



BOARD MEETING NOTICE AND AGENDA

October 23, 2019
1:00 P.M.
October 24, 2019
9:00 A.M.

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

Contact Person: Susan Saylor
916-561-8700

AGENDA

October 23, 2019 — 1:00 P.M.

- I. Roll Call / Establishment of Quorum
- II. Flag Salute / Pledge of Allegiance
- III. Public Comment for Items Not on the Agenda
The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
- IV. Petition for Modification / Termination of Probation
Edward Charles Munoz III — OPR 11978 — Branch 2
- V. Petition for Modification / Termination of Probation
Edward G. Hernandez — OPR 11475 — Branch 2
- VI. Petition for Reinstatement
Gerald Wayne Finley II — FR 32663 — Branches 1 & 3
- VII. Closed Session - Pursuant to Subdivision (c)(3) of Section 11126 of the Government Code the Board Will Meet in Closed Session to Consider Reinstatements, Proposed Disciplinary Actions, and Stipulated Settlements

Reconvene in Open Session

Recess Until 9:00 A.M. Thursday, October 24, 2019

- VIII. Roll Call / Establishment of Quorum
- IX. Flag Salute / Pledge of Allegiance

- X. 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)]
- XI. Review and Approval of Minutes of the July 17, 2019 Board Meeting
- XII. Department of Pesticide Regulation (DPR) Update
- XIII. Executive Officer's Report
 - a. Licensing, Enforcement, Examination and WDO Statistics
 - b. Survey Results
 - c. Examination Development
- XIV. Update on the Status of the Research Proposals Selected for Funding at the July 26, 2018 Board Meeting
- XV. Discussion and Possible Action on the Structural Pest Control Board's Compliance With U.S. Environmental Protection Agency (EPA) Pesticide Applicator Regulations
- XVI. Annual Review and Possible Action Regarding the Board's Research Fund
- XVII. Annual Review and Possible Action Regarding the Board's Policies and Procedures
- XVIII. Presentation and Possible Action on Statutory Amendment to Business and Professions Code (BPC) Section 8506.1 – Company Registrations
- XIX. Regulations Discussion, Possible Action, and Update:
 - a. California Code of Regulations (CCR), Title 16, Section 1970.4, 1970.41, 1970.42 – Pesticide Disclosure Requirements
 - b. CCR, Title 16, Section 1997 - WDO Emergency Fee Increase Certificate of Compliance
 - c. CCR, Title 16, Section 1936, 1936.1, 1936.2, 1937.1, 1937.2 – AB 2138 Compliance
- XX. Legislation Update and Possible Action:
 - a. Assembly Bill 613 (Low) – Professions & Vocations: Regulatory Fees
 - b. Assembly Bill 1788 (Bloom) – Pesticides: Use of Anti-Coagulants
 - c. Senate Bill 53 (Wilk) – Open Meetings
- XXI. Annual Election of Board President and Vice President

XXII. Future Agenda Items

XXIII. Board Calendar

XXIV. 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, Stipulated Settlements, and Pursuant to Subdivision (a)(1) of Section 11126 of the Government Code to Conduct the Executive Officer's Performance Review

XXV. 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**

July 17, 2019

The meeting was held July 17, 2019 at the Department of Consumer Affairs,
Hearing Room, 2005 Evergreen Street, Sacramento, California

Board Members Present:

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

Board Members Absent:

Ronna Brand

Board Staff Present:

Susan Saylor, Executive Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Sabina Knight, Legal Counsel
Karen Nelson, Executive Office

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Van Steenwyk called the meeting at 8:01 A.M. and Ms. Saylor called roll.

Mr. Van Steenwyk, Mr. Tamayo, Mr. Duran, and Mr. Good were present.

Ms. Brand was absent.

A quorum of the Structural Pest Control Board (SPCB) 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
JUAN CHRISTIAN FLORES — FR 37996 — BRANCH 1

Administrative Law Judge Wim van Rooyen sat with the SPCB to hear the Petition for Reinstatement of Juan Christian Flores, Field Representative License Number 37996. Mr. Flores was informed that he would be notified by mail of the SPCB's decision.

PETITION FOR REINSTATEMENT
ALONZO G. CONTRERAS III — OPR 11760 — BRANCH 3

Administrative Law Judge Wim van Rooyen sat with the SPCB to hear the Petition for Reinstatement of Alonzo G. Contreras III, Operator License Number 11760. Mr. Contreras was informed that he would be notified by mail of the SPCB's decision.

CLOSED SESSION

Pursuant to subdivision (c)(3) of section 11126 of the Government Code the SPCB met in closed session to consider reinstatements, proposed disciplinary actions, and stipulated settlements.

The SPCB Reconvened in Open Session.

REVIEW AND APPROVAL OF MINUTES OF THE APRIL 17, 2019 AND MAY 29, 2019 BOARD MEETINGS

Mr. Tamayo moved and Mr. Duran seconded to approve the Minutes of the April 17, 2019 and May 29, 2019 meetings of the SPCB. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good. NOES: None. ABSTENTIONS: None.)

DISCUSSION AND POSSIBLE ACTION ON OCCUPATIONAL ANALYSIS FOR APPLICATORS

Mr. Van Steenwyk stated that there will be an Applicator Occupational Analysis town hall meeting on October 23, 2019 and that everyone can attend and provide input. Mr. Van Steenwyk further stated that the Occupational Analysis provides the framework for the Applicator examination and that the SPCB would coordinate with the Pest Control Operators of California (PCOC) to notify the industry and maximize participation.

Ms. Saylor stated that the draft agenda for the Applicator Occupational Analysis is included in the meeting materials which are posted on the SPCB's website (www.pestboard.ca.gov.)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor updated the SPCB on licensing, enforcement, and examination statistics, survey results, and WDO statistics.

Mr. Van Steenwyk asked if there was a reason for the significant decrease in the Field Representative, and Operator examination passing rates.

Ms. Saylor stated that new Field Representative and Operator examinations were introduced May 1, 2019 and the Office of Professional Examination Services (OPES) is already in the process of evaluating feedback and removing questions that consistently perform poorly.

Ms. Saylor introduced Hollie Glasner from the SPCB enforcement unit and stated that Ms. Glasner was recently hired and has been a wonderful addition to the office.

Ms. Saylor introduced Michelle Thom from the Santa Clara County Agricultural Commissioner's Office.

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

Mr. Van Steenwyk stated that the research projects have begun and are moving ahead on their respective timelines.

PRESENTATION AND POSSIBLE ACTION ON PROPOSED AMENDMENT OF KEY PERSONNEL TO DR. NEIL TSUTSUI'S APPROVED RESEARCH PROJECT - "DIET AND COLONY STRUCTURE OF TWO EMERGING INVASIVE PEST ANTS"

Mr. Tamayo moved and Mr. Duran seconded to approve the proposed amendment to Dr. Neil Tsutsui's "Diet and Colony Structure of Two Emerging Invasive Pest Ants" research project. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good. NOES: None. ABSTENTIONS: None.)

PRESENTATION AND POSSIBLE ACTION ON PROPOSED AMENDMENT OF KEY PERSONNEL TO DR. DONG-HWAN CHOE'S APPROVED RESEARCH PROJECT - "IMPROVING URBAN ANT PEST MANAGEMENT BY LOW IMPACT IPM STRATEGIES"

Mr. Duran moved and Mr. Tamayo seconded to approve the proposed amendment to Dr. Dong-Hwan Choe's "Improving Urban Ant Pest Management by Low Impact IPM Strategies" research project. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good. NOES: None. ABSTENTIONS: None.)

REGULATIONS DISCUSSION, POSSIBLE ACTION, AND UPDATE

California Code of Regulations (CCR), Title 16, Sections 1970.4, 1970.41, and 1970.42 – Pesticide Disclosures Requirements

Mr. Skelton stated that the proposed language for CCR 1970.4, 1970.41, and 1970.42 was written by Ms. Knight to provide more clarification and that Peggy Byerly, Department of Pesticide

Regulation (DPR), and Ms. Thom were in attendance to provide feedback on the proposed language.

Ms. Byerly presented suggested amendments from the Los Angeles County Agricultural Commissioner's Office and stated that because of the short timeframe the proposed amendments were only their initial suggestions.

Ms. Thom stated that in addition to Santa Clara; Alameda, Marin, and Contra Costa counties contacted her with concerns about the proposed language. Ms. Thom further stated that the use of "may instead of "shall" was problematic from an enforcement perspective and that paperless notification has the potential to lead to miscommunication between pest control companies and consumers.

Ms. Knight stated that the proposed language is a starting point and that the SPCB would work in collaboration with the County Agricultural Commissioners to further amend the proposed language in a manner that addresses their concerns.

CCR, Title 16, Section 1950 — Continuing Education

Mr. Skelton presented proposed language to adjust continuing education requirements by reducing the number of Rules & Regulations hours and increasing the number of Integrated Pest Management (IPM) hours.

Mr. Good stated that the pest control industry has largely done a commendable job implementing IPM into their pest management practices. Mr. Good further stated that he had some concerns about decreasing Rules & Regulations continuing education requirements.

Mr. Van Steenwyk stated that the CE IPM Review Committee felt that many CE courses classified as Rules & Regulations were in fact closer to technical courses and there are usually not enough changes in the law to justify a large Rules & Regulations requirement.

Mr. Skelton stated that the CE IPM Review Committee did not want an overall increase in hour requirements so the increase in IPM necessitated a decrease from another category.

Mr. Van Steenwyk moved and Mr. Tamayo seconded to approve the proposed text (CCR, Title 16, section 1950) for a 45 day public comment period and delegate to the executive officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period and to follow established procedures and processes in doing so and also to delegate to the executive officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good. NOES: None. ABSTENTIONS: None.)

CCR, Title 16, Section 1997 — WDO Inspection and Completion Activity Fee (Emergency Regulations)

Ms. Saylor stated that the emergency WDO Inspection Reporting Fee Increase is currently being updated by staff based on legal counsel's recommendations and once those updates are complete it will go to the California Business, Consumer Services, and Housing Agency for final review before it is submitted to the Office of Administrative Law (OAL.)

Ms. Saylor stated that staff was unable to get a July 1, 2019 effective date for the emergency WDO Inspection Reporting Fee Increase. Ms. Saylor further stated that staff expects the regulatory proposal to become effective by October 1, 2019.

CCR, Title 16, sections 1936, 1936.1, 1936.2, 1937.1, 1937.2 — AB 2138 Compliance

Ms. Knight stated that AB 2138 amended the Business and Professions Code (BPC) to reduce licensing barriers for certain individuals with prior criminal history. Ms. Knight further stated that AB 2138 required regulatory amendments for compliance and that they are currently at DCA undergoing review.

LEGISLATIVE UPDATE AND POSSIBLE ACTION

Assembly Bill 613 (Low)

Ms. Saylor stated that Assembly Bill 613 proposed to allow Boards and Bureaus to raise fees outside of the normal regulatory process based on the Consumer Price Index. Ms. Saylor further stated that the last two hearings for Assembly Bill 613 were postponed and that it may be continued in next year's legislative session.

Assembly Bill 1788 (Bloom)

Mr. Van Steenwyk stated that Assembly Bill 1788 has passed the Assembly and is in Senate appropriations. Mr. Van Steenwyk further stated that DPR is continuing to evaluate anti-coagulant rodenticides and is in the process of incorporating Dr. Niamh Quinn's SPCB funded research into their analysis.

Senate Bill 53 (Wilk)

Ms. Knight stated that Senate Bill 53 is currently in Senate appropriations and that the budget analysis recently submitted by DCA is being considered.

FUTURE AGENDA ITEMS

Regulatory updates on CCR, Title 16, sections 1950, 1970.4, and 1997.

A general update from DPR.

BOARD CALENDAR

The next three meetings were scheduled for:

October 23 & 24, 2019 in Sacramento.

March 11 & 12, 2020 in Sacramento.

July 7 & 8, 2020 in Los Angeles.

ADJOURNMENT

The meeting was adjourned at 12:39 P.M.

Darren Van Steenwyk, President

Date

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR AUGUST 2019	FISCAL YEAR 2019/2020		FISCAL YEAR 2018/2019	
	Monthly	Year To Date	Monthly	Year To Date
EXAMINATION				
Field Representatives Scheduled	566	1047	559	1061
Field Representatives Examined	378	687	375	802
Field Representatives Passed	156	264	161	348
Field Representatives Failed	222	423	214	454
Operators Scheduled	42	82	62	97
Operators Examined	33	73	39	81
Operators Passed	18	40	17	31
Operators Failed	15	33	22	50
Applicators Scheduled	324	595	450	827
Applicators Examined	230	484	318	648
Applicators Passed	168	350	114	249
Applicators Failed	62	134	204	399
Field Representatives Passing Rate	41%	38%	43%	43%
Operator Passing Rate	55%	55%	44%	38%
Applicators Passing Rate	73%	72%	36%	38%
LICENSING				
Field Representative Licenses Issued	98	184	137	311
Operator Licenses Issued	9	23	23	31
Company Registrations Issued	10	32	25	44
Branch Office Registrations Issued	12	12	13	13
Change of Registered Company Officers	7	11	5	7
Change Of Qualifying Manager	12	19	4	13
Applicator Licenses Issued	183	341	145	283
Duplicate Licenses Issued	64	154	173	258
Upgrade Present License	12	36	39	61
Change of Status Processed	42	87	33	56
Address Change	158	320	275	536
Address Change (Principal Office)	38	47	45	75
Address Change (Branch Office)	0	0	2	3
Transfer of Employment Processed	117	300	279	397
Change of Name	0	5	2	4
Change of Registered Company Name	3	6	3	3
License Histories Prepared	28	30	15	30
Down Grade Present License	43	67	69	138
LICENSES/REGISTRATIONS IN EFFECT				
Field Representative		13,960		13,267
Operator		4,282		4,243
Company Registration		3,146		3,140
Branch Office		450		446
Licensed Applicator		7,512		7,693
LICENSES/REGISTRATIONS ON PROBATION				
Companies		28		24
Licensees		110		92

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR AUGUST 2019	FISCAL YEAR 2019/2020		FISCAL YEAR 2018/2019	
	Monthly	Year To Date	Monthly	Year To Date
LICENSES RENEWED				
Operator	16	287	23	441
Field Representative	54	834	70	1048
Applicator	30	320	71	476
LICENSES/ REGISTRATIONS CANCELED				
Operator	2	3	4	6
Field Representative	6	17	17	23
Company Registration	17	26	21	31
Branch Office	0	0	4	4
Applicator	10	22	15	28
LICENSES DENIED				
Licenses	2	9	2	6
INVESTIGATIVE FINES PROCESSED				
Fines Processed	\$7,500	\$12,675	\$8,530	\$14,575
Penalty Assessment	\$0	\$0	\$0	\$0
Pesticide Fines	\$8,400	\$22,950	\$15,365	\$31,765
STAMPS SOLD				
Pesticide	7,040	13,400	5,850	12,530
SEARCHES MADE				
Public	86	164	90	148
Complaints	9	17	10	21
BOND & INSURANCE				
Bonds Processed	9	27	21	37
Insurance Processed	220	445	215	440
Restoration Bonds Processed	0	0	0	0
Suspension Orders	23	51	53	78
Cancellations Processed	18	72	43	93
Change of Bond/Insurance	3	51	106	158
CONTINUING EDUCATION EXAMS				
Field Representative Examined	0	0	0	0
Field Representative Passed	0	0	0	0
Field Representative Failed	0	0	0	0
Operator Examined	0	0	0	0
Operator Passed	0	0	0	0
Operator Failed	0	0	0	0
Applicator Examined	0	0	0	0
Applicator Passed	0	0	0	0
Applicator Failed	0	0	0	0

WDO ACTIVITIES FILED

	2015/16	2016/17	2017/18	2018/19	2019/20	Monthly Average FY15/16 to FY18/19
July	121,639	111,086	124,000	117,000	125,000	118,431
August	112,511	121,000	128,400	128,000	124,400	122,478
September	115,977	119,089	119,000	110,445		116,128
October	123,409	125,804	124,100	127,700		125,253
November	100,779	118,121	117,000	105,000		110,225
December	105,326	106,000	96,100	93,600		100,257
January	83,209	96,000	94,900	90,000		91,027
February	97,100	95,000	96,900	93,000		95,500
March	122,261	127,300	115,000	116,000		120,140
April	128,201	122,120	115,000	127,600		123,230
May	123,028	132,900	123,000	133,100		128,007
June	131,954	135,000	127,000	137,600		132,889
<i>FY Total</i>	<i>1,365,394</i>	<i>1,409,420</i>	<i>1,380,400</i>	<i>1,379,045</i>		<i>1,383,565</i>
AVG PER MO.	113,783	117,452	115,033	114,920	124,700	

LICENSING UNIT SURVEY RESULTS

October 23, 2019 – SPCB Meeting

July 9, 2019 – October 9, 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 nine survey cards were mailed during this reporting period. Nine responses were received.

	Question	Yes	No	N/A
1	Was staff courteous?	100%	0%	0%
2	Did staff understand your question?	100%	0%	0%
3	Did staff clearly answer your question?	100%	0%	0%
4	Did staff promptly return your telephone call?	67%	22%	11%
5	Did staff efficiently and promptly handle your transaction?	100%	0%	0%
6	How long did it take to complete its action on your file?* (Average)	19 days		

*There were 4 responses to question 6.

Company Registration: 3 days (1 response)

Operator License: 25 days (3 responses)

Field Representative License: N/A (0 responses)

Applicator License: N/A (0 responses)

Transfer of Employment: N/A (0 responses)

Change of Address: N/A (0 responses)

Bond/Insurance: N/A (0 responses)

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

Examination: N/A (0 responses)

Comments:

- Frank is awesome, very courteous and professional, along with the rest of staff.
- Thank you!!
- Thank you Frank Munoz for your prompt attention to my concerns!

- Mr. Frank Munoz is one of the most professional persons I've ever met. He answered all my questions with confidence. The service was immaculate. Thank you.
- Frank was super helpful and courteous. He's a keeper for your business.

SPCB RESEARCH TRACKING

RESEARCHER	TRACKING	CONTRACT BALANCE
<p>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</p>	<p>10/23/18 – UC Riverside notified of contract approval effective 10/22/18. 1/28/19 – received invoice #80105-001 for \$689.61 4/30/19 – Received April 2019 Progress Report 5/11/19 – received invoice #80105-002 for \$2,645.77 7/17/19 – received invoice #80105-003 for \$3,468.85 Total Expenditures: \$6,804.23</p>	<p>\$70,504.77</p>
<p>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</p>	<p>10/23/18 – UC Riverside notified of contract approval effective 10/23/18. 1/11/19 – received invoice #80108-001 for \$141.99 4/18/19 – received April 2019 Progress Report 5/11/19 – received invoice #80108-002 for \$6,093.28 7/17/19 – received invoice #80108-003 for \$21,870.43 Total Expenditures: \$28,247.69</p>	<p>\$251,769.31</p>
<p>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</p>	<p>10/16/18 – UCANR notified of contract approval effective 10/16/18. 4/30/19 – Received April 2019 Progress Report</p>	<p>\$329,749.33</p>

RESEACHER	TRACKING	CONTRACT BALANCE
<p>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</p> <p>Total Contract: \$146,325.00</p>	<p>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 4/7/19 – received April 2019 Progress Report 5/29/19 – received invoice #GM00175634 for \$681.23 7/2/2019 – received invoice #GM00178838 for \$1,220.99 8/9/2019 – received invoice #GM00184114 for \$22,099.22 8/19/2019 - received invoice #GM00186274 for \$764.23</p> <p>Total Expenditures: \$39,86.70</p>	<p>\$106,468.30</p>
<p>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</p> <p>Total Contract: \$190,425.00</p>	<p>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 4/2/19 – received invoice #52526107 for \$2,617.68 4/26/19 – received April 2019 Progress Report 5/1/19 – received invoice #52892570 for \$4,179.03 5/30/19 – received invoice #5330024 for \$3,220.42 7/26/19 – received invoice #54113894 for \$4,040.68</p> <p>Total Expenditures: \$19,075.23</p>	<p>\$171,349.77</p>

10/9/2019



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-(AMENDED APRIL 12, 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).

Direct Supervision of Noncertified Applicators-40 CFR 171.201 (page 1040)

Summary of Federal Requirement:

40 CFR Section 171.201 establishes new requirements for the direct supervision of noncertified applicators by certified applicators.

Evaluation:

Currently, individuals who hold an SPCB Registered Applicators license are not considered “certified commercial applicators” per 3 CCR section 6000. In addition, under the Business and Professionals Code (B&PC) section 8551.5, unlicensed individuals are required to be personally supervised by a Field Representative or Operator for the first 90 days of employment or until licensed as a Registered Applicator. DPR was unable to find in SPCB materials information regarding the direct supervision of noncertified applicators (i.e. SPCB Registered Applicators and unlicensed individuals) by certified applicators required by 40 CFR section 171.201.

SPCB Next Steps:

1. Review the provided 40 CFR Section 171.201 requirements; and
2. Evaluate use of restricted pesticides by Registered Applicators and supervised unlicensed individuals.

Some possible options for SPCB to consider include:

1. Make changes to B&PC and implement regulations so DPR can consider *all* Registered Applicators as “certified commercial applicators” in 3 CCR section 6000.
2. Make changes to B&PC and implement regulations (by either a new category or license type) so DPR can consider *some* Registered Applicators who use restricted pesticides “certified commercial applicators” in 3CCR section 6000.
3. Prohibit Registered Applicators (and unlicensed individuals) from using restricted pesticides.
4. Incorporate 40 CFR Section 171.201 standards into SPCB laws or regulations.
5. If an option from 1-4 is not chosen, the supervising field representative or operator will be required to comply with the supervision requirements established by DPR when a restricted material in 3 CCR section 6400 is used. DPR is in the process of incorporating the 40 CFR section 171.201 requirements into California regulations.

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.

Routine Operational Records-40 CFR 171.303(b)(7)(vi) (page 1045)

Summary of Federal Requirement:

40 CFR Section 171.303(b)(7)(vi) requires the State Plan to include a complete copy of all laws and regulations requiring commercial applicators to record and maintain routine operational records containing information on types, amounts, uses, dates, and places of application of restricted use pesticides.

Evaluation:

DPR evaluated recordkeeping requirements in 16 CCR section 1970. Branch 1 record keeping requirements are met by section 1970(a). However, for Branches 2 & 3, DPR was unable to find the following recordkeeping requirements in 1970(b):

- Time of application
- Size of treated area
- U.S. EPA product registration number
- License number of the certified applicator using or supervising the use of a restricted pesticide

SPCB Next Steps:

1. Incorporate additional recordkeeping requirements into 16 CCR section 1970(b) to address SPCB’s Branch 2 & 3 missing federal recordkeeping requirements.

Please note, recordkeeping requirements included in section 1970 must cover at a minimum all federally restricted use pesticides. However, it is DPR’s recommendation that all California restricted materials listed in 3 CCR section 6400 also be included in Branch 2 & 3 recordkeeping requirements. Additionally, SPCB has the discretion to require recordkeeping for all pesticide use, not just federally or California restricted pesticides.

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&bulletinid=710&bulletinurl=.pdf>

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“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

Research Fund Analysis				
	FY 18-19	FY 19-20	FY 20-21	FY 21-22
Beginning Research Fund Balance	\$ 1,041	\$ 1,094	\$ 812	\$ 530
Encumbered Funds Not Yet Disbursed	\$ 1,024	\$ 930	\$ 501	\$ 72
Unencumbered Funds Available	\$ 17	\$ 164	\$ 311	\$ 458
Contract Disbursements (projected average)	\$ 94	\$ 429	\$ 429	\$ 72
Balance	\$ 947	\$ 812	\$ 530	\$ 605
Average Revenue per FY	\$ 147	\$ 147	\$ 147	\$ 147

STRUCTURAL PEST CONTROL BOARD

PROCEDURES

(Reference to Registrar and Deputy/Assistant
Registrar is Synonymous)

Revised 10/10/2017

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GENERAL

NO. G-1

SUBJECT: REVIEW OF PROCEDURES

PURPOSE: To assure procedures are current

POLICY

A review of Board Procedures shall be made at the annual meeting.

Reference: Section 108, Business and Professions Code

History: Adopted 4/20/79
Amended 6/23/00

NO. G-2

SUBJECT: TRAVEL

PURPOSE: To establish a standard procedure for approval of Board Member and advisory committee member travel

POLICY

Board Member

Members of the Board are to receive prior approval from the President of the Board and immediately submit notice thereof to the Registrar before attending any meetings, other than Board meetings and Board committee meetings, at state expense.

Advisory Committee Member

Advisory committee members must receive prior approval from the President of the Board regarding expenditures necessary to carry out their duties at state expense. Advisory committee members are required to take the lowest cost transportation and coordinate their travel to minimize expense.

Reference: Sections 103 and 8526, Business and Professions Code

History: Adopted 4/20/79
Amended 10/22/93

NO. G-3

SUBJECT: BOARD COMMITTEES

PURPOSE: To establish guidelines for board committees

POLICY

Technical Advisory Committee members' terms expire when the appointing president's term expires.

Ad hoc committees will be established by the Board as needed. Members and the chairperson will be appointed by the President.

No action can be taken unless a quorum of a committee is present. A majority of the members shall constitute a quorum.

Reference: Sections 22, and 477, Business and Professions Code

History: Adopted 2/19/88
Amended 11/6/92
Amended 10/22/93
Amended 1/10/03
Amended 7/18/03
Amended 1/15/05
Amended 10/16/14

NO. G-4

SUBJECT: ELECTION OF OFFICERS

PURPOSE: Identify when elections are held and to assure equal representation

POLICY

Elections for the offices of president and vice president shall be conducted at the October board meeting. President and vice president shall assume duties at the board meeting following the annual October meeting. At least one of the offices of president and vice president must be held by a public member.

Reference: Sections 8521 and 8522, Business and Professions Code

History: Adopted 2/19/88
Repealed 10/12/90
Adopted 10/21/94
Amended 1/10/03
Amended 10/20/06

NO. G-5

SUBJECT: BOARD MEETING MINUTES

PURPOSE: To assure board meeting minutes are completed promptly.

POLICY

Draft minutes of Structural Pest Control Board Meetings will be completed and distributed to board members within ~~30~~ 60 90 days after a board meeting.

Minutes of the Structural Pest Control Board Meetings will be distributed to individuals on the mailing list within 10 days after approval by the Board.

Reference: 8531.5

History: Adopted 10/12/90
Amended 10/22/93
Amended 10/4/96
Amended 11/18/08

NO. G-6

SUBJECT: GUIDELINES FOR ACCESS TO PUBLIC RECORDS

PURPOSE: To establish procedures to be followed when making public records available.

POLICY

Public records in the physical custody of the Structural Pest Control Board that are not exempt from disclosure will be made available for inspection or copying as follows:

1. Any person may review public records of the Board during weekdays and hours that the office is regularly open for business. Public records will be available for inspection only at the office or location where they are regularly and routinely maintained.
2. Requests for inspection or copying of public records:
 - a) should be addressed to, or directed to, the board.
3. The board will provide the following to assist a member of the public to make a focused and effective request that reasonably describes identifiable records or records to the extent it is reasonable under the circumstances:
 - a) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
 - b) Describe the information technology and physical location in which the records exist.
 - c) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
4. The requestor will be notified in ten (10) days whether the board has disclosable public records. Where unusual circumstances exist as specific in Government Code section 6253(c), the agency may, by written notice to the requester, extend the time for response not to exceed fourteen (14) additional days.
5. If a request is made for a record that is stored in an electronic format, the board will comply to the extent required under Government Code Section 6253.9.
6. The board may refuse to disclose any records that are exempt from disclosure under the Public Records Act (PRA).

7. Any denials of PRA requests for consumer complaints shall be subject to Legal Office review prior to responding to the requestor.
8. Functions of the board will not be suspended to permit, and public records will not be made available for, inspection during periods in which such records are reasonably required by board personnel in the performance of their duties. Special arrangements shall be made in advance for the inspection or copying of voluminous records.
9. Public records in the possession of the board may be inspected only in the presence of board personnel, except in those cases where the executive officer or his or her designee, determines otherwise. Physical inspection of such records will be permitted at places within the board office as determined by the executive officer.
10. The board will provide copies of any requested public records not exempt from disclosure upon payment of the following fees as authorized by Business and Professions Code section 161:
 - Requested public records will be produced at a charge of ten (10) cents per page plus the actual costs of the staff time for retrieving and duplicating the document(s). The cost of staff time will be computed in accordance with the guidelines contained in Section 8740 of the State Administrative Manual. However, these fees may be waived if the costs of retrieval and duplication are less than the cost of processing the payment.
 - Requests by an individual for copies of records pertaining to that individual (e.g., licensee files, personnel files, etc.) will be provided to that individual at a cost of ten (10) cents per page. In these cases, the cost of staff time for retrieving and duplicating the document(s) shall not be charged (Civil Code sec. 1798.33). However, these fees may be waived if the costs of duplication are less than the cost of processing the payment.
 - Lists of licensees will be provided in electronic, paper, or mailing label form at a charge sufficient to recover the estimated costs of providing the data. Further information and a list of charges may be obtained by contacting the Office of Information Services, Public Information Unit at the following website address: www.dca.ca.gov/consumer/public_info/ or call (916) 574-8150.
 - As provided in Business and Professions Code sec. 163, a charge of \$2.00 will be made to certify any document. This fee is in addition to copying costs.
11. A person who inspects records of the board shall not destroy, mutilate, deface, alter or remove any such records or records from the location designated for inspection, but shall physically return these in the same condition as when received, upon either the completion of the inspection or upon verbal request of departmental or agency personnel.
12. In the event that any portion of these guidelines may be deemed at any time to conflict with any law or regulation, the law or regulation shall prevail.

13. A copy of these guidelines shall be posted in a conspicuous public place in the office of the board. A copy of these guidelines shall be made available free of charge to any person requesting them.

Reference: Government Code, California Public Records Act

History: Adopted 9/5/91
Amended 10/4/96
Amended 10/11/02
Amended 10/12/07
Amended 4/28/11
Amended 10/5/11
Amended 10/10/2017

NO. G-7

SUBJECT: REVIEW OF STRATEGIC PLAN

PURPOSE: To assure plan is being followed.

POLICY

A review of the status of action taken in compliance with the Strategic Plan shall be made at the annual meeting.

Reference:

History: Adopted 6/23/00

NO. G-8

SUBJECT: DUTIES OF THE PRESIDENT AND VICE PRESIDENT

PURPOSE: Document duties for board members elected to office.

POLICY

President

1. The president shall chair all meetings of the board.
2. The president or any three members of the board may call meetings at any time.
3. If a member is unable to attend, he / she must contact the board president and the registrar / executive officer to advise them of his / her inability to attend.
4. The president will be guided by, but not bound by Robert's Rules of Order when conducting the meetings, except to the extent where it conflicts with state law (Bagley-Keene Open Meeting Act).
5. The president shall establish standing and special committees as the board deems necessary or appropriate. The president shall make the appointment of members to these committees.
6. The president will represent the board in all communications relating to any board action or policy. The president may designate another board member to represent him / her if necessary.
7. The president will approve or disapprove travel by members of the board, not including regularly scheduled board meetings, such approval not to be unreasonably withheld.
8. The president shall have the responsibilities usually vested in or customarily incident to the office of president and otherwise prescribed by law.
9. The president elect shall serve as the board delegate to ASPCRO; if he or she cannot attend, the president, or his or her designee, shall serve as the board delegate to ASPCRO.
10. The president shall supervise the activities of the registrar / executive officer.
11. In intervals between meetings of the board, the president shall have authority to make decisions respecting emergency or urgent matters.

12. The president shall sign decisions and rulings of the board on behalf of the board, and minutes after approved by the board.
13. The president shall serve as liaison between the board and the Deputy Director of Board Support.

Vice President

1. If the president is temporarily unable or unwilling to perform his or her duties as president, the vice president shall perform all of the duties of the president, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the president.

Reference: Section 8523, Business and Professions Code

History: Adopted 1/10/03
Amended 7/18/03
Amended 1/14/05
Amended 11/18/08

NO. G-9

SUBJECT: MAIL VOTES

PURPOSE: To provide policies for Board members voting by mail.

Mail Votes

The Board reviews and votes on disciplinary cases on a continuous basis through mail vote. Proposed Decisions and Stipulations are sent to the Board members for their review and vote. Board members have fourteen (14) days to review the Proposed Decisions and Stipulations and submit their vote. Each Board member may vote to either:

- Adopt the Proposed Decision or Stipulation;
- Reject the Proposed Decision or Stipulation; or
- Hold Proposed Decision or Stipulation for discussion at the next closed session.

Any Proposed Decision or Stipulation received by Board staff within thirty (30) days of a Board meeting will be held for closed session. At least four (4) votes are required to adopt or reject a Proposed Decision or Stipulation.

Two (2) votes shall be required in order for a Proposed Decision or Stipulation to be held over for discussion at a meeting of the Board.

Reference:

History: Adopted 10/16/14
 Amended 10/10/2017

L I C E N S I N G
a n d
E X A M I N A T I O N

NO. L-1

SUBJECT: UNAUTHORIZED ASSISTANCE

PURPOSE: To establish guidelines for examination proctors when cheating occurs.

POLICY

An applicant who gives or receives unauthorized assistance during an examination shall be dismissed from the examination and his/her markings or results shall be void and such applicant's examination fee shall be forfeited.

Reference: Section 496, Business and Professions Code

History: Adopted 11/12/82
Amended 10/12/85

NO. L-2

SUBJECT: POSTPONEMENT OF EXAMINATION

PURPOSE: To establish unacceptable reasons for granting a postponement of examination.

POLICY

Lack of preparation is not considered a valid reason for postponement as provided in section 1941 of the Rules and Regulations. Such request will be denied and the fee forfeited.

Reference: Section 8560, Business and Professions Code
Section 1941, California Code of Regulations

History: Adopted 10/29/83

SUBJECT: FEES

PURPOSE: To establish guidelines to assure that licenses/certificates and renewals are not issued until fees are paid.

POLICY

No registration certificate or license or renewal for a license shall be issued or renewed where fees tendered is in the form of a personal check until the check has cleared. Personal checks returned unpaid for any reason shall be treated in the same way as though no fee at all had been tendered.

Reference: Sections 8562, 8564 and 8590, Business and Professions Code
Sections 1936 and 1936.1, California Code of Regulations

History: Adopted 11/12/82
Amended 10/25/96
Repealed 10/4/96

SUBJECT: APPLICATOR EXAMINATION

PURPOSE: To establish guidelines for the use, control and security of applicator examinations.

POLICY

General:

1. Examinations and answer keys must be kept in a locked cabinet, closet, drawer, or similar enclosed place and not removed until used.
2. Examination cannot be reproduced in any form.
3. A log provided by the Board of each examination given must be maintained in duplicate and a copy accounting for the previous order sent to the Board with the next order or upon request.
4. The current examination must always be used. When examinations are changed, registered companies will be notified by the Board and unused examinations must be returned to the Board to be exchanged for the current examination.
5. After completion of an examination, whether passed or failed, it must be returned immediately to the Board.
6. The owner or qualifying manager may act as proctor or designate a proctor to administer the examination. Even though the owner or qualifying manager delegates this authority, he/she remains responsible for the integrity of administration of the examination.
7. A new examination booklet must be used each time an examination is given.
8. If an examinee fails the examination, he/she may repeat the examination but a new examination booklet must be used.
9. The passing grade is 70 correct answers.
10. If an examination is lost, stolen or damaged, the Board must be notified immediately.
11. Applicator examinations are not transferable from one company to another.

Administration of Examination:

1. Proctor must identify the examinee by driver's license or other photo identification.
2. Examination must be given in a quiet place.
3. Examination must be uninterrupted.
4. Examination must be taken at one sitting.
5. Examinee must NOT write in the examination booklets.
6. Examinee can take short breaks but they must surrender examination booklets to the proctor and they cannot talk to anyone or consult any aids. If more than one examinee is taking the examination at one time, only one at a time may take a break.
7. Proctor must be present during the entire examination.
8. No resource materials or display can be used.
9. No assistance can be given.
10. Proctor must certify on the cover of the examination that it was administered in accordance with the Board instructions.
11. Examinee must certify on the cover of the examination that the examination was taken in accordance with Board instructions and agree to an audit by re-examination if selected by the Board.
12. Proctor grades the examination.
13. Proctor returns all completed booklets and answer sheets, whether passed or failed, to the Board.
14. If the examinee passes, the temporary certificate on the cover of the examination must be signed, dated, detached and retained by the applicator. The permanent certificate will be sent to the applicator within 30 days of receipt of the examination by the Board.

Reference: Sections 8551.5 and 8564.5, Business and Professions Code.

History: Adopted 1980
Amended 10/6/84
Amended 10/25/86
Repealed 1/1/91

NO. L-5

SUBJECT: INCOMPLETE EXAMINATION APPLICATIONS

PURPOSE: To establish a standard time period for retaining incomplete application for examination.

POLICY

An incomplete application for examination will be purged and such applicant's examination fee shall be forfeited six months after the last contact made with the applicant requesting completion of the examination application.

Reference: Section 8562 and 8564, Business and Professions Code
Section 1936, California Code of Regulations

History: Adopted 10/13/89

SUBJECT: CONTINUING EDUCATION EXEMPTIONS FOR ARMED SERVICES PERSONNEL

PURPOSE: To provide for the temporary waiver of continuing education renewal requirements for licensees servicing during any call for action.

POLICY

Any licensee who permitted his/her license to expire while serving in any branch of the armed services of the United States during any call for action, may have one year from the date of discharge from the armed services or return to inactive status to earn the required continuing education hours necessary to reinstate his/her license; provided the license was valid at the time the licensee was called to action, and the application for reinstatement is accompanied by an affidavit showing the date of discharge from the armed services or return to inactive status.

Reference: Sections 114, 8590 and 8593, Business and Professions Code
Sections 1950, California Code of Regulations

History: Adopted 4/5/91
Amended 9/5/91
Repealed 10/4/96
Readopted 1/18/02
Repealed 4/22/10

ENFORCEMENT

NO. E-1

SUBJECT: COMPLAINT PROCESS

PURPOSE: To establish guidelines and procedures for accepting and processing complaints against registered companies/licensees.

POLICY

Complaint against a licensee/registered company of the Structural Pest Control Board shall be filed with the Board's office.

Upon receipt of a complaint the Board will inquire as to whether the consumer has contacted the company first and made an effort to resolve the problem. Exceptions are those complaints that the Registrar feels should be investigated by the Division of Investigation or a Structural Pest Control Board Specialist because of the seriousness of the evidence of the violation or unusual and special circumstances.

A complaint will not be accepted if the statute of limitations has expired.

When a complainant seeks repairs or treatment at no charge from a licensee/registered company whose termite inspection omitted reportable items which were available to the consumer in a prior report by another licensee/registered company, the complainant will be advised that: (1) the Board will not try to compel the licensee/registered company to bring the property into compliance other than issuing a proper report and (2) the Board will investigate the case to determine if the licensee/registered company is in violation and administrative action warranted.

Upon receipt of a complaint alleging a violation of the Structural Pest Control Act, a post card acknowledging the complaint or letter of rejection will be sent to the complainant within five working days.

Complaints involving possible pesticide poisoning shall be referred immediately by telephone to the local agricultural commissioner.

Consumer complaints shall be mediated by the Board unless criminal or gross violations are readily apparent. Complaints that are the result of gross, deliberate or repeated violations of the Act shall be sent to the Attorney General for disciplinary action regardless of the mitigating action of the licensee.

When a complaint is received, a letter of transmittal and copy of the complaint shall be sent to the licensee/registered company within five working days of receipt.

When a complaint is received, staff will determine if a building permit was required to complete repairs on the property, and also verify whether the permit was obtained.

The letter of transmittal shall request that the licensee/registered company respond to the complaint stating his/her position and intentions. The letter of transmittal shall inform the licensee/registered company that a response is expected within ten (10) days from receipt of the complaint. At the discretion of the Registrar, the ten (10) working days allowed for the licensee's /registered company's response may be extended for good cause, but not to exceed an additional twenty (20) working days. The initial contact letter sent to a registered company will request that building permit final papers must be provided to the Board for each repair performed when such permit is required.

If the licensee/registered company fails to respond to the transmittal letter, the consumer services representative shall try to contact the licensee/registered company before referring the complaint to a Structural Pest Control Board Specialist.

Complaints mediated by consumer services representatives shall be closed or referred to a Structural Pest Control Board Specialist within thirty (30) days after the date of the transmittal letter to the licensee/registered company. At the discretion of the Registrar, the thirty (30) days provided for settlement may be extended for good cause.

The Registrar shall verify all complaints that are resolved by the licensee/registered company.

When a case is closed by settlement or dismissal, the parties shall be notified by the Board within ten (10) days.

Effective August 13, 1999, when a request is made for copies of a complaint file(s) only those documents which are public records, such as accusation, statement of issues, citations, final decisions, documents introduced at an administrative hearing or documents which have been previously disclosed to the public will be provided. All other documents contained in the complaint file will not be disclosed pursuant to the Government Code section 6254(f). If the Board is served with a subpoena it will be given to the Executive Officer or the Assistant Executive Officer or Legal Counsel before any documents are released.

Reference: Sections 129, 8616.5, 8621 and 8622, Business and Professions Code

History: Adopted 4/20/79
Amended 11/12/92
Amended 10/6/84
Amended 12/9/84
Amended 10/12/85
Amended 10/25/86
Amended 9/5/91
Amended 10/22/93
Amended 10/6/95
Amended 10/4/96
Amended 8/13/99
Amended 4/6/00
Amended 10/10/2017

SUBJECT: INSPECTION PROCESS

PURPOSE: To establish guidelines and procedures for processing inspections and assessing inspection fees.

POLICY

General:

Any case that involves criminal or civil activity within the jurisdiction of a district or city attorney may be referred to those agencies in addition to the Attorney General.

Structural Pest Control Board Specialists that are hired after leaving a registered company shall not be assigned to inspect complaints against that company until after two years from leaving the company.

Structural Pest Control Board Specialists shall be encouraged to obtain a Structural Pest Control Board Field Representative's License in Branch 3 or the equivalent within one year from being hired. The Board also encourages specialist to qualify in all branches.

A Structural Pest Control Board Specialist is authorized to investigate immediately a cause of death or serious injury when structural pest control is involved without first obtaining the approval of the Registrar.

When the Registrar has information which indicates that a licensee/registered company has failed to meet standards of performance or report requirements, a Structural Pest Control Board Specialist may, at the direction of the Registrar, inspect inspections or jobs completed by the licensee/registered company to determine if errors were made or if it appears that violations are deliberate or customary.

When the Registrar requests inspections by Structural Pest Control Board Specialists, such inspections are for the purpose of determining whether the Act and/or regulations have been violated. The specialist shall not give advice, legal or otherwise, when inspecting cases for the Structural Pest Control Board.

The Structural Pest Control Board Specialists when directed by the Registrar shall determine if work is completed or repairs made as specified in the complaint. The specialist may inspect the entire property for compliance with the Act. Any violations found may be grounds for disciplinary action.

The specialist should communicate to the complainant that his/her inspection is conducted for the purpose of enforcing the provisions of the Structural Pest Control Act and that the Board's jurisdiction is over the license/registration certificate and does not award a financial settlement to the complainant.

No Violation Determined:

When a Structural Pest Control Board Specialist cannot determine that a violation by a licensee/registered company occurred, the specialist, at that time, shall inform the complainant and shall include in the specialist report that he/she has given this information to the complainant. When a case is closed by settlement or dismissal, the parties thereto shall be notified by the Board within ten (10) days.

Violation(s) Determined:

When violations are found, a letter from the Registrar enclosing the report of findings of the Structural Pest Control Board Specialist (example below) may be sent to the licensee/registered company by certified mail with return requested allowing him/her/it thirty (30) days to comply. Extensions may be granted by the specialist but all extensions must be requested for in writing and should not extend beyond thirty (30) days. A copy of the letter will be sent to the complainant.

Example

RE:

NOTICE

The above-numbered case was opened as result of a complaint filed by _____ regarding a property at _____.

Enclosed is a Report of Findings from the Specialist assigned to the case that confirms your activities regarding the property are not in compliance with the Structural Pest Control Act and/or Rules and Regulations.

Within thirty (30) calendar days from receipt of this letter, you must do the following:

- () Inspect the property and submit a Wood Destroying Pests and Organisms Inspection Report addressing, but not limited to, the items described in the attached Report of Findings to the Board. Send a copy of the report to the attention of the assigned Specialist/Investigator at the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815-3831, as well as the complainant/property owner.
- () Bring the property into compliance by correcting the items described in the attached Report of Findings.
- () Submit a Standard Notice of Work Completed and Not Completed to the Board. Send a copy of the Notice to the assigned Specialist at the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815-3831, as well as the complainant/property owner.

An inspection fee in accordance with Business and Professions Code section 8622 may be assessed for inspection(s). If a subsequent inspection is deemed necessary, a reinspection fee may be assessed. A notice of the total amount of inspection fees due will be sent to you under separate cover.

In order to expedite this case, please notify the Specialist named in the attached Report of Findings, in writing, within ten (10) calendar days of your intention to comply with these requirements.

You are hereby advised that if you desire a hearing to contest the Report of Findings, you must mail/deliver to the Board a written request for a hearing within twenty (20) days of your receipt of the Report of Findings. You may, but need not, be represented by counsel at any or all stages of these proceedings. You are further advised that any hearing held hereunder will not be limited to the question of non-compliance or payment of the inspection fee, but may also include evidence of any other violations you may have committed in this instant complaint case or any other case. Said hearing could result in suspension or revocation of your license, as well as the imposition of other penalties authorized by law.

Please note that failure to file a request for a hearing within the twenty (20) days of your receipt of this Report of Findings shall constitute a waiver of your right to request a hearing. If you do not request a hearing, payment of any assessment shall not constitute an admission of any non-compliance charged.

You are also advised that even if you do not request a hearing, the Board may initiate the hearing process by filing an accusation against you. Any hearing held hereunder will not be limited to the question of non-compliance or payment of the inspection fee(s), but may also include evidence of any other violations you may have committed. Said hearing could result in suspension or revocation of your license as well as the imposition of other penalties authorized by law.

Sincerely,

STRUCTURAL PEST CONTROL BOARD

Cases shall be closed by the Structural Pest Control Board Specialist or sent to the Chief Enforcement Officer for enforcement of disciplinary determination within forty (40) days after compliance or noncompliance with the report of findings.

Inspection Fees Under Section 8622

The Structural Pest Control Board Specialist shall be the Board's representative for determining licensee/registered company compliance.

The fee shall be based on the time necessary for the initial inspection and final inspection following a corrected inspection or completion report, or both. Travel time is not included.

Fees shall be assessed at the full cost recovery rate computed for Structural Pest Control Board Specialists up to \$125 per inspection.

If through mediation the licensee/registered company agrees to perform corrections as identified

by the complaint questionnaire but the homeowner will not consent and insists upon an inspection by a Structural Pest Control Board Specialist, no inspection fee will be assessed. However, a licensee/registered company must provide evidence that an offer was made prior to the Structural Pest Control Board Specialist referral in order to avoid paying fees. A positive offer must be in writing or made to the consumer services representative. Without such evidence, inspection fees will be assessed, unless the specialist determines the property is in compliance.

Complaints that result in the inspection by a Structural Pest Control Board Specialist and the filing of disciplinary action without allowing the licensee/registered company thirty (30) days to correct is exempt from the assessment.

A letter advising of the required fee will be sent to the licensee/registered company upon closure. If payment is not remitted within thirty (30) days of the original request, a final demand for payment will be sent.

If payment is not remitted within thirty (30) days of the final notice, administrative or civil action will be initiated by the Registrar.

Reference: Sections 108, 129, 155, 8520 and 8622, Business and Professions Code

History: Adopted 4/20/79
Amended 10/30/81
Amended 11/12/82
Amended 10/29/83
Amended 10/6/84
Amended 10/12/85
Amended 10/25/86
Amended 2/19/88
Amended 4/22/94
Amended 10/2/98
Amended 1/11/08
Amended 11/18/08

SUBJECT: ADMINISTRATIVE HEARING PROCESS

PURPOSE: To establish guidelines for procedures for administrative hearings and content of proposed decisions.

POLICY

When a licensee/registered company has an accusation filed against him/her, the Board will consider hearing the matter in front of the administrative law judge whenever the Registrar recommends that the accusation is unusual and warrants the Board's attention.

Office of Administrative Hearings Agency Policy Statements

Where the record permits, the proposed decision shall contain findings of fact as to whether restitution has been made. When offered by the respondent, a conditional order (probationary) may include restitution in the amounts of and on the terms offered.

When appropriate, the proposed order should permit completion of work contracted for by the licensee/registered company prior to the hearing (Business and Professions Code section 8620).

It is requested that findings of fact set forth concisely those facts upon which the administrative law judge rests any extraordinary conclusions or recommendation. Aggravating circumstances, mitigating circumstances, or factors relating to rehabilitation, or the lack thereof (particularly including whether or not restitution has been made), should be included in the findings.

Civil penalties shall not be assessed by the administrative law judge but are left to the discretion of the Board.

Board Member and Staff Appearance with Legal Counsel

The Registrar, Chief Enforcement Officer and/or Board Members shall not discuss an accusation which is pending before the Board with the respondent and/or his/her/its counsel.

Reference: Section 8620, Business and Professions Code
Section 11517 and 11518, California Administrative Procedure Act

History: Adopted 4/20/79
Amended 11/12/82
Amended 10/25/86
Amended 10/2/98
Amended 11/18/08

SUBJECT: STIPULATED AGREEMENT

PURPOSE: To establish guidelines for negotiating settlements of administrative actions.

POLICY

Stipulated agreements are recognized by the board as a means of resolving violations of the Structural Pest Control Act without further expense to either the board or the licensee/registered company. The Registrar and Chief Enforcement Officer have delegated authority to negotiate stipulated agreements on the board's behalf. The following procedures and considerations, however, must be complied with by the licensee/registered company or the licensee's/registered company's attorney in submitting stipulated agreements for board consideration.

1. The stipulation should be in writing and submitted by the respondent through the Deputy Attorney General assigned to the case for review by the registrar and submission to the board.
2. The stipulation should contain a penalty.
3. The stipulation should provide for a minimum three year probationary period.
4. The stipulation should specifically state whether restitution has been or will be made to the consumer and the amount of such restitution.
5. The stipulation should provide that respondent agrees to provide a surety bond as required by Business and Professions Code section 8697.3.
6. The stipulation should require as a condition of probation that the respondent complete the Board approved course in the appropriate branch(es) of violation within one and one-half years of the effective date of the decision with a final grade of c minus (c-) or better.
7. The stipulation may restrict discipline to the branch(es) of violation.
8. Quarterly reports may be required as a condition of probation. If so required, respondent must agree to prepare reports under penalty of perjury specifying the following for the particular quarter:

Operator – Branch I

- A. Number of fumigations performed.

- B. Number of fumigations using Methyl Bromide, Vikane and other fumigants, identifying such other fumigants.
- C. Name(s) and license number(s) of field representative(s) and operator(s) employed.
- D. Name(s) and license number(s) of supervisor(s) in charge of licensees and work crews.
- E. Type and amount of training offered to new hires and continuing employees.
- F. Complaints received by the company regarding fumigations.
- G. Notices of violations or citations issued by agencies other than the Structural Pest Control Board.
- H. Any other information requested by the registrar.

Operator – Branch II

- A. Number of services performed.
- B. Name(s) and license number(s) of field representative(s) and operator(s) employed.
- C. Name(s) and license number(s) of licensed applicator(s) employed.
- D. Name(s) and license number(s) of supervisor(s) in charge of licensees and work crews.
- E. Type and amount of training offered to new hires and continuing employees.
- F. Complaints received by the company regarding pesticide misapplication.
- G. Pesticide-related notices of violation or citations issued by agencies other than the Structural Pest Control Board.
- H. Any other information requested by the registrar.

Operator – Branch III

- A. Name(s) and license number(s) of field representative(s) and operator(s) employed and the number of inspections completed by each.
- B. Name(s) and license number(s) of licensed applicator(s) employed.
- C. Name(s) and license number(s) of supervisor(s) in charge of licensees and work crews.
- D. Type and amount of training offered to new hires and continuing employees.
- E. Complaints received by the company regarding inspections or work performed.
- F. Notices of violations or citations issued by agencies other than the Structural Pest Control Board.

- G. Number of inspections ordered by licensed real estate agents or realty offices and the number of inspections ordered by individuals.
- H. Number of Notices of Work Completed and Not Completed filed.
- I. Any other information requested by the registrar.

Field Representative/Operator-Employee – Branch I

- A. Number of fumigations performed by this licensee.
- B. Complaints regarding fumigations performed by this licensee.
- C. Training courses completed or currently being taken by this licensee.
- D. Notices of violations or citations issued to this licensee by agencies other than the Structural Pest Control Board.
- E. Any other information requested by the registrar.

Field Representative/Operator-Employee – Branch II

- A. Number of pesticide application performed by this licensee.
- B. Complaints received regarding pesticide misapplication by this licensee.
- C. Training courses completed or currently being taken by this licensee.
- D. Pesticide-related notices of violations or citations issued to this licensee by agencies other than the Structural Pest Control Board.
- E. Any other information required by the registrar.

Field Representative/Operator-Employee – Branch III

- A. Number of inspections completed by this licensee.
- B. Complaints regarding inspections or work performed by this licensee.
- C. Training courses completed or currently being taken by this licensee.
- D. Pesticide related notices of violations or citations issued to this licensee by agencies other than the Structural Pest Control Board.
- E. Any other information requested by the registrar.

A cover letter from respondent may accompany the stipulation setting forth the following:

- (1) Any mitigating circumstances which may justify a reduction of the penalty.

- (2) Procedural steps to be taken by the respondent to prevent a reoccurrence of the violations.
- (3) An explanation for the failure to resolve the complaint at the consumer services representative or board specialist level prior to filing of the accusation by the board.
- (4) An explanation as to why discipline is limited to a specific branch office(s) or to a specific branch of licensure.

A detailed cover memorandum from the deputy attorney general assigned to the case must accompany the stipulation setting out some evidence and facts adverse and/or beneficial to the board's case and setting forth the reasons why the Board should accept the stipulation. If this cover memorandum does not accompany a stipulation, it will be returned to the deputy attorney general.

Reference: Sections 101.6 and 8697.3, Business and Professions Code
Section 1999.1, California Code of Regulations
Section 11511.5, California Administrative Procedure Act

History: Adopted 11/12/82
Amended 10/29/83
Amended 8/10/85
Amended 10/25/86
Amended 2/19/88
Amended 4/22/94
Amended 10/6/95
Amended 10/5/96
Amended 10/2/98

SUBJECT: COMPLAINT/DISCIPLINARY DISCLOSURE

PURPOSE: To establish guidelines for disclosing complaints and disciplinary action histories to the public.

POLICY

It is the policy of the Structural Pest Control Board that information regarding complaints and disciplinary actions against licensees/registered companies and information regarding their license/registration certificate status as specified below shall be readily accessible in a meaningful form to the public unless in the determination of the Board, disclosure of such complaint information would be unduly prejudicial to licensees/registered companies.

Information to be Provided Regarding Complaints

The Board shall maintain a system of information regarding complaints received during the preceding two fiscal years, which will afford to the public, upon request, all of the following regarding a particular licensee/registered company:

- A. The number of complaints filed against a licensee/registered company which, after contact with the licensee/registered company, have been closed. If information is requested on a multi-branch company, information will be given on the branch office requested; and
- B. With respect to each such complaint, the following information:
 - (1) Its date of receipt
 - (2) Its disposition, by indicating whether the matter has been:
 - a) dismissed
 - b) disposed of through settlement or compromise
 - c) referred to formal disciplinary action
 - d) disposed of through any other action, formal or informal, taken against the licensee/registered company

Information to be Provided Regarding Disciplinary Actions

The Board shall maintain records showing the disciplinary history of all current

licensees/registered companies and shall inform the public, upon request, whether any current licensee/registered company has been disciplined during the preceding three years, and, if so, when and for what offense. Any request for a license history beyond the preceding three years must be made in writing and provide full cost recovery.

Information to be Provided Regarding License/Registration Certificate Status

The Board shall provide to the public, upon request, the following information regarding past and current licensees/registered companies:

- A. The name of the licensee/registered company, including all business or fictitious names that appear on board records
- B. The license/registration certificate number
- C. The address of record and telephone number
- D. The date of original licensure/or registration
- E. Information concerning a bond, insurance or cash deposit
- F. The date such license/registration certificate expired or was terminated and, if applicable, the reason for termination

Quantity of Information to be Provided per Week

To avoid undue delay in the Board's response to other requesters and in order that no requester may overburden the Board's system, the Registrar may establish reasonable limits on the number of requests per week from any one requester which the Board may accept.

Press Releases

Notices on suspension or revocation of a license and/or registration may be sent by the Board after the period for appeal has expired to media sources within the licensee's location without departmental approval. Actions that involve the department shall be submitted to the director.

Reference: Sections 6250, 6252 and 6253, Business and Professions Code

History: Adopted 1/18/80
Amended 11/12/82
Amended 10/25/86
Amended 2/19/88
Amended 10/2/97
Repealed 10/14/99

SUBJECT: ACCEPTING A COMPLAINT BY A REGISTERED COMPANY AGAINST A LICENSED EMPLOYEE

PURPOSE: To establish instructions for accepting a complaint by a registered company against a licensed employee

POLICY

1. A complaint will be accepted for serious cases at the Registrar's discretion.
2. The company must submit to the Board a minimum of three addresses where major violation of the law occurred by the licensee.
3. The company must secure an agreement with each property owner that he/she will allow a Structural Pest Control Board Specialist to inspect the property prior to the repairs being undertaken by the registered company.
4. The complaint is sent directly to the appropriate specialist for inspections of the properties. If violations are observed, the registered company and subject employee are advised.
5. The company must make the necessary repairs for the consumer.
6. Disciplinary action is initiated against the licensed employee.
7. Cases involving poor quality control by an employer, poor supervision, poor training, etc. will not be accepted by the Board.

Reference: Sections 129, 8616.5, 8621 and 6822, Business and Professions Code

History: Adopted 8/4/89
Repealed 10/4/96

SUBJECT: BOARD MEMBER ASSISTANCE IN COMPLAINT INVESTIGATION

PURPOSE: To permit a board member's assistance and expertise in the complaint investigation process while assuring a non-biased disciplinary decision.

POLICY

The registrar, at his or her discretion, may request a board member's assistance while investigating a complaint with the understanding that the board member should recuse himself/herself when the matter is considered for disciplinary action.

Reference: Sections 129, 8620, 8621 and 8622, Business and Professions Code

History: Adopted 4/22/94
Amended 11/18/08
Repealed 10/17/13

SUBJECT: BOARD REVIEW OF CLOSED COMPLAINTS

PURPOSE: To establish quality control procedures

POLICY

At each Board meeting, the Board will be provided with a list of closed consumer complaints by number and disposition. A committee of two Board Members will select and review cases.

REPEALED

Reference: Sections 129, 8620, 8621 and 8622, Business and Professions Code

History: Adopted 10/22/93
Repealed 1/18/02

SUBJECT: FALSE ADVERTISING/UNFAIR COMPETITION

PURPOSE: To establish guidelines for accepting complaints regarding false advertising/unfair competition

POLICY

In cases of significant wrong doing involving false advertising or unfair competition, appropriate action under the provisions of Business and Professions Code sections 17200 and 17500 will be considered.

Reference: Sections 8648, 17200 et seq., 17500 et seq.

History: Adopted 10/22/94
Repealed 10/11/02

SUBJECT: COMPLAINT DISCLOSURE POLICY

PURPOSE: Defined Policy to Provide the Public with Information Regarding Complaint and Disciplinary Actions

POLICY

The Structural Pest Control Board (hereinafter "Board") complaint disclosure policy has been developed to provide the public with information regarding complaints and disciplinary action against pest control licensees, candidates for licensure, and unlicensed individuals.

The Board's complaint disclosure policy does not include non-actionable complaints. Non-actionable complaints are those, which after investigation, were determined to be unsubstantiated or complaints which have been determined not to be within the Board's jurisdiction. If a complaint was initially determined to indicate a probable violation of law and is later found, upon further investigation, not to constitute a violation, it shall not be disclosed.

In complying with a request for complaint information, the Board may provide such cautionary statements as may be considered appropriate regarding the usefulness of complaint information to individual consumers in their selection of a pest control licensee.

Information to be Released

The Board will disclose the following information regarding complaints:

Closed Actionable Complaints

Closed actionable complaints are defined to mean complaints, which the Board has (1) investigated, (2) determined that there was a violation of the laws regulating the practice of structural pest control and (3) taken disciplinary action (i.e. citation, accusation, statement of issued, stipulated settlement).

With regard to closed actionable complaints, the board will disclose the number of closed actionable complaints, and the disposition or action taken, including any criminal conviction or any decision or stipulation which resulted from the filing of an accusation or statement of issues, and the date of closure. The disposition of administrative cases (in accusation and statement of issues) will be released only after the decision has become effective. The Board will furnish a copy of the accusation, statement of issues, citations, documents introduced at the hearing relating to a disciplinary action, and the decision resulting.

Pending Complaints

Pending complaints are defined to include the following:

Category 1.

- (a) Complaints which are under investigation but no determination has been made as to whether a violation of the Board's laws has occurred, or
- (b) Complaints which after review by Board staff, indicate a probable violation of the Board's laws, but a disposition of the complaint is pending.

Category 2.

- (a) A complaint which after an investigation has indicated a probable violation of the board's law and has been referred to the Attorney General's Office for prosecution.

Category 3.

- (a) A complaint which has resulted in the issuance of a citation by the Board or county agricultural commissioners or the initiation of formal disciplinary action, e.g., an accusation or statement of issues being filed by The Office of the Attorney General, but where a decision has not been rendered.

Information To Be Disclosed on Pending Complaints

Category 1 Complaints---The Board will disclose no information regarding Category 1 complaints.

Category 2 Complaints---The Board will disclose the existence and number of Category 2 complaints filed against a licensee, along with a statement that the complaint has been referred to The Office of the Attorney General for review and possible prosecution, but that there has been no final determination of wrongdoing by the licensee.

Category 3 Complaints---The Board will disclose the existence and number of category 3 complaints and provide copies of the charging documents, e.g. accusation, statement of issues, or citations along with a statement that there has been no final determination of wrongdoing by the licensee.

History: Adopted 8/13/99

SUBJECT: COMPLAINT DISCLOSURE PROCEDURES FOR STAFF

PURPOSE: To Provide Staff Guidelines For Disclosing Information on Complaints

Closed Actionable Complaints

Upon receipt of any inquiry for complaint information, which results in identification of a closed actionable complaint(s), as defined in the Board's Complaint Disclosure Procedure, enforcement staff shall disclose specific information after making the following disclosure statement:

The Board currently has (specify number) closed complaint(s), which has resulted in a administrative or disciplinary action against this individual. A determination has been made that there has been a violation of the laws regulating the practice of pest control. Copies of an accusation, statement of issues, citations, final decisions, and any documents introduced at an administrative hearing or documents, which have been previously distributed to a member of the public, can be disclosed to a member of the public. All other documents contained in the investigatory file will not be made public in accordance with Government Code Section 6254(f).

Following the statement, enforcement staff will disclose the number of complaints received and if there was a violation or if it was settled.

Pending Complaints in Board Office

Upon receipt of an inquiry for complaint information, which results in the identification of an open complaint(s), which is under investigation and pending a determination of a violation of intended action, enforcement staff shall make the following disclosure statement:

If no action has been determined or taken on an open complaint the staff will advise that "Currently there are no complaints against the company/individuals."

If complaints after investigation indicated a probable violation, and have been referred to The Office of the Attorney General, but no formal documents have been filed then the following statement should be made. "The Board currently has (specific number) complaint(s) open against this company/individual. The matter(s) has been forwarded to The Office of the Attorney General for review and possible prosecution. At this time there have been no confirmed violations of the Structural Pest Control Act."

Pending Complaints – Accusation or Statement of Issues Has Been Served

Upon receipt of an inquiry for complaint information which results in the identification of an open complaint which has been referred to The Office of the Attorney General and an accusation or statement of issues has already been served, enforcement staff shall make the following disclosure statement:

“The Board currently has (specify number) complaint(s) open against this individual. The matter(s) has been forwarded to The Office of the Attorney General and an accusation/statement of issues has been served. At this time, there have been no confirmed violations of the Structural Pest Control Act. A copy of the accusation/statement of issues can be obtained by submitting a written request to the Board.”

Subpoenas

If the Board is served with a subpoena that document will be given to the Executive Officer or the Assistant Executive Officer and forwarded to Legal Counsel before any documents are released.

Staff will not provide any additional information.

History: Adopted 8/13/99

STRUCTURAL PEST CONTROL BOARD

REGULATORY ACTION STATUS

SECTION	SUBJECT	STATUS
1902	Definitions	October 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. 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 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 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 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. Supervision – Permits qualifying managers to supervise multiple locations.</p>	<p>August 12, 1996 – Approved by the Office of Administrative Law. December 16, 1998 – Public Hearing. Referred to Rules and Regulations Committee. 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.

<p>1920(b)</p>	<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>
<p>1920(e)(2)</p>	<p>Citations and Fines</p> <p>Allows the Board 30 Days Rather Than 10 to Notify Respondents of Informal Conference Decisions</p>	<p>October 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.

<p style="text-align: center;">1936</p>	<p style="text-align: center;">AB 2138 Compliance — Operator and Field Representative Forms Being Amended to Remove Questions About Criminal History</p>	<p style="text-align: center;">October 1, 2019 — Rulemaking File Undergoing Review at DCA Budget Office</p>
<p style="text-align: center;">1936.1</p>	<p style="text-align: center;">AB 2138 Compliance — Company Registration Form Being Amended to Remove Questions About Criminal History</p>	<p style="text-align: center;">October 1, 2019 — Rulemaking File Undergoing Review at DCA Budget Office</p>
<p style="text-align: center;">1936.2</p>	<p style="text-align: center;">AB 2138 Compliance — Applicator Form Being Amended to Remove Questions About Criminal History</p>	<p style="text-align: center;">October 1, 2019 — Rulemaking File Undergoing Review at DCA Budget Office</p>
<p style="text-align: center;">1937</p>	<p style="text-align: center;">Qualification of Applicant – Specifies minimum number of hours of training and experience. IPM training and experience – Requires that branch 2 and/or 3 applicants complete training and experience in structural Integrated Pest Management as part of their pre-licensing requirements</p>	<p>August 13, 1998 – Approved by the Office of Administrative Law. January 2008 – Noticed for Public Hearing to amend the current regulation. April 18, 2008 - Public Hearing - Board approved to adopt. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 – Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.</p>

<p>1937.11</p>	<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>
<p>1937.11</p>	<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 January 3, 2018 – Approved by Office of Administrative Law and Effective April 1, 2018.</p>

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

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

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

<p style="text-align: center;">1950</p>	<p style="text-align: center;">CE IPM Review Committee’s Recommended Continuing Education Amendments</p>	<p style="text-align: center;">July 17, 2019 — Board Approved Language and Authorized Staff to Begin Rulemaking Process</p> <p style="text-align: center;">October 1, 2019 — On Hold Pending EPA Approval of Proposed Regulatory Language</p>
<p style="text-align: center;">1950.1</p>	<p style="text-align: center;">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 style="text-align: center;">Noticed for the January 23, 2009 Board Meeting.</p> <p style="text-align: center;">January 23, 2009 - Public hearing, Board voted to send out 15-day notice of modified text.</p> <p style="text-align: center;">February 9, 2009 – Notice of modified text sent out.</p> <p style="text-align: center;">June 10, 2009 - Rulemaking file submitted to DCA for Director review.</p> <p style="text-align: center;">August 5, 2009 – Received approved rulemaking file from DCA.</p> <p style="text-align: center;">August 5, 2009 – Final rulemaking file submitted to OAL.</p> <p style="text-align: center;">September 16, 2009 – Approved by the Office of Administrative Law</p>

<p style="text-align: center;">1950.5</p>	<p style="text-align: center;">CE IPM Review Committee's Recommended Continuing Education Amendments</p>	<p style="text-align: center;">October 1, 2019 — On Hold Pending EPA Approval of Proposed Regulatory Language</p>
<p>1950.5(c),(d)(g),(h),[g]</p>	<p>Continuing Education - Requires that course providers administer a second examination.</p>	<p>March 13, 1996 - Approved by the Office of Administrative Law.</p>
<p>1950.5(c),(d)(g),(h),[g]</p>	<p>Continuing Education Requirements, Hour Value System, removal of language regarding wood roof cleaning and treatment.</p>	<p>March 26, 2002 - Approved by the Office of Administrative Law</p>
<p style="text-align: center;">1950.5</p>	<p style="text-align: center;">Hour Value System - Require all C.E. providers to administer written tests after licensees complete approved courses in technical or rules and regulations; equivalent activities will no longer be granted C.E.; Board mtg. attendance will drop to 4 hrs total C.E. credit - 1 hr General Ed and 1 hr Rules & Regs per meeting.</p>	<p style="text-align: center;">Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.</p>

1950.5	Hour Value System - Establish an hour value for board approved Integrated Pest Management courses.	<p>Noticed for the April 18, 2008 Board Meeting.</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	Removal of Continuing Education Challenge Examination	October 1, 2019 — On Hold Pending EPA Approval of Proposed Regulatory Language
1953	CE IPM Review Committee’s Recommended Continuing Education Amendments	October 1, 2019 — On Hold Pending EPA Approval of Proposed Regulatory Language
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)	<p>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.</p> <p>Correction of reversal of form numbers 43M-38 and 43M-39 in language and 43M-39 given Rev.10/03 date.</p>	<p>Section 100 Change to OAL on May 13, 2004.</p> <p>Withdrawn June 17, 2004. Change requires language be re-noticed. Board needs to notice for public hearing.</p> <p>Approved by the Office of Administrative Law - July 6, 2005</p>
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.	<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>

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.	July 28, 1995 - Board voted to adopt. Technical error - Necessary to re-notice all amendments.
	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.
1970.4	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.
1970.4	Disclosure Requirement – Include presence of conduit language on the OFN	Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt. September 26, 2007 language under DCA legal review by the Director. March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law. April 29, 2008 – Approved by the Office of Administrative Law.
1970.4	Allows for signed Occupants Fumigation Notice to be in electronic format	January 15, 2015 - Text Approved by Board Members June 4, 2015 - Noticed for Public Hearing July 23, 2015 - Public Hearing. August 20, 2015 – To DCA for review. February 17, 2016 – To OAL for final review. March 22, 2016 – Approved to become effective July 1, 2016. Industry notified May 31, 2016.
1970.4	Pesticide Disclosure Requirements — Pre and Post Pesticide Application Procedures	October 1, 2019 – Presenting New Proposed Language to Board for Approval

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	<p>Re-entry Requirements - Requires use of proper testing equipment and changes printing on re-entry notice from red to black.</p> <p>Notice of Re-entry – Replace a product trade name with the active ingredient.</p>	<p>March 13, 1996 - Approved by the Office of Administrative Law.</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>

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 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. Approved by the Office of Administrative Law on August 12, 2004</p>

1984	Proposed regulation to define structural Integrated Pest Management	<p>October 2007 – Noticed for Public Hearing to adopt new section.</p> <p>March 10, 2008 – Final rulemaking file submitted to the Department.</p> <p>June 6, 2008 – Approved by the Director, filed with the Office of Administrative Law.</p> <p>July 9, 2008 - Approved by the Office of Administrative Law.</p> <p>Noticed for the January 23, 2009 Board Meeting.</p> <p>January 23, 2009 - Public hearing, Board voted to adopt with proposed amendments.</p> <p>June 10, 2009 - Rulemaking file submitted to DCA for Director review.</p> <p>August 5, 2009 – Received approved rulemaking file from DCA.</p> <p>August 5, 2009 – Final rulemaking file submitted to OAL.</p> <p>September 16, 2009 – Approved by the Office of Administrative Law</p>
1990	Report Requirements - Defines separated reports and structural members, and addresses reporting requirements for carpenter ants/bees.	March 13, 1996 - Approved by the Office of Administrative Law.
1990	<p>Report Requirements Under Section 8516</p> <p>Makes Various Changes to Clarify and Update Existing Language.</p>	<p>October 1, 2019 - Staff Preparing Regulatory Proposal</p>
1990(g)	Report Requirements – Inspection of wooden decks.	April 28, 1998 - Approved by the Office of Administrative Law.
1990.1	Report Requirements - Repeal language under Section 8516.1(b) and (c)(1)(8).	March 26, 2002 change without regulatory effect - Approved by the Office of Administrative Law.

1991	Report Requirements - Eliminates requirement to cover accessible pellets and frass, and requires replacement of wood members no longer serving purpose to support or adorn the structure.	March 13, 1996 - Approved by the Office of Administrative Law.
1991(A)(B) (C)	Report Requirements - Specifies the restoration, refastening, removal or replacement of wooden decks, wooden stairs or wooden landings.	April 28, 1998 - Approved by the Office of Administrative Law.
1991(a)(5) 1991(a)(5)	Report Requirements – Allows for reinforcement of fungus infected wood and permits surface fungus to be chemically treated or left as is once the moisture is eliminated.	April 3, 1996 – Approved by the Office of Administrative Law.
1991(a)(8)c	Report Requirements – Requires registered companies to report that local treatment and/or corrective work will not eradicate other undetected infestations which may be located in other areas of the structure.	October 6, 1995 – Public Hearing - Board voted to non-adopt. Referred to committee to consider the matter of an all-encompassing disclosure statement on all inspection reports addressing inaccessible areas and potential infection and infestations.
	Report Requirements - Local treatment notification.	October 15, 1999 Public Hearing - Board voted to adopt. January 11, 2001 - Referred back to committee for comments. October 19, 2001 Public Hearing - Board voted to non-adopt, referred language back to committee. August 31, 2002 publication date expired. October 11, 2002 - Re-noticed -Public Hearing. Board voted to adopt. January 8, 2003 language under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. Rulemaking file withdrawn from OAL March 27, 2003 pending a 15-Day Notice. File resubmitted to OAL. July 26, 2003 - Approved by the Office of Administrative Law.
1991 (cont.)		

1991(a)(9)	Report Requirement - Corrective Measures for extermination of a subterranean termite infestation and termite tubes. Exception for above ground termite bait stations.	January 11, 2001 Board voted to amend 1991(a)(9). October 19, 2001 Board passed unanimously to modify language with a 15-Day Notice. Notice mailed January 28, 2002, 1 year past the publication date. Bd. needs to re-notice. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.
1991(13)(A) (B)(C)	Report Requirements - Delete specific recommendations regarding wooden decks, wooden stairs and landings. Language already exists in 1991(a)(5).	October 19, 2001 Board voted to repeal the language. August 31, 2002 publication date expired. April 4, 2003 - Public Hearing. Board voted to go forward after 15-Day Notice. Notice mailed June 11, 2003, final comments due June 30, 2003. February 14, 2004 rulemaking file expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.
1991(b)(10)	Report Requirements – Non-substantive correction to heading.	March 28, 2000 – Filed with the Office of Administrative Law. May 15, 2000 - Approved by the Office of Administrative Law.
1991	Report Requirements Makes Various Changes to the Language in Order to Promote Clarity and Consistency	October 1, 2019 - Staff Preparing Regulatory Proposal

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

1993.1	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. 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. 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.

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

<p>1996.3</p>	<p>Requirements for Reporting property addresses. Adopt new language that will provide guidelines of what is required when filing the WDO form with the Board.</p> <p>Increase filing fee to \$2.00 on form</p> <p>Increase filing fee to \$2.50 on form</p>	<p>March 17, 2003 Rulemaking file on hold due to Executive Order. July 18, 2003 Public Hearing - Board voted to adopt after a 15-Day Notice of modified language. Approved by Office of Administrative Law July 13, 2004</p> <p>Noticed for Public Hearing July 24, 2009 July 24, 2009 – Board voted to adopt. Sept. 3, 2009 – Rulemaking file submitted to DCA for review. January 21, 2010, Board considered 15-day comments to increase fee to \$2.50. Board voted to adopt at \$2.50 per activity. May 20, 2010 Office of Administrative Law approves Rulemaking File to increase fee to \$2.50 effective July 1, 2010.</p>
<p>1997</p>	<p>Filing Fee – Inspection Reports and Completion Notices.</p> <p>Filing Fee – Inspection Reports and Completion Notices – Fee increase.</p>	<p>October 15, 1996 – Approved by the Office of Administrative Law.</p> <p>December 16, 1998 – Public Hearing Adopted by Board. Rulemaking file not submitted based on recommendations from DCA that fee increase not necessary to fund condition.</p> <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>1997</p>	<p>WDO Activity Filing Fee.</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>May 7, 2019 – Approved by OAL. July 1, 2019 Effective Date.</p> <p>July 1, 2019 – Emergency Reg to Raise Fee From \$3.00 to \$4.00 Undergoing DCA Review</p> <p>August 22, 2019 – Emergency Reg Raising Fee to \$4.00 Approved by OAL.</p> <p>October 1, 2019 – In Rulemaking Process to Make Emergency Reg Permanent</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>

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:

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

3 101.1. (a) Notwithstanding any other law, no more than once
4 every four years, any board listed in Section 101 may increase any
5 fee authorized to be imposed by that board by an amount not to
6 exceed the increase in the California Consumer Price Index, as
7 determined pursuant to Section 2212 of the Revenue and Taxation
8 Code, for the preceding four years in accordance with the
9 following:

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

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

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

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

21 (2) The adjustment of fees and publication of the adjusted fee
22 list is not subject to the Administrative Procedure Act (Chapter
23 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
24 Title 2) of the Government Code.

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

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AMENDED IN SENATE JUNE 24, 2019

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
(Coauthor: Assembly Member Friedman)
(Coauthor: Senator Stern)

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~~

(1) 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 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~~ *activities, a mosquito or vector control district that uses pesticides to protect the public ~~health.~~ health, and the use of any pesticide or rodenticide used for the eradication of nonnative invasive species inhabiting or found to be present on offshore islands in a manner that is consistent with all otherwise applicable federal and state laws and regulations.*

(2) Existing law provides that the above-described provisions do not preempt or supersede any federal statute or the authority of any federal agency.

This bill would additionally provide that these provisions do not preempt or supersede special local need or emergency exemptions for the use of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

~~The~~

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

~~By~~

(4) 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.

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

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

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

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

26 (6) While all anticoagulant rodenticides have a harmful impact
27 on nontarget animals, second generation anticoagulant rodenticides
28 (SGARs) are particularly dangerous to nontarget wildlife as SGARs
29 are higher potency than prior generations and a single dose has a
30 half-life of more than 100 days in a rodent's liver. Due to high
31 toxicity and concern for impact on nontarget wildlife, *the*
32 Department of Pesticide Regulation banned consumer sales and
33 use of SGARs in 2014, restricting their purchase and use to
34 certified pesticide applicators.

35 (7) Despite the 2014 regulations issued by the Department of
36 Pesticide Regulation, scientific research and state studies have
37 found no significant reduction in the number of nontarget wildlife
38 with detectable levels of SGARs in their system. From 2014

1 through 2018, the Department of Fish and Wildlife found SGARs
2 in more than 90 percent of tested mountain lions, 88 percent of
3 tested bobcats, 85 percent of protected Pacific fishers tested, and
4 70 percent of northern spotted owls tested. Such data indicates
5 that a consumer sales and use ban of SGARs has been insufficient
6 to reduce rodenticide exposure in nontarget animals and further
7 steps must be taken.

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

11 (9) *The use of pesticides and rodenticides to reduce or eliminate*
12 *nonnative invasive species inhabiting or found to be present on*
13 *offshore islands is critically important for the environmental and*
14 *ecosystem health of these islands, and for allowing federally and*
15 *state-listed endangered and threatened species, including species*
16 *presumed extinct or on the verge of extinction, to recover and*
17 *propagate back to population levels that existed before the*
18 *presence of these nonnative invasive species and for avoiding*
19 *federal or state listing of native and endemic species due to their*
20 *displacement by nonnative invasive species.*

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

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

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

29 12978.7. (a) Except as provided in subdivision (c), (d), or (e),
30 the use of any pesticide that contains one or more of the following
31 anticoagulants is prohibited in this state:

32 (1) Brodifacoum.

33 (2) Bromadiolone.

34 (3) Difenacoum.

35 (4) Difethialone.

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

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

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

4 (2) A mosquito or vector control district formed under Chapter
5 1 (commencing with Section 2000) of Division 3 or Chapter 8
6 (commencing with Section 2800) of Division 3 of the Health and
7 Safety Code, that uses pesticides to protect the public health.

8 (3) *The use of any pesticide or rodenticide used for the*
9 *eradication of nonnative invasive species inhabiting or found to*
10 *be present on offshore islands in a manner that is consistent with*
11 *all otherwise applicable federal and state laws and regulations.*

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

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

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

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

20 (C) A factory, brewery, or winery.

21 (e) This section does not preempt or supersede any federal
22 statute or the authority of any federal ~~agency.~~ *agency, including*
23 *special local need or emergency exemptions for the use of*
24 *pesticides under the Federal Insecticide, Fungicide, and*
25 *Rodenticide Act (7 U.S.C. 135 et seq.).*

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

28 12978.8. (a) Except as provided in subdivision (d), the use of
29 any pesticide that contains one or more of the following
30 anticoagulants is prohibited on any state-owned property in
31 California:

32 (1) Chlorophacinone.

33 (2) Diphacinone.

34 (3) Warfarin.

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

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

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

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

10 However, if the Commission on State Mandates determines that
11 this act contains other costs mandated by the state, reimbursement
12 to local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.

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.

O

March

2020

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

July

2020

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

October

2020

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 85	2 86	3 87
4 88	5 89	6 90	7 91	8 92	9 93	10 94
11 95	12 96	13 97	14 98	15 99	16 100	17 101
18 102	19 103	20 104	21 105	22 106	23 107	24 108
25 109	26 110	27 111	28 112	29 113	30 114	31 115