk

Board Members Absent:

Ronna Brand

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Frederic Chan-You, Legal Counsel

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, Duggal, Duran, and Van Steenwyk were present.

Board Member Brand was absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Tamayo lead everyone in a 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

JOSE E. FISHER – FR 43561 – BRANCH 1

Administrative Law Judge Gene K. Cheever sat with the Board to hear the Petition for Reinstatement for Jose E. Fisher, Field Representative License Number 43561. Mr. Fisher was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT

BRADLEY D. KENDRICK – FR 45047 – BRANCH 2

Administrative Law Judge Gene K. Cheever sat with the Board to hear the Petition for Reinstatement for Bradley D. Kendrick, Field Representative License Number 45047. Mr. Kendrick was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT

JOSE G. RAMIREZ – FR 42769 – BRANCH 1

Administrative Law Judge Gene K. Cheever sat with the Board to hear the Petition for Reinstatement for Jose G. Ramirez, Field Representative License Number 42769. Mr. Ramirez 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 including the above petitions.

Return to Open Session

RECESS

The meeting recessed for the day at 4:29 P.M.

Thursday – 9:00 A.M.

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 9:02 A.M. and Ms. Saylor called roll.

Board Members Tamayo, Good, Duggal, Duran, and Van Steenwyk were present.

Board Member Brand was absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Tamayo lead everyone in a recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Michael Tucker, General Counsel, Stego Industries, gave a presentation to the Board informing them about the products and services offered by Stego Industries. Mr. Tucker requested a future agenda item to discuss the licensing requirements that may apply to the products and services offered by Stego Industries.

Mr. Tamayo asked Mr. Chan-You if the Board could ask questions of Mr. Tucker at this meeting.

Mr. Chan-You advised the Board not to ask questions of Mr. Tucker concerning this topic at this meeting, given that it is not on the agenda.

Mr. Tamayo asked that this topic be placed on the agenda for the January, 2017 meeting.

PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT OF CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 19, SECTION 1914 TO PROHIBIT THE APPROVAL AND USE OF A NAME OR TELEPHONE NUMBER THAT IS THE SAME AS A COMPANY WHOSE REGISTRATION HAS BEEN SURRENDERED

Mr. Chan-You outlined the nature of the proceedings for the public hearing for the proposed amendment of California Code of Regulations (CCR), Title 16, Division 19, Section 1914 to prohibit the approval and use of a name or telephone number that is the same as a company whose registration has been surrendered.

Mr. Chan-You opened up the floor to public comment regarding the proposed amendment of CCR, Title 16, Division 19, Section 1914 to prohibit the approval and use of a name or telephone number that is the same as a company whose registration has been surrendered.

There were no public comments regarding the proposed amendment of CCR, Title 16, Division 19, Section 1914 to prohibit the approval and use of a name or telephone number that is the same as a company whose registration has been surrendered.

CONSIDERATION OF ADOPTING AMENDMENTS TO TITLE 16 CCR, SECTION 1914 TO PROHIBIT THE APPROVAL AND USE OF A NAME OR TELEPHONE NUMBER THAT IS THE SAME AS A COMPANY WHOSE REGISTRATION HAS BEEN SURRENDERED

Mr. Duran moved and Mr. Good seconded to adopt the proposed amendments to Title 16, CCR Section 1914 and to authorize staff to complete the rulemaking process and make any technical or non-substantive changes that may be needed. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

9:00 A.M. - PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT OF CCR, TITLE 16, DIVISION 19, SECTION 1937.11 TO AMEND THE BOARD'S DISCIPLINARY GUIDELINES

Mr. Chan-You outlined the nature of the proceedings for the public hearing for the proposed amendment of CCR, Title 16, Division 19, Section 1937.11 to amend the Board's Disciplinary Guidelines.

Mr. Chan-You opened up the floor to public comment regarding the proposed amendment of CCR, Title 16, Division 19, Section 1937.11 to amend the Board's Disciplinary Guidelines.

There were no public comments regarding the proposed amendment of CCR, Title 16, Division 19, Section 1937.11 to amend the Board's Disciplinary Guidelines.

CONSIDERATION OF ADOPTING AMENDMENTS TO TITLE 16 CCR, SECTION 1937.11 TO AMEND THE BOARD'S DISCIPLINARY GUIDELINES

Mr. Van Steenwyk moved and Mr. Good seconded to adopt the proposed amendments to Title 16, CCR Section 1937.11 and to authorize staff to complete the rulemaking process and make any technical or non-substantive changes that may be needed. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

9:00 A.M. - PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT OF CCR, TITLE 16, DIVISION 19, SECTION 1993.2, REPEAL OF SECTION 1993.3, AND ADDITION OF SECTION 1993.4 TO CREATE A DISTINCTION BETWEEN AND GUIDELINES FOR TERMITE BAITING AND TERMITE MONITORING SYSTEMS

Mr. Chan-You outlined the nature of the proceedings for the public hearing for the proposed amendment of CCR, Title 16, Division 19, Section 1993.2, repeal of Section 1993.3, and addition of Section 1993.4 to create a distinction between, and guidelines for, termite baiting and termite monitoring systems.

Mr. Chan-You opened up the floor to public comment regarding the proposed amendment of CCR, Title 16, Division 19, Section 1993.2, repeal of Section 1993.3, and addition of Section 1993.4 to create a distinction between, and guidelines for, termite baiting and termite monitoring systems.

There were no public comments regarding the proposed amendment of CCR, Title 16, Division 19, Section 1993.2, repeal of Section 1993.3, and addition of Section 1993.4 to create a distinction between, and guidelines for, termite baiting and termite monitoring systems.

Mr. Van Steenwyk expressed concern about the proposed language in CCR Section 1993.4 which states that termite monitoring devices solely provide an indication of the possible presence or absence of termites. Mr. Van Steenwyk stated that the inclusion of the word absence could be misleading because the lack of an indication in a termite monitoring device does not necessarily mean termites are not present elsewhere.

Mike Katz, Structural Pest Control Board Act Review Committee, stated that the presence of termites is always a possibility and that the proposed language makes it clear that the placement of termite monitoring devices does not eliminate the need for a full inspection to be performed.

Mr. Lucas stated that the proposed language in CCR Section 1993.4 is consistent with the language that is used in statute.

CONSIDERATION OF ADOPTING AMENDMENTS TO TITLE 16 CCR, SECTION 1993.2, REPEAL OF SECTION 1993.3 AND ADDITION OF SECTION 1993.4 TO CREATE A DISTINCTION BETWEEN AND GUIDELINES FOR TERMITE BAITING AND TERMITE MONITORING SYSTEMS

Mr. Duran moved and Mr. Good seconded to adopt the proposed amendments to Title 16, CCR Section 1993.2 and to authorize staff to complete the rulemaking process and make any technical or non-substantive changes that may be needed. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

Mr. Good moved and Mr. Duran seconded to adopt the repeal of Title 16, CCR Section 1993.3 and to authorize staff to complete the rulemaking process and make any technical or non-substantive changes that may be needed. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

Mr. Good moved and Mr. Van Steenwyk seconded to adopt the proposed addition of Title 16, CCR Section 1993.4 and to authorize staff to complete the rulemaking process and make any technical or non-substantive changes that may be needed. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

APPROVAL OF MINUTES OF THE JULY 14, 2016 BOARD MEETING

Mr. Duran moved and Mr. Good seconded to approve the minutes of the July 14, 2016 Board Meeting. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

EXECUTIVE OFFICER'S REPORT

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

Ms. Saylor updated the Board on AB 551 including the provision that the Board should incorporate training in bed bug management based on the National Pest Management Association (NPMA) best practices for the issuance or renewal of a Branch 2 operator, field representative, or applicator license.

Mr. Tamayo asked that the topic of how the Board should go about implementing AB 551 be placed on the January 11 & 12, 2017 Board Meeting Agenda.

Ms. Saylor updated the Board on AB 1874 highlighting the new requirement that a qualifying manager must be physically present in the principle or branch office for a minimum of 9 days every three consecutive calendar months.

Mr. Good thanked staff and the Act Review Committee for their hard work in getting the qualifying manager requirements implemented.

Ms. Saylor updated the Board on AB 2529 stating that it will provide County personnel with more enforcement tools to work with.

Ms. Saylor updated the Board on Senate Bill (SB) 1039 and thanked everyone involved for all their hard work in getting all the changes implemented.

Ms. Saylor announced that Jamie Buchholz, Kevin Lau, and Kibby Robinson had been promoted to new positions at the Board and that the Board was currently hiring to fill their old positions.

Mr. Tamayo congratulated Ms. Buchholz, Mr. Lau, and Ms. Robinson on their promotions and thanked Ms. Saylor for all the hard work she puts forth in managing the Board's daily operations.

Ms. Saylor thanked all of Board staff for the great job they do in executing the daily operations of the Board.

UPDATE FROM LEGAL COUNSEL REGARDING STATUS OF SENATE BILL 1194

Mr. Chan-You stated that Senate Bill (SB) 1194, which proposed legislative changes to address the Supreme Court's North Carolina Dental Board decision, was cancelled at the request of the author but that the Department of Consumer Affairs (DCA) would work with the legislature during the next session to create a solution.

ANNUAL REVIEW AND POSSIBLE AMENDMENT OF BOARD POLICIES AND PROCEDURES, INCLUDING GENERAL BOARD ADMINISTRATIVE PROCEDURES, LICENSING AND EXAMINATIONS, AND ENFORCEMENT POLICIES

Ms. Saylor stated that staff had no recommendations for changes to the Board's Policies & Procedures.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING THE RECOMMENDATIONS OF THE CE IPM REVIEW COMMITTEE AND POTENTIAL CONFLICTS WITH THE PROPOSED FEDERAL CONTINUING EDUCATION / TRAINING GUIDELINES

Mr. Van Steenwyk stated that based on the public comment received in response to their proposed continuing education / training guidelines, the Environmental Protection Agency (EPA) is in the process of amending their proposal and that it should be complete before the end of 2016. Mr. Van Steenwyk proposed that the Board wait until the amended proposal is released to move forward with the recommendations of the CE IPM Review Committee.

Mr. Tamayo stated in his opinion the Board should move forward with its agenda and that waiting for the EPA to finalize its proposal could take much longer than anticipated.

Mr. Duggal stated his support for seeing the amended EPA proposal and making a decision on moving forward with the CE IPM Review Committee's recommendations at the January, 2017 Board Meeting.

Mr. Duran stated that he was in favor of moving forward with the recommendations of the CE IPM Review Committee and adjusting if necessary when the EPA releases its proposal.

Mr. Good stated that he was in favor of waiting until January to discuss the topic.

Mr. Tamayo asked that the topic be placed on the agenda for the January 11 & 12, 2017 Board Meeting.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING CCR SECTION 1914 AND BOARD APPROVAL OF SIMILAR COMPANY NAMES

Ms. Saylor stated that this agenda item was requested by Jim Steed, Neighborly Pest

Management and that he was not in attendance at this meeting. Ms. Saylor further stated that from a staff perspective, CCR section 1914 is not in need of any changes.

STRUCTURAL PEST CONTROL BOARD RESEARCH ADVISORY PANEL UPDATE

Ms. Saylor introduced Nita Davidson, Department of Pesticide Regulation (DPR), as the chair of the Research Advisory Panel, and stated that the Panel will hold a teleconference meeting on October 25, 2016 to determine the criteria and topics that will be included in the Requests for Proposal (RFP) when they are prepared. Ms. Saylor further stated that the Panel will present its recommendations at January 11 & 12, 2017 Board Meeting for approval.

Ms. Saylor stated that there is approximately \$1,000,000 available to be distributed in the Structural Pest Control Board Research Fund.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING INCREASING THE REQUIREMENT FOR RODENTICIDE EDUCATION

Mr. Van Steenwyk stated that there has been a lot of negative attention about rodenticides and that there will likely be a Bill in the next legislative session seeking to limit, or ban their use. Mr. Van Steenwyk proposed an increase in training or continuing education related to the use of rodenticides in order for the Board to be proactive on the issue.

Mr. Good asked if there was evidence of deficiencies in this area with Board licensees.

Mr. Van Steenwyk stated that there are studies underway to determine the source of the misapplication of rodenticides.

Mr. Duggal stated that increased rodenticide education would fit in well with the proposed changes of the CE IPM Review Committee and that addressing the issue now would be proactive.

Mr. Van Steenwyk stated that the Pest Control Operators of California (PCOC) have developed a program called the West Coast Rodent Academy which is intended to provide education about rodent control and the use of rodenticides.

Mr. Tamayo stated his reluctance to mandate increased education for specific pesticides since licensees are already required to follow the label requirements as well as all applicable laws and regulations.

Terry Davis, Univar, stated that rodent control is 5-10% of the pest control industry and that it should be represented in that proportion on the Board's licensing examinations.

Mr. Tamayo requested that the topic of rodenticides be placed on the agenda at either the January or April, 2017 Board Meeting.

BOARD CALENDAR

The following 4 meetings of the Board were scheduled for –

Wednesday, January 11 & Thursday, January 12, 2017 in San Diego

Wednesday, April 5 & Thursday, April 6, 2017 in Sacramento

Tuesday, July 11 & Wednesday, July 12, 2017 in Los Angeles

Tuesday, October 10 & Wednesday, October 11, 2017 in Sacramento

FUTURE AGENDA ITEMS

Mr. Tamayo asked for a future agenda item to discuss the potential licensing requirements related to the installation of the products offered by Stego Industries.

Mr. Tamayo asked for a future agenda item for the Board to discuss the implementation of AB 551.

Mr. Tamayo asked for a future agenda item to discuss the recommendations of the CE IPM Review Committee and their compatibility with the education and training guidelines being proposed by the EPA.

Mr. Tamayo asked for a future agenda item to discuss the Board's response to the issues related to rodenticides.

ANNUAL ELECTION OF BOARD MEMBER PRESIDENT AND VICE PRESIDENT

Mr. Duran nominated and Mr. Duggal seconded to re-elect Mr. Tamayo as Board President. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

Mr. Duggal nominated and withdrew his nomination to elect Mr. Good as Board Vice President.

Mr. Tamayo nominated and Mr. Good seconded to elect Mr. Van Steenwyk as Board Vice President. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

ADJOURNMENT

The meeting was adjourned at 10:48 A.M.

Darren Van Steenwyk, Vice President

Date

LICENSING UNIT SURVEY RESULTS

January 12, 2017 – SPCB Meeting

September 27 - December 27

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. Eighty-eight survey cards were mailed during this reporting period. Six responses were received.

	Question	Yes	No	N/A
1	Was staff courteous?	100%	0%	0%
2	Did staff understand your question?	100%	0%	0%
3	Did staff clearly answer your question?	100%	0%	0%
4	Did staff promptly return your telephone call?	50%	33%	17%
5	Did staff efficiently and promptly handle your transaction?	83%	17%	0%
6	How long did it take to complete its action on your file?* (Average)	13 days		

*There were 4 responses to question 6, ranging from 5 days to 30 days.

Company Registration: 30 days average (1 response)

Operator License: N/A (0 responses)

Field Representative License: 10 days average (1 response)

Applicator License: 5 days average (1 response)

Transfer of Employment: N/A (0 responses)

Change of Address: N/A (0 responses)

Bond/Insurance: N/A (0 responses)

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

Examination: 7 days average (1 response)

Comments:

- Thanks Frank.

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR NOVEMBER 2016 Page 1 of 2	FISCAL YEAR 2016/2017		FISCAL YEAR 2015/2016	
	Monthly	Year To Date	Monthly	Year To Date
EXAMINATION				
Field Representatives Scheduled	373	2,091	395	2,116
Field Representatives Examined	341	1,571	224	1,670
Field Representatives Passed	184	794	76	613
Field Representatives Failed	157	777	148	1,057
Operators Scheduled	28	140	30	155
Operators Examined	23	112	17	134
Operators Passed	14	72	12	86
Operators Failed	9	40	5	48
Applicators Scheduled	262	1,578	250	1,574
Applicators Examined	239	1,298	226	1,291
Applicators Passed	117	580	101	548
Applicators Failed	122	718	125	743
Field Representatives Passing Rate	54%	51%	34%	37%
Operator Passing Rate	61%	64%	71%	64%
Applicators Passing Rate	49%	45%	45%	42%
LICENSING				
Field Representative Licenses Issued	96	671	67	487
Operator Licenses Issued	5	47	9	58
Company Registrations Issued	14	93	14	90
Branch Office Registrations Issued	6	14	1	9
Change of Registered Company Officers	2	7	3	13
Change Of Qualifying Manager	6	32	6	48
Applicator Licenses Issued	93	585	87	546
Duplicate Licenses Issued	70	466	55	339
Upgrade Present License	13	126	21	82
Change of Status Processed	28	165	25	157
Address Change	70	322	54	639
Address Change (Principal Office)	24	103	19	117
Address Change (Branch Office)	0	7	3	15
Transfer of Employment Processed	102	716	108	689
Change of Name	1	8	0	8
Change of Registered Company Name	0	5	2	6
License Histories Prepared	14	63	11	75
Down Grade Present License	56	336	36	251
LICENSES/REGISTRATIONS IN EFFECT				
Field Representative		11,150		10,367
Operator		4,040		4,003
Company Registration		3,041		2,952
Branch Office		451		439
Licensed Applicator		6,823		6,515
LICENSES/REGISTRATIONS ON PROBATION				
Companies		19		17
Licensees		94		89

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR NOVEMBER 2016 Page 2 of 2	FISCAL YEAR 2016/2017		FISCAL YEAR 2015/2016	
	Monthly	Year To Date	Monthly	Year To Date
LICENSES RENEWED				
Operator	0	111	0	174
Field Representative	0	335	0	409
Applicator	0	145	0	72
LICENSES/ REGISTRATIONS CANCELLED				
Operator	0	109	0	196
Field Representative	4	914	4	767
Company Registration	9	58	6	99
Branch Office	6	12	1	15
Applicator	9	1,133	4	1,065
LICENSES DENIED				
Licenses	5	23	4	1,065
INVESTIGATIVE FINES PROCESSED				
Fines Processed	\$0	\$0	\$0	\$0
Penalty Assessment	\$0	\$0	\$0	\$0
Pesticide Fines	\$14,450	\$72,495	\$12,905	\$72,040
STAMPS SOLD				
Pesticide	5,830	29,250	6,140	30,610
SEARCHES MADE				
Public	71	378	79	408
Complaints	3	29	31	182
BOND & INSURANCE				
Bonds Processed	12	103	9	85
Insurance Processed	110	1007	220	1170
Restoration Bonds Processed	0	3	0	3
Suspension Orders	10	191	22	156
Cancellations Processed	17	179	17	124
Change of Bond/Insurance	18	151	14	177
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

WDO ACTIVITIES FILED

	2012/13	2013/14	2014/15	2015/16	2016/17	MO. AVG
July	110,432	123,958	122,803	121,639	111,086	117,984
August	110,534	116,087	112,400	112,511	121,000	114,506
September	103,223	129,161	116,100	115,977	119,089	116,710
October	120,645	117,714	123,250	123,409	125,804	122,164
November	102,655	103,787	94,750	100,779	118,121	104,018
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	131,954		122,672
FY Total	1,297,514	1,339,068	1,347,773	1,365,394		1,337,437
AVG PER MO.	108,126	111,589	112,314	113,783		

STRUCTURAL PEST CONTROL BOARD

REGULATORY ACTION STATUS

SECTION	SUBJECT	STATUS
1902	Definitions	January 12, 2017 - Staff Preparing Regulatory Proposal
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
	Change of Address / Employment Allow Employers to Notify Board of Employee Disassociation	January 12, 2017 – Staff Recommendation to Amend B&P Code Section 8567 Presented to Board
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>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>January 12, 2017 – Final Rulemaking Package Undergoing Review at DCA</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).	<p>April 4, 2003 Public Hearing, referred to Rules and Regs Committee. Committee meeting held September 17, 2003. Placed on agenda for October 17, 2003 Bd. Mtg.</p> <p>Modified Text mailed Nov. 19, 2003.</p> <p>Comments due Dec. 3, 2003. No comments rec'd. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.</p>
1919	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.	<p>January 11, 2001 - Public Hearing - Board voted to adopt. December 1, 2001 Rulemaking File not completed by deadline.</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>

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</p> <p>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>
1920(e)(2)	<p>Citations and Fines</p> <p>Allows the Board 30 Days Rather Than 10 to Notify Respondents of Informal Conference Decisions</p>	<p>July 14, 2016 – Language Approved by the Board and Staff Instructed to Begin the Rulemaking Process</p> <p>January 12, 2017 – Staff Preparing Regulatory Proposal</p>

1922	Civil Penalty Actions by Commissioners – Specifies penalty ranges. Penalty ranges serious, minor and moderate upped to mirror new law.	May 14, 1998 – Approved by the Office of Administrative Law. Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.
1922.3	Course requirements by County Agricultural Commissioners - Will place into regulation specific guidelines for licensee / County Ag Commissioners re: civil penalty actions.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1923	Consumer Complaint Disclosure. DCA created new document: Public Information System – Disclosure.	July 18, 2003 - Public Hearing - Board approved to adopt after proposed language modified with a 15-day public comment period. Rulemaking file placed on hold due to Executive Order. Withdrawn by DCA Legal Dept. Noticed for Public Hearing: October 7, 2005. Board voted to not proceed. (Language needs re-drafting – (a)4(d)(A) and (B)(ii) – now conforms to healing arts situation, and, if [A] is satisfied – so is [B])
1934	Board Approved Operator's License Course – Specifies time period in which courses must be completed.	August 13, 1998 – Approved by the Office of Administrative Law.

1936	Operator and Field Representative License Applications Revisions to include military and veteran status, revised criminal history question, etc.	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms 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> <p>October 12, 2016 – Approved and Effective January 1, 2017</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 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> <p>October 12, 2016 – Approved and Effective January 1, 2017</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> <p>October 12, 2016 – Approved and Effective January 1, 2017</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. 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. Board approved on October 28, 2010. December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR and Agency. April 12, 2011 DPR returned package with approval signatures. May 10, 2012 – Public Hearing - Board voted to adopt. March 22, 2013 rulemaking file filed with Office of Administrative Law May 8, 2013 – Disapproved by OAL Economic Impact Statement not included June 25, 2013 – 15 day notice to add Economic Impact Statement July 17, 2015 – Resubmitted to OAL August 8, 2013 – Approved by OAL Became Effective October 1, 2013</p>
1937.11	<p>Revisions regarding when suspension time must be served, length of probation, tolling of probation, etc.</p>	<p>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>January 12, 2017 – Final Rulemaking Package Undergoing Review at DCA</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.	August 12, 1996 – Approved by the Office of Administrative Law.

<p>1948</p> <p>1948</p>	<p>Applicator Renewal Fee – Establishes the fee for applicator license renewal. Applicator – Establish and specify fee for applicator's license and license renewal.</p> <p>Applicator license/renewal fee lowered to \$10, Operator license/renewal fee lowered to \$120.</p>	<p>June 26, 1998 – Public Hearing. Pending approval by Department of Finance. 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. Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.</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>
<p>1950</p>	<p>Continuing Education - Deletes outdated renewal requirements.</p>	<p>August 12, 1996 - Approved by the Office of Administrative Law.</p>

1950	Applicator Continuing Education – Establish and specify number and type of continuing education hours required for renewal of applicator's license. At April 2005 Hearing CE hours were changed to 12 hrs total, 8 covering pesticide application/use and 4 covering SPC Act & its rules & regulations or structural pest related agencies' rules & regulations.	<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>
1950	Continuing Education - Deletes language regarding Wood Roof Cleaning & Treatment Continuing Education - Hours.	Change without Regulatory Effect - Approved by the Office of Administrative Law effective March 26, 2002.
	Continuing Education - To establish four hours in ethics for license renewal of Operators and Field Representatives.	Noticed for April 23, 2004 Bd. Mtg. Matter considered and rejected at July 23, 2004 Special Mtg. Withdrawn July 2004 with Notice of Decision Not to Proceed.
1950	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>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]	Continuing Education - Requires that course providers administer a second examination.	March 13, 1996 - Approved by the Office of Administrative Law.
1950.5(c),(d)(g),(h),[g]	Continuing Education Requirements, Hour Value System, removal of language regarding wood roof cleaning and treatment.	March 26, 2002 - Approved by the Office of Administrative Law
1950.5	Hour Value System - Require all C.E. providers to administer written tests after licensees complete approved courses in technical or rules and regulations; equivalent activities will no longer be granted C.E.; Board mtg. attendance will drop to 4 hrs total C.E. credit - 1 hr General Ed and 1 hr Rules & Regs per meeting.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.

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

1960	Fingerprint Requirement – requires all licensees who have not previously been fingerprinted to do so upon license renewal	<p>March 26, 2015 - Text Approved by Board Members</p> <p>June 4, 2015 - Noticed for Public Hearing</p> <p>July 23, 2015 - Public Hearing – Adopted by Board.</p> <p>August 20, 2015 – To DCA for review.</p> <p>December 1, 2015 – Approved by DCA, to Agency for review.</p> <p>January 21, 2016 – To OAL for final review.</p> <p>February 29, 2016 – Approved and effective.</p>
1970	Standards - Construction elements allowing passage of fumigants.	<p>October 12, 2000 - Public Hearing - Board voted to adopt with modifications.</p> <p>November 23, 2001 - Approved by the Office of Administrative Law.</p>
	<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.</p> <p>Noticed for Public Hearing July 15, 2005. December 30, 2005 - Approved by the Office of Administrative Law.</p>

1970.4	Disclosure Requirement - Deletes language regarding Wood Roof Cleaning & Treatment Pesticide.	March 26, 2002 change without regulatory effect approved by the Office of Administrative Law.
	Disclosure Requirement – Include presence of conduit language on the OFN	Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt. September 26, 2007 language under DCA legal review by the Director. March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law. April 29, 2008 – Approved by the Office of Administrative Law.
	Allows for signed Occupants Fumigation Notice to be in electronic format	January 15, 2015 - Text Approved by Board Members June 4, 2015 - Noticed for Public Hearing July 23, 2015 - Public Hearing. August 20, 2015 – To DCA for review. February 17, 2016 – To OAL for final review. March 22, 2016 – Approved to become effective July 1, 2016. Industry notified May 31, 2016.
1970.4	Pesticide Disclosure Requirement Additional updates allowing information about pesticide use to be distributed electronically.	October 8, 2015 – Language approved by the Board January 15, 2016 – Act Review Committee Recommended Additional Changes. Staff Preparing Documents January 12, 2017 – Staff Preparing Regulatory Proposal

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.	<p>December 16, 1998 - Public Hearing - Action postponed until further input.</p> <p>June 18, 1999 - Board voted to adopt with modifications.</p> <p>November 23, 2001 - Approved by the Office of Administrative Law.</p>
1971	Gas Masks – Removed the subsection concerning gas masks. B&P Code section 8505.15 was repealed January 1, 2008	<p>Noticed for Public Hearing July 24, 2009</p> <p>July 24, 2009 – Board members voted to carryover to next board meeting.</p> <p>October 22, 2009 – Board members voted not to proceed with amending the regulation.</p>
1973	Re-entry Requirements - Requires use of proper testing equipment and changes printing on re-entry notice from red to black.	March 13, 1996 - Approved by the Office of Administrative Law.
1973	Notice of Re-entry – Replace a product trade name with the active ingredient.	<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>

1974	<p>Fumigation Warning Signs - Specifies size and placement of signs.</p> <p>Fumigation warning signs to include the name of the fumigant used and its active ingredient.</p>	<p>March 13, 1996 - Approved by the Office of Administrative Law.</p> <p>Noticed for Public Hearing January 21, 2010 Public hearing held January 21, 2010 - Board voted to adopt.</p> <p>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>
1983(i)	<p>Handling, Use and Storage of Pesticides - Clarification of bait station (rodenticide and avicide) reference.</p>	<p>December 16, 1998 - Public Hearing</p> <p>December 30, 1998 - Notice of Modification mailed. January 11, 2001 - Public Hearing - Board voted to adopt. Rulemaking File not complete by deadline date of December 1, 2001.</p> <p>April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.</p>
1983(j)	<p>Language regarding the removal of termite bait stations when a contract for service is terminated.</p>	<p>July 18, 2003 - Public hearing Board voted to adopt with proposed amendments.</p> <p>Approved by the Office of Administrative Law on August 12, 2004</p>

1984	Proposed regulation to define structural Integrated Pest Management	<p>October 2007 – Noticed for Public Hearing to adopt new section.</p> <p>March 10, 2008 – Final rulemaking file submitted to the Department.</p> <p>June 6, 2008 – Approved by the Director, filed with the Office of Administrative Law.</p> <p>July 9, 2008 - Approved by the Office of Administrative Law.</p> <p>Noticed for the January 23, 2009 Board Meeting.</p> <p>January 23, 2009 - Public hearing, Board voted to adopt with proposed amendments.</p> <p>June 10, 2009 - Rulemaking file submitted to DCA for Director review.</p> <p>August 5, 2009 – Received approved rulemaking file from DCA.</p> <p>August 5, 2009 – Final rulemaking file submitted to OAL.</p> <p>September 16, 2009 – Approved by the Office of Administrative Law</p>
1990	Report Requirements - Defines separated reports and structural members, and addresses reporting requirements for carpenter ants/bees.	March 13, 1996 - Approved by the Office of Administrative Law.
1990	<p>Report Requirements Under Section 8516</p> <p>Makes various changes to clarify and update existing language.</p>	<p>January 14, 2016- Language approved by Board and staff instructed to begin the rulemaking process.</p> <p>January 12, 2017 - Staff Preparing Regulatory Proposal.</p>
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.
	Report Requirements - Local treatment notification.	October 15, 1999 Public Hearing - Board voted to adopt. January 11, 2001 - Referred back to committee for comments. October 19, 2001 Public Hearing - Board voted to non-adopt, referred language back to committee. August 31, 2002 publication date expired. October 11, 2002 - Re-noticed -Public Hearing. Board voted to adopt. 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. July 26, 2003 - Approved by the Office of Administrative Law.
1991 (cont.)		

1991(a)(9)	Report Requirement - Corrective Measures for extermination of a subterranean termite infestation and termite tubes. Exception for above ground termite bait stations.	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.
1991(13)(A) (B)(C)	Report Requirements - Delete specific recommendations regarding wooden decks, wooden stairs and landings. Language already exists in 1991(a)(5).	October 19, 2001 Board voted to repeal the language. August 31, 2002 publication date expired. 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.
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.
1991	Report Requirements Makes Various Changes to the Language in Order to Promote Clarity and Consistency	January 14, 2016- Language approved by Board and staff instructed to begin the rulemaking process January 12, 2017 - Staff Preparing Regulatory Proposal

1992	<p>Secondary Recommendations</p> <p>Changes Language to Specifically State That Secondary Recommendations Must be Listed on the Notice of Work Completed / Not Completed</p>	<p>January 14, 2016- Language approved by Board and staff instructed to begin the rulemaking process</p> <p>January 12, 2017 - Staff Preparing Regulatory Proposal</p>
1993(a)(b) (c)(d)(e)	<p>Inspection - Specifies that reports shall comply</p> <p>With 8516 and defines different types of inspection reports. Also clarifies difference between duties performed by a field representative, operator and applicator.</p>	<p>March 13, 1996 - Approved by the Office of Administrative Law.</p>
	<p>Inspection Reports - Clarifies that the requirement applies to licensed field representative and licensed operators, not license applicators.</p>	<p>August 12, 1996 - Approved by the Office of Administrative Law.</p>
1993	<p>Deletes language regarding the filing of stamps.</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>
1993, 1998	<p>Report Requirements – To eliminate reference to filing inspection reports and notices of work completed and require companies to file the address of properties inspected.</p>	<p>January 20, 2000 - Public Hearing Board voted to adopt. March 13, 2001 Rulemaking File disapproved by the Office of Administrative Law.</p> <p>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.</p>

1993.1	<p>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>	<p>May 22, 1998 – Rulemaking file disapproved by Office of Administrative Law. December 16, 1998 – Public Hearing. December 30, 1998 - Notice of Modifications mailed. January 11, 2001 - Public Hearing. Board voted to adopt. December 1, 2001 rulemaking file not completed by deadline. April 4, 2003 re-noticed for Public Hearing. Approved by the Office of Administrative Law - July 6, 2005.</p>
1993.2	<p>Bait Stations.</p>	<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. January 8, 2003 under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. March 27, 2003 rulemaking file withdrawn from OAL pending a 15-Day Notice. July 26, 2003 - Approved by the Office of Administrative Law.</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 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>January 12, 2017 – Final Rulemaking Package Undergoing Review at DCA</p>

1993.3	In-Ground Termite Bait Stations.	<p>October 12, 2001 Board passed to adopt new language. Publication date expired.</p> <p>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 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>January 12, 2017 – Final Rulemaking Package Undergoing Review at DCA</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 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>January 12, 2017 – Final Rulemaking Package Undergoing Review at DCA</p>
1996	Pre-Treatment - Specifies Pre-Treatment Inspection Report/Notice of Intent form.	<p>August 30, 1996 - Public Hearing. Amendment was not adopted. Board referred to Pre-Treatment Committee.</p>
	Inspection Report – Includes a first page of the Inspection Report for scanning purposes.	<p>August 13, 1998 – Approved by the Office of Administrative Law.</p>

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. Rulemaking file placed on hold due to Executive Order. Approved by Office of Administrative Law August 12, 2004</p> <p>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.</p> <p>September 23, 2010 DPR returned package with approval signatures. September 30, 2010 Rulemaking File submitted to OAL. 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>

<p>1996.3</p>	<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>
<p>1997</p>	<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>

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

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

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

8519. Certification as used in this section means a written statement by the registered company attesting to the statement contained therein relating to the absence or presence of wood-destroying pests or organisms and, listing such recommendations, if any, which appear on an inspection report prepared pursuant to Section 8516, and which relate to (1) infestation or infection of wood-destroying pests or organisms found, or (2) repair of structurally weakened members caused by such infestation or infection, and which recommendations have not been completed at the time of certification.

Any registered company which makes an inspection report pursuant to Section 8516, shall, if requested by the person ordering the inspection report, prepare and deliver to that person or his or her designated agent, a certification, to provide:

(a) When the inspection report prepared pursuant to Section 8516 has disclosed no infestation or infection: "This is to certify that the above property was inspected ~~on (date) in accordance with the Structural Pest Control Act and rules and regulations adopted pursuant thereto,~~ and that no evidence of active infestation or infection was found in the visible and accessible areas."

(b) When the inspection report prepared pursuant to Section 8516 discloses infestation or infection, ~~and the notice of work completed prepared pursuant to Section 8518,~~ or a reinspection report pursuant to Section 8516 indicates that all recommendations to remove that infestation or infection and to repair damage caused by that infestation or infection have been completed: "This is to certify that the property described herein is now free of evidence of active infestation or infection in the visible and accessible areas."

(c) When the inspection report prepared pursuant to Section 8516 discloses infestation or infection and the notice of work completed prepared pursuant to Section 8518 indicates that the registered company has not completed all recommendations to remove that infestation or infection or to repair damage caused by it: "This is to certify that the property described herein is now free of evidence of active infestation or infection in the visible and accessible areas except as follows: ____ (describing infestations, infections, damage or evidence thereof, excepted)."

(d) When a limited inspection report prepared pursuant to Section 8516 has disclosed no infestation or infection: "This is to certify that a limited inspection report was conducted on the area of the property described herein and has revealed no evidence of active infestation or infection in the visible and accessible areas inspected.

~~This certificate~~ certification shall be included on and made part of ~~accompanied by a copy of the complete, limited, supplemental or reinspection report~~ prepared pursuant to Section 8516, and by a copy of the notice of work completed prepared pursuant to Section 8518, if any notice has been prepared at the time of the certification, or the certification may be endorsed on and made a part of that inspection report or notice of work completed.

8519.5. (a) After an inspection report has been prepared by a Branch 3 registered company pursuant to Section 8516, which discloses a wood destroying pest or organism that can be eradicated by fumigation, and the fumigation has been duly performed by a Branch 1 registered company, the Branch 1 registered company, on a company document that identifies the licensee performing the fumigation and the name and address of the registered company, shall issue the following certification: "This is to certify that the property located at ____ (address) was fumigated on ____ (date) for the extermination of ____ (target pest)." This certification shall be issued ~~to the person ordering the fumigation and~~ to the registered company that prepared the inspection report within five working days after completing the fumigation.

(1) Where a consumer has authorized a Branch 3 registered company to subcontract the fumigation to a Branch 1 registered company, a copy of the certification described in paragraph (a) above shall accompany any reinspection report, notice of work completed pursuant to Section 8518, or any certification issued by the Branch 3 registered company.

(2) Where the consumer has elected to contract directly with a Branch 1 registered company to perform a fumigation, the Branch 1 registered company shall also provide the certification described in paragraph (a) above to the consumer ordering the fumigation. ~~the distribution of any documents pertinent to the fumigation shall be the responsibility of the Branch 1 registered company.~~

(b) Any warranty for a fumigation shall be provided in writing by the registered company contracting with the owner or the owner's designated agent.

(c) In the event of a potential failed fumigation the following shall apply-performed by a Branch 1 registered company that has contracted directly with the consumer, the Branch 1 registered company shall do all of the following:

(1) A Branch 3 registered company and the Branch 1 registered company that performed the fumigation shall verify the need for a refumigation. The consumer shall not be charged for this inspection.

(2) The Branch 3 registered company shall issue an inspection report in accordance with Section 8516. Maintain with the original inspection report, on a company document, all of the following:

~~(A) The name of the current owner of the structure fumigated, the address of the structure, and the date of the failed fumigation.~~

~~—(B) An explanation of the need for refumigation.~~

~~—(C) The proposed date for the refumigation.~~

(3) In the event of a refumigation, a new certification and any additional warranty shall be issued to the owner or the owner's designated agent. Within five working days after the completion of the refumigation, the Branch 1 registered company, on a company document, shall file with the current owner, and the Branch 3 registered company whose report was used for the original fumigation, information regarding the completion of the refumigation, a new certification, and any warranty or guarantee.

8550. (a) It is unlawful for any individual person to advertise, to engage, or offer to engage in the business or practice of structural pest control, as defined in Section 8505, unless he or she is licensed under this chapter.

(b) Notwithstanding subdivision (a), an unlicensed individual person may solicit pest control work on behalf of a structural pest control company only if the company is registered pursuant to

this chapter, and the unlicensed individual does not perform or offer to perform any act for which an operator, field representative, or applicator license is required pursuant to this chapter. As used in this subdivision, to "solicit pest control work" means to introduce consumers to a registered company and the services it provides, to distribute advertising literature, and to set appointments on behalf of a licensed operator or field representative.

(c) It is unlawful for an unlicensed individual person, soliciting pest control work on behalf of a registered structural pest control company pursuant to subdivision (b), to perform or offer to perform any act for which an operator, field representative, or applicator license is required, including, but not limited to, performing or offering pest control evaluations or inspections, pest identification, making any claims of pest control safety or pest control efficacy, or to offer price quotes other than what is provided and printed on the company advertising or literature, or both.

(d) It is also unlawful for any unlicensed individual person to offer any opinion, or to make any recommendations, concerning the need for structural pest control work in general, or in connection with a particular structure.

(e) It is unlawful for any firm, sole proprietorship, partnership, corporation, association, or other organization or combination thereof to engage or offer to engage in the practice of structural pest control, unless registered in accordance with Article 6 (commencing with Section 8610).

~~8551. It is unlawful for any unlicensed person to perform fumigation with dangerous or lethal fumigating chemicals in any public structure, including rooming houses, or households when used as public structures, hotels, apartment houses, or any part thereof.~~

8553. Any person who violates any provision of this chapter, or who conspires with another person to violate any provision of this chapter, is guilty of a misdemeanor, and is punishable by a fine of not less than ~~one hundred dollars (\$100)~~ fifty dollars (\$50) nor more than ~~one thousand dollars (\$1,000)~~ five thousand dollars (\$5,000), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

8613. A registered company which changes the location of its principal office or any branch office or which changes its qualifying manager, branch supervisor, officers, sole proprietors, partners, or its bond or insurance shall notify the registrar in writing of such change within ~~30~~ 10 days thereafter. A fee for filing such changes shall be charged in accordance with Section 8674.

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.

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.

8663. (a) This section only applies to work conducted under a Branch 1 license.

(b) A copy of a notice of violation issued for any violation committed by a subcontractor shall be sent to the prime contractor responsible for the work by the issuing authority within 30 days from the date the violation was committed or discovered. In circumstances where the violation is classified as "serious" or "moderate" as defined in regulation, notification shall be performed by certified mail, return receipt requested.

(c) The board or county agricultural commissioners, when acting pursuant to Section 8616.4, may levy a fine of up to ~~one thousand dollars (\$1,000)~~ five thousand dollars (\$5,000) against a registered company acting as a prime contractor for any ~~major~~ "serious" or "moderate" violation as defined in regulation committed by ~~any licensee~~ a subcontractor with whom the prime contractor has subcontracted if, before that violation occurred, the prime contractor had been notified ~~by certified mail, return receipt requested, of two or more than two major~~ "serious" or "moderate" violations committed by ~~the~~ that subcontractor within 12 consecutive months.

Fines collected pursuant to this section shall be paid to the Education and Enforcement Account in the Structural Pest Control Education and Enforcement Fund.

(d) The board or county agricultural commissioners, when acting pursuant to Section 8616.4, may levy a fine of up to ~~one thousand dollars (\$1,000)~~ five thousand dollars (\$5,000) against a registered company acting as a prime contractor for any ~~major~~ "serious or moderate" violation as defined in regulation committed by ~~any licensee~~ a subcontractor with whom the prime contractor has subcontracted, if before that violation had occurred, the prime contractor had been notified ~~of by certified mail, return receipt requested, of more than two or more major~~ "serious" or "moderate" violations committed by ~~the~~ that subcontractor within 12 consecutive months.

~~(e) A copy of a notice of violation issued for any violation committed by a subcontractor shall be sent by certified mail to the prime contractor by the issuing authority within 15 days from the date the violation was committed.~~

~~(ed)~~ Notwithstanding subdivision (b c), a prime contractor may be fined for a subcontractor's first violation for failing to have a signed ~~factsheet~~ Occupant Fumigation Notice (OFN) on the premises being treated, or ~~for failure if the subcontractor fails~~ to provide advance notice of a ~~treatment~~ fumigation per Section 8538 (b), to the occupants of the premises being treated.

8698.3. (a) The Director of the Department of Pesticide Regulation or a commissioner of any county listed in Section 8698 may levy a civil penalty against a person or company violating this chapter, including any regulation adopted pursuant to this chapter for failing to comply with Section 8698.1.

(b) Before a civil penalty is levied, the person charged with the violation shall receive notice of the nature of the violation and shall be given an opportunity to be heard, including the right to review the director's evidence and a right to present evidence on his or her own behalf.

(c) Review of the decision of the director may be sought by the person against whom the penalty was levied, within 30 days of receiving notice of the decision, pursuant to Section 1094.5 of the Code of Civil Procedure.

(d) After the exhaustion of the review procedure provided in this section, the director, or his or her representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for a writ of

administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

8555. This chapter does not apply to:

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

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

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

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

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

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

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

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

On December 12, 2016, EPA issued revisions to the existing Certification of Pesticide Applicators rule (40 CFR 171). These revisions provide assurance that certified applicators and noncertified applicators under their direct supervision are competent to use **restricted use pesticides** (RUPs) in a manner that will not cause unreasonable adverse effects on human health or the environment.

Note that this document provides general guidance to EPA, certifying authorities, certified applicators, and the public. This document is not binding on EPA or any outside parties, and EPA may depart from the guidance where circumstances warrant and without prior notice. The full text of the revised regulation and more information on the final changes to the regulation are available at: www.epa.gov/pesticide-worker-safety/revised-certification-standards-pesticide-applicators.

Item	Final Requirement	Proposed Revision	Existing Rule
Enhance Private Applicator Competency Standards	<p>Private applicators must demonstrate competency in pest control in the production of agricultural commodities in regard to topics similar to those in the core competency standards for commercial applicators (i.e., label and labeling comprehension; safety; environment; pests; pesticides; equipment; application techniques; laws and regulations; responsibilities for supervisors of noncertified applicators; stewardship).</p> <p>Private applicator competency must include ability to read and understand pesticide labeling.</p> <p>Eliminate the proposed competency standard that required candidates to identify specific pests.</p> <p><i>171.105(a)</i></p>	<p>Private applicators must demonstrate competency in pest control in the production of agricultural commodities in regard to topics similar to those in the core competency standards for commercial applicators (i.e., label and labeling comprehension; safety; environment; pests; pesticides; equipment; application techniques; laws and regulations; responsibilities for supervisors of noncertified applicators; stewardship).</p> <p>Private applicator competency must include ability to read and understand pesticide labeling.</p>	<p>Private applicators must be certified as competent on 5 general topics: recognizing pests, reading and understanding labeling, applying pesticides in accordance with the labeling, recognizing environmental conditions and avoiding contamination, recognizing poisoning symptoms and procedures to follow in the case of a pesticide accident.</p>

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Strengthen Private Applicator Competency Gauge	<p>Private applicators must either attend a training program covering the mandatory competency standards <u>or</u> pass a written exam.</p> <p>No requirement for persons currently certified as private applicators to complete initial certification requirements under the revised competency standards.</p> <p><i>171.105(h)</i></p>	<p>Private applicators must either attend a training program covering the mandatory competency standards <u>or</u> pass a written exam.</p>	<p>Private applicator certification can be done by written or oral exam, or other method approved as part of the State certification plan.</p>
Eliminate Non-Reader Certification for Private Applicators	<p>No "non-reader" option for persons who cannot read to obtain certification to use specific RUPs.</p>	<p>No "non-reader" option for persons who cannot read to obtain certification to use specific RUPs.</p>	<p>States can offer an alternative, product-specific certification process for persons who cannot read.</p>
Pollinator Issues	<p>No specific requirements related to pollinator protection added to regulation.</p> <p>Applicators in categories likely to affect pollinators should receive information on protecting pollinators in competency standards under "avoiding harm to non-target organisms" and under reading and understanding labeling requirements.</p>	<p>Add "presence of pollinators" as topic under "Environment" heading in proposed general private applicator competency standards and commercial core competency standards.</p> <p>Requested comment on whether to add pollinator protection to proposed training program for noncertified applicators.</p>	<p>No specific competency standards related to pollinator protection.</p>

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Establish Additional Categories for Private and Commercial Applicator Certification	<p>Establish categories for private and commercial applicators performing: aerial application, soil fumigation, and non-soil fumigation.</p> <p>No concurrent certification required.</p> <p>Certifying authorities are not required to adopt these categories if a category is not needed in a particular jurisdiction.</p> <p>Allow certifying authorities to combine soil fumigation and non-soil fumigation into a single certification category.</p> <p><i>171.101(m)-(o), 171.103(d)(13)-(15), 171.105(d)-(f)</i></p>	<p>Establish categories for private and commercial applicators performing: aerial application, soil fumigation, and non-soil fumigation.</p> <p>For commercial applicators, require concurrent certification in at least one pest control category to be eligible for certification in application method-specific category.</p>	<p>No additional certification required to use certain application methods that may present higher risks if not conducted properly.</p>

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

<p>Allow Certifying Authorities to Develop a "Limited Use" Category</p>	<p>Allow certifying authorities to adopt a limited use category. A limited use category covers a small number of applicators engaged in a use that does not clearly fit within any of the commercial applicator categories, and allows only the use of a limited set of RUPs by specific application methods. See Unit VII.B. of the preamble for more details.</p> <p>Certification plans must include the following elements for each limited use category:</p> <ul style="list-style-type: none"> • A definition of the limited use category, specifying the RUPs, use sites, and specific application methods permitted • An explanation of why it is not practical to include the limited use category in any of the existing commercial categories • A requirement that candidates for certification in a limited use category pass the core exam and demonstrate competency to use RUPs covered by the limited use category • Specific competency standards for the limited use category • Process for applicators to demonstrate competency to use the RUPs covered by the limited use category; does not have to be accomplished by a written examination • A description of the recertification standards for the limited use category • A description of the limited use certification credential (must clearly only authorize purchase and use of specific RUPs) <p><i>171.303(a)(4)</i></p>	<p>No change proposed; requested comments on whether to allow certifying authorities to develop/adopt "limited use" category to certify commercial applicators.</p>	<p>All commercial applicators must certify by passing written exams covering core and category competency standards.</p>
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U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Establish Predator Control Categories for Private and Commercial Applicator Certification	<p>Add categories for private and commercial applicators: sodium fluoroacetate (Compound 1080) in livestock protection collars and sodium cyanide delivered through M-44 devices.</p> <p>Certifying authorities are not required to adopt these categories if a category is not needed in a particular jurisdiction.</p> <p><i>171.101(k)-(l), 171.103(d)(11)-(12), 171.105(b)-(c)</i></p>	<p>Add categories for private and commercial applicators: sodium fluoroacetate (Compound 1080) in livestock protection collars and sodium cyanide delivered through M-44 devices.</p>	<p>No predator control categories established in rule. Registration decisions and labeling for sodium fluoroacetate (Compound 1080) used in livestock protection collars and sodium cyanide delivered through M-44 devices include specific competency standards and require applicators to be competent.</p>
Identification of Candidates for Certification and Recertification	<p>Require all candidates for initial certification (exam or training) and recertification by exam to present a government-issued photo identification OR other similarly reliable form of identification approved by the certifying authority.</p> <p><i>171.103(a)(2)(iii), 171.105(h)(1), 171.105(h)(2)(i)</i></p> <p>Require certifying authorities to verify successful completion of each recertification course/event (e.g., training, workshop, continuing education), including the identity of candidates for recertification. No specific requirement to verify identity based on government-issued photo identification.</p> <p><i>171.107(b)(1), 171.107(b)(2)(iii)</i></p>	<p>Require candidates to present identification for initial and recertification exams and training sessions.</p>	<p>No requirement to present identification at exam or training sessions.</p>

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Establish Exam Standards	<p>All exams must be proctored. Only materials approved by the certifying authority, provided and collected by the proctor, may be used during exams (final rule does not use the term "closed-book exams").</p> <p>Requires certifying authorities to adopt specific exam administration standards; allows certifying authorities to establish standards that meet or exceed federal standards.</p> <p><i>171.103(a)(2), 171.303(a)(5)-(6)</i></p>	<p>Codify policy requiring all exams to be closed book and proctored.</p> <p>Impose specific requirements for exam administration and security on the proctor.</p>	<p>Competency for commercial applicators must be determined on the basis of written examination. EPA policy requires that all certification exams be closed book and proctored.</p>
Enhance Competence of Noncertified Applicators of RUPs	<p>Qualify as a noncertified applicator of RUPs by any of the following:</p> <ul style="list-style-type: none"> • Completing training outlined in the rule at 171.201(d). • Completing training as a handler under the Worker Protection Standard (WPS) (40 CFR 170). • Holding a valid applicator certification in an unrelated category or from another jurisdiction. • Satisfying the requirements for noncertified applicators established by the certifying authority that meet or exceed federal standards. <p>Training requirements must be satisfied annually.</p> <p><i>171.201(c)</i></p>	<p>Noncertified applicators must receive annual training on safe pesticide application and protecting themselves and others from pesticide exposure (similar to WPS handler training).</p> <p>Exemption from training requirement for those with valid WPS handler training and those who have passed the commercial core exam.</p>	<p>Noncertified applicators must be competent to use RUPs. No specific training requirements. For specific applications, the certified applicator must provide verifiable instructions including detailed guidance for applying the pesticide.</p>

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Establish Qualifications for Trainers of Noncertified Applicators	<p>Noncertified applicator training outlined in the rule at 171.201(d) can only be provided by one of the following: a currently certified applicator, a certifying authority-designated trainer of certified applicators or handlers, or a person who has completed an EPA-approved train-the-trainer course under the WPS.</p> <p><i>171.201(d)(2)</i></p>	<p>Noncertified applicator training can only be provided by one of the following: a currently certified applicator, a State-designated trainer of certified applicators or handlers, or a person who has completed an EPA approved train-the-trainer course under the WPS.</p>	<p>The certified applicator provides required instructions. No qualifications required other than certification.</p>
Establish Qualifications for Certified Applicators Supervising Noncertified Applicators	<p>Supervising applicators must:</p> <ul style="list-style-type: none"> • Be certified in the category in which they supervise applications. • Ensure noncertified applicators under their supervision are qualified under 171.201(b)(2) and (c), including the minimum age requirement. • Ensure the noncertified applicator has access to applicable labeling during use and provide specific instructions related to the application. • Ensure noncertified applicator has PPE and wears it properly for the intended purpose. • Ensure equipment is in proper operating condition. <p>Ensure a means for immediate communication between the supervisor and supervisee is immediately available.</p> <p><i>171.201(b)</i></p>	<p>Supervising applicators must:</p> <ul style="list-style-type: none"> • Be certified in the category in which they supervise applications. • Ensure noncertified applicators under their supervision have satisfied the training requirement. • For specific applications, provide a copy of all applicable labeling to the noncertified applicator and provide specific instructions related to the application. <p>Ensure a means for immediate communication between the supervisor and supervisee is immediately available.</p>	<p>Supervising applicators must demonstrate practical knowledge of supervisory requirements. For specific applications, supervising applicator must provide detailed guidance for applying the pesticide properly and provisions for contacting the certified applicator.</p>

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Expand Commercial Applicator Recordkeeping to Include Noncertified Applicator Training	Require commercial applicators to verify the existence of and have access to records documenting noncertified applicators' qualification. Record content depends on method of qualification. <i>171.201(e)</i>	Require commercial applicators to maintain records of noncertified applicators' training that include: the trained noncertified applicator's printed name and signature, the date of the training, the name of the person who provided the training, and the supervising commercial applicator's name.	No commercial applicator recordkeeping required related to providing verifiable instructions to noncertified applicators.
Establish a Minimum Age for Certified Applicators	Persons must be at least 18 years old to be certified as a commercial or private applicator. <i>171.103(a)(1), 171.105(g)</i>	Persons must be at least 18 years old to be certified as a commercial or private applicator.	No minimum age requirement.
Establish a Minimum Age for Noncertified Applicators	Persons must be at least 18 years old to qualify as a noncertified applicator using RUPs under the direct supervision of a commercial or private applicator. Exception: Persons using RUPs under the supervision of a private applicator who is an immediate family member and in compliance with 171.201(b)(2)(iii) must be at least 16 years old. <i>171.201(b)(2)(iii)</i>	Persons must be at least 18 years old to qualify as a noncertified applicator using RUPs under the direct supervision of a commercial or private applicator.	No minimum age requirement.
Establish a National Certification Period	Require all applicators to renew their certification (recertify) <u>at least every 5 years</u> . <i>171.107(a)</i>	Require all applicators to renew their certification (recertify) at least every 3 years .	States must ensure that applicators maintain a continuing level of competency and ability to apply pesticides safety and properly.

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

<p>Recertification Requirements</p>	<p>Recertification must include satisfactory completion of continuing education or exam. Establish performance standards for certifying authorities to develop and administer recertification programs.</p> <p>For recertification by continuing education, states must adopt criteria for:</p> <ul style="list-style-type: none"> • quantity of continuing education required to maintain certification • content covered by the continuing education program and how the certifying authority ensures the required content is covered • process the certifying authority uses to approve continuing education courses or events, including how any continuing education courses or events verify the applicator's successful completion of the course or event • how the certifying authority ensures the on-going quality of the continuing education program <p>For recertification by exam, states must establish:</p> <ul style="list-style-type: none"> • the process for reviewing, and updating as necessary, the written examination(s) to ensure that they evaluate whether a certified applicator continues to demonstrate competency <p>No requirements for when training must occur during the 5-year period.</p>	<p>One continuing education unit (CEU) is 50 minutes of active training time.</p> <p>To renew their certification, commercial applicators must earn 6 CEUs covering core content and 6 CEUs per category of certification, or they must pass written exams for core and each category of certification.</p> <p>To renew their certification, private applicators must earn 6 CEUs covering the general private applicator certification requirements and 3 CEUs per category of certification, or they must pass written exams for general private applicator certification and each category of certification.</p> <p>Applicators must earn at least half of the required CEUs in the 18 months preceding the expiration of their certification.</p>	<p>States must ensure that applicators maintain a continuing level of competency and ability to apply pesticides safely and properly.</p>
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U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
	<i>171.107(b), 171.303(b)(4), 171.305(b)(3)</i>		
State Plan Modification to Implement Proposed Changes	<p>Certification plans must meet or exceed new standards and requirements.</p> <p><i>171.303, 171.305</i></p>	Certification plans must meet or exceed new standards and requirements.	Certification plans must meet or exceed existing standards and requirements.
Noncertified Applicators/Use of RUPs under the Supervision of a Certified Applicator	<p>Certifying authorities may adopt standards for noncertified applicators that meet or exceed the federal standards, <u>or</u> prohibit the use of RUPs by noncertified applicators under the direct supervision of certified applicators.</p> <p><i>171.303(b)(5) , 171.305(b)(4)</i></p>	States, tribes, and territories may either adopt the proposed standards for noncertified applicator training <u>or</u> prohibit the use of RUPs by noncertified applicators working under the direct supervision of certified applicators.	

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Program Reporting and Accountability	<p>Certifying authorities must report:</p> <ul style="list-style-type: none"> For private and commercial applicators - new, recertified, and total number of applicators holding certifications, by category and subcategory (if applicable). Any changes to the certification plan not previously evaluated by EPA. Any planned changes to the certification plan. A summary of enforcement activities related to the use of RUPs. <p><i>171.303(c), 171.305(c)</i></p>	<p>Reporting must include:</p> <ul style="list-style-type: none"> For private and commercial applicators - new, recertified, and total number of applicators holding certifications, by category and subcategory (if applicable). Any changes to the certification plan not previously evaluated by EPA. Any planned changes to the certification plan. Number, description and narrative discussion of enforcement actions taken for incidents involving RUPs. 	<p>Reporting must include:</p> <ul style="list-style-type: none"> Total number of applicators, private and commercial, by category, currently certified; and number of applicators, private and commercial, by category, certified during the last reporting period. Any changes in commercial applicator subcategories. A summary of enforcement activities related to use of restricted use pesticides during the last reporting period. Any significant proposed changes in required standards of competency. Proposed changes in plans and procedures for enforcement activities related to use of restricted use pesticides for the next reporting period. Any other proposed changes from the State plan that would significantly affect the State certification program.
Civil and Criminal Penalty Authority	<p>States must have authority to assess civil and criminal penalties for commercial and private applicators. Tribes and federal agencies must have other specified means of enforcing compliance.</p> <p><i>171.303(b)(7)(iii), 171.305(b)(5), 171.307</i></p>	<p>States must have authority to assess civil and criminal penalties for commercial and private applicators.</p>	<p>States must have authority to assess civil and/or criminal penalties for commercial and private applicators.</p>

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Commercial Applicator Recordkeeping	<p>States must require commercial applicators to maintain records about RUP use including:</p> <ul style="list-style-type: none"> • Name and address of person for whom RUP applied • Location of application • Size of area treated • Site to which RUP was applied • Time and date of application • Product name and EPA registration number of RUP applied • Total amount of RUP applied per application and location • Name and certification number of certified applicator and name(s) of any noncertified applicator that made the application under the direct supervision of the certified applicator. <p>States must require commercial applicators to verify and have access to specific records related to the qualifications of noncertified applicators working under their direct supervision.</p> <p><i>171.303(b)(7)(vi)</i></p>	<p>States must require commercial applicators to maintain records about RUP use including:</p> <ul style="list-style-type: none"> • Name and address of person for whom RUP applied • Location of application • Size of area treated • Site to which RUP was applied • Time and date of application • Product name and EPA registration number of RUP applied • Total amount of RUP applied per application and location • Name and certification number of certified applicator and name(s) of any noncertified applicator that made the application under the direct supervision of the certified applicator. <p>States must require commercial applicators to maintain records related to the qualifications of noncertified applicators working under their direct supervision.</p>	<p>State plans must include requirements for certified commercial applicators to maintain for at least 2 years routine operational records containing information on kinds, amounts, uses, dates, and places of application of RUPs.</p>

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
RUP Dealer Recordkeeping	<p>RUP dealer recordkeeping must include:</p> <ul style="list-style-type: none"> Name and address of each person to whom the RUP was distributed or sold. The applicator's certification number, issuing authority, certification expiration date, and categories of certification. The product name and EPA registration number of the RUP(s) distributed or sold in the transaction, and the State special local need registration number on the label of the RUP if applicable. The quantity of the pesticide(s) distributed or sold in the transaction. The date of the transaction. <p><i>171.303(b)(7)(vii)</i></p>	<p>RUP dealer recordkeeping must include:</p> <ul style="list-style-type: none"> Name and address of each person to whom the RUP was distributed or sold. The applicator's certification number, issuing authority, certification expiration date, and categories of certification. The product name and EPA registration number of the RUP(s) distributed or sold in the transaction, and the State special local need registration number on the label of the RUP if applicable. The quantity of the pesticide(s) distributed or sold in the transaction. The date of the transaction. 	No federal requirement for RUP dealers to maintain records, except for any State or area of Indian country where EPA implements a certification plan.
Certified Applicator Credentials	<p>Certifying authorities must describe the credentials or documents they will issue to each applicator verifying certification.</p> <p><i>171.303(a)(8), 171.305(a)(9)</i></p>	<p>Certified applicator credentials must include:</p> <ul style="list-style-type: none"> The full name of the certified applicator. The certification, license, or credential number of the certified applicator. The type of certification (private or commercial). The category(ies), including any application method-specific category(ies) and subcategories of certification, in which the applicator is certified, as applicable. The expiration date of the certification. A statement that the certification is based on a certification issued by another State, Tribe or Federal agency, if applicable, and the identity of that State, Tribe or Federal agency. 	No federal requirements for what information must be included on documents used to verify an applicator's certification.

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Reciprocal Applicator Certification	<p>Certification plans must specify whether, and if so under what circumstances, the certifying authority would issue certifications based in whole or in part on a certifications issued by another certifying authority.</p> <p>Reciprocal certifications subject to specific conditions.</p> <p>No requirement for reciprocal certification to terminate automatically upon termination of the original certification.</p> <p><i>171.303(a)(9), 171.305(a)(10)</i></p>	<p>Certification plans must specify whether, and if so under what circumstances, the state would issue reciprocal certifications.</p> <p>Reciprocal certifications subject to specific conditions.</p>	<p>State plans must describe any arrangements with other states or jurisdictions relating to reciprocity.</p> <p>No requirements for states to provide specific information on their requirements and procedures for issuing reciprocal certification.</p>

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
State Plan Maintenance, Modification, and Withdrawal	<p>Codify policy that substantial modifications include:</p> <ul style="list-style-type: none"> • Addition or deletion of a mechanism for certification and/or recertification. • Establishment of a new private applicator subcategory, commercial applicator category, or commercial applicator subcategory. • Any other changes that the Agency has notified the State, Tribal or Federal agency that the Agency considers to be substantial modifications. <p>171.309</p>	<p>Codify policy that substantial modifications include:</p> <ul style="list-style-type: none"> • Deletion of a mechanism for certification and/or recertification. • Establishment of a new private applicator subcategory, commercial applicator category, or commercial applicator subcategory. • Any other changes that the Agency has notified the State, Tribal or Federal agency that the Agency considers to be substantial modifications. 	<p>States may not make substantial modifications to their certification plan without EPA approval.</p> <p>The regulation does not outline what constitutes a substantial modification.</p> <p>EPA policy states that substantial modifications include:</p> <ul style="list-style-type: none"> • Deletion of a mechanism for certification and/or recertification. • Establishment of a new private applicator subcategory, commercial applicator category, or commercial applicator subcategory. • Any other changes that the Agency has notified the State, Tribal or Federal agency that the Agency considers to be substantial modifications.

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Establish Provisions for Review and Approval of Federal Agency Plans	<p>Delete Government Agency Plan option from the regulation.</p> <p>Codify existing policy to allow Federal agencies to develop their own plans for certifying Federal agency employee applicators.</p> <p>Federal agency certification plans must meet or exceed the standards in the proposed regulation.</p> <p>171.305</p>	<p>Delete Government Agency Plan option from the regulation.</p> <p>Codify existing policy to allow Federal agencies to develop their own plans for certifying Federal agency employee applicators.</p> <p>Federal agency certification plans must meet or exceed the standards in the proposed regulation.</p>	<p>Option to develop a single, federal government-wide Government Agency Plan to certify federal employees applying RUPs. <i>Government Agency Plan never developed.</i></p> <p>Current EPA policy allows Federal agencies to develop their own plans for certifying Federal agency employee applicators, as long as the plan meets or exceeds the applicable standards in the regulation for State plans, and complies with requirements of the policy.</p>
Clarify Options for Establishing a Certification Program in Indian Country	<p>Three options for applicator certification programs in Indian Country:</p> <ul style="list-style-type: none"> • Tribes may enter into an agreement with EPA to recognize certifications issued under other EPA-approved certification plans (State, Tribal, or Federal) • Tribes may develop and implement a Tribal certification plan (requires Tribes to develop and submit a Tribal certification plan that meets or exceeds the proposed standards) • EPA may administer a Federal certification plan for applicators in Indian country that meets or exceeds the proposed standards. EPA may include multiple tribes and geographic areas under a single plan. <p>171.307</p>	<p>Three options for applicator certification programs in Indian Country:</p> <ul style="list-style-type: none"> • Tribes may enter into an agreement with EPA to recognize certifications issued under other EPA-approved certification plans (State, Tribal, or Federal) • Tribes may develop and implement a Tribal certification plan (requires Tribes to develop and submit a Tribal certification plan that meets or exceeds the proposed standards) • EPA may administer a Federal certification plan for applicators in Indian country that meets or exceeds the proposed standards. EPA may include multiple tribes and geographic areas under a single plan. 	<p>Three options for applicator certification programs in Indian Country:</p> <ul style="list-style-type: none"> • Tribes may utilize State certification to certify applicators (requires concurrence by the State(s) and an appropriate State-Tribal agreement) • Tribes may develop and implement a Tribal certification plan (requires Tribes to develop and submit an appropriate Tribal certification plan to EPA for approval) • EPA may administer a Federal certification plan for applicators in Indian country

U.S. Environmental Protection Agency
Detailed Comparison of Revisions to EPA's Certification of Pesticide Applicators Rule (40 CFR 171)

Item	Final Requirement	Proposed Revision	Existing Rule
Revise Provisions for EPA-Administered Plans	EPA-administered federal certification plans must meet the proposed standards for State certification plans, including RUP applicator certification, recertification, and noncertified applicator qualifications, as well as plan reporting and maintenance requirements. <i>171.311</i>	EPA-administered federal certification plans must meet the proposed standards for State certification plans, including RUP applicator certification, recertification, and noncertified applicator qualifications, as well as plan reporting and maintenance requirements.	The current rule establishes requirements for EPA-administered certification plans in States or areas of Indian country without EPA-approved certification plans in place, including specific standards for certification and recertification of pesticide applicators.
Implementation Schedule	Certifying authorities must submit revised certification plans within 3 years of effective date of final rule. If revised plan is timely submitted to EPA, existing plan will remain in effect until revised plan is approved by EPA. Timeframe for implementation/compliance with revised certification plan will be decided on a case-by-case basis as part of EPA's review and approval of each revised certification plan. <i>171.5</i>	Certifying authorities must submit revised certification plans within 2 years of effective date of final rule. Existing certification plans may remain in effect up to 4 years from effective date of the rule. After 4 years from effective date of the rule <u>or</u> EPA approves revised certification plan, all certification must be done in accordance with revised certification plan.	Not applicable.

RECOMMENDATIONS OF THE STRUCTURAL PEST CONTROL BOARD
CONTINUING EDUCATION INTEGRATED PEST MANAGEMENT REVIEW COMMITTEE

RECOMMENDATION #1

The creation of 3 new Continuing Education (CE) categories, to replace the existing categories, to be named, Laws & Regulations (L&R), Application & Intervention (A&I), and Integrated Pest Management (IPM).

Below is a breakdown of the content that has been assigned to the new Continuing Education categories which will be used as a guide for Continuing Education providers and the Board during the course approval process.

LAWS & REGULATIONS

All classes must cite the authority / law that the topic relates to (e.g. Business & Professions Code Section, California Code of Regulations Section, Food & Agricultural Code Section)

- Existing or New Laws and Regulations
- Structural Pest Control Act
- DPR Requirements
- CAC Requirements
- OSHA Requirements

INTEGRATED PEST MANAGEMENT

IPM here is defined as:

“Structural integrated pest management (IPM) means a systematic decision making approach to managing pests, which focuses on long-term prevention or suppression with minimal impact on human health, property, the environment, and non-target organisms. Structural IPM incorporates all reasonable measures to prevent pest problems by properly identifying pests, monitoring population dynamics, and using behavioral, physical, biological or chemical pest population control measures to reduce pests to acceptable levels.” (Taken from CCR 1984)

This excerpt has given the committee a working definition of IPM with details that further clarify the topics that would qualify for the IPM category in continuing education.

All classes must include posting and reading of IPM definition in CCR 1984. Introduction of class must discuss how this topic fits into the IPM category rather than Application and Intervention.

- Identification and Biology
- Damage and Thresholds
- Monitoring (How, What to Use, What to Look For, Reporting)
- Prevention (Long Term and Short Term, Including Pest Prevention by Design in Building and Construction.

- Entomology and Other Related Fields to the Branch Licenses
- Selection of Intervention (What was Chosen and Why)
- Management Process
- Possible Evaluation of the Selected Intervention

APPLICATION & INTERVENTION

Application and Intervention and defined as:

"If a pesticide application or other intervention is determined to be necessary, the selection and application of the intervention shall be performed in a manner that minimizes risk to people, property, the environment, and non-target organisms, while providing effective pest management.

(b) For the purpose of this section, intervention means an action, device, product or practice that is intended for the prevention, control, management, elimination or abatement of a pest." (Taken from CCR 1984)

This excerpt has given the committee direction as to what topics would be most relevant to Applicators while also being compliant with the limitation of the Applicator's license.

All classes must include posting and reading of IPM definition in CCR 1984. Introduction of class must discuss how this topic fits into the Application and Intervention category rather than IPM.

- Application of Pesticides
- Proper Use and Manner
- Calibration and Maintenance
- Use Rates or Volumes Applied
- Human Health Impacts to Misapplication
- Labels (How to Read Labels for the Products the Technician Uses)
- Worker Safety, Including Respirators, Ladders, and Fit Tests
- Environmental Impacts to Misapplication
- Water Quality
- Endangered Species
- Record Keeping (Documentation, State Mandated Forms, Treatment Records)
- Nonchemical Practices (Safety & Effective Implementation of Exclusion, Heat Treatment, Removal)

RECOMMENDATION #2

That existing total CE hour requirements for each license type and combination be applied to the corresponding new CE categories in the proportions shown below and that the hour requirement for the Laws & Regulations category be capped at 3.

Applicators – 20% L&R, 60% A&I, and 20% IPM.

Branch 1 Field Representatives and Operators – 20% L&R and 80% A&I.

Branch 2 & 3 Field Representatives – 15% L&R, 25% A&I, and 60% IPM.

Branch 1, 2, and 3 Field Representatives and Operators – 11% L&R, 46% A&I, and 43% IPM.

Please see Attachment for a chart showing the Continuing Education requirements as proposed by the Committee alongside the existing Continuing Education requirements.

RECOMMENDATION #3

To set the effective date 3 years from when any potential regulatory change resulting from the Committee's recommendations becomes operative.

RECOMMENDATION #4

That instructors be required at the beginning of their courses to make a statement informing the attendees what category, or categories the course fits into and how many hours of Continuing Education credit they will receive.

RECOMMENDATION #5

To use the list of justifications (shown below) as the rationale for the Committee's recommended changes and to use them where appropriate during the formal rulemaking process.

Justifications for Changes to Branch 1 Operator and Field Representative CE Requirements

- Changes in aeration procedures
- Minimize risks to non-target organisms
- Toxicity training
- Lack of relevant material for L&R category
- Technical changes in fumigation process in past years
- Emphasize safety of materials used (stewardship training)

Justifications for Changes to Branch 2 & 3 Operator and Field Representative CE Requirements

- IPM is underutilized to the detriment of the health and welfare of California residents
- Breadth of subject matter that needs to be covered
- Decision making process is more important than A&I in the field
- Lack of relevant material in L&R category
- Preparing industry for emerging consumer demand for IPM
- Local government adoption of IPM guidelines
- IPM practices in child care
- IPM practices in schools
- Increased pesticide levels detected in natural resources

- Human health impacts associated with pesticides

Justifications for Changes to Applicator CE Requirements

- Preparation for advances in licensure
- Improve ability to communicate with Field Representatives / Operators
- Better serve the needs of consumers
- Lack of relevant material in L&R category
- Preparing industry for emerging consumer demand for IPM
- Local government adoption of IPM guidelines
- IPM practices in child care
- IPM practices in schools

RECOMMENDATION #6

For Board staff to recommend an update to the Application for Continuing Education Activity Form (Form 43M-18) in a manner that will require Continuing Education providers to specifically list the content that will be covered in the course and how it relates to the category in which they seek approval.

RECOMMENDATION #7

For Board staff to research and recommend a proposal to accomplish in person auditing of Continuing Education courses. Staff's proposal will include specific details such as, who does the auditing, how often, which courses are audited, and how the program will be funded.

RECOMMENDATION #8

For Board staff to recommend a comprehensive system to better inform licensees of their Continuing Education requirements.

The Committee suggested that staff consider the following ideas while preparing its recommendation -

The creation of a mandatory Continuing Education course that outlines the Continuing Education requirements of the licensee.

The publication of an informational worksheet outlining Continuing Education requirements to be disseminated by the Board and / or Continuing Education providers.



MEMORANDUM

DATE	December 20, 2016
TO	Board Members
FROM	Susan Saylor, Executive Officer Structural Pest Control Board
SUBJECT	AGENDA ITEM VII – STATUTORY EXTENSION OF THE STRUCTURAL FUMIGATION ENFORCEMENT PROGRAM

Currently, Business and Professions (B&P) Code section 8698.6 establishes a sunset date of January 1, 2018 for the Board's Structural Fumigation Enforcement Program. Enclosed in your Board packages for your consideration is proposed language that would amend B&P Code section 8698.6 to extend this program until January 1, 2022.

8698.6. This chapter shall remain in effect only until January 1, 201822, and as of that date is repealed, unless a later enacted statute, which is chaptered before January 1, 201822, deletes or extends that date.

**MINUTES OF THE TELECONFERENCE MEETING OF THE
STRUCTURAL PEST CONTROL BOARD
RESEARCH ADVISORY PANEL**

The teleconference meeting was held October 25, 2016 at the following locations:

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

Orkin Pest Control, 238 Fischer Avenue, Costa Mesa, CA 92626

Mariott Courtyard, 503 Newburg Road, Lobby, Shippensburg, PA 17257

Office of the County Executive, 2310 North First Street, Suite 106, San Jose, CA 95131

University of California Agriculture and Natural Resources, 2801 Second St., Room 135, Davis, CA 95618

Panel Members Present:

Nita Davidson, Chair

Pat Copps

Naresh Duggal

Mike Katz

Karey Windbiel-Rojas

Board Staff Present:

Susan Saylor, Executive Officer

David Skelton, Administrative Analyst

Departmental Staff Present:

Frederic Chan-You, Legal Counsel

ROLL CALL / ESTABLISHMENT OF QUORUM

Dr. Davidson called the meeting to order at 8:33 A.M. and Ms. Saylor called roll.

Panel members Davidson, Copps, Duggal, Katz, and Windbiel-Rojas were present.

Three members of the public were present at Mr. Copps' location. Dr. Niamh Quinn, University of California Cooperative Extension, Sylvia Kenmuir, Western Pest Control, and Dr. Dong-Hwan Choe, University of California Riverside.

A quorum of the Panel was established.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

CONSIDERATION OF TOPIC(S) FOR SOLICITING REQUEST(S) FOR PROPOSALS FOR RESEARCH CONTRACT(S) FUNDED BY THE STRUCTURAL PEST CONTROL RESEARCH FUND PURSUANT TO BUSINESS & PROFESSIONS CODE SECTION 8674(T)(3)

Dr. Davidson asked the Panel for their suggestions on which topics will be included in the Request for Proposal (RFP) when it is prepared and released to researchers.

Mr. Copps suggested the following topics be included in the RFP when it is released –

- More effective baiting and residual pesticide treatments in the control of ants, and specifically, Argentine ants.
- Bed bug monitoring systems with a focus on the systems that are used in Europe and possibly the incorporation of pheromones that have been recently identified.
- The efficacy of orange oil in the treatment of drywood termites as compared to other methods of treatment.

Mr. Duggal suggested that the topic of creating a comprehensive integrated pest management (IPM) curriculum similar to what has been developed by the University of California be included in the RFP.

Mr. Katz suggested the following topics be included in the RFP when it is released –

- The efficacy of local drywood termite treatments, including orange oil, as compared to structural fumigants.
- Rodenticide alternatives in the practice of rodent control.

Ms. Windbiel-Rojas suggested the following topics be included in the RFP when it is released –

- The development of better detection tools for bed bugs and drywood termites.
- Alternatives to fumigation treatment for wood-destroying organisms including heat treatments, orange oil, and local pesticide injection methods.
- The development of pheromone control methods for certain pests.
- Research into the biology and potential to be invasive of new ant species that are new to California.
- Alternatives to the use of rodenticides.

- Research into whether carnivores are ingesting rodenticides directly or through the digestion of rodents that may have been exposed.
- The development of ribonucleic acid (RNA) interference techniques in pest control.

Ms. Kenmuir suggested that rodenticide education, exclusionary techniques, and the proper use of existing technologies be included in the RFP when it is released.

Dr. Choe suggested that development of better yellowjacket control methods be included in the RFP when it is released.

Mr. Copps stated that yellowjacket control is an area of pest control that impacts the industry and consumers throughout California.

Mr. Duggal stated that there is existing research that was successful in finding yellowjacket attractants and that future research should focus on how to deploy, and make readily available this technology.

Dr. Quinn stated that research is needed to determine not only how rodenticides are being ingested by predators but what the effects are once they have been ingested.

Mr. Copps stated that research into cockroach control, particularly German and Turkistan cockroaches, would be beneficial.

Ms. Windbiel-Rojas suggested research into the development of effective baiting techniques for the control of the Turkistan and other species of cockroach.

DISCUSS AND POSSIBLY ESTABLISH CRITERIA PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 8674(T)(3) THAT RESEARCH PROPOSALS MUST MEET FOR RECOMMENDATION TO THE BOARD

The Panel held an extensive discussion wherein they discussed the research proposal and funding criteria to be used in the RFP when it is released.

Mr. Copps moved and Mr. Katz seconded to establish criteria that there is no minimum dollar amount required for a research proposal to be considered. Passed unanimously. (AYES: Davidson, Copps, Duggal, Katz, Windbiel-Rojas. NOES: None. ABSTENTIONS: None.)

Mr. Copps moved and Ms. Windbiel-Rojas seconded to establish criteria setting the maximum dollar amount for a research proposal at \$330,000. Passed unanimously. (AYES: Davidson, Copps, Duggal, Katz, Windbiel-Rojas. NOES: None. ABSTENTIONS: None.)

Panel Member Mike Katz departed the meeting at 10:00 A.M.

Ms. Windbiel-Rojas moved and Mr. Duggal seconded for the following language to be incorporated into the Purpose and Description section of the RFP. "Proposals should focus on the study of, and integrated pest management (IPM) for, the following structural pests—ants, bed bugs, cockroaches, drywood termites, rodents, and yellowjackets." Passed unanimously. (AYES: Davidson, Copps, Duggal, Windbiel-Rojas. NOES: None. ABSTENTIONS: None.)

Panel Member Windbiel-Rojas departed the meeting at 10:17 A.M.

Mr. Copps moved and Mr. Duggal seconded to accept the 2010 RFP in its entirety with the following changes to the scoring criteria—Research Objectives weighted 25%, Projection Direction weighted 35%, Qualifications weighted 20%, and Budget and Budget Narrative weighted 20%, and to delegate authority to Board staff to work with the Department of Consumer Affairs contract unit to correct the Budget and Budget Narrative language and produce a new RFP. Passed unanimously. (AYES: DAVIDSON, COPPS, DUGGAL. NOES: None. ABSENTIONS: None.)

ADJOURNMENT

The meeting was adjourned at 10:25 A.M.

Nita Davidson, Chair

Date



California

LEGISLATIVE INFORMATION

AB-551 Rental property: bed bugs. (2015-2016)

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Date Published:

Assembly Bill No. 551

CHAPTER 599

An act to amend Section 1942.5 of, to amend and renumber Section 1954.1 of, and to add Chapter 2.8 (commencing with Section 1954.600) to Title 5 of Part 4 of Division 3 of, the Civil Code, relating to tenancy.

[Approved by Governor September 25, 2016. Filed with Secretary of State September 25, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 551, Nazarian. Rental property: bed bugs.

Existing law imposes various obligations on landlords who rent out residential dwelling units, including the general requirement that the building be in a fit condition for human occupation. Among other responsibilities, existing law requires a landlord of a residential dwelling unit to provide each new tenant who occupies the unit with a copy of the notice provided by a registered structural pest control company, as specified, if a contract for periodic pest control service has been executed.

This bill would prescribe the duties of landlords and tenants with regard to the treatment and control of bed bugs. The bill would require a landlord to provide a prospective tenant, on and after July 1, 2017, and to all other tenants by January 1, 2018, information about bed bugs, as specified. The bill would require that the landlord provide notice to the tenants of those units inspected by the pest control operator of the pest control operator's findings within 2 business days, as specified. The bill would prohibit a landlord from showing, renting, or leasing a vacant dwelling unit that the landlord knows has a bed bug infestation, as specified.

This bill would incorporate additional changes to Section 1942.5 of the Civil Code, proposed by AB 2881, that would become operative only if this bill and AB 2881 are chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

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

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

SECTION 1. Section 1942.5 of the Civil Code is amended to read:

1942.5. (a) If the lessor retaliates against the lessee because of the exercise by the lessee of his or her rights under this chapter or because of his or her complaint to an appropriate agency as to tenantability of a dwelling, and if the lessee of a dwelling is not in default as to the payment of his or her rent, the lessor may not recover possession of a dwelling in any action or proceeding, cause the lessee to quit involuntarily, increase the rent, or decrease any services within 180 days of any of the following:

(1) After the date upon which the lessee, in good faith, has given notice pursuant to Section 1942, has provided notice of a suspected bed bug infestation, or has made an oral complaint to the lessor regarding tenantability.

SEC. 3. Chapter 2.8 (commencing with Section 1954.600) is added to Title 5 of Part 4 of Division 3 of the Civil Code, to read:

CHAPTER 2.8 Bed Bug Infestations

1954.600. The Legislature finds and declares:

(a) Controlling bed bugs is uniquely challenging, as bed bug resistance to existing insecticidal control measures is significant. Cooperation among landlords, tenants, and pest control operators is required for successful control. With cooperation among landlords, tenants, and pest control operators, most bed bug infestations can be successfully controlled.

(b) Effective control is more likely to occur when landlords and tenants are informed of the best practices for bed bug control.

(c) Early detection and reporting of bed bugs is an important component required for preventing bed bug infestations. Tenants should not face retaliation for reporting a problem.

(d) Lack of cooperation by landlords and tenants can undermine pest control operator efforts to identify the presence of bed bugs and control an infestation. Depending on the treatment strategy, it is often critical that tenants cooperate with pest control operators by reducing clutter, washing clothes, or performing other activities. Likewise, inadequate or untimely response or planning by landlords may exacerbate an infestation.

(e) Pest control operators with knowledge and education in current best practices for bed bug management, such as those created by the National Pest Management Association (NPMA), are best equipped to help property owners and tenants eradicate bed bugs from their home.

(f) The Structural Pest Control Board should incorporate training in bed bug management based on the National Pest Management Association (NPMA) best practices for the issuance or renewal of a Branch 2 operator, field representative, or applicator license.

1954.601. For purposes of this chapter, the term "pest control operator" means an individual holding a Branch 2 operator, field representative, or applicator license from the Structural Pest Control Board.

1954.602 (a) A landlord shall not show, rent, or lease to a prospective tenant any vacant dwelling unit that the landlord knows has a current bed bug infestation.

(b) This section does not impose a duty on a landlord to inspect a dwelling unit or the common areas of the premises for bed bugs if the landlord has no notice of a suspected or actual bed bug infestation. If a bed bug infestation is evident on visual inspection, the landlord shall be considered to have notice pursuant to this section.

1954.603. On and after July 1, 2017, prior to creating a new tenancy for a dwelling unit, a landlord shall provide a written notice to the prospective tenant as provided in this section. This notice shall be provided to all other tenants by January 1, 2018. The notice shall be in at least 10-point type and shall include, but is not limited to, the following:

(a) General information about bed bug identification, behavior and biology, the importance of cooperation for prevention and treatment, and the importance of and for prompt written reporting of suspected infestations to the landlord. The information shall be in substantially the following form:

Information about Bed Bugs

Bed bug Appearance: Bed bugs have six legs. Adult bed bugs have flat bodies about 1/4 of an inch in length. Their color can vary from red and brown to copper colored. Young bed bugs are very small. Their bodies are about 1/16 of an inch in length. They have almost no color. When a bed bug feeds, its body swells, may lengthen, and becomes bright red, sometimes making it appear to be a different insect. Bed bugs do not fly. They can either crawl or be carried from place to place on objects, people, or animals. Bed bugs can be hard to find and identify because they are tiny and try to stay hidden.

Life Cycle and Reproduction: An average bed bug lives for about 10 months. Female bed bugs lay one to five eggs per day. Bed bugs grow to full adulthood in about 21 days.

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WESTLAW California Code of Regulations[Home Table of Contents](#)**§ 1937. Qualification of Applicant.**

16 CA ADC § 1937

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONSBarclays Official California Code of Regulations Currentness

Title 16. Professional and Vocational Regulations

Division 19. Structural Pest Control Board

Article 3. Licensing (Refs & Annos)

16 CCR § 1937

§ 1937. Qualification of Applicant.

(a) "Experience" and "in the employ of," as used in section 8562(b) of the code and "training and experience" as used in section 8564 of the code means actual field work.

(b) A qualifying manager of a registered company or licensed operator designated by a company shall provide written certification of an employee's or former employee's experience and time accurately and promptly upon written request by the employee. The qualifying manager or designated licensed operator must be licensed in the branch or branches for which he/she is certifying experience and time.

(c) Specific minimum requirements of training and experience are accorded to the branch or branches for which the applicant is applying, as follows:

Branch 1	A minimum of one hundred hours of training and experience in preparation, fumigation, ventilation, and certification required.
Branch 2	A minimum of forty hours of training and experience, twenty hours of which are actual field work, required. The minimum hour requirement must include training and experience in Integrated Pest Management as defined in section 1984, and the impact of structural pest control services on water quality.
Branch 3	A minimum of one hundred hours of training and experience, eighty hours of which are actual field work, required. The minimum hour requirement must include training and experience in Integrated Pest Management, and the impact of structural pest control services on water quality.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560, 8562 and 8564, Business and Professions Code.

HISTORY

1. New subsection (d) filed 3-15-79; effective thirtieth day thereafter (Register 79, No. 11).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment of subsection (b) filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
4. Amendment filed 6-21-89; operative 7-21-89 (Register 89, No. 25).
5. Editorial correction restoring HISTORY 4. and correct text (Register 91, No. 45).
6. Amendment of subsection (a) and new subsection (c) filed 8-13-98; operative 9-12-98 (Register 98, No. 33).

7. Amendment of subsection (c) filed 3-20-2009; operative 4-19-2009 (Register 2009, No. 12).

This database is current through 12/9/16 Register 2016, No. 50

16 CCR § 1937, 16 CA ADC § 1937

END OF DOCUMENT

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MEMORANDUM

DATE	December 20, 2016
TO	Board Members
FROM	Susan Saylor, Executive Officer Structural Pest Control Board
SUBJECT	AGENDA ITEM XI – STAFF RECOMMENDED LEGISLATIVE AMENDMENTS

Enclosed in your Board packages is proposed language for the staff recommended amendments to Business and Professions (B&P) Code sections 8517, 8560, 8567 and 8623. The proposed changes are being recommended for the reasons outlined below.

8517 — Staff is recommending the removal of the term “non-decay fungi” from this section because Board licensees no longer inspect for it.

8560 — Staff is recommending that this section be amended to clarify that applicants must obtain an overall score of 70% or above in order to pass the Board’s licensing examinations.

8567 — Staff is recommending that this section be amended in order to provide statutory authority for companies to notify the Board when an employee disassociates in cases where the employee fails to do so.

8623 — Staff is recommending that this section be amended to align the Board’s procedures for providing a copy of an applicant’s criminal history when the Board denies a license with the requirements of Penal Code section 11105.

8517. Any work contract, billing, agreement, letter of work completed, or other correspondence or document expressing an opinion or making a statement relating to the presence or absence of wood destroying pests or organisms ~~or nondecay fungi~~, shall refer to the inspection report required by Section 8516. These documents shall indicate specifically whether all of the recommended work as set forth in the inspection report was completed, or, if not, the document shall indicate specifically which recommendations were not completed.

8560. (a) Licenses issued to operators, field representatives, or applicators shall be limited to the branch or branches of pest control for which the applicant has qualified by application and examination.

(b) For the purpose of delimiting the type and character of work authorized by the various branch licenses, the practice of pest control is classified into the following branches:

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

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

(3) Branch 3. Termite. The practice relating to the control of wood-destroying pests or organisms by the use of insecticides, or structural repairs and corrections, excluding fumigation with poisonous or lethal gases.

(c) The board may issue a license for a combination of two or more branches for which an applicant qualifies under the provisions of this chapter, and the combination license shall be considered one license.

(d) Unless otherwise authorized by the board, all examinations shall be supplied by the board. All examinations shall be kept for a period of one year, upon the expiration of which these records may be destroyed on order of the board. Each applicant for license as an operator or a field representative shall be designated by a number instead of by name, and the identity thereof shall not be disclosed until the examinations are graded. A person shall not be admitted to the examination room except members of the board, the examining personnel, and the applicants.

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

(f) Licensees may be licensed in other branches upon complying with the requirements for qualification and by examination in those other branches. A failure of the licensee to pass examination in the other branch or branches shall not have any effect on existing licenses.

(g) The examination shall be in each of the subjects specified in the branch or branches relating to the respective applications. A license according to the applications shall be granted to any applicant who shall make a general average of not less than 70 percent ~~on each of the subjects of the branch or branches.~~

8567. (a) Should a field representative or applicator change his or her employment, or should an operator enter the employ of a registered company, or being already employed by a registered company change his or her employment, or being employed by a registered company leave that employment and enter the pest control business on his or her own behalf, he or she shall notify the registrar on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. The registrar shall register the change in his or her records.

(b) If a field representative, operator, or applicator fails to notify the registrar within 30 days of when a change of employment occurs, a registered company may notify the registrar on a form prescribed by the board that the field representative, operator, or applicator is no longer associated with the company.

8623. (a) Notwithstanding Section 8620 or any other provision of law, the board may revoke, suspend, or deny at any time a license under this chapter on any of the grounds for disciplinary action provided in this chapter. The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(b) The board may deny a license to an applicant on any of the grounds specified in Section 480.

(c) In addition to the requirements provided in Sections 485 and 486, upon denial of an application for a license, the board shall provide a statement of reasons for the denial that does the following:

(1) Evaluates evidence of rehabilitation submitted by the applicant, if any.

(2) Provides the board's criteria relating to rehabilitation, formulated pursuant to Section 482, that takes into account the age and severity of the offense, and the evidence relating to participation in treatment or other rehabilitation programs.

(3) If the board's decision was based on the applicant's prior criminal conviction, justifies the board's denial of a license and conveys the reasons why the prior criminal conviction is substantially related to the qualifications, functions, or duties of a licensed structural pest control operator.

(d) Commencing July 1, 2009, all of the following shall apply:

(1) If the denial of a license is due at least in part to the applicant's state or federal criminal history record, the board shall, in addition to the information provided pursuant to paragraph (3) of subdivision (c), provide to the applicant a copy of his or her criminal history record ~~if the applicant makes a written request to the board for a copy, specifying at an address specified by the candidate to which it is to be sent.~~

(A) The state or federal criminal history record shall not be modified or altered from its form or content as provided by the Department of Justice.

(B) The criminal history record shall be provided in such a manner as to protect the confidentiality and privacy of the applicant's criminal history record and the criminal history record shall not be made available by the board to any employer.

(C) The board shall retain a copy of the applicant's written request and a copy of the response sent to the applicant, which shall include the date and the address to which the response was sent.

(2) The board shall make that information available upon request by the Department of Justice or the Federal Bureau of Investigation.

(e) Notwithstanding Section 487, the board shall conduct a hearing of a license denial within 90 days of receiving an applicant's request for a hearing. For all other hearing requests, the board shall determine when the hearing shall be conducted.

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
2	3	4	5	6	7	8
9	10	11 SPCB Meeting (Los Angeles)	12 SPCB Meeting (Los Angeles)	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

October 2017

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

January 2018

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1 82	2 83	3 84	4 85	5 86	6 87
7 88	8 89	9 90	10 91	11 92	12 93	13 94
14 95	15 96	16 97	17 98	18 99	19 100	20 101
21 102	22 103	23 104	24 105	25 106	26 107	27 108
28 109	29 110	30 111	31 112			