

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

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

(b) In addition to the health cautionary statement as required under section 8538(a)(3) of the code, a completed Form 43M-48 (Rev. xx/xxxx) must include:

- (1) The name of the pest to be controlled,
- (2) ~~The pesticide(s)/ fumigant(s) proposed to be used, the active ingredient,(s) and the health cautionary statement as required under section 8538 of the code,~~ brand or product name,
- (3) The structure's street address, city and zip code,
- (4) The name, PR#, and emergency contact information of the prime contractor and of the subcontractor (when applicable).
- (5) The dates of intended fumigation. The statement printed in capital letters: "THIS STRUCTURE WILL BE FUMIGATED WITH A LETHAL GAS ON THE DATES INDICATED. ALL PERSONS AND ANIMALS MUST VACATE THE PREMISES ON OR BEFORE ARRIVAL OF THE FUMIGATION CREW."
- (6) The statement printed in capital letters: "IT IS UNSAFE TO RETURN TO THE STRUCTURE PRIOR TO THE TIME AND DATE LISTED ON THE CERTIFICATION NOTICE FOR RE-ENTRY POSTED BY THE LICENSED FUMIGATOR."
- (7) The printed question regarding conduits: Are you aware of any conduits, pipes, common drains, central vacuum systems, air ducts, or any other construction elements that would allow passage of a fumigant from the structure to be fumigated to any other adjacent or adjoining structure?
- (8) The printed statement: We suggest that you notify nearby neighbors of the date of fumigation and to keep pets away during the fumigation. Close off any open access to the subarea to prevent pets from entering.
- (9) An adult occupant of each currently-occupied unit or structure has received the prime contractor's instructions fumigation preparation, procedures for leaving the structure, and the Fact Sheet for the intended fumigant.
- (10) Acknowledgment by the occupant (or owner or owner's agent if there is no occupant) of the fumigation dates, fumigation information listed in (b)(8), conduits, and pet protection where indicated.
- (11) Signatures of the occupant, and owner or owner's agent, and date signed by each.

**§ 1970.4. Pesticide Disclosure Requirement-~~for Structural Fumigations.~~** (continued)

~~(c) The completed and signed Form 43M-48 (Rev. xx/xxxx) or a copy, written or electronic, thereof must be on-site, in the possession of the licensed fumigator when the fumigant is released. Such form must be attached to and become a permanent part of the fumigation log upon completion of the fumigation.~~

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

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

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

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

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

~~(e) Where notification is required under section 8538 of the code, and the premises on which the work is to be performed is a multiple family dwelling consisting of more than 4 units, the owner/owner's agent shall receive notification and other notices shall be posted in heavily frequented, highly visible areas including, but not limited to, all mailboxes, manager's apartment, in all laundry rooms, and community rooms on all external pest control servicing.~~

~~Complexes with fewer than 5 units will have each affected unit notified. Any pest control servicing done within a tenant's apartment requires that the tenant be notified according to section 8538 of the code.~~

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

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

Reference: Section 8505.7, 8505.13 and 8538, Business and Professions Code.

**§ 1970.41 Pesticide Pre-Application Notice Requirements for Commercial, Industrial, or Multi-Unit Structures.**

When pesticides are to be applied by a licensee employed by a registered Branch 2 or Branch 3 company, in addition to notification requirements of section 8538 of the code, the licensee must post a pre-application notification prior to the application or use as follows:

- (a) When the work to be performed is on the premises of a commercial or industrial single or multi-unit structure, a pre-application notification must be posted in a conspicuous place on the property unless the owner or owner's agent objects.
- (b) When the work to be performed is on the premises of a multi-unit residential structure, the notification must be posted in a conspicuous place on the property and be provided to the occupant, if there is an occupant, and the owner or owner's agent by at least one of the following:
  - (1) First class or electronic mail, or
  - (2) Personal delivery.
- (c) The notice required by (a) or (b), must state:
  - (1) The name of the pest to be controlled,
  - (2) The brand or product name, the active ingredient(s) of each pesticide to be applied or used, and
  - (3) The health cautionary statement as required under section 8538 of the code.
- (d) "Conspicuous place" means heavily frequented areas, including, but not limited to: the on-site manager's office or unit, and all multi-unit or cluster mailboxes, laundry rooms, and community rooms.

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

Reference: Section 8525 and 8538, Business and Professions Code.

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

(a) In addition to notification required by section 8538 of the code, whenever a licensee employed by a registered Branch 2 or Branch 3 company has applied or used a pesticide the licensee must provide a post-application notice immediately after the service visit as follows:

- (1) When applied around or to the exterior of any structure, the post-application notice must be provided in writing or electronically to the owner or owner's agent.
- (2) When applied within a unit or structure where there is an occupant, the post-application notice must be provided in writing and left in a visible location within the unit or structure.
- (b) The post-application notice specified in (a) may be a door hanger, invoice, billing statement or other similar document and must include:
  - (1) The brand or product name, and the active ingredient(s) of each pesticide applied,
  - (2) The date of service
  - (3) The registered company's name, address, and telephone number

**§ 1970.43 Providing Requested Pesticide Information.**

A registered company must provide to any person, within 24 hours after request, the brand or product name and the active ingredient of each pesticide applied or used within, around, or to any structure.

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

Reference: Section 8525 and 8538, Business and Professions Code.

**§ 1970.44 Grounds for Discipline.**

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

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

**§ 1970.45 Reporting Death or Serious Injury.**

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

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

DRAFT

# OCCUPANTS FUMIGATION NOTICE AND PESTICIDE DISCLOSURE

## OCCUPANTS FUMIGATION NOTICE:

JOB ADDRESS: \_\_\_\_\_ CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

### FUMIGATION SITE DESCRIPTION:

Single-Unit Residential Structure: Adult Occupant Name: \_\_\_\_\_ (Print Legibly)  
Phone:  Cell or  Landline ( ) \_\_\_\_\_ EMER. No. ( ) \_\_\_\_\_

Single Unit Commercial, Industrial or  Other Structure: \_\_\_\_\_

Multi-Unit Structure:  Residential  Commercial, Industrial or  Other \_\_\_\_\_

SITE CONTACT: \_\_\_\_\_  Owner  Owner's Agent  Manager  Other \_\_\_\_\_  
(Print Name Legibly)

Phone:  Cell or  Landline ( ) \_\_\_\_\_ EMER. No. ( ) \_\_\_\_\_

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### CONTRACTORS:

PRIME: \_\_\_\_\_ PR/BR No. \_\_\_\_\_ EMER. No. ( ) \_\_\_\_\_

SUB (Fumigator): \_\_\_\_\_ PR No. \_\_\_\_\_ EMER. No. ( ) \_\_\_\_\_

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CONDUITS: Are you aware of any conduits, pipes, common drains, central vacuum systems, air ducts, or any other construction elements that would allow passage of a fumigant from the structure to be fumigated to any other adjacent or adjoining structure?  NO  YES

If Yes, Describe in detail: \_\_\_\_\_

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### NEIGHBOR NOTIFICATION and PET PROTECTION:

We suggest that you notify nearby neighbors of the fumigation dates and to keep pets, particularly cats, away during the fumigation. Close off any open access to the subarea to prevent pets from entering.

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### FUMIGATION INFORMATION: I have received a copy of: (Check all that apply)

Site Contact: \_\_\_\_\_ Adult Occupant: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Initials Initials

Fumigation Dates: (Release to Clearance) \_\_\_\_\_  
 Changes/Alternate Dates: \_\_\_\_\_  
 Vikane Fact Sheet or  Zythor Fact Sheet  
 Fumigation Preparation Instructions  
 Pre-Fumigation Procedures  
 Other Documents: \_\_\_\_\_

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### ACKNOWLEDGMENTS: I hereby acknowledge receipt of a written or electronic copy of this OCCUPANTS FUMIGATION NOTICE and the information checked above:

Adult Occupant(s): \_\_\_\_\_  
Signature(s) Date

Owner  Owner's Agent  Manager \_\_\_\_\_  
Signature Date

# OCCUPANTS FUMIGATION NOTICE AND PESTICIDE DISCLOSURE

## PESTICIDE DISCLOSURE:

Target Pest(s):  Drywood Termites  Beetles  Bed Bugs  Roaches  \_\_\_\_\_  
Other

Fumigant to be used: Sulfuryl Fluoride:  Vikane  Zythor  Other: \_\_\_\_\_  
Product Name

CHLOROPICRIN WILL BE USED AS A WARNING AGENT

### **IMPORTANT – READ CAREFULLY**

THIS BUILDING WILL BE FUMIGATED WITH LETHAL GASES ON THE DATES INDICATED. ALL PERSONS AND ANIMALS MUST VACATE THE PREMISES ON OR BEFORE ARRIVAL OF THE FUMIGATION CREW.

UNDER NO CIRCUMSTANCES CAN ANYONE ENTER THE BUILDING UNTIL THE FUMIGATION COMPANY'S NOTICE IS POSTED WITH THE TIME AND DATE FOR SAFE REENTRY.

"State law requires that you be given the following information: CAUTION – PESTICIDES ARE TOXIC CHEMICALS. Structural pest control companies are registered and regulated by the Structural Pest Control Board and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the State finds that based on existing scientific evidence there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized."

"If within 24 hours you experience symptoms of dizziness, headache, nausea, reduced awareness, slowed movement, garbled speech or difficulty in breathing, leave the structure immediately and seek medical attention by contacting your physician or Poison Control Center (telephone number) and your pest control company immediately." The warning agent, chloropicrin, can cause symptoms of tearing, respiratory distress and vomiting. Entry into the space during fumigation can be fatal."

"For further information, contact the following: Your pest control company (telephone no.); for Health Questions: the County Health Department (telephone no.); for Application Information: the County Agricultural Commissioner (telephone no.) and for Regulatory Information: the Structural Pest Control Board, (800) 737-8188, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815."

I hereby acknowledge receipt of a written or electronic copy of this PESTICIDE DISCLOSURE.

Owner  Owner's Agent  Manager \_\_\_\_\_  
Signature Date

Adult Occupant(s): \_\_\_\_\_  
Signature(s) Date