



BOARD MEETING NOTICE AND AGENDA

April 17, 2019
8:00 A.M.

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

Contact Person: Susan Saylor
916-561-8700

AGENDA

- I. Roll Call / Establishment of Quorum
- II. Flag Salute / Pledge of Allegiance
- III. Public Comment for Items Not on the Agenda
The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
- IV. Petition for Reinstatement
Dawn Marie Charrette – OPR 9119 – Branches 1 & 3
- V. Petition for Reinstatement
Jesus De Lara – FR 44208 – Branches 2 & 3
- VI. Closed Session - Pursuant to Subdivision (c)(3) of Section 11126 of the Government Code the Board Will Meet in Closed Session to Consider Reinstatements, Proposed Disciplinary Actions, and Stipulated Settlements

Reconvene in Open Session

- VII. Review and Approval of Minutes of the January 15 & 16, 2019 Board Meeting
- VIII. Discussion and Possible Action on Occupational Analysis for Applicators
- IX. Presentation and Possible Action on Regulatory Amendments Mandated by Assembly Bill 2138 (Chiu)
 - a. California Code of Regulations (CCR), Title 16, sections 1937.1, 1937.2 – Substantial Relation Criteria and Rehabilitation Criteria

- X. Executive Officer's Report
 - a. Licensing, Enforcement, Examination and WDO Statistics
 - b. Survey Results
 - c. Examination Development
- XI. Update on the Status of the Research Proposals Selected for Funding at the July 26, 2018 Board Meeting
- XII. Discussion and Possible Action on the Structural Pest Control Board's Compliance With U.S. Environmental Protection Agency (EPA) Pesticide Applicator Regulations
- XIII. Discussion of the Board's Annual Budget and Possible Action Regarding WDO Filing Fee Increase: Business and Professions Code (BPC) section 8674 and CCR, Title 16, section 1997
- XIV. Discussion and Possible Action on Office of Professional Examination Services (OPES) Recommendation to Eliminate Continuing Education Challenge Examinations
 - a. BPC sections 8593 and 8593.1
 - b. CCR, Title 16, sections 1948 and 1951
- XV. Regulations Update and Possible Action:
 - a. CCR, Title 16, sections 1950, 1950.5, 1953 – Continuing Education
 - b. CCR, Title 16, section 1997 – WDO Inspection and Completion Activity Fee
- XVI. Legislation Update and Possible Action
 - a. Assembly Bill 193 (Patterson) – Professions and Vocations
 - b. Assembly Bill 434 (Baker) – State Web Accessibility
 - c. Assembly Bill 613 (Low) – Professions and Vocations: Regulatory Fees
 - d. Assembly Bill 1024 (Frazier) – Home Inspectors: Licensing
 - e. Assembly Bill 1788 (Bloom) – Pesticides: Use of Anticoagulants
 - f. Senate Bill 53 (Wilk) – Open Meetings
- XVII. Future Agenda Items

XVIII. Board Calendar

XIX. 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.

While the Board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources or technical difficulties that may arise. To view the Webcast, please visit www.thedcapage.wordpress.com/webcasts/.

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**

January 15 & 16, 2019

The meeting was held January 15 & 16, 2019 at the Doubletree by Hilton Claremont,
Sycamore Room, 555 W Foothill Blvd, Claremont, California

Board Members Present:

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

Board Members Absent:

Ronna Brand
Servando Ornelas

Board Staff Present:

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

Departmental Staff Present:

Sabina Knight, Legal Counsel

Tuesday, January 15, 2019 – 1:00 P.M.

ROLL CALL / ESTABLISHMENT OF QUORUM

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

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

Board Members Brand and Ornelas were absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Van Steenwyk led everyone in a flag salute and recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

PETITION FOR REINSTATEMENT **GEORGE MIKHAEL MAHER – OPR 11945, BRANCH 2**

Administrative Law Judge Eric C. Sawyer sat with the Board to hear the Petition for Reinstatement of George Mikhael Maher, Operator License Number 11945, Branch 2. Mr. Maher was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT **FREDERICK V. MARTINEZ – FR 45202, BRANCH 1**

Administrative Law Judge Eric C. Sawyer sat with the Board to hear the Petition for Reinstatement of Frederick V. Martinez, Field Representative License Number 45202, Branch 1. Mr. Martinez was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT **STEPHEN H. LAWSON – OPR 8722, BRANCH 1**

Administrative Law Judge Eric C. Sawyer sat with the Board to hear the Petition for Reinstatement of Stephen H. Lawson, Operator License Number 8722, Branch 1. Mr. Lawson 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 reinstatements, proposed disciplinary actions, and stipulated settlements.

Return to Open Session

Recess

Wednesday, January 16, 2019 – 8:00 A.M.

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Van Steenwyk called the meeting to order at 7:58 A.M. and Ms. Saylor called roll.

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

Board Members Brand and Ornelas were absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Van Steenwyk led everyone in a flag salute and recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Peggy Byerly, Department of Pesticide Regulation (DPR), stated that Governor Gavin Newsom asked Brian Leahy to step down as the Director of DPR and that he did so effective January 10, 2019. Ms. Byerly further stated that Teresa Marks is serving, until further notice, as acting Director of DPR and no date has been provided for the appointment of a new Director.

DEPARTMENT OF CONSUMER AFFAIRS UPDATE

Mr. Van Steenwyk stated that the Department of Consumer Affairs (DCA) sent an update in letter form and requested that the letter be entered into the official meeting record and posted publicly on the Board's website.

REVIEW AND APPROVAL OF MINUTES OF THE OCTOBER 16 & 17, 2018 BOARD MEETING

Mr. Duran moved and Mr. Tamayo seconded to approve the Minutes of the October 16 & 17, 2018 Board Meeting. Passed unanimously.

(AYES: VAN STEENWYK, TAMAYO, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

DISCUSSION AND POSSIBLE ACTION ON OCCUPATIONAL ANALYSIS FOR APPLICATORS

Ms. Saylor stated that the occupational analysis for Applicators is expected to begin in the second half of 2019. Ms. Saylor further stated that she anticipated the contract with Office of Professional Examination Service (OPES) for the Applicator occupational analysis being in place after the beginning of Fiscal Year 2019/2020.

Mr. Van Steenwyk asked what the process will be once the Applicator occupational analysis begins.

Ms. Saylor stated that there will be a stakeholder meeting at the outset of the Applicator occupational analysis that all industry can take part in.

Mr. Van Steenwyk stated his desire for the Board to communicate with industry throughout the process to maximize participation.

Mr. Good stated that he will make his facility available during the Applicator occupational analysis if it makes strategic sense to hold meetings in southern California.

STATUS UPDATE FROM THE PRE-TREATMENT COMMITTEE

Mr. Duran stated that he is still in the process of contacting potential Pre-Treatment Committee members and that he would update the Board when the Committee has made more progress.

EXECUTIVE OFFICER'S REPORT

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

Mr. Good stated that the passing rate for the Applicator examination appears to have increased.

Ms. Saylor updated the Board on the Branch 1 occupational analysis workshop that occurred in November, 2018 at Mr. Good's facility and stated that another Branch 1 workshop is scheduled for March 28 & 29, 2019 and is still in need of attendees. Ms. Saylor further stated that she has been coordinating with Pest Control Operators of California (PCOC) in recruitment efforts and invited industry members to reach out if they are interested in participating.

Ms. Saylor stated that the Board hired Estrella Gelera to fill its vacant cashiering position and is still recruiting to fill the vacant Applicator licensing position. Ms. Saylor further stated that the Board is in the process of interviewing candidates to fill the two vacant specialist positions and that one vacancy is in southern California and the other in northern California.

UPDATE ON THE STATUS OF THE RESEARCH PROPOSALS SELECTED FOR FUNDING AT THE JULY 26, 2018 BOARD MEETING

Ms. Saylor stated that the status summary (included in Board materials) for each of the research proposals will be included in the meeting materials from now on. Ms. Saylor further stated that the contracts for each of the proposals were executed in October, 2018 and the first progress reports are due April 1, 2019 and will be shared with the Board.

Mr. Duran asked if the funds for the research proposals had already been disbursed to the researchers.

Ms. Saylor stated that the researchers submit monthly invoices to the Board for the expenses related to their proposals and the Board disburses research funds based on those invoices.

RECOMMENDATIONS AND POSSIBLE BOARD ACTION ON AMENDMENTS TO THE STRUCTURAL PEST CONTROL ACT

Business and Professions Code (BPC) section 8572

Ms. Saylor stated that in order for staff to have the authority to issue a 5 year probationary license, BPC section 8572 needs to be amended.

Ms. Knight advised the Board to vote on each of the statutory amendments individually.

Mr. Good moved and Mr. Van Steenwyk seconded to approve the proposed amendment to BPC section 8572 and to authorize Ms. Saylor to seek a legislative author to enact the proposed amendment. Passed unanimously.

(AYES: VAN STEENWYK, TAMAYO, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

Business and Professions Code (BPC) section 8610

Ms. Saylor stated that the proposed amendment to BPC section 8610 would allow the Board to deny an application for company registration if one of the prospective owners with a 10% or greater interest in the company is currently on probation.

Mr. Van Steenwyk moved and Mr. Good seconded to approve the proposed amendment to BPC section 8610 and to authorize Ms. Saylor to seek a legislative author to enact the proposed amendment. Passed unanimously.

(AYES: VAN STEENWYK, TAMAYO, DURAN, GOOD. NOES: NONE. ABSTENTIONS: NONE.)

REGULATIONS UPDATE AND POSSIBLE ACTION

California Code of Regulations, Title 16, section 1970.4

Ms. Knight stated that she recently provided proposed language to Board staff amending California Code of Regulations (CCR), Title 16, section 1970.4 to create guidelines for the post-application notice requirements associated with pesticide use. Ms. Knight further stated that once staff has had an opportunity to review the proposed amendments the language would be presented to the Board at a future meeting.

California Code of Regulations, Title 16, sections 1950, 1950.5, 1953

Mr. Skelton stated that he is almost finished writing the regulatory proposal for CCR sections 1950, 1950.5, and 1953 to re-structure the Board's continuing education program. Mr. Skelton further stated that the regulation would become operative three years from when it was approved by Office of Administrative Law (OAL).

Mr. Van Steenwyk asked Mr. Skelton to briefly explain what the changes to the continuing education program would be.

Mr. Skelton stated that the proposed regulation would not increase the current continuing education hour requirements but would re-allocate them to place a greater emphasis on Integrated Pest Management.

Mr. Van Steenwyk stated that the continuing education categories would be defined more clearly for both licensees and continuing education providers.

Mr. Tamayo stated that the Continuing Education Integrated Pest Management (CEIPM) Committee that recommended these changes had great representation from within the industry.

California Code of Regulations, Title 16, section 1997

Ms. Saylor stated that the public hearing to raise the wood destroying organism inspection reporting fee from \$2.50 per property address reported to \$3.00 per property address reported would take place February 19, 2019 and if no adverse comments were received she was hopeful for a July 1, 2019 effective date.

LEGISLATION UPDATE AND POSSIBLE ACTION

Senate Bill 1480 (Hill)

Ms. Saylor stated that Senate Bill 1480 was signed into law on September 19, 2018 and amended BPC section 101.7 to reduce the number of meetings required of the Board from three annually to two annually with one being in northern California and the other in southern California.

Mr. Van Steenwyk expressed concern that lowering the number of meetings would reduce opportunities for petitioners for reinstatement of license.

Ms. Saylor stated that reducing the number of meetings could lead to more mail votes but if there were ever an emergency situation a teleconference meeting could be scheduled.

Jack Launius, Borite Termite and Pest Treatments, stated that in his opinion, there should be two meetings per year in northern California and 2 meetings a year in southern California.

FUTURE AGENDA ITEMS

Mr. Launius asked for clarification about what specific information is required to be present on the service slip that is left with the homeowner following a branch 2 application.

Lee Whitmore, Quality Pest Services, stated that he would like to discuss CCR section 1953 and the requirement that continuing education providers notify the Board 30 days prior to the presentation of any activity and under what circumstances exceptions may be granted.

BOARD CALENDAR

The next three meetings were scheduled for –

April 17 & 18, 2019 in Sacramento

July 17 & 18, 2019 in Claremont

October 23 & 24, 2019 in Sacramento

ADJOURNMENT

The meeting was adjourned at 8:54 A.M.

Darren Van Steenwyk, President

Date

**Exhibit A
Attachment I**

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #20829 PROJECT PLAN (Tentative Plan) for STRUCTURAL PEST CONTROL BOARD APPLICATOR OCCUPATIONAL ANALYSIS FISCAL YEAR 2019-20		
Project Objectives:	<i>Identify critical competencies of Applicator and develop a description of practice.</i>	
Completion Date:	June 30, 2020	
Board Contact:	Susan Saylor (916) 561-8712	
OPES Contact:	Ganesh Kumar (916) 575-7268	
MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
1. Review Background Information > Review past occupational analyses > Review changes in Law and Practice > Identify emerging trends and considerations	July or August 2019 July or August 2019 July or August 2019	OPES OPES/BOARD OPES/BOARD
2. Conduct Industry Stakeholder Meeting > Communicate upcoming occupational analysis to licensees > Communicate upcoming stakeholder meeting to industry > Conduct Stakeholder (Townhall) meeting with industry > Collect licensee email and mailing addresses	July or August 2019 July or August 2019 Sept or Oct 2019 Sept or Oct 2019	BOARD BOARD OPES/BOARD BOARD
3. Develop Job Content and Structure > Recruit SMEs for interviews > Provide list of SMEs to OPES > Schedule and conduct interviews > Transcribe interview information > Develop preliminary list of task and knowledge statements	September-2019 Sept or Oct 2019 Oct or Nov 2019 Nov or Dec 2019 Nov or Dec 2019	BOARD BOARD OPES OPES OPES
4. Review Task and Knowledge Statements > Recruit SMEs for 2-day workshop > Provide list of SMEs to OPES > Conduct 2-day workshop with SMEs > Revise task and knowledge statements	Nov or Dec 2019 Nov or Dec 2019 January 2020 Jan or Feb 2020	BOARD BOARD OPES/SMEs OPES
5. Review Task and Knowledge Statements > Recruit SMEs for 2-day workshop > Provide list of SMEs to OPES > Conduct 2-day workshop with SMEs > Revise task and knowledge statements > Board review of Preliminary results	Dec 2019 or Jan 2020 Jan or Feb 2020 February 2020 Feb or March 2020 Feb or March 2020	BOARD BOARD OPES/SMEs BOARD OPES/BOARD
6. Construct and Distribute Pilot Questionnaire > Develop demographic items and rating scales > Board review of occupational analysis pilot survey > Prepare Web-based questionnaire for pilot study > Prepare text of emails/letters for pilot study and final distribution (presurvey, survey, follow-up) survey, post survey) of questionnaire > Prepare announcement of occupational analysis in newsletter or other media > Email questionnaire for pilot study to selected participants > Download pilot questionnaire data files for analysis	March 2020 March 2020 March 2020 March 2020 March 2020 March 2020 March 2020 March 2020	OPES/BOARD OPES/BOARD OPES BOARD BOARD OPES/BOARD OPES

INTRA-AGENCY CONTRACT AGREEMENT (IAC) #20829
PROJECT PLAN (Tentative Plan)
for
STRUCTURAL PEST CONTROL BOARD
APPLICATOR
OCCUPATIONAL ANALYSIS
FISCAL YEAR 2019-20

Project Objectives: *Identify critical competencies of Applicator and develop a description of practice.*

Completion Date: June 30, 2020

Board Contact: Susan Saylor
(916) 561-8712

OPES Contact: Ganesh Kumar
(916) 575-7268

MAJOR PROJECT EVENTS	TARGET DATE	RESPONSIBILITY
7. Construct and Distribute Final Questionnaire <ul style="list-style-type: none"> > Prepare draft of final questionnaire > Determine sampling plan > Provide master file of email addresses > Prepare final Web-based questionnaire > Assemble and email questionnaire invitations to participants > Send follow-up survey emails two weeks after distribution of survey 	<p>April 2020</p> <p>April 2020</p> <p>April 2020</p> <p>April 2020</p> <p>April 2020</p> <p>April or May 2020</p>	<p>OPES</p> <p>OPES</p> <p>OPES</p> <p>OPES</p> <p>OPES</p> <p>OPES/BOARD</p>
8. Data Analysis <ul style="list-style-type: none"> > Download final questionnaire data files > Convert and merge data files for analysis > Analyze demographics, task and knowledge ratings > Develop preliminary description of practice 	<p>May 2020</p> <p>May 2020</p> <p>May 2020</p> <p>May 2020</p>	<p>OPES</p> <p>OPES</p> <p>OPES</p> <p>OPES</p>
9. Review Results of Occupational Analysis <ul style="list-style-type: none"> > Recruit SMEs for 2-day workshops > Provide list of SMEs to OPES > Conduct 2-day workshop with SMEs > Develop description of practice 	<p>May 2020</p> <p>May or June 2020</p> <p>June 2020</p> <p>June 2020</p>	<p>BOARD</p> <p>BOARD</p> <p>OPES/SMEs</p> <p>OPES</p>
10. Prepare Validation Report <ul style="list-style-type: none"> > Prepare draft of validation report > Prepare, print and submit final validation report 	<p>June 2020</p> <p>June 2020</p>	<p>OPES</p> <p>OPES</p>

MEMORANDUM

DATE	March 29, 2019
TO	Board Members
FROM	Susan Saylor, Executive Officer
SUBJECT	Agenda Item IX. AB 2138 Implementation

Under existing law, boards may deny or discipline a license based upon discipline imposed by another state, an agency of the federal government, or another country for any act substantially related to the licensed profession. Effective July 1, 2020, Assembly Bill 2138 will require boards to amend their existing regulations governing substantially-related crimes or acts, and rehabilitation criteria.

Business and Professions Code section 480 presently authorizes boards to deny an application for licensure based on a conviction for a crime or act substantially related to the licensed business or profession. Likewise, section 490 authorizes boards to suspend or revoke a license on the basis that the licensee was convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession.

AB 2138 also specified three criteria that boards must consider when evaluating whether a crime is “substantially related” to the regulated business or profession. The criteria shall include: (1) The nature and gravity of the offense; (2) The number of years elapsed since the date of the offense; and (3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

Enclosed in your board packages for your consideration is proposed regulatory language, recommended by the Department of Consumer Affairs Legal Office, to bring the board’s regulations into compliance with the provisions of AB 2138.

§ 1937.1. Substantial Relation Criteria.

(a) For the purposes of denial, suspension or revocation of a license or company registration pursuant to ~~section 141 or~~ Division 1.5 (commencing with Section 475) of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a licensee or registered company under Chapter 14 of Division 3 of the code if to a substantial degree it evidences present or potential unfitness of such licensee or registered company to perform the functions authorized by the license or company registration in a manner consistent with the public health, safety, or welfare. ~~Such crimes or acts shall include, but not be limited to, the following:~~

(b) In making the substantial relationship criteria determination required under subdivision (a) for a crime, the board shall consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature of duties of the structural pest control license or registration being sought, or held by the person.

(c) For the purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

~~(a)~~ (1) Any violation of the provisions of Chapter 14 of Division 3 of the code.

~~(b)~~ (2) Commission of any of the following in connection with the practice of structural pest control:

~~(1)~~ (A) Fiscal dishonesty

~~(2)~~ (B) Fraud

~~(3)~~ (C) Theft

~~(4)~~ (D) Violations relating to the misuse of pesticides.

Note: Authority cited: Sections 481 and 8525, Business and Professions Code. Reference: Sections 8525, 8568, 8620 and 8646, Business and Professions Code.

§ 1937.2. Criteria for Rehabilitation.

(a) When considering the denial of a structural pest control license or company registration under Section 480 of the Business and Professions Code, on the ground that the applicant was convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation and is presently eligible for a license or registration, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria: ~~the board, in evaluating the rehabilitation of the applicant and his or her or its present eligibility for a license or company registration will consider the following criteria:~~

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.
- (5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(b) If subdivision (a) is inapplicable, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subdivision (a), the board shall apply the following criteria in evaluating an applicant's rehabilitation. The board shall find that the applicant made a showing of rehabilitation and is presently eligible for a license or registration if, after considering the following criteria, the board finds the applicant is rehabilitated:

- (1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) or crime(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Business and Professions Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.
- (5) The criteria in subdivision (a)(1-5), as applicable.

~~(5)~~ Evidence, if any, of rehabilitation submitted by the applicant.

~~(b)~~ (c) When considering the suspension or revocation of a structural pest control license or company registration on the grounds that the licensee or registered company has been convicted of a crime, the board shall consider whether the licensee or registered company made a showing of rehabilitation and is presently eligible for a license or registration, if the licensee or registered company completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria: in evaluating the rehabilitation of such person or company and his or her or its present eligibility for a license or company registration will consider the following:

- (1) The nature and gravity of the crime(s).
- (2) The length(s) of the applicable parole or probation period(s).
- (3) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.
- (4) The terms or conditions of parole or probation and the extent to which they bear on the licensee or company's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.

(d) If subdivision (c) is inapplicable, or the board determines that the licensee or company did not make the showing of rehabilitation based on the criteria in subdivision (c), the board shall apply the following criteria in evaluating a licensee's rehabilitation. The board shall find that the licensee made a showing of rehabilitation and is presently eligible for a license or registration if, after considering the following criteria, the board finds that the applicant is rehabilitated:

(1) Nature and severity of the act(s) or ~~offense~~ crime(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or ~~offense~~ crime(s).

(4) Whether the licensee or registered company has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee or registered company.

(5) The criteria in subdivision (c)(1-5), as applicable.

~~(5)~~ If applicable, evidence of ~~expungement~~ dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

~~(6)~~ Evidence, if any of rehabilitation submitted by the licensee or registered company.

~~(e)~~ When considering a petition for reinstatement of a structural pest control license or company registration, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection ~~(b)~~ (c).

Note: Authority cited: Sections 475, 476, 480-482, 484-487 and 8525, Business and Professions Code. Reference: Sections 475, 476, 480-482, 484-487 and 8525, Business and Professions Code.



APPLICATION FOR OPERATOR'S LICENSE

LICENSE FEE: \$120

(Remit by money order, cashier's check or personal check payable to the Structural Pest Control Board)

If you are already licensed as an operator, it is only necessary to submit this form and your permanent wall license for upgrading. There is no fee for upgrading.

- Each question must be fully and truthfully answered.
- Attach sheets to this application wherever so directed or when space provided is not sufficient.
- An incomplete application will be returned to the applicant.
- **ALL FIELDS MUST BE TYPED OR PRINTED.**

FOR BOARD USE ONLY

ATS No. _____

Cashiering No. _____

Checked By _____

Effective Date _____

License No. _____

Branch _____

Class Code _____

Business & Professions Code Section 8562

1. Check the branch(es) you are applying for: <input type="checkbox"/> Branch 1 – Fumigation <input type="checkbox"/> Branch 2 – General Pest <input type="checkbox"/> Branch 3 – Termite		
2. Check the type of Operator's License to be issued: <input type="checkbox"/> Inactive License <input type="checkbox"/> Employee of a Company <input type="checkbox"/> Qualifying Manager		
3. Date of Birth: _____		4. Driver's License or California Identification No.: _____
5. Social Security Number or Individual Tax Identification Number: _____ Disclosure of your Social Security Number (SSN) or Individual Tax Identification Number (ITIN) is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42 U.S.C.A. 405(c)(2)(C)) authorize collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Family Code Section 17520, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN or ITIN, your application for initial license will not be processed AND you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.		
6. Name of Applicant: (First) _____ (Middle) _____ (Last) _____		
Residence Address: (Building Number) _____ (Street Name) _____ (Unit Number) _____ (City) _____ (State) _____ (Zip) _____		Telephone Number: () _____
Mailing Address: (Building Number) _____ (Street Name) _____ (Unit Number) _____ (City) _____ (State) _____ (Zip) _____		Email Address (optional): _____
7. Employer: _____		
Employer's Address: (Building Number) _____ (Street Name) _____ (Unit Number) _____ (City) _____ (State) _____ (Zip) _____		Telephone Number: () _____

8.	Are you presently licensed or have you previously been licensed as a structural pest control applicator, field representative, or operator in the State of California? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
	If YES, state license number(s): _____
9.	Give the name and address of individuals and businesses with whom you have been associated in the pest control business as partners or business associates in the last five years: _____ _____ _____
10.	Are you now or have you ever been licensed to do structural pest control in another State? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
	If YES, provide the name of the State and your license number _____ Type of License _____ Name license issued under _____
11.	Are you at the present time employed or engaged in the structural pest control business? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
	If YES, by whom and in what capacity? _____
12.	Have you ever had a professional or vocational license refused, denied, suspended or revoked by this or any other State agency? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
	If YES, attach a signed detailed statement.
13.	Do you have any pending disciplinary actions against you in regards to any professional or vocational licenses? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
	If YES, attach a signed detailed statement.
14.	Have you ever been associated with any person, partnership or corporation, whose professional or vocational license was refused, denied, suspended or revoked by this or any other State agency? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
	If YES, attach a signed detailed statement.
15.	Have you ever been convicted of, or plead guilty or nolo contendere to ANY offense in the United States or a foreign country? This includes every citation, infraction, misdemeanor and/or felony, including traffic violations. NOTE: Convictions that were adjudicated in the juvenile court or convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to section 1203.4, 1203.4(a), or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed. (Minor traffic violations resulting in a fine of \$300.00 or less do not need to be disclosed.) Proof of dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4(a), or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application. <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
	If YES, attach a signed detailed statement.
16.	Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
	If YES, attach a signed detailed statement.
17.	Are you currently in the United States Military? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
18.	Have you ever served in the United States Military? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
19.	Are you, or someone that you are either married, in a legal union or domestic partnership with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
20.	Have you ever been found guilty of any violation or any provision of the Structural Pest Control Act? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div>
	If YES, attach a signed detailed statement.

21. EXPERIENCE -- Submit all actual compensated structural pest control experience gained while in the employ of a company registered in the State of California. Experience must be certified on a CERTIFICATE OF EXPERIENCE FORM. Attach Certificate of Experience Form(s) to this application.

Time Period		Employer and Address	Description of duties performed
From	To		

22. EQUIVALENT EXPERIENCE/TRAINING - Submit all experience/training which you believe is equivalent to experience/training gained while in the employ of a pest control company. Such activities can include but are not limited to military service, structural pest control related occupations or any other related activity.

Time Period		Employer and Address	Description of duties performed
From	To		

23. OUT OF STATE EXPERIENCE -- Out of state experience will be evaluated as to the equivalency of experience under a structural pest control company registered to do business in the State of California.

State in which you gained experience: _____

Do you hold a license issued by that State? If YES, you must have a certified license history sent to the California Structural Pest Control Board from that state's licensing agency as well as a copy of that State's Rules and Regulations.

List in chronological order all structural pest control experience gained out of state. Experience must be certified by employer. Attach certification of experience to this application.

Time Period		Employer and Address	Description of duties performed
From	To		

The information on this application is required pursuant to Section 8560 and following of the Business and Professions Code. All information requested in this application is mandatory, none is voluntary. Failure to provide any of the requested information will result in the application being rejected as incomplete. The information you furnish will be used to determine whether you do or do not meet the requirements for which you are applying. The information you provide may be transferred to other governmental and law enforcement agencies and may be disclosed upon a Public Records Act request made pursuant to Section 6250 of the Government Code. You have a right of access to records maintained by this agency which contain personal information about you subject to the provisions of the Information Practices Act. (§1798 et. seq of the Civil Code) The information is maintained by the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815-3831; telephone 916/561-8704. The Registrar of the Board is the Custodian of Records.

CERTIFIED TRUE STATEMENT

I certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements and representations made in this application, including all statements attached hereto. I understand that falsifying information on this application may result in the denial of this application. I certify that I am at least eighteen years of age and have read and understand the "Notice of Collection of Personal Information."

Original Signature

Date



APPLICATION FOR FIELD REPRESENTATIVE'S LICENSE

LICENSE FEE: \$ 30

(Remit by money order, cashier's check or personal check payable to the Structural Pest Control Board)

If you are already licensed as a field representative, it is only necessary to submit this form and your permanent wall license for upgrading. There is no fee for upgrading.

- Each question must be fully and truthfully answered.
- Attach sheets to this application wherever so directed or when space provided is not sufficient.
- An incomplete application will be returned to the applicant.
- **ALL FIELDS MUST BE TYPED OR PRINTED.**

FOR BOARD USE ONLY

ATS No. _____

Cashiering No. _____

Checked By _____

Effective Date _____

License No. _____

Branch _____

Class Code _____

Business & Professions Code Section 8564

1. Check the branch(es) you are applying for:		
<input type="checkbox"/> Branch 1 – Fumigation	<input type="checkbox"/> Branch 2 – General Pest	<input type="checkbox"/> Branch 3 – Termite
2. Check the type of Field Representative's License to be issued:		
<input type="checkbox"/> Inactive License	<input type="checkbox"/> Employee of a Company	
3. Date of Birth:	4. Driver's License or California Identification No.:	
5. Social Security Number or Individual Tax Identification Number: _____		
<p>Disclosure of your Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN) is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42 U.S.C.A. 405(c)(2)(C)) authorize collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Family Code Section 17520, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN or ITIN, your application for initial license will not be processed AND you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.</p>		
6. Name of Applicant: (First) _____ (Middle) _____ (Last) _____		
Residence Address: (Building Number) _____ (Street Name) _____ (Unit Number) _____		Telephone Number: () _____
(City) _____ (State) _____ (Zip) _____		Email Address (optional): _____
Mailing Address: (Building Number) _____ (Street Name) _____ (Unit Number) _____		
(City) _____ (State) _____ (Zip) _____		
7. Employer:		
Employer's Address: (Building Number) _____ (Street Name) _____ (Unit Number) _____		Telephone Number: () _____
(City) _____ (State) _____ (Zip) _____		

8. Previous Employer:	
Previous Employer's Address:	Telephone Number: Area Code ()
9. Are you presently licensed or have you previously been licensed as a structural pest control applicator, field representative, or operator in the State of California? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If YES, state license number(s): _____	
10. Give the name and address of individuals and businesses with whom you have been associated in the pest control business as partners or business associates in the last five years: _____ _____	
11. Are you now or have you ever been licensed to do structural pest control in another State? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If YES, provide the name of the State and your license number _____ Type of License _____ Name license issued under _____	
12. Are you at the present time employed or engaged in the structural pest control business? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If YES, by whom and in what capacity? _____	
13. Have you ever had a professional or vocational license refused, denied, suspended or revoked by this or any other State agency? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If YES, attach a signed detailed statement.	
14. Do you have any pending disciplinary action against you in regards to any professional or vocational license? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If YES, attach a signed detailed statement.	
15. Have you ever been connected with any person, partnership or corporation, whose professional or vocational license was refused, denied, suspended or revoked by this or any other State agency? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If YES, attach a signed detailed statement.	
16. Have you ever been convicted of, or plead guilty or nolo contendere to ANY offense in the United States or a foreign country? This includes every citation, infraction, misdemeanor and/or felony, including traffic violations. NOTE: Convictions that were adjudicated in the juvenile court or convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to section 1203.4, 1203.4(a), or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed. (Minor traffic violations resulting in a fine of \$300.00 or less do not need to be disclosed.) Proof of dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4(a), or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application. <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If YES, attach a signed detailed statement.	
17. Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If YES, attach a signed detailed statement.	
18. Have you ever been found guilty of any violation or any provision of the Structural Pest Control Act? <div style="text-align: right;"><input type="checkbox"/> YES <input type="checkbox"/> NO</div> If YES, attach a signed detailed statement.	

19. EXPERIENCE -- Submit all actual compensated structural pest control experience gained while in the employ of a company registered in the State of California. Experience must be certified on a CERTIFICATE OF EXPERIENCE FORM. Attach Certificate of Experience Form(s) to this application.		
Time Period From To	Employer and Address	Description of duties performed
20. EQUIVALENT EXPERIENCE/TRAINING - Submit all experience/training which you believe is equivalent to experience/training gained while in the employ of a pest control company. Such activities can include, but are not limited to, military service, structural pest control related occupations or any other related activity.		
Time Period From To	Employer and Address	Description of duties performed
21. OUT OF STATE EXPERIENCE -- Out of state experience will be evaluated as to the equivalency of experience under a structural pest control company registered to do business in the State of California.		
State in which you gained experience: _____		
Do you hold a license issued by that State? If YES, you must have a certified license history sent to the California Structural Pest Control Board from that state's licensing agency as well as a copy of that State's Rules and Regulations.		
List in chronological order all structural pest control experience gained out of state. Experience must be certified by employer.		
Attach certification of experience to this application.		
Time Period From To	Employer and Address	Description of duties performed
22. Are you currently in the United States Military? <input type="checkbox"/> YES <input type="checkbox"/> NO		
23. Have you ever served in the United States Military? <input type="checkbox"/> YES <input type="checkbox"/> NO		
24. Are you, or someone that you are either married, in a legal union or domestic partnership with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders? <input type="checkbox"/> YES <input type="checkbox"/> NO		
CERTIFIED TRUE STATEMENT		
I certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements and representations made in this application, including all statements attached hereto. I understand that falsifying information on this application may result in the denial of this application. I certify that I am at least eighteen years of age and have read and understand the "Notice of Collection of Personal Information."		
Original Signature		Date



APPLICATION FOR APPLICATOR'S LICENSE

LICENSE FEE: \$ 10

(Remit by money order, cashier's check or personal check payable to the Structural Pest Control Board)

- Each question must be fully and truthfully answered.
- Attach sheets to this application wherever so directed or when space provided is not sufficient.
- An incomplete application will be returned to the applicant.
- **ALL FIELDS MUST BE TYPED OR PRINTED.**

FOR BOARD USE ONLY

ATS No. _____

Cashiering Number _____

Checked By _____

Effective Date _____

License No. _____

Branch _____

Class Code _____

Business and Professions Code Section 8564.6

1. Name of Applicant: (First) _____ (Middle) _____ (Last) _____		
2. Residence Address: (Building Number) _____ (Street Name) _____ (Unit Number) _____		Telephone Number: () _____
(City) _____ (State) _____ (Zip) _____		Email Address (optional): _____
Mailing Address: (Building Number) _____ (Street Name) _____ (Unit Number) _____		
(City) _____ (State) _____ (Zip) _____		
3. Employer: _____		
Employer's Address: (Building Number) _____ (Street Name) _____ (Unit Number) _____		Telephone Number: () _____
(City) _____ (State) _____ (Zip) _____		
4. Date of Birth: _____	5. Driver's License No.: _____	
6. Social Security Number or Individual Tax Identification Number: _____		
<p>Disclosure of your Social Security Number (SSN) or Individual Tax Identification Number (ITIN) is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42 U.S.C.A. 405(c)(2)(C)) authorize collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Family Code Section 17520, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN or ITIN, your application for initial license will not be processed AND you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.</p>		
7. Are you 18 years of age or older? <input type="checkbox"/> YES <input type="checkbox"/> NO		
8. Are you presently licensed or have you previously been licensed as a structural pest control applicator, field representative, or operator or equivalent in this or any other state? <input type="checkbox"/> YES <input type="checkbox"/> NO		
If YES, state license number(s): _____		

9. Give the name and address of individuals and businesses with whom you have been associated in the pest control business as partners or business associates in the last five years: <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 2px;"></div> <div style="border-bottom: 1px solid black; height: 1.2em;"></div>	
10. Are you at the present time employed or engaged in the structural pest control business? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, by whom and in what capacity? <div style="border-bottom: 1px solid black; width: 80%; display: inline-block;"></div>	
11. Have you ever had a professional or vocational license refused, denied, suspended or revoked by this or any other State agency? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, attach a signed detailed statement.	
12. Do you have any pending disciplinary actions against you in regards to any professional or vocational licenses? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, attach a signed detailed statement.	
13. Have you ever been connected with any person, partnership or corporation, whose professional or vocational license was refused, denied, suspended or revoked by this or any other State agency? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, attach a signed detailed statement.	
14. Have you ever been convicted of, or plead guilty or nolo contendere to ANY offense in the United States or a foreign country? This includes every citation, infraction, misdemeanor and/or felony, including traffic violations. NOTE: Convictions that were adjudicated in the juvenile court or convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to section 1203.4, 1203.4(a), or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed. (Minor traffic violations resulting in a fine of \$300.00 or less do not need to be disclosed.) Proof of dismissal: If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4(a), or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application. <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, attach a signed detailed statement.	
15. Is any criminal action pending against you, or are you currently awaiting judgment and sentencing following entry of a plea or jury verdict? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, attach a signed detailed statement.	
16. Are you currently in the United States Military? <input type="checkbox"/> YES <input type="checkbox"/> NO	
17. Are you, or someone that you are either married, in a legal union or domestic partnership with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders? <input type="checkbox"/> YES <input type="checkbox"/> NO	
18. Have you ever served in the United States Military? <input type="checkbox"/> YES <input type="checkbox"/> NO	
19. Have you ever been found guilty of any violation or any provision of the Structural Pest Control Act? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, attach a signed detailed statement.	
<p>The information on this application is required pursuant to Section 8560 and following of the Business and Professions Code. All information requested in this application is mandatory, none is voluntary. Failure to provide any of the requested information will result in the application being rejected as incomplete. The information you furnish will be used to determine whether you do or do not meet the requirements for which you are applying. The information you provide may be transferred to other governmental and law enforcement agencies and may be disclosed upon a Public Records Act request made pursuant to Section 6250 of the Government Code. You have a right of access to records maintained by this agency which contain personal information about you subject to the provisions of the Information Practices Act. (§1798 et. seq of the Civil Code) The information is maintained by the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815-3831; telephone 916/561-8704. The Registrar of the Board is the Custodian of Records.</p>	
CERTIFIED TRUE STATEMENT	
I certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements and representations made in this application, including all statements attached hereto. I understand that falsifying information on this application may result in the denial of this application. I certify that I am at least eighteen years of age and have read and understand the "Notice of Collection of Personal Information."	
Original Signature <div style="border-bottom: 1px solid black; height: 1.2em; width: 95%; margin-top: 5px;"></div>	Date <div style="border-bottom: 1px solid black; height: 1.2em; width: 95%; margin-top: 5px;"></div>



REGISTRATION OF COMPANY

INSTRUCTIONS FOR COMPLETING THE APPLICATION

THE REQUEST FOR APPROVAL OF REGISTERED COMPANY MUST BE APPROVED PRIOR TO COMPLETION OF APPLICATION FOR COMPANY REGISTRATION.

Once a namestyle has been approved by the Board, complete pages 2 and 3 and return it with the required fee, the certificate of insurance form and the original surety bond form.

SOLE-OWNER OR PARTNERSHIP ONLY

If namestyle is fictitious, you must file with the county recorder's office and submit a copy of the fictitious name statement to this office along with the above documents.

CORPORATION

The Articles of Incorporation must be submitted after endorsement by the Secretary of State (copy is acceptable). If filing for DBA, submit a copy of the fictitious name statement from county recorder's office. The Board does not recognize Limited Liability Companies (LLCs).

Section 8610 of the Business and Professions Code requires corporations to report the names of its shareholders with 10 percent or more ownership interest. (Attach separate lists if additional space is needed)

APPLICATION FOR REGISTRATION OF COMPANY

Business and Professions Code Section 8610

FEE: \$120

(Remit by money order, cashier's check or personal check payable
to the Structural Pest Control Board.)

There is no fee for upgrading.

Check branch(es) in which you are applying for registration.

Branch 1 ☐ **Branch 2** ☐ **Branch 3** ☐
Fumigation General Pest Termite

- Application must be accompanied by a Registration Fee of \$120.00.
- Each question must be fully and truthfully answered. Attach sheets to this application wherever so directed or when space provided is not sufficient.
- Each question must be answered as applying to all members of partnership or qualifying officers of a corporation and shareholders with 10% ownership or more in a corporation.
- Any material misrepresentation is grounds for refusal or subsequent revocation of a license.
- **ALL FIELDS MUST BE TYPED OR PRINTED.**

FOR BOARD USE ONLY	
ATS No.	
Cashiering No.	
Bond	Insurance
Art. of Inc./fictitious business name	
Branch	Class Code
Registration No.	
Date Issued	Checked By

1. FIRM NAME by which registration is to be issued:				
2. Address of principal place of business: (Building Number) (Street Name) (Unit Number) (City) (State) (Zip Code)				
Mailing address: (Building Number) (Street Name) (Unit Number) (City) (State) (Zip Code)				
3. Telephone number: Area Code ()			Email Address (optional):	
4. Doing Business As: <input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation				
5. Principal office is located in: <input type="checkbox"/> Commercial Building <input type="checkbox"/> Residence				
6. Is principal office clearly marked or to be marked by a sign designating the business? <input type="checkbox"/> YES <input type="checkbox"/> NO				
7. Are there shareholders of this company with 10% ownership or more? <input type="checkbox"/> YES <input type="checkbox"/> NO				
If YES, list shareholders below and percentage of ownership.				
8. Give FULL NAME, Title & Address of individual owner, qualifying manager, partners, all officers of corporation, and shareholders with percentage of ownership:				
Name (Do not use initials) (Please print)	License No. (If any)	Title or Position	Shareholder Percentage	Residence Address (If rural delivery, also name road or district)
9. Social Security Number, Individual Tax Identification Number, or Federal Employee ID Number: _____				
<p>Disclosure of your Social Security Number (SSN), Individual Tax Identification Number (ITIN), (or federal employer identification number ("FEIN"), if you are a partnership) is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 (42 USCA 405(c)(2)(C)) authorize collection of your SSN or ITIN. Your SSN, ITIN, or FEIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with Family Code Section 17520, or for verification of licensure or examination status by a licensing or examination entity which utilizes a national examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN, ITIN, or FEIN, your application for initial or renewal license will not be processed AND you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.</p>				

10.	Give the name and address of individuals and businesses with whom you, or any of you, have been associated with in the pest control business as partners or business associates in the last five years: <div style="border-bottom: 1px solid black; height: 15px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; height: 15px; margin-top: 5px;"></div>	
11.	Are you, or any of you, at the present time employed or engaged in the structural pest control business? <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </div> If YES, by whom and in what capacity? <div style="border-bottom: 1px solid black; width: 80%; margin-top: 5px;"></div>	
12.	Have you, or any of you, ever had a professional or vocational license refused, denied, suspended or revoked by this or any other State agency? <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </div> If YES, attach a signed detailed statement.	
13.	Have you, or any of you, ever been associated with any person, partnership or corporation, whose professional or vocational license was refused, denied, suspended or revoked by this or any other State agency? <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </div> If YES, attach a signed detailed statement.	
14.	Do you, or any of you, have any pending disciplinary action(s) against you, or any of you, by any State agency in regards to any professional or vocational license? <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </div> If YES, attach a signed detailed statement.	
15.	Will any individual, not listed above as an officer or partner, be associated in any capacity with you, who has had a pest control license revoked or suspended, or application refused by this or any other State? <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </div> If YES, attach a signed detailed statement.	
16.	Have you, or any of you, ever been convicted of, or plead guilty or nolo contendere to ANY offense in the United States or a foreign country? This includes every citation, infraction, misdemeanor and/or felony, including traffic violations. NOTE: Convictions that were adjudicated in the juvenile court or convictions two years or older under California Health and Safety Code sections 11357(b), (c), (d), (e) or section 11360(b) should NOT be reported. Convictions that were later expunged from the records of the court or set aside pursuant to section 1203.4, 1203.4(a), or 1203.41 of the California Penal Code or equivalent non-California law MUST be disclosed. (Minor traffic violations resulting in a fine of \$300.00 or less do not need to be disclosed.) <u>Proof of dismissal:</u> If you have obtained a dismissal of your conviction(s) pursuant to Penal Code sections 1203.4, 1203.4(a), or 1203.41, please submit a certified copy of the court order dismissing the conviction(s) with your application. <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </div> If YES, attach a signed detailed statement.	
17.	Is any criminal action pending against you, or any of you, or are you, or any of you, currently awaiting judgment and sentencing following entry of a plea or jury verdict? <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </div> If YES, attach a signed detailed statement.	
18.	Are you, or any of you, currently in the United States Military? <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </div>	
19.	Have you, or any of you, ever served in the United States Military? <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </div>	
20.	Are you, or any of you, or someone that you, or any of you, are either married, in a legal union or domestic partnership with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders? <div style="text-align: right; margin-top: 5px;"> <input type="checkbox"/> YES <input type="checkbox"/> NO </div>	

21. Have you, or any of you, ever been found guilty of any violation or any provision of the Structural Pest Control Act?

☐ YES ☐ NO

If YES, attach a signed detailed statement.

The information on this application is required pursuant to Section 8610 and following of the Business and Professions Code. All information requested in this application is mandatory, none is voluntary. Failure to provide any of the requested information will result in the application being rejected as incomplete. The information you furnish will be used to determine whether you do or do not meet the requirements for which you are applying. The information you provide may be transferred to other governmental and law enforcement agencies and may be disclosed upon a Public Records Act request made pursuant to Section 6250 of the Government Code. You have a right of access to records maintained by this agency which contain personal information about you subject to the provisions of the Information Practices Act. (§1798 et. seq of the Civil Code) The information is maintained by the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815-3831; telephone 916/561-8704. The Registrar of the Board is the Custodian of Records.

CERTIFIED TRUE STATEMENT - I certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements and representations made in this application, including all statements attached hereto. I understand that falsifying information on this application may result in the denial of this application. I certify that I have read and understand the "Notice of Collection of Personal Information."

Original Signature

Printed Name

Title

Date

A sole owner must sign this application personally. A partnership application must be signed by each partner. A corporate application must be signed by all officers of a corporation and shareholders with 10% or more ownership in a corporation.

Each Qualifying Manager must also sign this application.

STRUCTURAL PEST CONTROL BOARD		FISCAL YEAR		FISCAL YEAR	
STATISTICS FOR FEBRUARY 2019		2018/2019		2017/2018	
		Year		Year	
		Monthly	To Date	Monthly	To Date
EXAMINATION					
Field Representatives Scheduled		617	3,921	533	3,557
Field Representatives Examined		379	2,990	346	2,791
Field Representatives Passed		239	1,471	106	1,100
Field Representatives Failed		140	1,519	240	1,691
Operators Scheduled		47	360	44	311
Operators Examined		38	328	34	280
Operators Passed		18	156	23	168
Operators Failed		20	172	11	112
Applicators Scheduled		290	2,448	331	2,804
Applicators Examined		195	2,000	256	2,268
Applicators Passed		92	872	95	800
Applicators Failed		103	1,128	161	1,468
Field Representatives Passing Rate		63%	49%	31%	39%
Operator Passing Rate		47%	48%	68%	60%
Applicators Passing Rate		47%	44%	37%	35%
LICENSING					
Field Representative Licenses Issued		156	1,076	98	954
Operator Licenses Issued		6	105	7	113
Company Registrations Issued		24	176	13	137
Branch Office Registrations Issued		9	35	0	11
Change of Registered Company Officers		2	24	1	14
Change Of Qualifying Manager		7	67	5	70
Applicator Licenses Issued		91	865	86	801
Duplicate Licenses Issued		99	739	60	545
Upgrade Present License		47	233	22	155
Change of Status Processed		72	376	30	252
Address Change		82	1,511	60	928
Address Change (Principal Office)		17	212	30	168
Address Change (Branch Office)		1	10	5	23
Transfer of Employment Processed		161	1,598	68	1,415
Change of Name		5	18	0	12
Change of Registered Company Name		2	12	1	8
License Histories Prepared		24	108	24	150
Down Grade Present License		111	576	70	481
LICENSES/REGISTRATIONS IN EFFECT					
Field Representative			12,812		12,166
Operator			4,141		4,106
Company Registration			3,189		3,058
Branch Office			445		437
Licensed Applicator			6,555		6,745
LICENSES/REGISTRATIONS ON PROBATION					
Companies			28		19
Licensees			99		84

STRUCTURAL PEST CONTROL BOARD		FISCAL YEAR		FISCAL YEAR	
STATISTICS FOR FEBRUARY 2019		2018/2019		2017/2018	
				Monthly	Year To Date
LICENSES RENEWED					
Operator		0	447	0	295
Field Representative		0	1,085	0	573
Applicator		0	495	0	288
LICENSES/ REGISTRATIONS CANCELLED					
Operator		1	114	4	117
Field Representative		11	1,107	4	929
Company Registration		15	98	14	111
Branch Office		3	18	4	10
Applicator		9	1,591	0	23
LICENSES DENIED					
Licenses		0	25	4	21
INVESTIGATIVE FINES PROCESSED					
Fines Processed		\$3,777	\$40,537	\$6,455	\$41,422
Penalty Assessment		\$0	\$0	\$0	\$0
Pesticide Fines		\$11,000	\$120,691	\$6,850	\$76,380
STAMPS SOLD					
Pesticide		5,810	49,640	6,110	48,396
SEARCHES MADE					
Public		61	590	68	579
Complaints		2	50	11	106
BOND & INSURANCE					
Bonds Processed		12	103	20	200
Insurance Processed		225	1676	225	1864
Restoration Bonds Processed		2	3	2	5
Suspension Orders		48	322	70	320
Cancellations Processed		27	188	31	374
Change of Bond/Insurance		10	287	52	346
CONTINUING EDUCATION EXAMS					
Field Representative Examined		0	0	2	2
Field Representative Passed		0	0	2	2
Field Representative Failed		0	0	0	0
Operator Examined		0	0	0	2
Operator Passed		0	0	0	1
Operator Failed		0	0	0	1
Applicator Examined		0	0	0	0
Applicator Passed		0	0	0	0
Applicator Failed		0	0	0	0

LICENSING UNIT SURVEY RESULTS

April 17, 2019 – SPCB Meeting

January 2, 2019 – April 3, 2019

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. One hundred forty survey cards were mailed during this reporting period. Ten responses were received.

	Question	Yes	No	N/A
1	Was staff courteous?	80%	0%	20%
2	Did staff understand your question?	70%	0%	30%
3	Did staff clearly answer your question?	70%	0%	30%
4	Did staff promptly return your telephone call?	60%	10%	30%
5	Did staff efficiently and promptly handle your transaction?	80%	10%	10%
6	How long did it take to complete its action on your file?* (Average)	35 days		

*There were 4 responses to question 6.

Company Registration: 30 days (1 response)

Operator License: 30 days (1 response)

Field Representative License: 21 days (1 response)

Applicator License: 60 days (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: N/A (0 responses)

Comments:

- Thank you.
- The testing room was very cold, and I was not allowed to bring in a sweater.
- Lost my initial check but helped process quickly once replacement was sent.

- Need to make Branch 2 test more easier to pass. Been taking this 5+ years. Starting to lose interest because I can't pass test for Branch 2. We will see what happens. Thank you for your time.
- Takes too long, don't like changing PR # and doing everything over because we changed to a corp. Need to implement email.
- You guys should have a digital application system to eliminate mail delays.

WDO ACTIVITIES FILED

	2014/15	2015/16	2016/17	2017/18	2018/19	MO. AVG
July	122,803	121,639	111,086	124,000	117,000	117,984
August	112,400	112,511	121,000	128,400	128,000	114,506
September	116,100	115,977	119,089	119,000	110,445	116,710
October	123,250	123,409	125,804	124,100	127,700	122,164
November	94,750	100,779	118,121	117,000	105,000	104,018
December	95,373	105,326	106,000	96,100	93,600	99,353
January	88,247	83,209	96,000	94,900	90,000	91,038
February	97,884	97,100	95,000	96,900	93,000	95,412
March	124,448	122,261	127,300	115,000	116,000	119,755
April	131,292	128,201	122,120	115,000		125,221
May	116,578	123,028	132,900	123,000		120,534
June	124,648	131,954	135,000	127,000		125,138
FY Total	1,347,773	1,365,394	1,409,420	1,380,400	980,745	1,351,834
AVG PER MO.	112,314	113,783	117,452	115,033	108,972	

SPCB RESEARCH TRACKING

RESEARCHER	TRACKING	CONTRACT BALANCE
Dr. Dong-Hwan Choe University of California, Riverside Agreement No. 26710 “Improving Urban Pest Ants Management by Low-Impact IPM Strategies” Term Dates: 10/22/18 - 12/31/19 Total Contract: \$77,309.00	10/23/18 – UC Riverside notified of contract approval effective 10/22/18. 1/28/19 – received invoice #80105-001 for \$689.61 3/27/19 – emailed Researcher: Progress Report due end of April Total Expenditures: \$689.61	\$76,619.39
Dr. Michael Rust University of California, Riverside Agreement No. 26732 “Development and Evaluation of Baiting Strategies for Control of Pest Yellowjackets in California” Term Dates: 10/23/18 - 12/31/20 Total Contract: \$280,017.00	10/23/18 – UC Riverside notified of contract approval effective 10/23/18. 1/11/19 – received invoice #80108-001 for \$141.99 3/27/19 – emailed Researcher: Progress Report due end of April Total Expenditures: \$141.99	\$279,875.01
Dr. Niamh Quinn University of California, Agriculture and Natural Resources Agreement Number: 26727 “Investigation of Rodenticide Pathways in an Urban System Through the Use of Isotopically Labelled Bait” Term Dates: 10/16/18 - 08/31/20 Total Contract: \$329,749.33	10/16/18 – UCANR notified of contract approval effective 10/16/18. 3/27/19 – emailed Researcher: Progress Report due end of April	\$329,749.33

RESEACHER	TRACKING	CONTRACT BALANCE
Neil Tsutsui University of California, Berkeley Agreement Number: 26735 “Diet and Colony Structure of Two Emerging Invasive Pest Ants” Term Dates: 10/18/18 - 08/31/21 Total Contract: \$146,325.00	10/18/18 – UC Berkeley notified of contract approval effective 10/18/18. 1/3/19 – received invoice #GM00159910 for \$6,079.05 1/29/19 – received invoice #GM00162310 for \$7,011.98 2/25/19 – received invoice #GM00166580 for \$2,000.00 3/27/19 – emailed Researcher: Progress Report due end of April Total Expenditures: \$15,091.03	\$131,233.97
Dr. Andrew Sutherland University of California, Agriculture and Natural Resources Agreement Number: 26730 “Evaluation of bait station system efficacy for reduced-risk subterranean termite management in California” Term Dates: 10/10/18-08/31/21 Total Contract: \$190,425.00	10/10/18 – UCANR notified of contract approval effective 10/10/18. 12/11/18 – received invoice #51140867 for \$270.67 12/19/18 – received invoice #51464298 for \$1,075.53 3/4/14 – received invoice #52326394 for \$3, 671.22 3/27/19 – emailed Researcher: Progress Report due end of April Total Expenditures: \$5,017.42	\$185,407.58



Department of Pesticide Regulation



Teresa Marks
Acting Director

MEMORANDUM

Gavin Newsom
Governor

TO: STRUCTURAL PEST CONTROL BOARD

FROM: JOSEPH DAMIANO
BRANCH CHIEF, PEST MANAGEMENT AND LICENSING

DATE: FEBRUARY 20, 2019

SUBJECT: REVIEW OF STRUCTURAL PEST CONTROL BOARD LAWS AND
REGULATIONS ADDRESSING THE REVISED REQUIREMENTS UNDER THE
NEW FEDERAL PESTICIDE APPLICATORS RULE

BACKGROUND:

The U.S. Environmental Protection Agency (U.S. EPA) has updated Title 40 of the Federal Code of Regulations Part 171 "Certification of Pesticide Applicators" (40 CFR Part 171) concerning the certification of applicators of restricted use pesticides (RUPs). The U.S. EPA has federally mandated revisions to ensure state pesticide certification programs meet minimum standards. This mandate requires the Department of Pesticide Regulation (DPR), as the State Lead Agency (SLA) of California, ensure that the federal requirements are met including relevant requirements regulated by other pest control agencies such as the Structural Pest Control Board (SPCB), Department of Public Health (DPH), and County Agricultural Commissioners (CACs). DPR must submit to U.S. EPA by March 6, 2020, a revised certification plan (State Plan) that meets all the federal requirements in 40 CFR Part 171.

DPR requests SPCB submit any proposed law or regulation changes and supporting documentation related to the federal requirements to DPR no later than September 6, 2019, so DPR may prepare and consolidate State Plan materials for U.S. EPA submission. The submitted State Plan must include proposed amendments to state laws or regulations and supporting documentation detailing how these requirements are met, or exceeded, in California. All federal requirements must be explicitly addressed in law, regulation, or in policy for State Plan approval. U.S. EPA has until March 6, 2022 to review submitted State Plans. Please note, it is expected that states will implement the new requirements simultaneously during the period U.S. EPA has to review and approve the State Plan (up to 2 years). If any requirements cannot be implemented by March 6, 2022 a timeline for implementation must be included in the State Plan submission.

DPR IDENTIFIED FEDERAL REQUIREMENT DEFICIENCIES WITHIN THE SPCB LICENSING PROGRAM:

DPR has reviewed SPCB's laws, regulations, and publicly available licensing program information to evaluate if SPCB's pesticide licensing program meets all federal requirements. DPR is requesting SPCB review DPR's documented comparisons of SPCB requirements versus the federal requirements (attached charts) and elaborate as needed on pertinent SPCB licensing

program information. DPR is also requesting SPCB's assistance in documenting how SPCB intends to revise its program in the identified areas to meet the federal requirements. Specifically, for the requirements listed below, DPR could not find equivalent information in SPCB's laws, regulations, or publicly available licensing program information.

Examination Standards-40 CFR 171.103 (pages 1030-1031)

Summary of Federal Requirement:

40 CFR 171.103(a)(2) establishes new federal examination standards outlining requirements for pesticide applicator licensure examinations including: examination security standards, examination processes (before, during, and after tests are administered), and examination proctor expectations.

Evaluation:

DPR was unable to find certain examination standards listed in 40 CFR Part 171.103(a)(2)(i-xiii) in SPCB laws, regulations, or publicly available materials. Many of the examination standards are addressed in the "Applicator Written Examination Candidate Handbook," published by PSI; however, DPR has been unable to locate the following federal examination standards in available SPCB documents:

- (ii) The examination must be proctored by an individual designated by the certifying authority and who is not seeking certification at any examination session that he or she is proctoring.
- (iv) Candidates must be monitored throughout the examination period.
- (x) Reference materials provided to examinees are reviewed after the examination is complete to ensure that no portion of the reference material has been removed, altered, or destroyed.
- (xi) The proctor reports to the certifying authority any examination administration inconsistencies or irregularities, including but not limited to cheating, use of unauthorized materials, and attempts to copy or retain the examination.

SPCB Next Steps:

SPCB must address federal examination standards by one of the following:

1. Incorporate requirements into the "Applicator Written Examination Candidate Handbook" published by PSI; or
2. Incorporate requirements into SPCB laws or regulations; or
3. Provide DPR with a document that addresses the requirements through policy; or

4. A combination of options 1 through 3.

Please note, examination standards are not required to be in laws or regulations and may be addressed through the alternative options listed.

Standards for Categories of Certified Commercial Applicators-40 CFR 171.103 (pages 1031-1032)

Summary of Federal Requirement:

40 CFR Part 171.103(c) and (d) establishes competency standards that each certified pesticide applicator must be examined on prior to being licensed to conduct certain pest control activities. Category standards relevant to SPCB licenses include 40 CFR Part 171.103(c) "Core standards for all categories of certified commercial applicators," 171.103(d)(7) "Industrial, institutional, and structural pest control," and 171.103(d)(14) "Non-soil fumigation."

Evaluation:

DPR was unable to find all federally required standards in SPCB laws or regulations. The table "DPR's Evaluation of SPCB Competency Standards for 40 CFR 171" (included as an attachment) is DPR's evaluation of the publically available SPCB competencies in comparison to the federal requirements. SPCB competencies included in the table are taken from the "Applicator Written Examination Candidate Handbook", "Structural Pest Control Board Branch 1 Field Representative Candidate Study Guide", and "Structural Pest Control Board Branch 1 Operator Candidate Study Guide."

SPCB Next Steps:

1. Review the provided "DPR's Evaluation of SPCB Competency Standards for 40 CFR 171" table; and
2. Incorporate standards into SPCB laws or regulations, examinations, and study materials.

Please note, competency standards must be addressed in law or regulation and may not be addressed in a policy document per 40 CFR 171.303(b)(2)(ii)(C).

Applicator Credentials-40 CFR 171.303 (page 1043)

Summary of Federal Requirement:

40 CFR Part 171.303(a)(8) requires the State Plan to describe the credentials and/or documents issued to pesticide applicators verifying certification.

SPCB Next Steps:

1. Provide DPR with a document that details SPCB's credentials and/or documents issued to applicators verifying certification.

Recertification Examination-40 CFR 171.303 (page 1044)

Summary of Federal Requirement:

40 CFR Part 171.303(b)(4)(iii) requires that the State Plan include a documented process for reviewing and updating, as necessary, the recertification examination(s) used to recertify/renew a pesticide applicators license.

Evaluation:

DPR was unable to find in SPCB publicly available information, the processes for reviewing and updating as necessary, the written examination(s) used to recertify pesticide applicators.

SPCB Next Steps:

1. Provide DPR with a document that details SPCB's policy for creating, reviewing, revising, and updating recertification examinations.

Continuing Education (CE) Program Content- 40 CFR 171.303 (page 1044)

Summary of Federal Requirement:

40 CFR Part 171.303(b)(4)(iv) requires the State Plan include an explanation of how the state's CE program ensures that a certified pesticide applicator continues to demonstrate the level of competency required to apply pesticides safely and effectively. This explanation must include the length of the recertification period, the quantity of CE required for recertification, the approval process for CE courses, and how the state ensures the quality and content of the CE program. Additionally, 40 CFR Part 171.107 (b)(2)(iii) requires the state to ensure that any CE course or event, including an online or other distance education course or event, relied upon for applicator recertification, includes a process for the state to verify the applicator's successful completion of the course.

Evaluation:

DPR needs clarification/additional information on how SPCB's CE program standards meet the federal requirements including: ensuring the quantity, quality, content, and successful completion of a course.

SPCB Next Steps:

1. Review the provided "DPR's Evaluation of SPCB Continuing Education (CE) Program Content for 40 CFR 171" table; and
2. Incorporate any needed federal standards into SPCB laws or regulations; or
3. Provide DPR with a document that addresses the requirements through policy.

CONCLUSION:

As the State Lead Agency, DPR is asking for documentation from SPCB on the items listed above, to ensure California's compliance with the updated federal "Certification of Pesticide Applicators." DPR will schedule a meeting with SPCB staff to discuss a path forward that fits U.S. EPA's and DPR's timeline. In a few cases, DPR could not find appropriate laws and regulations or publically available materials that meet the new federal requirement(s). SPCB's submission to DPR must include, specifically, how SPCB will meet each federally deficient requirement and documentation of each policy and law or regulation that SPCB will use to implement these changes. This information would be provided to U.S. EPA as part of the State Plan submittal and would be accessible to the public.

Included with this document are several charts that have been created by DPR to analyze if SPCB has met all the required federal standards. DPR requests that SPCB review these charts to ensure that DPR's analysis accurately reflects SPCB's licensing program. DPR requests SPCB add any additional pertinent information to the charts that could further justify how California meets the federal requirements. The charts are as follows:

1. "DPR's Evaluation of SPCB Continuing Education (CE) Program Content for 40 CFR 171" - DPR's evaluation of whether SPCB has met the federal standards of license recertification.
2. "DPR's Evaluation of SPCB Competency Standards for 40 CFR 171" - DPR's evaluation of whether SPCB examination competencies meet the federal competency requirements.
3. "DPR's Evaluation of SPCB Laws and Regulations for 40 CFR 171" - DPR's evaluation of whether SPCB has met all other federal requirements of 40 CFR.

REFERENCES:

Structural Pest Control Board, “Laws and Regulations Relating to the Practice of Structural Pest Control 2015” (January 2015): <<https://www.pestboard.ca.gov/pestlaw/pestact.pdf>>

Structural Pest Control Board, “2015 Structural Pest Control Board Act Book Supplement” (November 2015): <<https://www.pestboard.ca.gov/pestlaw/pestactsuppl.pdf>>

Code of Federal Register Vol. 82, No. 2, (40 CFR Part 171), Rules and Regulations (pages 952-1050 (99 pages) (January 2017): <<https://www.federalregister.gov/documents/2017/01/04/2016-30332/pesticides-certification-of-pesticide-applicators>>

“Applicator Written Examination Candidate Handbook” (July 2018):
<https://candidate.psiexams.com/bulletin/display_bulletin.jsp?ro=yes&actionname=83&bulletind=710&bulletinurl=.pdf>

“Structural Pest Control Board Branch 1 Field Representative Candidate Study Guide” (May 2011):
<<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.392.484&rep=rep1&type=pdf>>

“Structural Pest Control Board Branch 1 Operator Candidate Study Guide” (May 2011):
<<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.392.2892&rep=rep1&type=pdf>>

- Attachments:
1. DPR’s Evaluation of SPCB CE Program Content for 40 CFR 171
 2. DPR’s Evaluation of SPCB Competency Standards for 40 CFR 171
 3. DPR’s Evaluation of SPCB Laws and Regulations for 40 CFR 171
 4. Federal Register Vol. 82, No. 2 (40 CFR Part 171), Rules and Regulations

0775 - Structural Pest Control Fund

Analysis of Fund Condition

(Dollars in Thousands)

PREPARED 3.27.19

2019 Governor's Budget
WITH \$1 WDO FEE INCREASE EFF 7/1/2019

	Governor's Budget					
	PY	CY	BY	BY+1	BY+2	BY+3
	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
BEGINNING BALANCE	\$ 2,154	\$ 1,420	\$ 426	\$ 1,493	\$ 644	\$ 691
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 2,154	\$ 1,420	\$ 426	\$ 1,493	\$ 644	\$ 691
REVENUES AND TRANSFERS						
Revenues:						
4129200 Other regulatory fees	\$ 118	\$ 26	\$ 26	\$ 26	\$ 26	\$ 26
4129200 WDO Fee	\$ 3,467	\$ 3,475	\$ 4,170	\$ 4,170	\$ 4,170	\$ 4,170
FEE INCREASE			\$ 1,390	\$ 1,390	\$ 1,390	\$ 1,390
4129400 Other regulatory licenses and permits	\$ 737	\$ 749	\$ 749	\$ 749	\$ 749	\$ 749
4127400 Renewal fees	\$ 219	\$ 227	\$ 227	\$ 227	\$ 227	\$ 227
4121200 Delinquent fees	\$ 6	\$ 6	\$ 6	\$ 6	\$ 6	\$ 6
4140000 Sales of documents	\$ 3	\$ -	\$ -	\$ -	\$ -	\$ -
4343500 Miscellaneous services to the public	\$ 1	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
4163000 Income from surplus money investments	\$ 18	\$ 9	\$ 7	\$ 18	\$ 18	\$ 2
4171400 Escheat of unclaimed checks and warrants	\$ 1	\$ 2	\$ 2	\$ 2	\$ 2	\$ 2
4171400 Miscellaneous revenues	\$ 1	\$ 18	\$ 18	\$ 18	\$ 18	\$ 18
Totals, Revenues	\$ 4,571	\$ 4,514	\$ 6,597	\$ 6,608	\$ 6,608	\$ 6,592
Totals, Revenues and Transfers	\$ 4,571	\$ 4,514	\$ 6,597	\$ 6,608	\$ 6,608	\$ 6,592
	\$ 6,725	\$ 5,934	\$ 7,023	\$ 8,101	\$ 7,252	\$ 7,283
EXPENDITURES						
Disbursements:						
1111 Department of Consumers Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,980	\$ 5,142	\$ 5,137	\$ 5,240	\$ 5,345	\$ 5,451
8888 FI\$Cal	\$ 6	\$ 1	\$ -1	\$ -	\$ -	\$ -
Proposed BIZ Mod			\$ 1,800	\$ 800	\$ 250	
9892 Supplemental Pension Payments	\$ -	\$ 49	\$ 101	\$ 101	\$ 101	\$ 101
9999 Statewide Pro Rata	\$ 319	\$ 316	\$ 293	\$ 316	\$ 316	\$ 319
Total Disbursements	\$ 5,305	\$ 5,508	\$ 5,530	\$ 7,457	\$ 6,562	\$ 6,121
FUND BALANCE						
Reserve for economic uncertainties	\$1,420	\$426	\$1,493	\$644	\$691	\$1,161
Months in Reserve	3.1	0.9	2.4	1.2	1.4	2.3



MEMORANDUM

DATE	January 23, 2019
TO	Susan Saylor, Executive Officer Structural Pest Control Board
FROM	Heidi Lincer, Ph.D., Chief
SUBJECT	Examination in Lieu of Continuing Education

The SPCB (Board) requested that OPES evaluate a regulation that allows licensees to take an examination in lieu of continuing education (California Code of Regulations, Title 16, section 1951). The regulation states that licensees may qualify for renewal by passing an examination “designed by the Board to cover developments in the field of pest control” instead of completing continuing education courses. It is OPES’ understanding that SPCB staff have written these examinations for each license category in the past, however, they are currently outdated. In addition, only a small number of licensees each year (12–15) take these examinations.

The purpose of continuing education is to ensure that licensees stay abreast of new information related to the work they are licensed to perform (e.g., laws, methods, technology, pesticides). Continuing education is also important to ensure that licensees stay proficient in current safety procedures and equipment. OPES is concerned that some licensees are taking outdated examinations instead of completing relevant continuing education courses.

For an examination to be used in place of these courses, it would need to be updated regularly by expert consultants such as educators and pesticide manufacturers. Without these experts on staff, OPES does not believe the Board has the resources to develop examinations on the breadth of current developments in the field of pest control. The Board must also interpret what is meant by “current developments” to determine the content of the examinations. Additionally, the Board is lacking expertise in examination development to ensure that their efforts would result in valid examinations. For the small number of licensees taking the examinations, the cost for the Board to contract with OPES to develop the examinations would not be feasible or practical.

In summary, OPES recommends that the Board take steps to eliminate the option of allowing licensees to take an examination in lieu of continuing education. Continuing education courses and activities are readily available. These choices provide current and relevant information compared to the cost of developing and maintaining valid examinations to be taken by a very small number of licensees.

BUSINESS AND PROFESSIONS CODE AMENDMENTS

8593. (a) The board shall require as a condition to the renewal of each operator's and field representative's license that the holder submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control either by completion of courses of continuing education in pest control approved by the board or equivalent activity approved by the board. ~~In lieu of submitting that proof, the license holder, if he or she so desires, may take and successfully complete an examination given by the board, designed to test his or her knowledge of developments in the field of pest control since the issuance of his or her license.~~

(b) The board shall develop a correspondence course or courses with any educational institution or institutions as it deems appropriate. This course may be used to fulfill the requirements of this section. The institution may charge a reasonable fee for each course.

(c) The board may charge a fee for the taking of an examination in each branch of pest control pursuant to this section in an amount sufficient to cover the reasonable regulatory cost of administering each examination.

8593.1. The board shall require as a condition to the renewal of each applicator's license that the holder thereof submit proof satisfactory to the board that he or she has completed courses of continuing education in pesticide application and use approved by the board or equivalent activity approved by the board. ~~In lieu of submitting that proof, the license holder, if he or she so desires, may successfully apply for and pass an appropriate applicator's examination for renewal of a license given by the board.~~

CALIFORNIA CODE OF REGULATIONS, TITLE 16 AMENDMENTS

§ 1948. Fees.

(a) Pursuant to the provisions of section 8674 of the code, the following fees are established:

(1) Duplicate license	\$2
(2) Change of licensee name	\$2
(3) Operator's examination	\$65
(4) Operator's license	\$120
(5) Renewal operator's license	\$120
(6) Company office registration	\$120
(7) Branch office registration	\$60
(8) Field representative's examination	\$50
(9) Field representative's license	\$30
(10) Renewal field representative's license	\$30
(11) Change of registered company's name	\$25
(12) Change of principal office address	\$25
(13) Change of branch office address	\$25
(14) Change of qualifying manager	\$25
(15) Change of registered company's officers	\$25
(16) Change of bond or insurance	\$25
(17) Continuing education provider	\$50
(18) Continuing education course approval	\$25
(19) Pesticides use report filing	\$6
(20) Applicator's License	\$10
(21) Renewal applicator's license	\$10

(b) Pursuant to section 8564.5 of the code, the fee for examination for licensure as an applicator is \$55.00 for each branch in which an examination is taken.

~~(c) Pursuant to section 8593 of the code, the fee for the continuing education examination for operators is \$65.00, for each branch in which an examination is taken.~~

~~(d) Pursuant to section 8593 of the code, the fee for the continuing education examination for field representatives is \$50.00, for each branch in which an examination is taken.~~

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8564.5, 8593 and 8674, Business and Professions Code.

§ 1951. Examination in Lieu of Continuing Education.

~~In lieu of continuing education, a licensee may qualify for renewal by taking and passing an examination designed by the Board to cover developments in the field of pest control. Licensees who choose this method of qualifying for renewal may take this examination only once, and must take the examination no earlier than one year prior to their license expiration date. A score of 70% or higher shall be considered a passing grade on this examination.~~

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

STRUCTURAL PEST CONTROL BOARD

REGULATORY ACTION STATUS

SECTION	SUBJECT	STATUS
1902	Definitions	April 1, 2019 – 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	November 5, 2014 — Act Review Committee Recommended Change to Allow Companies to Notify the Board of Employee Disassociation July 1, 2017 – The Language Proposed by the Act Review Committee is Included in Senate Bill (SB) 800 to Amend B&P Code Section 8567 and Will Accomplish the Regulatory Effect of the Proposed Changes to CCR 1911

1912	<p>Branch Office Registration – Section 100 Change.</p> <p>To change the phrase “A registered company who opens a branch shall ...” to “A registered company which opens a branch office shall...”</p>	<p>Section 100 Change – Approved by the Office of Administrative Law on May 17, 2004</p>
1914	<p>Name Style – Delete Board’s responsibility to disapprove confusingly similar name styles</p>	<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>October 2, 2017 – Approved by Office of Administrative Law and Effective January 1, 2018</p>
1918	<p>Supervision – Clarifies that a field representative or an operator can supervise.</p> <p>Supervision – Permits qualifying managers to supervise multiple locations.</p>	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p> <p>December 16, 1998 – Public Hearing. Referred to Rules and Regulations Committee.</p> <p>August 6, 1999 – Modified language mailed. January 11, 2001 Public Hearing. Adopted by the Board. Rulemaking file not completed by deadline of December 1, 2001</p>

1918	Re-states supervision of multiple locations, clarifies liability / responsibility of qualifying manager[s] & supervisor(s).	April 4, 2003 Public Hearing, referred to Rules and Regs Committee. Committee meeting held September 17, 2003. Placed on agenda for October 17, 2003 Bd. Mtg. Modified Text mailed Nov. 19, 2003. Comments due Dec. 3, 2003. No comments rec'd. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.
1919	Research Panel – Deletes reference to public board member on panel.	March 13, 1996 – Approved by the Office of Administrative Law.
1920	Cite & Fine – Authorizes board staff to issue citations and fines.	August 13, 1998 – Approved by the Office of Administrative Law.
	Cite & Fine – Amends to clarify no appeal after modification of decision.	October 15, 1999 – Public Hearing - Board voted to adopt.
1920 (e)(1)(2)(3)	Cite & Fine – Specifies that a second informal conference for a modified citation will not be allowed.	January 11, 2001 - Public Hearing - Board voted to adopt. December 1, 2001 Rulemaking File not completed by deadline. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.

1920(b)	<p>Citation - Assessment of Fines – SB 362 increased max fine amount to \$5000.</p> <p>Repealed specific criteria required in assessing fines in excess of \$2,500.</p>	<p>Section 100 Change pending Administrative decision to go forward. Filed with Sec. of State: 12-18-03. Board approved DCA's four sets of circumstance for max. fine on October 8, 2004. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.</p> <p>Agency subsequently agreed that the specific criteria from 2004 for fines in excess of \$2,500 should no longer apply. Board approved on April 22, 2010.</p> <p>December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR and Agency.</p> <p>April 12, 2011 DPR returned package with approval signatures.</p> <p>May 10, 2012 – Public Hearing – Board voted to adopt.</p> <p>March 22, 2013 rulemaking file filed with Office of Administrative Law</p> <p>May 8, 2013 – Disapproved by OAL</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>April 1, 2019 – 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</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>
1936.1	Company Registration Form Revisions to include military and veteran status, revised criminal history question, etc.	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms</p> <p>June 4, 2015 - Noticed for Public Hearing</p> <p>July 23, 2015 - Public Hearing – Adopted by Board.</p> <p>August 20, 2015 – To DCA for legal review.</p> <p>June 8, 2016 – 15 Day Notice of Modified Text issued to clarify that California ID in lieu of driver license is acceptable.</p> <p>October 12, 2016 – Approved and Effective January 1, 2017</p>
1936.2	Applicator – Established by regulation the form for the applicator's license.	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p>

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 3, 2018 – Approved by Office of Administrative Law and Effective April 1, 2018.</p>

1937.17	Customer Notification of Licensure – Adopts regulation requiring practitioner notification to customer of licensure.	<p>October 15, 1999 – Public Hearing - Referred to committee.</p> <p>January 18, 2002 - Public Hearing adopted by the board with modified text.</p> <p>December 16, 2002 - Approved by the Office of Administrative Law.</p>
1940 1941 1942	Applicator – Amends these actions to make distinction between field representatives, operators and applicators.	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p>

1948	<p>Applicator Renewal Fee – Establishes the fee for applicator license renewal.</p> <p>Applicator – Establish and specify fee for applicator’s license and license renewal.</p>	<p>June 26, 1998 – Public Hearing. Pending approval by Department of Finance.</p> <p>January 20, 2000 – Public Hearing - Board voted to adopt. March 13, 2002 disapproved by OAL. April 12, 2002 Public Hearing: Board voted to take no action. May 5, 2002: Rulemaking file submitted to the Director. July 7, 2002 file disapproved, DCA opposed approval due to Board’s current fund condition. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. April 2005 - DCA opposed proposal. Withdrawn from rulemaking file on April 28, 2005 for separate submission.</p> <p>Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.</p>
	<p>Applicator license/renewal fee lowered to \$10, Operator license/renewal fee lowered to \$120.</p>	
	<p>Field Representative – Increase field representative examination fee.</p>	<p>October 15, 1999 – Public Hearing - Adopted by the Board. January 20, 2000 Board decided to drop this section.</p>
1950	<p>Continuing Education - Deletes outdated renewal requirements.</p>	<p>August 12, 1996 - Approved by the Office of Administrative Law.</p>

1950	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>

<p>1950</p>	<p>CE IPM Review Committee's Recommended Continuing Education Amendments</p>	<p>April 1, 2019 — Finalizing Regulatory Proposal for DCA Pre-Approval Process</p>
<p>1950.1</p>	<p>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>	<p>Noticed for the January 23, 2009 Board Meeting. January 23, 2009 - Public hearing, Board voted to send out 15-day notice of modified text. February 9, 2009 – Notice of modified text sent out. June 10, 2009 - Rulemaking file submitted to DCA for Director review. August 5, 2009 – Received approved rulemaking file from DCA. August 5, 2009 – Final rulemaking file submitted to OAL. September 16, 2009 – Approved by the Office of Administrative Law</p>

1950.5	CE IPM Review Committee's Recommended Continuing Education Amendments	April 1, 2019 — Finalizing Regulatory Proposal for DCA Pre-Approval Process
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	CE IPM Review Committee’s Recommended Continuing Education Amendments	April 1, 2019 —Finalizing Regulatory Proposal for DCA Pre-Approval Process
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. 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.
1970.4	Allows for signed Occupants Fumigation Notice to be in electronic format	January 15, 2015 - Text Approved by Board Members June 4, 2015 - Noticed for Public Hearing July 23, 2015 - Public Hearing. August 20, 2015 – To DCA for review. February 17, 2016 – To OAL for final review. 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 30, 2018 – Proposed Language Disapproved by DCA Legal April 1, 2019 – Staff Reviewing Proposed Language

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.	<p>March 13, 1996 - Approved by the Office of Administrative Law.</p>
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>	April 1, 2019 - Staff Preparing Regulatory Proposal
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	April 1, 2019 - Staff Preparing Regulatory Proposal

1992	Secondary Recommendations Changes Language to Specifically State That Secondary Recommendations Must be Listed on the Notice of Work Completed / Not Completed	April 1, 2019 - Staff Preparing Regulatory Proposal
1993(a)(b) (c)(d)(e)	Inspection - Specifies that reports shall comply With 8516 and defines different types of inspection reports. Also clarifies difference between duties performed by a field representative, operator and applicator.	March 13, 1996 - Approved by the Office of Administrative Law.
	Inspection Reports - Clarifies that the requirement applies to licensed field representative and licensed operators, not license applicators.	August 12, 1996 - Approved by the Office of Administrative Law.
1993	Deletes language regarding the filing of stamps.	April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 rulemaking file expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 -Approved by the Office of Administrative Law.
1993, 1998	Report Requirements – To eliminate reference to filing inspection reports and notices of work completed and require companies to file the address of properties inspected.	January 20, 2000 - Public Hearing Board voted to adopt. March 13, 2001 Rulemaking File disapproved by the Office of Administrative Law. April 4, 2003 - Public Hearing. Sec.1996 proceed with a 15-Day Notice, Sec. 1996.3 re-notice for July 18, 2003 meeting, Sec.1993 & 1998 Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.

1993.1	Reinspection Language – To adopt section 1993.1 to require Wood Destroying Pest and Organism Inspection Reports to contain statement that work performed by others must be reinspected within ten days of request at a charge no greater than the original inspection fee.	May 22, 1998 – Rulemaking file disapproved by Office of Administrative Law. December 16, 1998 – Public Hearing. December 30, 1998 - Notice of Modifications mailed. January 11, 2001 - Public Hearing. Board voted to adopt. December 1, 2001 rulemaking file not completed by deadline. April 4, 2003 re-noticed for Public Hearing. Approved by the Office of Administrative Law - July 6, 2005.
1993.2	Bait Stations.	October 19, 2001 Board passed to adopt new language. Publication date expired. October 11, 2002 language re-noticed for Board meeting. December 23, 2002 rulemaking file under review. January 8, 2003 under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. March 27, 2003 rulemaking file withdrawn from OAL pending a 15-Day Notice. July 26, 2003 - Approved by the Office of Administrative Law.
1993.2	Termite Bait Stations. Defines above and below ground termite bait stations as devices containing pesticide bait. Specifies that use of termite bait stations are a control service agreement.	October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process October 6, 2017 – Approved by Office of Administrative Law. Effective January 1, 2018

1993.3	In-Ground Termite Bait Stations.	<p>October 12, 2001 Board passed to adopt new language. Publication date expired. Language re-noticed for October 11, 2002 Board meeting. Rulemaking package under review 12-23-02. January 8, 2003 – Under DCA legal review by the Director. 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>
1993.3	<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>October 6, 2017 – Approved by Office of Administrative Law.</p> <p>Effective January 1, 2018</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>October 6, 2017 – Approved by Office of Administrative Law.</p> <p>Effective January 1, 2018</p>
1996	Pre-Treatment - Specifies Pre-Treatment Inspection Report/Notice of Intent form.	August 30, 1996 - Public Hearing. Amendment was not adopted. Board referred to Pre-Treatment Committee.
	Inspection Report – Includes a first page of the Inspection Report for scanning purposes.	August 13, 1998 – Approved by the Office of Administrative Law.

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

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

1997	<p>Filing Fee – WDO Activity Filing Fee.</p> <p>Filing Fee – Increase WDO Activity Filing Fee to \$2.00.</p> <p>15-Day Modified Text to increase fee to \$2.50 per activity effective July 1, 2010</p>	<p>December 16, 1999 – Non-substantive change without regulatory effect filed with the Office of Administrative Law. January 28, 2000 - Approved by the Office of Administrative Law.</p> <p>Noticed for Public Hearing July 24, 2009 July 24, 2009 Board voted to adopt. Sept. 3, 2009 – Rulemaking file submitted to DCA for review.</p> <p>Dec. 28, 2009 – Board passed unanimously to modify language with a 15-Day Notice. Notice mailed on December 29, 2009, final comments due January 13, 2010</p> <p>January 21, 2010, Board considered 15-day comments to increase fee to \$2.50. Board voted to adopt at \$2.50 per activity. May 20, 2010 Office of Administrative Law approves Rulemaking File to increase fee to \$2.50 effective July 1, 2010.</p> <p>April 19, 2018 – Board Approved Language to Raise Fee From \$2.50 to \$3.00 per Property Address Reported</p> <p>May 24, 2018 – Staff Submitted Regulatory Proposal to DCA Legal</p> <p>March 28, 2019 – Submitted Final Rulemaking Binder to Office of Administrative Law</p>
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1999.5	Advertising Guidelines.	<p>June 18, 1999 – Public Hearing August 27, 1999 – Modified language mailed November 22, 2001 approved by the Office of Administrative Law. September 24, 2002 non-substantive change without regulatory effect approved by the Office of Administrative Law.</p> <p>October 2007 – Noticed for Public Hearing to amend the current regulation. January 2008 – Board moved to request further analysis by Legal Counsel and staff. June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p>
1999.5 (cont.)	Include an introductory statement to clarify the purpose of the regulation. Clarify that certain subsections pertain only to Branch 3 companies.	<p>September 11, 2008 - Rulemaking file submitted to OAL for approval. October 24, 2008 - Rulemaking file disapproved by OAL. February 19, 2009 – Task Force meeting held to discuss OAL’s disapproval March 2009 – Extension granted by OAL. June 2, 2009 – Resubmittal submitted to DCA for Director review. June 8, 2009 – Resubmittal submitted to OAL for approval. July 17, 2009 – Approved by OAL</p>

AMENDED IN ASSEMBLY MARCH 20, 2019

AMENDED IN ASSEMBLY MARCH 5, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 193

Introduced by Assembly Member Patterson
(Coauthors: Assembly Members Choi, Gallagher, Lackey, Melendez,
and Voepel)

(Coauthors: Senators Bates, Morrell, and Nielsen)

January 10, 2019

An act to amend Sections 7316, 19011, 19017, 19051, 19059.5, 19060.6, and 19170 of, to add and repeal Section 101.5 of, and to repeal Sections 19010.1 and 19052 of, the Business and Professions Code, ~~and to amend Section 110371 of the Health and Safety Code,~~ relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 193, as amended, Patterson. Professions and vocations.

(1) Existing law establishes the Department of Consumer Affairs in the Business, Consumer Services, and Housing Agency to, among other things, ensure that certain businesses and professions that have potential impact upon the public health, safety, and welfare are adequately regulated.

This bill would require the department, beginning on January 1, 2021, to conduct a comprehensive review of all licensing requirements for each profession regulated by a board within the department and identify unnecessary licensing requirements, as defined by the bill. *The bill, beginning February 1, 2021, and every 2 years thereafter, would require each board within the department to submit to the department an*

assessment on the board's progress in implementing policies to facilitate licensure portability for active duty service members, veterans, and military spouses that includes specified information. The bill would require the department to report to the Legislature on ~~January~~ March 1, 2023, and every 2 years thereafter, on the department's ~~progress,~~ *progress in conducting its review*, and would require the department to issue a final report to the Legislature no later than ~~January~~ March 1, 2033. The bill would require the biennial reports *to the Legislature to include the assessment information submitted by each board to the department, to identify the professions reviewed,* ~~reviewed by the department,~~ each unnecessary licensing requirement, and the department's recommendations to the Legislature on whether to keep, modify, or eliminate the unnecessary licensing requirement. The bill would require the department to apply for federal funds that have been made available specifically for the purpose of reviewing, updating, and eliminating overly burdensome licensing requirements, as provided.

(2) Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of the practice of cosmetology by the State Board of Barbering and Cosmetology in the department and defines the practice of both barbering and cosmetology to include shampooing the hair of any person. The act also specifies that, within the practice of cosmetology, there is the specialty branch of skin care, which includes applying makeup.

This bill would delete shampooing another person from the practice of barbering and cosmetology, and would delete the act of applying makeup on another person from the specialty practice of skin care. The bill would require a person who does not hold a barbering or cosmetology license to disclose that fact before the unlicensed person applies makeup to or shampoos the hair of another person.

(3) Existing law provides for the regulation of custom upholsterers by the Bureau of Household Goods and Services in the department, and requires every custom upholsterer to hold a custom upholsterer's license.

This bill would delete those provisions requiring licensure of custom upholsterers.

~~(4) The bill would make conforming and other nonsubstantive changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Many entities, including the Federal Trade Commission, the
4 United States Department of Labor, and the Milton Marks “Little
5 Hoover” Commission on California State Government Organization
6 and Economy, have acknowledged the unnecessary burdens that
7 occupational licensing places on otherwise qualified workers.

8 (b) Unnecessary licensing increases costs for consumers and
9 restricts opportunities for workers.

10 (c) Researchers show that occupational licensing restrictions
11 can result in almost three million fewer jobs and a cost of over
12 \$200,000,000,000 to consumers.

13 (d) The Institute for Justice estimates that burdensome licensing
14 in California results in a loss of 195,917 jobs and \$22,000,000,000
15 in misallocated resources.

16 (e) California is the most broadly and onerously licensed state
17 in the nation and has been identified as the nation’s worst licensing
18 environment for workers in lower-income occupations.

19 (f) Licensing is also believed to disproportionately affect
20 minorities and exacerbate income inequality.

21 SEC. 2. Section 101.5 is added to the Business and Professions
22 Code, to read:

23 101.5. (a) The department shall apply for federal funds that
24 have been made available specifically for the purposes of
25 reviewing, updating, and eliminating overly burdensome licensing
26 requirements.

27 (b) Beginning on January 1, 2021, the department shall conduct
28 a comprehensive review of all licensing requirements for each
29 profession and shall identify unnecessary licensing requirements.
30 The department shall conduct the review whether or not the state
31 receives federal funds pursuant to subdivision (a).

32 (c) (1) *Beginning on February 1, 2021, and every two years*
33 *thereafter, each board identified in Section 101 shall submit to the*
34 *department an assessment on the board’s progress in implementing*
35 *policies to facilitate licensure portability for active duty service*
36 *members, veterans, and military spouses. The assessment shall*
37 *include the following information:*

1 (A) *The number of active duty service members, veterans, and*
2 *military spouses who applied for licensure for each of the previous*
3 *two calendar years.*

4 (B) *The board's process for expediting applications for active*
5 *duty service members, veterans, and military spouses, the average*
6 *processing time for an expedited application, and the number of*
7 *expedited application requests received in each of the previous*
8 *two calendar years.*

9 (C) *The number of applications for waived renewal fees*
10 *submitted by active duty service members in each of the previous*
11 *two calendar years.*

12 (D) *If the board issues temporary licenses pursuant to Section*
13 *115.6, the duration of, and requirements for obtaining, the*
14 *temporary license.*

15 (E) *Whether an applicant may apply, and the requirements, for*
16 *licensure by endorsement.*

17 (F) *A list of the states with which the board maintains*
18 *reciprocity agreements, if any.*

19 (2) *The department shall submit the information received*
20 *pursuant to paragraph (1) as part of the report required to be*
21 *submitted to the Legislature pursuant to subdivision (d).*

22 (e)

23 (d) *The department shall report to the Legislature on ~~January~~*
24 *March 1, 2023, and every two years thereafter until the department*
25 *has completed its review, on the department's progress in*
26 *conducting the review. The department shall issue a final report*
27 *to the Legislature no later than ~~January~~ March 1, 2033. Each*
28 *biennial report shall be organized by board and shall include all*
29 *of the following:*

30 (1) *The professions reviewed by the department in the preceding*
31 *two years.*

32 (2) *Unnecessary licensing requirements identified by the*
33 *department for each profession reviewed.*

34 (3) *For each unnecessary licensing requirement, the department's*
35 *recommendation to the Legislature to keep, modify, or eliminate*
36 *the unnecessary licensing requirement.*

37 (4) *For each unnecessary licensing requirement that the*
38 *department recommends to keep, facts supporting the department's*
39 *recommendation.*

1 (5) *The information submitted to the department pursuant to*
2 *paragraph (2) of subdivision (c).*

3 ~~(d)~~

4 (e) The department may use national licensing standards, where
5 applicable, as a baseline for evaluating the necessity of licensing
6 requirements.

7 ~~(e)~~

8 (f) For purposes of this section, the following definitions apply:

9 (1) *“Military spouse” means a person who is married to, or in*
10 *a domestic partnership or other legal union with, an active duty*
11 *member of the Armed Forces of the United States who is assigned*
12 *to a duty station in this state under official active duty military*
13 *orders.*

14 ~~(1)~~

15 (2) “Profession” means a profession or vocation regulated by a
16 board identified in Section 101.

17 ~~(2)~~

18 (3) “Unnecessary licensing requirement” means a licensing
19 requirement that does not satisfy either of the following criteria:

20 (A) Protects the health and safety of the public or a licensee.

21 (B) Satisfies a national licensing or certification requirement.

22 ~~(f)~~

23 (g) A report to be submitted pursuant to subdivision~~(e)~~ (d) shall
24 be submitted in compliance with Section 9795 of the Government
25 Code.

26 ~~(g)~~

27 (h) Notwithstanding Section 10231.5 of the Government Code,
28 this section is repealed on January 1, 2034.

29 SEC. 3. Section 7316 of the Business and Professions Code is
30 amended to read:

31 7316. (a) The practice of barbering is all or any combination
32 of the following practices:

33 (1) Shaving or trimming the beard or cutting the hair.

34 (2) Giving facial and scalp massages or treatments with oils,
35 creams, lotions, or other preparations either by hand or mechanical
36 appliances.

37 (3) Singeing, arranging, dressing, curling, waving, chemical
38 waving, hair relaxing, or dyeing the hair or applying hair tonics.

39 (4) Applying cosmetic preparations, antiseptics, powders, oils,
40 clays, or lotions to scalp, face, or neck.

1 (5) Hairstyling of all textures of hair by standard methods that
2 are current at the time of the hairstyling.

3 (b) The practice of cosmetology is all or any combination of
4 the following practices:

5 (1) Arranging, dressing, curling, waving, machineless permanent
6 waving, permanent waving, cleansing, cutting, relaxing, singeing,
7 bleaching, tinting, coloring, straightening, dyeing, applying hair
8 tonics to, beautifying, or otherwise treating by any means, the hair
9 of any person.

10 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
11 arms, or upper part of the human body, by means of the hands,
12 devices, ~~apparatus~~ *apparatus*, or appliances, with or without the
13 use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

14 (3) Beautifying the face, neck, arms, or upper part of the human
15 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
16 or creams.

17 (4) Removing superfluous hair from the body of any person by
18 the use of depilatories or by the use of tweezers, chemicals, or
19 preparations or by the use of devices or appliances of any kind or
20 description, except by the use of light waves, commonly known
21 as rays.

22 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,
23 or manicuring the nails of any person.

24 (6) Massaging, cleansing, treating, or beautifying the hands or
25 feet of any person.

26 (c) Within the practice of cosmetology there exist the specialty
27 branches of skin care and nail care.

28 (1) Skin care is any one or more of the following practices:

29 (A) Giving facials, giving skin care, removing superfluous hair
30 from the body of any person by the use of depilatories, ~~tweezers~~
31 *tweezers*, or waxing, or applying eyelashes to any person.

32 (B) Beautifying the face, neck, arms, or upper part of the human
33 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
34 or creams.

35 (C) Massaging, cleaning, or stimulating the face, neck, arms,
36 or upper part of the human body, by means of the hands, devices,
37 apparatus, or appliances, with the use of cosmetic preparations,
38 antiseptics, tonics, lotions, or creams.

39 (2) Nail care is the practice of cutting, trimming, polishing,
40 coloring, tinting, cleansing, manicuring, or pedicuring the nails of

1 any person or massaging, cleansing, or beautifying from the elbow
2 to the fingertips or the knee to the toes of any person.

3 (d) The practice of barbering and the practice of cosmetology
4 do not include any of the following:

5 (1) The mere sale, fitting, or styling of wigs or hairpieces.

6 (2) Natural hair braiding. Natural hair braiding is a service that
7 results in tension on hair strands or roots by twisting, wrapping,
8 weaving, extending, locking, or braiding by hand or mechanical
9 device, provided that the service does not include haircutting or
10 the application of dyes, reactive chemicals, or other preparations
11 to alter the color of the hair or to straighten, curl, or alter the
12 structure of the hair.

13 (3) Threading. Threading is a technique that results in removing
14 hair by twisting thread around unwanted hair and pulling it from
15 the skin and the incidental trimming of eyebrow hair.

16 (4) Shampooing hair. However, before a person who does not
17 hold a barbering or cosmetology license shampoos the hair of
18 another person, the unlicensed person shall disclose verbally or in
19 writing to the other person that they do not hold a barbering or
20 cosmetology license.

21 (5) Applying makeup. However, before a person who does not
22 hold a barbering or cosmetology license applies makeup to another
23 person, the unlicensed person shall disclose verbally or in writing
24 to the other person that they do not hold a barbering or cosmetology
25 license.

26 (e) Notwithstanding paragraph (2) of subdivision (d), a person
27 who engages in natural hairstyling, which is defined as the
28 provision of natural hair braiding services together with any of the
29 services or procedures defined within the regulated practices of
30 barbering or cosmetology, is subject to regulation pursuant to this
31 chapter and shall obtain and maintain a barbering or cosmetology
32 license as applicable to the services respectively offered or
33 performed.

34 (f) Electrolysis is the practice of removing hair from, or
35 destroying hair on, the human body by the use of an electric needle
36 only.

37 “Electrolysis” as used in this chapter includes electrolysis or
38 thermolysis.

39 SEC. 4. Section 19010.1 of the Business and Professions Code
40 is repealed.

1 SEC. 5. Section 19011 of the Business and Professions Code
2 is amended to read:

3 19011. “Manufacturer” means a person who, either by
4 themselves or through employees or agents, makes any article of
5 upholstered furniture or bedding in whole or in part, using either
6 new or secondhand material.

7 SEC. 6. Section 19017 of the Business and Professions Code
8 is amended to read:

9 19017. “Owner’s material” means any article or material
10 belonging to a person for their own, or their tenant’s use, that is
11 sent to any manufacturer or bedding renovator or used in repairing
12 or renovating.

13 SEC. 7. Section 19051 of the Business and Professions Code
14 is amended to read:

15 19051. Every upholstered-furniture retailer, unless the person
16 holds an importer’s license, a furniture and bedding manufacturer’s
17 license, a wholesale furniture and bedding dealer’s license, or a
18 retail furniture and bedding dealer’s license, shall hold a retail
19 furniture dealer’s license.

20 (a) This section does not apply to a person whose sole business
21 is designing and specifying for interior spaces, and who purchases
22 specific amenable upholstered furniture items on behalf of a client,
23 provided that the furniture is purchased from an appropriately
24 licensed importer, wholesaler, or retailer. This section does not
25 apply to a person who sells “used” and “antique” furniture as
26 defined in Sections 19008.1 and 19008.2.

27 (b) This section does not apply to a person who is licensed as
28 a home medical device retail facility by the State Department of
29 Health Services, provided that the furniture is purchased from an
30 appropriately licensed importer, wholesaler, or retailer.

31 SEC. 8. Section 19052 of the Business and Professions Code
32 is repealed.

33 SEC. 9. Section 19059.5 of the Business and Professions Code
34 is amended to read:

35 19059.5. Every sanitizer shall hold a sanitizer’s license unless
36 the person is licensed as a home medical device retail facility by
37 the State Department of Health Services or as an upholstered
38 furniture and bedding manufacturer, retail furniture and bedding
39 dealer, or retail bedding dealer.

SEC. 10. Section 19060.6 of the Business and Professions Code is amended to read:

19060.6. Every person who, on their own account, advertises, solicits, or contracts to manufacture upholstered furniture or bedding, and who either does the work themselves or has others do it, shall obtain the particular license required by this chapter for the particular type of work that the person solicits or advertises that the person will do, regardless of whether the person has a shop or factory.

SEC. 11. Section 19170 of the Business and Professions Code is amended to read:

19170. (a) The fee imposed for the issuance and for the biennial renewal of each license granted under this chapter shall be set by the chief, with the approval of the director, at a sum not more nor less than that shown in the following table:

	Maximum fee	Minimum fee
Importer's license	\$940	\$120
Furniture and bedding manufacturer's license	940	120
Wholesale furniture and bedding dealer's license	675	120
Supply dealer's license	675	120
Sanitizer's license	450	80
Retail furniture and bedding dealer's license	300	40
Retail furniture dealer's license	150	20
Retail bedding dealer's license	150	20

(b) Individuals who, in their own homes and without the employment of any other person, make, sell, advertise, or contract to make pillows, quilts, quilted pads, or comforters are exempt from the fee requirements imposed by subdivision (a). However, these individuals shall comply with all other provisions of this chapter.

(c) Retailers who only sell "used" and "antique" furniture as defined in Sections 19008.1 and 19008.2 are exempt from the fee requirements imposed by subdivision (a). Those retailers are also exempt from the other provisions of this chapter.

1 (d) A person who makes, sells, or advertises upholstered
2 furniture and bedding as defined in Sections 19006 and 19007,
3 and who also makes, sells, or advertises furniture used exclusively
4 for the purpose of physical fitness and exercise, shall comply with
5 the fee requirements imposed by subdivision (a).

6 (e) A person who has paid the required fee and who is licensed
7 as an upholstered furniture and bedding manufacturer under this
8 chapter shall not be required to additionally pay the fee for a
9 sanitizer's license.

10 ~~SEC. 12. Section 110371 of the Health and Safety Code is~~
11 ~~amended to read:~~

12 ~~110371. (a) A professional cosmetic manufactured on or after~~
13 ~~July 1, 2020, for sale in this state shall have a label affixed on the~~
14 ~~container that satisfies all of the labeling requirements for any~~
15 ~~other cosmetic pursuant to the Federal Food, Drug, and Cosmetic~~
16 ~~Act (21 U.S.C. Sec. 301, et seq.), and the federal Fair Packaging~~
17 ~~and Labeling Act (15 U.S.C. Sec. 1451, et seq.):~~

18 ~~(b) The following definitions shall apply to this section:~~

19 ~~(1) "Ingredient" has the same meaning as in Section 111791.5.~~

20 ~~(2) "Professional" means a person that has been granted a license~~
21 ~~by the State Board of Barbering and Cosmetology to practice in~~
22 ~~the field of cosmetology, barbering, or esthetics.~~

23 ~~(3) "Professional cosmetic" means a cosmetic product as it is~~
24 ~~defined in Section 109900 that is intended or marketed to be used~~
25 ~~only by a professional on account of a specific ingredient, increased~~
26 ~~concentration of an ingredient, or other quality that requires safe~~
27 ~~handling, or is otherwise used by a professional.~~

ASSEMBLY BILL

No. 613

Introduced by Assembly Member Low

February 14, 2019

An act to add Section 101.1 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 613, as introduced, Low. Professions and vocations: regulatory fees.

Existing law establishes the Department of Consumer Affairs, which is comprised of boards that are established for the purpose of regulating various professions and vocations, and generally authorizes a board to charge fees for the reasonable regulatory cost of administering the regulatory program for the profession or vocation. Existing law establishes the Professions and Vocations Fund in the State Treasury, which consists of specified special funds and accounts, some of which are continuously appropriated.

This bill would authorize each board within the department to increase every 4 years any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index for the preceding 4 years, subject to specified conditions. The bill would require the Director of Consumer Affairs to approve any fee increase proposed by a board except under specified circumstances. By authorizing an increase in the amount of fees deposited into a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 101.1 is added to the Business and Professions Code, to read:

101.1. (a) Notwithstanding any other law, no more than once every four years, any board listed in Section 101 may increase any fee authorized to be imposed by that board by an amount not to exceed the increase in the California Consumer Price Index, as determined pursuant to Section 2212 of the Revenue and Taxation Code, for the preceding four years in accordance with the following:

(1) The board shall provide its calculations and proposed fee, rounded to the nearest whole dollar, to the director and the director shall approve the fee increase unless any of the following apply:

(A) The board has unencumbered funds in an amount that is equal to more than the board's operating budget for the next two fiscal years.

(B) The fee would exceed the reasonable regulatory costs to the board in administering the provisions for which the fee is authorized.

(C) The director determines that the fee increase would be injurious to the public health, safety, or welfare.

(2) The adjustment of fees and publication of the adjusted fee list is not subject to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2) of the Government Code.

(b) For purposes of this section, "fee" includes any fees authorized to be imposed by a board for regulatory costs. "Fee" does not include administrative fines, civil penalties, or criminal penalties.

ASSEMBLY BILL

No. 1024

Introduced by Assembly Member Frazier

February 21, 2019

An act to add Section 7195.1 to the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1024, as introduced, Frazier. Home inspectors: licensing: Contractors' State License Board.

Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board in the Department of Consumer Affairs. Existing law requires the board to appoint a registrar of contractors to carry out administrative duties, as provided.

Existing law defines home inspection and establishes a standard of care for persons performing home inspections.

This bill, beginning January 1, 2022, would require a person performing a home inspection, as defined, to be licensed by the Contractors' State License Board. The bill would authorize the board to establish criteria for licensing home inspectors and establish fees for licensing and renewal. The bill would authorize the registrar to enforce the licensing provisions. The bill would exempt a licensed general contractor, pest control operator, architect, or professional engineer from these licensing provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7195.1 is added to the Business and
2 Professions Code, to read:
3 7195.1. (a) Beginning January 1, 2022, a person who performs
4 home inspections, as defined in Section 7195, shall obtain a license
5 from the Contractors' State License Board.
6 (b) The Contractors' State License Board shall establish criteria
7 for licensing home inspectors under this section, including setting
8 reasonable fees for licensing and renewal.
9 (c) The registrar shall have the authority to enforce these
10 licensing requirements.
11 (d) This section shall not apply to a person performing home
12 inspections who is a licensed general contractor, pest control
13 operator, architect, or professional engineer.

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AMENDED IN ASSEMBLY APRIL 2, 2019
AMENDED IN ASSEMBLY MARCH 19, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1788

Introduced by Assembly Member Bloom

February 22, 2019

An act to amend Section 12978.7 of, and to add Section 12978.8 to, the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 1788, as amended, Bloom. Pesticides: use of anticoagulants.

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

This bill would create the California Ecosystems Protection Act of 2019 and expand this prohibition *against the use of a pesticide containing specified anticoagulants in wildlife habitat areas* to the entire state. ~~The bill would also authorize the use of a pesticide containing a specified anticoagulant if the local health authority determines that an emergency pest infestation poses an immediate threat to public health. The bill would require the county agricultural~~

~~commissioner to grant permission for licensed pest control operators, upon application, to use an anticoagulant for the limited time frame of the public health emergency. The bill would authorize the county agricultural commissioner to impose additional conditions for public health emergency applications of an anticoagulant. The bill would expand the exemption for agricultural activities to include activities conducted in certain locations and would also exempt from its provisions the use of pesticides by any governmental agency employee who uses pesticides for public health activities and a mosquito or vector control district that uses pesticides to protect the public health.~~

The bill would also prohibit the use of any pesticide that contains one or more specifically identified anticoagulants on state-owned property.

By imposing additional duties on county agricultural commissioners, and expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

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

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Wildlife, including birds of prey, mountain lions, bobcats,
- 4 fishers, foxes, coyotes, and endangered species such as the northern
- 5 spotted owl, pacific fisher, and San Joaquin kit fox, are an
- 6 irreplaceable part of California's natural ecosystems. As predators
- 7 of small mammals, they play an important role in regulating and
- 8 controlling the population of rodents throughout the state to
- 9 improve public health and welfare.

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

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

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

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

17 (6) While all anticoagulant rodenticides have a harmful impact
18 on nontarget animals, second generation anticoagulant rodenticides
19 (SGARs) are particularly dangerous to nontarget wildlife as SGARs
20 are higher potency than prior generations and a single dose has a
21 half-life of more than 100 days in a rodent's liver. Due to high
22 toxicity and concern for impact on nontarget wildlife, Department
23 of Pesticide Regulation banned consumer sales and use of SGARs
24 in 2014, restricting their purchase and use to certified pesticide
25 applicators.

26 (7) Despite the 2014 regulations issued by the Department of
27 Pesticide Regulation, scientific research and state studies have
28 found no significant reduction in the number of nontarget wildlife
29 with detectable levels of SGARs in their system. From 2014
30 through 2018, the Department of Fish and Wildlife found SGARs
31 in more than 90 percent of tested mountain lions, 88 percent of
32 tested bobcats, 85 percent of protected Pacific fishers tested, and
33 70 of northern spotted owls tested. Such data indicates that a
34 consumer sales and use ban of SGARs has been insufficient to
35 reduce rodenticide exposure in nontarget animals and further steps
36 must be taken.

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

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

(c) This act shall be known, and may be cited, as the California Ecosystems Protection Act of 2019.

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

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

- (1) Brodifacoum.
- (2) Bromadiolone.
- (3) Difenacoum.
- (4) Difethialone.

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

~~(e) (1) This section does not apply to the use of a pesticide that contains an anticoagulant described in paragraphs (1) to (4), inclusive, of subdivision (a) if the local health authority determines that an emergency pest infestation poses an immediate threat to public health.~~

~~(2) In the event that the local health authority determines that there is a public health emergency, the county agricultural commissioner shall grant permission for licensed pest control operators, upon application, to use an anticoagulant described in paragraphs (1) to (4), inclusive, of subdivision (a). That permission shall be granted for the limited time frame of the public health emergency.~~

~~(3) The county agricultural commissioner may impose additional conditions for public health emergency applications of an anticoagulant described in paragraphs (1) to (4), inclusive, of subdivision (a).~~

~~(d)~~

(c) This section does not apply to either of the following:

(1) The use of pesticides used by any governmental agency employee who complies with Section 106925 of the Health and Safety Code, who uses pesticides for public health activities.

(2) A mosquito or vector control district formed under Chapter 1 (commencing with Section 2000) of Division 3 or Chapter 8

(commencing with Section 2800) of Division 3 of the Health and Safety Code, that uses pesticides to protect the public health.

~~(e)~~

(d) (1) This section does not apply to the use of pesticides for agricultural activities, as defined in Section 564.

(2) For purposes of paragraph (1), “agricultural activities” include activities conducted in any of the following locations:

(A) A warehouse used to store foods for human or animal consumption.

(B) An agricultural food production site, including, but not limited to, a slaughterhouse and cannery.

(C) A factory, brewery, or winery.

~~(F)~~

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

SEC. 3. Section 12978.8 is added to the Food and Agricultural Code, to read:

12978.8. (a) Except as provided in subdivision (d), the use of any pesticide that contains one or more of the following anticoagulants is prohibited on any state-owned property in California:

(1) Chlorophacinone.

(2) Diphacinone.

(3) Warfarin.

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

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

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

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

1 However, if the Commission on State Mandates determines that
2 this act contains other costs mandated by the state, reimbursement
3 to local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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AMENDED IN SENATE MARCH 5, 2019

SENATE BILL

No. 53

Introduced by Senator Wilk

~~(Coauthor: Assembly Member Lackey)~~

(Coauthors: Senators Bates, Glazer, Jones, and Portantino)

*(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and
Patterson)*

December 10, 2018

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11121 of the Government Code is
2 amended to read:

3 11121. As used in this article, “state body” means each of the
4 following:

5 (a) Every state board, or commission, or similar multimember
6 body of the state that is created by statute or required by law to
7 conduct official meetings and every commission created by
8 executive order.

9 (b) A board, commission, committee, or similar multimember
10 body that exercises any authority of a state body delegated to it by
11 that state body.

12 (c) An advisory board, advisory commission, advisory
13 committee, advisory subcommittee, or similar multimember
14 advisory body of a state body, if created by formal action of the
15 state body or of any member of the state body, and if the advisory
16 body so created consists of three or more persons, except as
17 provided in subdivision (d).

18 (d) A board, commission, committee, or similar multimember
19 body on which a member of a body that is a state body pursuant
20 to this section serves in ~~his or her~~ *their* official capacity as a
21 representative of that state body and that is supported, in whole or
22 in part, by funds provided by the state body, whether the
23 multimember body is organized and operated by the state body or
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the
26 State Bar of California, as described in Section 6001 of the
27 Business and Professions Code. This subdivision shall become
28 operative on April 1, 2016.

29 SEC. 2. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the California Constitution and shall
32 go into immediate effect. The facts constituting the necessity are:

1 In order to avoid unnecessary litigation and ensure the people's
2 right to access the meetings of public bodies pursuant to Section
3 3 of Article 1 of the California Constitution, it is necessary that
4 this act take effect immediately.

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July 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17 SPCB Meeting (Claremont)	18 SPCB Meeting (Claremont)	19	20	21
22	23	24	25	26	27	28
29	30	31				

October 2019

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23 SPCB Meeting (Sacramento)	24 SPCB Meeting (Sacramento)	25	26	27
28	29	30	31			

January 2020

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
		69	70	71	72	73
6	7	8	9	10	11	12
74	75	76	77	78	79	80
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81	82	83	84	85	86	87
20	21	22	23	24	25	26
88	89	90	91	92	93	94
27	28	29	30	31		
95	96	97	98	99		

April 2020

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			