

**§ 1970.4. Pesticide Disclosure Requirement—~~for Structural Fumigations.~~**

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

(b) The form shall must state the name of the pest to be controlled, the ~~pesticide(s)/fumigant(s)~~ proposed to be used, the active ingredient(s) and the health cautionary statement as required under section 8538 of the code.

(c) The form shall must also state that a lethal gas (~~poison~~) will be used in the building structure on indicated dates and that it is unsafe to return to the building structure until a certification notice for reentry is posted by the licensed fumigator. The form shall must also indicate that ~~the occupant~~ an adult occupant of each currently-occupied unit has received the prime contractor's information regarding the procedures for leaving the structure.

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

~~(b)(d)~~ Any death or serious injury relating to a pesticide application or use structural fumigation, whether to ~~a worker~~ the owner or an employee of the registered structural pest control company or a member of the public, shall must be reported immediately to the nearest Structural Pest Control Board office immediately.

~~(c)~~ Whenever a licensee employed by a branch 2 or branch 3 registered company applies a pesticide within, around or to any structure such person shall leave in a conspicuous location a written notice identifying the common, generic or chemical name of each pesticide applied. In case of a multiple family structure, such notice may be given to the designated agent or the owner. Such pesticide identification notice may be a door hanger, invoice, billing statement or other similar written document which contains the registered company's name, address, and telephone number.

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

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

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

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8505.7, 8505.13 and 8538, Business and Professions Code.

#### **§ 1970.41 Pesticide Pre-Application Notice Requirements**

(a) Where notification is required under section 8538 of the code, and the premises on which the work is to be performed is a commercial, or industrial structure, the owner or owner's designated agent and tenant, if there is a tenant, must receive notification which must be posted in a conspicuous place, unless the owner or owner's agent objects, in addition to any other notification required by section 8538 of the code.

(b) Where notification is required under section 8538 of the code, and the premises on which the work is to be performed is a multi-unit structure, the owner or owner's agent, and tenant, if there is a tenant, must receive notification which must be posted in a conspicuous place and by at least one of the following: 1) first class or electronic mail, or 2) personal delivery, as required by section 8538 of the code.

(c) In either case of (a) or (b), the notice must state the name of the pest to be controlled, the common or generic name, the active ingredient(s) of each pesticide to be applied or used, and the health cautionary statement as required under section 8538 of the code.

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

(e) "Conspicuous place" means heavily frequented, highly visible areas including, but not limited to, all mailboxes, manager's ~~apartment~~ office or unit, if living on-site, in all laundry rooms, and community rooms.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8525 and 8538, Business and Professions Code.

#### **§ 1970.42 Pesticide Post-Application Notice Requirements**

(a) Whenever a licensee employed by a branch 2 or branch 3 registered pest control company has applied or used a pesticide around, or to the exterior of any structure, the licensee must provide to the owner or the owner's agent, a written or electronic notice identifying the common, or generic name, and the active ingredient of each pesticide applied, and the date of service. This notice may be a door hanger, invoice, billing statement or other similar written or electronic document which contains the registered company's name, address, and telephone number. This notice must be provided immediately after the service visit.

(b) Whenever a licensee employed by a branch 2 or branch 3 registered pest control company has applied or used a pesticide within a unit or structure, where there is a tenant, the licensee must provide a written notice. This notice identifying the common or generic name, the active ingredient of each pesticide applied, and the date of service, must be left in a visible location on the unit or structure. This notice may be a door hanger, invoice, billing statement or other similar written document which contains the registered company's name, address, and telephone number. This notice must be provided immediately after the service visit.

(c) A registered company which has applied or used any pesticide within, around or to any structure shall must provide to any person, within 24 hours after request therefore, the common or generic name, and the active ingredient of each pesticide applied.

(d) Any death or serious injury relating to a pesticide application or use, whether to the owner or an employee of the registered structural pest control company or a member of the public, must be reported immediately to the nearest Structural Pest Control Board office.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8525 and 8538, Business and Professions Code.