



OCTOBER 27, 2022
BOARD MEETING
WEBEX





TELECONFERENCE BOARD MEETING NOTICE AND AGENDA

October 27, 2022

9:00 A.M. to 5:00 p.m. (or until the conclusion of business)

The Structural Pest Control Board will hold a public meeting via WebEx Events.

NOTE: Pursuant to Government Code, section 11133, subdivision (b), the teleconference location from where each Board member will be participating is not being provided.

To participate in the WebEx Events meeting, please log on to this website on the day of the meeting:

October 27, 2022 – 9:00 A.M. - <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m39dba0ae12cdbde94a6e3a9c91d0088d>

If joining using the link above:

Webinar number: 2498 158 9668

Webinar password: SPCB10272022

If joining by phone: 1-415-655-0001

Access code: 249 815 89668

Passcode: 77221027

INSTRUCTIONS FOR PARTICIPATION: Please see the instructions attached hereto to observe and participate in the meeting using WebEx from a Microsoft Windows based PC.

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting modifier can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format:

XYZ123@mailinator.com.

Public comments will be limited to two minutes unless, in the discretion of the SPCB, circumstances require a shorter period. Members of the public will not be permitted to yield their time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at: <https://thedcapage.wordpress.com/webcasts/>.

AGENDA

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

1. Roll Call / Establishment of Quorum
2. Flag Salute / Pledge of Allegiance
3. 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).)
4. Petition for Reinstatement
Tomas Zuniga Delgado – FR 31111, Branch 1
5. Petition for Modification/Termination of Probation
Ernesto Lopez – FR 51331, Branches 2 and 3

Closed Session

6. Pursuant to Government Code, section 11126, subdivision (c)(3), the Board Will Meet in Closed Session for Discussion and to Take Action on Disciplinary Matters, Including the Above Petitions.

Reconvene in Open Session

7. Review and Possible Approval of the Minutes of the July 19-20, 2022, SPCB Meeting
8. Executive Officer's Report:
 - a. Update regarding Licensing, Enforcement, Examination and WDO Statistics
 - b. Update regarding the Board's Budget and Fund Conditions
 - c. Regulations Update
 - d. Legislative Update
9. Review and Possible Approval of the SPCB 2022 Sunset Report for Submittal to the Legislature
10. Review and Possible Approval of the SPCB 2023-2028 Strategic Plan
11. Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking to Amend California Code of Regulations, Title 16, sections 1970.4 – Pesticide Disclosure requirement, 1970.41 – Pesticide Pre-Application Notice, and 1970.42 – Pesticide Post-Application Notice Requirements.
12. Discussion and Possible Action to Initiate a Rulemaking to Amend California Code of Regulations, Title 16, sections 1950 – Continuing Education Requirements, 1950.5 – Hour Value System, 1953 – Approval of Activities, and 1970 – Standards and Records Requirements, and to Add California Code of Regulations, Title 16, sections 1935.1 – Examination Core Competencies, 1953.1 – In-Person Continuing Education Activities, and 1953.2 – Interactive Online and Webinar Continuing Education Activities.
13. Annual Election of Board President and Vice President
14. Future Agenda Items

15. Adjournment

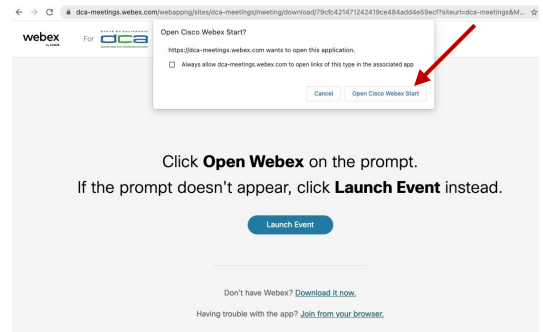
The meeting may be cancelled or changed without notice. For verification, please check the Board's website at www.pestboard.ca.gov or call 916-561-8700.

Government Code, section 11125.7, provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting. (Government Code sections 11125, 11125.7(a).)

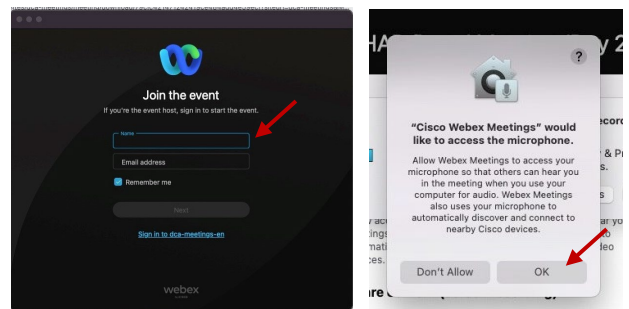
The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Kristina Jackson-Duran at (916) 561-8700, email: pestboard@dca.ca.gov, or send a written request to the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. The Board's TDD Line is: (916) 322-1700.

If joining using the meeting link

- 1 Click on the meeting link. This can be found in the meeting notice you received.
- 2 If you have not previously used Webex on your device, your web browser may ask if you want to open Webex. Click "Open Cisco Webex Start" or "Open Webex", whichever option is presented. DO NOT click "Join from your browser", as you will not be able to participate during the meeting.



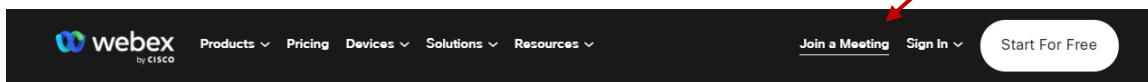
- 3 Enter your name and email address. Click "Join as a guest". Accept any request for permission to use your microphone and/or camera.



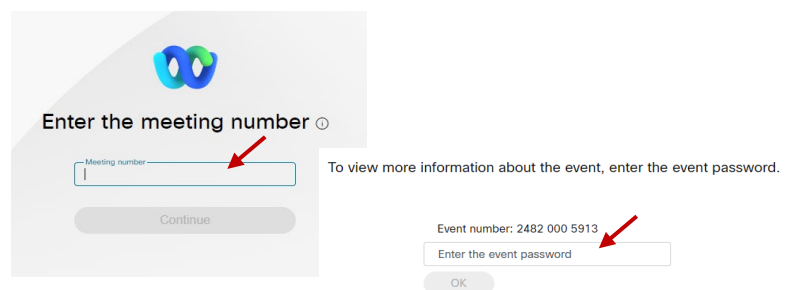
OR

If joining from Webex.com

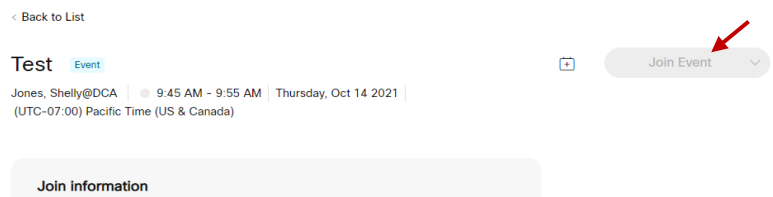
- 1 Click on "Join a Meeting" at the top of the Webex window.



- 2 Enter the meeting/event number and click "Continue". Enter the event password and click "OK". This can be found in the meeting notice you received.



- 3 The meeting information will be displayed. Click "Join Event".



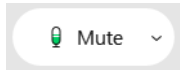
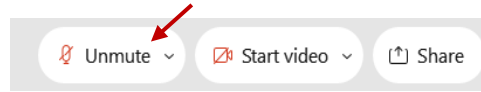
OR

Connect via telephone*:

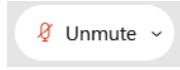
You may also join the meeting by calling in using the phone number, access code, and passcode provided in the meeting notice.

Microphone

Microphone control (mute/unmute button) is located on the command row.

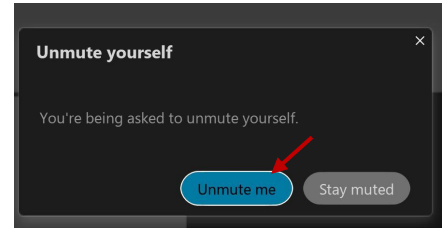


Green microphone = Unmuted: People in the meeting can hear you.



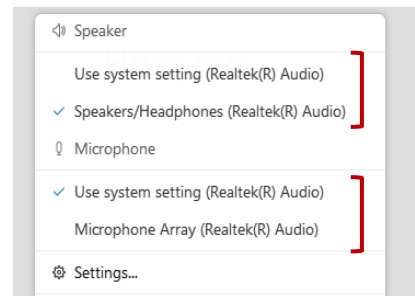
Red microphone = Muted: No one in the meeting can hear you.

Note: Only panelists can mute/unmute their own microphones. Attendees will remain muted unless the moderator enables their microphone at which time the attendee will be provided the ability to unmute their microphone by clicking on "Unmute Me".



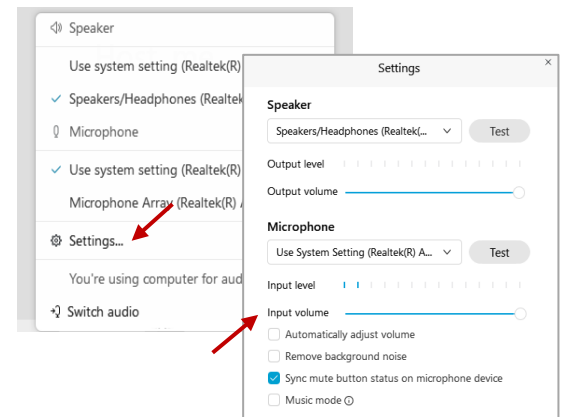
If you cannot hear or be heard

- 1 Click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window, select a different:
 - Microphone option if participants can't hear you.
 - Speaker option if you can't hear participants.



If your microphone volume is too low or too high

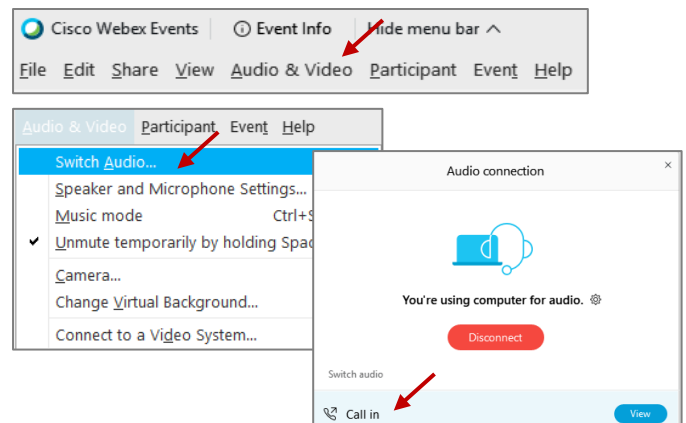
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



Audio Connectivity Issues

If you are connected by computer or tablet and you have audio issues or no microphone/speakers, you can link your phone through Webex. Your phone will then become your audio source during the meeting.

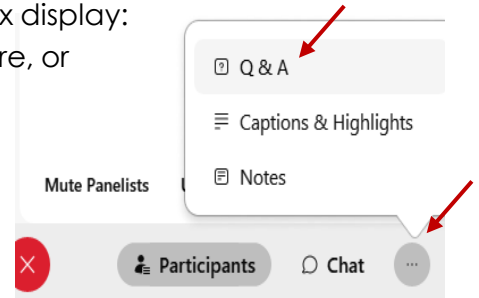
- 1 Click on "Audio & Video" from the menu bar.
- 2 Select "Switch Audio" from the drop-down menu.
- 3 Select the "Call In" option and following the directions.



The question-and-answer feature (Q&A) is utilized for questions or comments. Upon direction of the meeting facilitator, the moderator will open the Q&A panel for meeting participants to submit questions or comments. *NOTE: This feature is not accessible to those joining the meeting via telephone.*

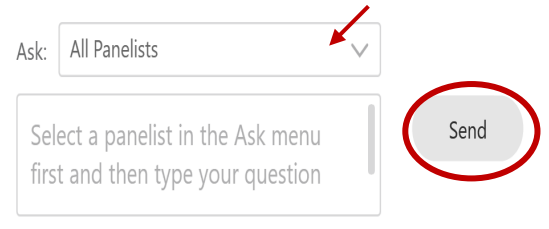
1 Access the Q&A panel at the bottom right of the Webex display:

- Click on the icon that looks like a “?” inside of a square, or
- Click on the 3 dots and select “Q&A”.



2 In the text box:

- Select “All Panelists” in the dropdown menu,
- Type your question/comment into the text box, and
- Click “Send”.



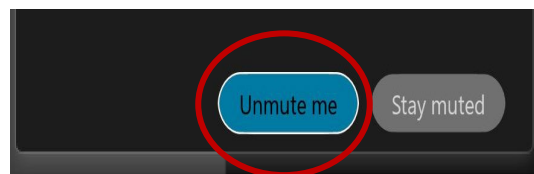
OR

If connected via telephone:

- Utilize the raise hand feature by pressing *6 to raise your hand.
- Repeat this process to lower your hand.

3 The moderator will call you by name and indicate a request has been sent to unmute your microphone. Upon hearing this prompt:

- Click the **Unmute me** button on the pop-up box that appears.

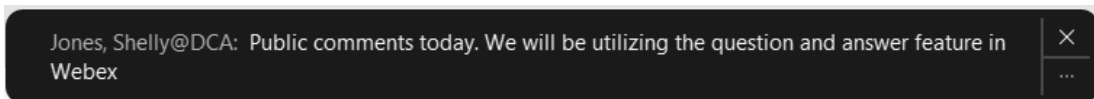


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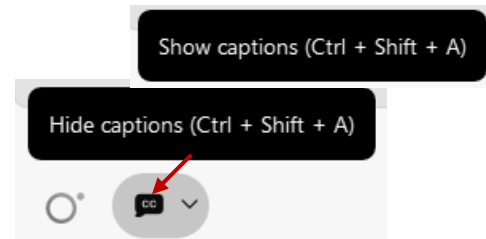
If connected via telephone:

- Press *3 to unmute your microphone.

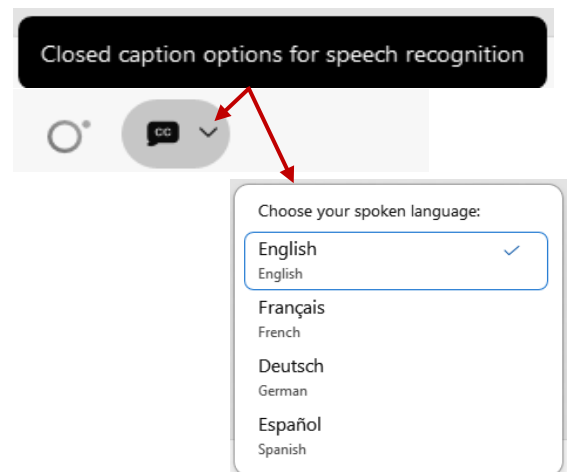
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



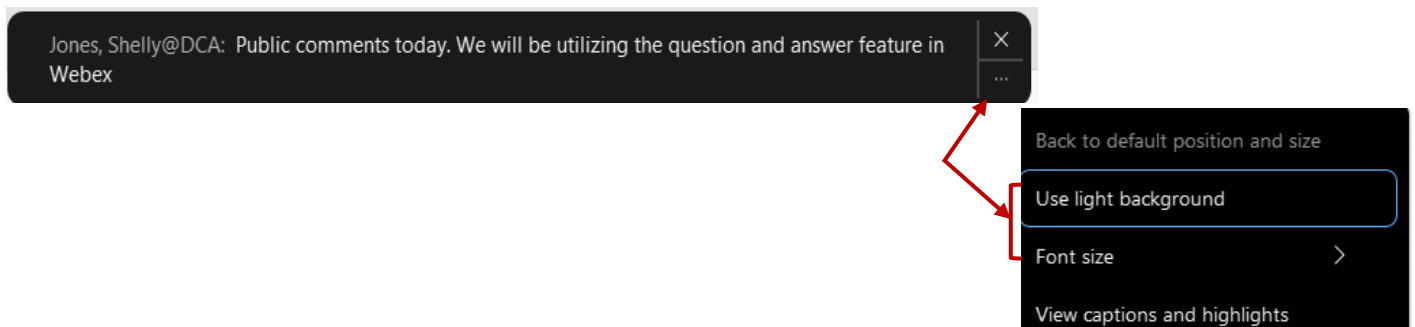
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



You can select the language to be displayed by clicking the drop-down arrow next to the closed captioning icon.



You can view the closed captioning dialog box with a light or dark background or change the font size by clicking the 3 dots on the right side of the dialog box.



AGENDA ITEM 1

ROLL CALL / ESTABLISHMENT OF QUORUM

Roll is called by the Board President or, in their absence, by the Board Vice President or, in their absence, by a Board member designated by the Board President.

Four members constitute a quorum at the SPCB meeting, per Business and Professions Code section 8524.

Board Member Roster

Kyle Finley, President
Derek Devermont, Vice President
Yessenia Anderson
Mark Paxson
John Tengan
Janet Thrasher



AGENDA ITEM 3

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).)



AGENDA ITEM 4

PETITION FOR REINSTATEMENT

Tomas Zuniga Delgado – FR 31111, Branch 1

*(Please reference separate attachment
"4.Tomas Zuniga Delgado Petition for
Reinstatement")*



AGENDA ITEM 5

PETITION FOR MODIFICATION/TERMINATION OF PROBATION

Ernesto Lopez – FR 51331, Branches 2 & 3

(Please reference separate attachment "5.Ernesto Lopez Petition for Modification-Termination of Prob")



AGENDA ITEM 6

CLOSED SESSION

Pursuant to Government Code, section 11126, subdivision (c)(3), the Board Will Meet in Closed Session for Discussion and to Take Action on Disciplinary Matters, Including the Above Petitions

(Please reference separate attachment "6.")



AGENDA ITEM 7

REVIEW AND POSSIBLE APPROVAL OF THE MINUTES OF THE
JULY 19-20, 2022, SPCB MEETING





MINUTES OF THE MEETING OF THE STRUCTURAL PEST CONTROL BOARD

July 19 & 20, 2022

The meeting was held July 19 & 20, 2022, at the Doubletree by Hilton Claremont located at 555 West Foothill Blvd. Claremont, CA 91711.

Board Members Present:

Kyle Finley (President)
Janet Thrasher
Yessenia Anderson
Mark Paxson

Board Members Absent:

Derek Devermont (Vice President)

Board Staff Present:

Robert Lucas, Interim Executive Officer
David Skelton, Administrative Analyst
Kristina Jackson-Duran, Administrative Analyst

Departmental Staff Present:

Sabina Knight, Legal Counsel
Michael Romero, Legal Counsel

Tuesday, July 19, 2022 –10:01 AM

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Finley called the meeting to order at 10:01 A.M. and Mr. Lucas called roll.



Mr. Finley, Ms. Anderson, Mr. Paxson, Ms. Thrasher were present.

Board Member Devermont was absent.

A quorum of the Structural Pest Control Board (SPCB) was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Mr. Finley called for any public comments that were not on the meeting agenda.

Mr. Skelton – Peggy Byerly from Department of Pesticide Regulation (DPR) submitted these comments:

DPR certification and training rulemaking public comment period ends today, July 19 2022. These regulations include sections that will apply both to Structural and Agricultural pet control. Worker’s safety training, supervision of employees and use of restricted use pesticides and who the EPA classifies as non-certified applicators, are some of the pertinent subject matters. So, if you have comments, today is the last day to get them in.

Additionally, the DPR and Structural Pest Control Board regulatory training is scheduled for September 27 thru 29th in Irvine this year. Cardinal Professional Products staff will be assisting and finding volunteer Structural Branch 1, 2, and 3 companies to participate in the training.

This document will become part of the materials and will be put up on the Boards website if anyone wants to review it.

Mr. Finley – called for additional comments from the public.

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

PETITION FOR REINSTATEMENT **ANGEL GALLEGOS – OPR 10788 – BRANCH 1**



GALLEGOS PEST CONTROL, INC. – PR 6391 – BRANCH 1

Administrative Law Judge Nana Chin sat with the SPCB to hear the Petition for Reinstatement for Angel Gallegos, Operator License Number 10788, Branch 1. Mr. Gallegos was informed he would be notified by mail of the SPCB’s decision.

PETITION FOR REINSTATEMENT

SHAWN KENNETH ZUELZKE – FR 34246 – BRANCHES 2 & 3

Administrative Law Judge Nana Chin sat with the SPCB to hear the Petition for Reinstatement for Shawn Kenneth Zuelzke, Field Representative License Number 34246, Branch 2 & 3. Mr. Zuelzke was informed he would be notified by mail of the SPCB’s decision.

PETITION FOR REINSTATEMENT

ANTONIO M. VILLASANA – RA 51516 – BRANCH 2 & 3

Administrative Law Judge Nana Chin sat with the SPCB to hear the Petition for Reinstatement for Antonia M. Villasana, Applicator License Number 51516, Branch 2 & 3. Mr. Villasana was informed he would be notified by mail of the SPCB’s decision.

CLOSED SESSION

Pursuant to Government Code section 11126(c)(3) the SPCB met in closed session to discuss and take action on disciplinary matters, including the above petitions.

Pursuant to Government Code section 11126(a)(1) the SPCB met in closed session to consider the appointment or employment of an Executive Officer.

OPEN SESSION

Mr. Finley called for recess until 9:00 a.m., July 20, 2022.

Wednesday, July 20, 2022 – 9:00 A.M.

ROLL CALL



Mr. Finley called the meeting to order at 9:03 A.M.

Mr. Lucas called roll.

Mr. Finley, Ms. Anderson, Mr. Paxson, Ms. Thrasher were present.

Board Member Devermont was absent.

A quorum of the Structural Pest Control Board (SPCB) was established.

Mr. Finley – The Board met in closed session and appointed a new executive officer. The formal announcement will be made upon the Director’s approval for the appointment.

REVIEW AND POSSIBLE APPROVAL OF THE MINUTES OF THE MARCH 23, 2022, AND APRIL 28, 2022, SPCB MEETINGS

Mr. Finley asked the Board if there were any questions regarding the March 23, 2022, meeting minutes. There were none.

Ms. Thrasher moved and Mr. Paxson seconded to approve the minutes of the March 23, 2022, and April 28, 2022, meeting.

There were no public comments on the motion.

Mr. Finley asked Mr. Lucas for a roll call vote.

Mr. Lucas called a roll call vote. Unanimously passed.

(AYES: Finley, Anderson, Paxson, Thrasher. NOES: None. ABSTENTIONS: None.)

DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF SPCB 2023 SUNSET REVIEW COMMITTEE

Mr. Finley – turns the floor to Mr. Lucas to explain the Sunset Review process.



Mr. Lucas stated the Sunset Review is a report done every 3-4 years that is given to the California State Legislators for review of the Board’s performance. This report is drafted to ensure that the board is meeting legislative mandates for their operations. The request is to establish a one or two board member sub-committee and to also consider the appointment of a task force or staff to assist in the steps involved in authoring this Sunset Report.

Mr. Finley – asked the Board if there would be anyone that would like to join him on the committee.

Mr. Paxson – asked for the length of time that would be required if he chose to be on the committee. Mr. Lucas responded that the meetings will be simple and brief. He further explained that the document will have to be submitted to the Board by the October 2022 meeting. Mr. Lucas asked Legal Counsel Ms. Knight for information on the changing due dates for submittal. Ms. Knight suggested the meetings be informal and can be done via email and telephone conversations.

Ms. Anderson asked if the Board would be able to help with this since everyone is brand new. Ms. Knight responded the feedback can be helpful because, while staff will do the technical work, the Board will be able to read the information with new eyes and help to make sure the information is clear. Ms. Knight further reminded the President that he can always appoint a committee outside of a meeting, so this can be established outside of an official meeting.

Mr. Finley stated that a committee will be established within a couple of weeks when schedules for the members are available.

EXECUTIVE OFFICER’S REPORT

Mr. Lucas began with the examination development for Applicator license exam. He provided a copy of the sample of our outreach to the industry concerning Applicators. This is for occupational analysis. There were responses from the licensing population and the occupational analysis workshop will take place on July 29, 2022.

Mr. Finley asked what kind of responses were received. Mr. Lucas responded that an email blast was sent to over 3,800 licensees, and approximately 12 responses were received, which is typical. He further stated that the email was sent three weeks ago, and a full complement of subject matter experts were received, and the Board was able to move forward with the occupational analysis.



Mr. Lucas also stated the Board will begin development for the Field Representative 2 on September 27 and 28, 2022, and Field representative 3 will occur October 11 and 12, 2022.

Mr. Finley asked if this was the first time doing these workshops remotely. Mr. Lucas responded that the exam development team has no concerns with exam security for the Occupational Analysis portion therefore it can be done remotely, however, the workshops themselves will be done in person.

Ms. Anderson asked if the email distribution lists were made up of people who have opted in to being contacted. Mr. Lucas responded that is correct.

Ms. Anderson asked if outreach was only sent in English or are there various languages used. Mr. Lucas responded that everything is sent in English. Ms. Anderson asked if the Board could translate and send emails in different languages. Mr. Lucas responded that he knows there is that capability, however, in statute the Board's examinations are to be in English, so the Board is paralleling this requirement and sending the emails and letters in English. He further stated that translating to other languages can be explored down the road.

Ms. Thrasher stated she has several employees that are capable and knowledgeable, however, their first language is Spanish, and they could not pass the Board's examination in English. She believes that these individuals are being held back, and in the State of California there are probably as many English-speaking people as there are Spanish. She states that the Board should consider giving the examination in Spanish as well.

Mr. Lucas continued with the Executive Officer report and provided a staffing update. He stated Executive Officer Susan Saylor retired at the March 2022 Board meeting and he took over as interim Executive Officer in June 2022. He further stated that in March 2022, Patricia Rugaika started as the new exams coordinator for FR and OPR, replacing Gia Mungia; Alicia Vaupotic is the new CE Audit, Live Scan and Pesticide Use desk as of April of 2022; Mr. Michael Romero will be the Board's new Legal Counsel; and Stephanie Lee will be the new Deputy Attorney General Liaison replacing Laura Pedicini.

We also have two new Board Members – Mr. Mark Paxson and Ms. Yessenia Anderson.

Mr. Finley welcomed everyone.



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

Mr. Lucas provided an update on the status of the research projects. He stated that Dr. Niahm Quinn is currently moving forward with the isotopically labelled baits. Her focus is on the efficacy of baits in urban settings. They have had delays due to the need for use of a lab in Utah. This lab is the only place that can do the work needed to move forward.

Dr. Neil Tsutsui is conducting his research on invasive ants, rover ants, looking at behaviors and determining what type of bait types or bait stations can be utilized and what types of insecticides can be used to abate these types of ants.

Dr. Andrew Sutherland is conducting research on the efficacy of subterranean termite bait stations. He is nearing completion on this study.

Mr. Finley asked if the research projects all began in 2018. Mr. Lucas responded that it is situational based on the budget and that where the Board is currently at \$715,000, \$369,000 that is encumbered, that has not been expended, and staff is projecting by budget year 24/25 the Board will have approximately \$900,000 for additional research projects. At that time, the Board will begin the RFP process to move forward.

Mr. Finley asked how the decision was made for research to be conducted. Mr. Lucas responded there were several individuals that presented topics, those items were vetted, and the Board had the opportunity to entertain all the information and then ultimately decide on what topics they believed were significant and representative on the industry’s current needs.

Mr. Finley asked how the Board budgets for research projects. Mr. Lucas responded the Research Fund is funded by revenue from the pesticide use stamps, the six-dollar fee, two dollars of that goes to the research fund. So, every time a stamp is purchased, two dollars of that goes to the research fund and it accrues.

REGULATIONS STATUS UPDATE

Pesticide Application Notice Requirements: California Code of Regulations (CCR), Title 16, sections 1970.4, 1970.41, 1970.42, 1970.43



Mr. Skelton stated that these were approved by the Board, have been submitted to Regulation Counsel at the DCA and they have given their edits. The edit and language changes may be brought back to the Board for approval.

CCR, Title 16, section 1996.3 - Electronic Submission of WDO Inspection and Completion Activity Report Form

Mr. Skelton stated that this change has been approved but will be held until the Board's new Connect IT system is in place. There were some challenges with the language that cannot be completed until the new IT system is in place.

Mr. Finley asked if there is a regulation change, typically how long is that process. Mr. Skelton responded that from the time the Board directs staff to begin the official rulemaking process it takes approximately one year and a half from starting the process to completion. In addition to our in-house counsel, we have Regulatory Counsel at the DCA. They are involved in the process now from beginning to end. The proposed language goes to DCA, then to initial public notice, then there is a comment period and if there are adverse comments received, we consider those, and the board approves our responses. If there is not, it then goes into final rulemaking process. That does not include the development of the language. From the time the Board directs us to enact any language, I would say about a year and a half.

A discussion of the Boards responsibility in enacting official rulemaking followed.

LEGISLATION UPDATE AND POSSIBLE ACTION REGARDING

AB 1733 (Quirk) – State Bodies: Open Meetings

Mr. Lucas stated that this bill has been postponed effective April 20, 2022.

AB 2452 (Chen) – Structural Fumigation Enforcement Program

Mr. Lucas stated that as of June 6, 2022, it has been rereferred to the committee on appropriations. This bill will be eliminating San Diego County from participation in the Structural Fumigation Enforcement Program. The bill is moving forward.



SB 189 (State Government)

Ms. Knight stated that this bill will put into place the for a short time (until July 1, 2023), the ability to proceed with Board meetings remotely. The Board can continue to hold WebEx meetings remotely until next year.

SB 1064 (Newman) – Structural Pest Control: Workers Compensation Insurance Coverage

Mr. Lucas stated this bill adds Section 8693 of the Business and Professions Code to the Structural Pest Control Act. We patterned this legislation from information we were able to draw from the Contractor’s State Licensing Board. This legislation was spurred by the recent death of a licensee. The current standing as of June 22, 2022, Senate vote was 33-0 to move forward and to rerefer to committee on appropriations with recommendations to put on the consent calendar. If the bill is signed by the Governor, it will be chaptered and effective January 1, 2023.

FUTURE AGENDA ITEMS

Mr. Finley asked the Board and the public if there were any future agenda items that they would like to see added to the future agenda. There were no responses from the Board or the public.

BOARD CALENDAR

The SPCB scheduled its next 3 meeting dates for:

- October 18 & 19, 2022 in Sacramento
- March 8 & 9, 2023 in Sacramento
- July 18 & 19, 2023 in Claremont

ADJOURNMENT

Mr. Finley adjourned the meeting at 10:01 A.M.

Signature on File

July 20, 2022

Kyle Finley, President

Date

AGENDA ITEM 8

EXECUTIVE OFFICER'S REPORT

- a. Update regarding Licensing, Enforcement, Examination and WDO Statistics
- b. Update regarding the Board's Budget and Fund Conditions
- c. Regulations Update
- d. Legislative Update



STRUCTURAL PEST CONTROL BOARD STATISTICS FOR SEPTEMBER 2022 Page 1 of 2	FISCAL YEAR 2022/2023		FISCAL YEAR 2021/2022	
	Monthly	Year To Date	Monthly	Year To Date
EXAMINATION				
Field Representatives Scheduled	463	1,527	485	1,324
Field Representatives Examined	386	1,190	296	924
Field Representatives Passed	222	685	180	555
Field Representatives Failed	164	505	116	369
Operators Scheduled	49	170	60	153
Operators Examined	36	142	39	131
Operators Passed	14	64	10	54
Operators Failed	22	78	29	77
Applicators Scheduled	285	968	334	1,061
Applicators Examined	226	709	241	711
Applicators Passed	131	401	150	428
Applicators Failed	95	308	91	283
Field Representatives Passing Rate	58%	58%	59%	60%
Operator Passing Rate	39%	45%	44%	41%
Applicators Passing Rate	58%	57%	62%	60%
LICENSING				
Field Representative Licenses Issued	171	605	164	536
Operator Licenses Issued	10	53	14	39
Company Registrations Issued	17	67	32	77
Branch Office Registrations Issued	8	14	4	8
Change of Registered Company Officers	1	9	2	8
Change Of Qualifying Manager	7	28	11	26
Applicator Licenses Issued	131	404	152	444
Duplicate Licenses Issued	47	235	61	208
Upgrade Present License	31	87	30	78
Change of Status Processed	42	202	48	121
Address Change	83	387	106	403
Address Change (Principal Office)	23	55	25	85
Address Change (Branch Office)	0	3	0	0
Transfer of Employment Processed	160	616	199	1096
Change of Name	2	8	1	1
Change of Registered Company Name	2	4	2	4
License Histories Prepared	3	12	6	16
Down Grade Present License	86	312	61	203
LICENSES/REGISTRATIONS IN EFFECT				
Field Representative		15,662		15,183
Operator		4,572		4,486

Company Registration		3,349		3,250
Branch Office		482		460
Licensed Applicator		7,979		7,737
LICENSES/REGISTRATIONS ON PROBATION				
Companies		19		19
Licensees		115		118

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR SEPTEMBER 2021 Page 2 of 2	FISCAL YEAR 2022/2023		FISCAL YEAR 2021/2022	
	Monthly	Year To Date	Monthly	Year To Date
LICENSES RENEWED				
Operator	5	154	16	308
Field Representative	24	823	54	1,027
Applicator	14	237	33	408
LICENSES/ REGISTRATIONS CANCELLED				
Operator	0	4	2	14
Field Representative	15	56	10	43
Company Registration	12	39	8	59
Branch Office	6	10	0	4
Applicator	11	36	7	5
LICENSES DENIED				
Licenses	0	2	6	4
INVESTIGATIVE FINES PROCESSED				
Specialist Fines	\$3,995	\$13,430	\$9,814	\$37,670
Civil Penalties	\$5,000	\$5,182	\$100	\$0
County Fines	\$5,150	\$17,150	\$7,950	\$23,060
STAMPS SOLD				
Pesticide	6,520	20,020	8,360	21,320
SEARCHES MADE				
Public	40	132	61	161
Complaints	3	11	7	26
BOND & INSURANCE				
Bonds Processed	11	26	15	13
Insurance Processed	238	684	183	580
Restoration Bonds Processed	0	0	0	0
Suspension Orders	5	30	0	4
Cancellations Processed	45	124	13	60
Change of Bond/Insurance	22	74	16	28

WDO ACTIVITIES FILED

	2018/19	2019/20	2020/2021	2021/2022	2022/2023	Monthly Average FY18/19 to FY22/23	Daily Avg
July	117,000	125,000	118,800	116,000	108,300	117,020	3,775
August	128,000	124,400	115,200	119,400	128,400	123,080	3,970
September	110,445	119,300	122,500	105,300	97,600	111,029	3,701
October	127,700	123,200	135,500	124,700		127,775	4,122
November	105,000	110,500	114,100	127,000		114,150	3,805
December	93,600	89,000	100,500	98,500		95,400	3,077
January	90,000	95,000	93,000	83,000		90,250	2,911
February	93,000	99,000	97,400	93,500		95,725	3,419
March	116,000	116,000	114,800	95,000		110,450	3,563
April	127,600	92,000	117,000	109,000		111,400	3,713
May	133,100	99,500	109,600	110,000		113,050	3,647
June	137,600	106,500	110,000	85,200		109,825	3,661
FY Total	1,379,045	1,299,400	1,348,400	1,266,600	334,300	1,125,549	
AVG PER MO.	114,920	108,283	112,367	105,550	111,433		

2021/22 Legislative Summary

AB 2452 **Structural Fumigation Enforcement Program**

Status: 9/2/22 Approved by the Governor. Chaptered by Secretary of State.
Chapter 235, Statutes of 2022

Summary: This legislative action extends the sunset on the Structural Fumigation Enforcement Program (SFEP), from January 1, 2023, to January 1, 2024. It also removes San Diego County from the SFEP.

SB 1064 **Structural Pest Control: Workers' Compensation Insurance Coverage**

Status: 8/26/22 Approved by the Governor. Chaptered by Secretary of State.
Chapter 190, Statutes of 2022.

Summary: This bill would, similar to the provision governing contractors, prohibit the Structural Pest Control Board from issuing, reinstating, or continuing to maintain any structural pest control operator company registration unless the applicant or existing company has filed a current and valid Certificate of Workers' Compensation Insurance as evidence of current and valid Workers' Compensation Insurance coverage, or a statement certifying that they have no employees and are not required to obtain or maintain workers' compensation insurance. The bill would also require the insurer, including the State Compensation Insurance Fund, to report to the registrar of the Structural Pest Control Board the company name, registration number, policy number, dates that coverage is scheduled to commence and lapse, and cancellation date if the policy is canceled for specified reasons. The bill would provide that willful or deliberate disregard and violation of workers' compensation insurance laws constitutes a cause for disciplinary action, and that a violation of these provisions is not a misdemeanor, as specified.

SB 189 **State Government**

Status: 6/30/22 Approved by the Governor. Chaptered by Secretary of State.
Chapter 48, Statutes of 2022.

Summary: This bill makes necessary statutory changes to implement the general government provisions of the Budget Act of 2022. Specifically, this bill specifies that proceedings at a hearing may be recorded electronically if a stenographic reporter is unavailable and upon finding of good cause by an Administrative Law Judge. This bill repeals the requirement for state agencies to deliver six hard copies of regulations to the Office of Administrative Law at the time of transmittal for filing a regulation or order

of repeal. In addition, this bill authorizes state entities to hold public meetings, subject to specified notice and accessibility requirements, through teleconferencing and making public meetings accessible telephonically or otherwise electronically to the public, as specified. The bill also sunsets these provisions on July 1, 2023.

SB 1237

Licenses: Military Service

Status:

9/17/22 Approved by the Governor. Chaptered by Secretary of State. Chapter 386, Statutes of 2022.

Summary:

This bill requires boards and bureaus to waive license renewal fees for active-duty military members stationed outside of California.

0775 - Structural Pest Control Fund Analysis of Fund Condition
(Dollars in Thousands)
2022-23 Governor's Budget with 2021-22 FM 13 Projections

	PY 2020-21	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25
BEGINNING BALANCE	\$ 1,610	\$ 2,814	\$ 3,530	\$ 3,602	\$ 3,518
Prior Year Adjustment	\$ -133	\$ 301	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 1,477	\$ 3,115	\$ 3,530	\$ 3,602	\$ 3,518
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 6	\$ 6	\$ 6	\$ 6	\$ 6
4127400 - Renewal fees	\$ 234	\$ 271	\$ 235	\$ 235	\$ 235
4129200 - Other regulatory fees	\$ 5,634	\$ 5,180	\$ 5,615	\$ 5,615	\$ 5,615
4129400 - Other regulatory licenses and permits	\$ 653	\$ 695	\$ 663	\$ 663	\$ 663
4141200 - Sales of Documents	\$ 0	\$ 17	\$ 0	\$ 0	\$ 0
4143500 - Miscellaneous Services to the Public	\$ 2	\$ 1	\$ 1	\$ 1	\$ 1
4163000 - Income from surplus money investments	\$ 15	\$ 15	\$ 17	\$ 52	\$ 48
4171400 - Escheat of unclaimed checks and warrants	\$ 2	\$ 8	\$ 0	\$ 0	\$ 0
4172500 - Miscellaneous revenues	\$ 1	\$ 1	\$ 0	\$ 0	\$ 0
4173500 - Settlements and Judgements - Other	\$ 3	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 6,550	\$ 6,194	\$ 6,537	\$ 6,572	\$ 6,568
Operating Transfers To General Fund 0001 per EO E 21/22-276 Revised	\$ 0	\$ -201	\$ 0	\$ 0	\$ 0
Totals, Transfers and Other Adjustments	\$ 0	\$ -201	\$ 0	\$ 0	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 6,550	\$ 5,993	\$ 6,537	\$ 6,572	\$ 6,568
TOTAL RESOURCES	\$ 8,027	\$ 9,108	\$ 10,067	\$ 10,174	\$ 10,086
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 4,835	\$ 5,137	\$ 5,997	\$ 6,177	\$ 6,362
9999 Statewide Pro Rata	\$ 277	\$ 340	\$ 367	\$ 378	\$ 389
9892 Supplemental Pension Payments (State Operations)	\$ 101	\$ 101	\$ 101	\$ 101	\$ 101
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 5,213	\$ 5,578	\$ 6,465	\$ 6,656	\$ 6,853
FUND BALANCE					
Reserve for economic uncertainties	\$ 2,814	\$ 3,530	\$ 3,602	\$ 3,518	\$ 3,234
Months in Reserve	6.1	6.6	6.5	6.2	5.7

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
Expenditures General Salary 4.55% increase.

**0168 - Structural Pest Control Research Fund Analysis of Fund Condition
(Dollars in Thousands)**

2022-23 Governor's Budget with 2021-22 FM 13 Projections

	PY 2020-21	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25
BEGINNING BALANCE	\$ 597	\$ 794	\$ 1,117	\$ 1,278	\$ 1,447
Prior Year Adjustment	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 597	\$ 794	\$ 1,117	\$ 1,278	\$ 1,447
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 159	\$ 163	\$ 150	\$ 150	\$ 150
4150500 - Interest Income from Interfund Loans	\$ 0	\$ 0	\$ 0	\$ 1	\$ 2
4163000 - Income from surplus money investments	\$ 6	\$ 4	\$ 14	\$ 21	\$ 24
Totals, Revenues	\$ 165	\$ 167	\$ 164	\$ 172	\$ 176
TOTAL RESOURCES	\$ 762	\$ 961	\$ 1,281	\$ 1,450	\$ 1,623
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ -32	\$ -156	\$ 3	\$ 3	\$ 3
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ -32	\$ -156	\$ 3	\$ 3	\$ 3
FUND BALANCE					
Reserve for economic uncertainties	\$ 794	\$ 1,117	\$ 1,278	\$ 1,447	\$ 1,620
Months in Reserve	9528.0	4468.0	4963.1	5455.4	6107.0

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
Expenditures General Salary 4.55% increase.

0399 - Structural Pest Control Education and Enforcement Fund Analysis of Fund Condition
(Dollars in Thousands)
2022-23 Governor's Budget with 2021-22 FM 13 Projections

	PY 2020-21	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25
BEGINNING BALANCE	\$ 1,116	\$ 1,207	\$ 1,437	\$ 1,560	\$ 1,677
Prior Year Adjustment	\$ 1	\$ 157	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 1,117	\$ 1,364	\$ 1,437	\$ 1,560	\$ 1,677
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4129200 - Other regulatory fees	\$ 420	\$ 407	\$ 445	\$ 445	\$ 445
4163000 - Income from surplus money investments	\$ 7	\$ 6	\$ 22	\$ 25	\$ 26
4171400 - Escheat of unclaimed checks and warrants	\$ 1	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 428	\$ 413	\$ 467	\$ 470	\$ 471
TOTAL RESOURCES	\$ 1,545	\$ 1,777	\$ 1,904	\$ 2,030	\$ 2,148
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 315	\$ 314	\$ 314	\$ 323	\$ 333
9892 Supplemental Pension Payments (State Operations)	\$ 4	\$ 4	\$ 4	\$ 4	\$ 4
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 19	\$ 22	\$ 26	\$ 26	\$ 26
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 338	\$ 340	\$ 344	\$ 353	\$ 363
FUND BALANCE					
Reserve for economic uncertainties	\$ 1,207	\$ 1,437	\$ 1,560	\$ 1,677	\$ 1,784
Months in Reserve	42.6	50.1	53.0	55.4	59.0

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
Expenditure growth projected at 3% beginning BY +1.
Expenditures General Salary 4.55% increase.

AGENDA ITEM 9

REVIEW AND POSSIBLE APPROVAL OF THE
SPCB 2022 SUNSET REPORT FOR SUBMITTAL TO THE
LEGISLATURE

*(Please reference separate attachment "Sunset
Report Draft 10.17.22")*



AGENDA ITEM 10

REVIEW AND POSSIBLE APPROVAL OF THE
SPCB 2023 – 2028 STRATEGIC PLAN





Strategic Plan

2023-2028

Adopted:

STATE OF CALIFORNIA



DEPARTMENT OF CONSUMER AFFAIRS

SOLID TRAINING AND
PLANNING SOLUTIONS

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Pending Approval

Members of the Board

Kyle Finley - President – Industry Member

Derek Devermont - Vice President - Public member

Janet Thrasher - Industry Member

Yessenia Anderson - Public Member

Mark Paxson - Public Member

John Tengan - Industry Member

Pending Approval

Gavin Newsom, Governor

Lourdes M. Castro Ramírez, Secretary, Business, Consumer Services and Housing Agency

Kimberly Kirchmeyer, Director, Department of Consumer Affairs

Sophia Cornejo, Registrar, Structural Pest Control Board

Message from the Board President

[Kyle Finley may want to suggest enthusiasm for the new strategic plan here. This is optional.]

Pending Approval

About the Board

In 1935, Assembly Bill 2382 established "An act to regulate the practice of structural pest control; to create the Structural Pest Control Board; to provide for the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control". The bill was signed by the Governor on July 20, 1935, and became law on September 15, 1935.

The Board, under jurisdiction of the DCA, was transferred to the jurisdiction of the Department of Pesticide Regulation on October 23, 2009 (ABX4, 20, Strickland and Huber, 2009). The Board returned to the DCA, effective July 1, 2013, under the Governor's 2011-2012 Reorganization Plan No. 2 and AB 1317 (Frazier, 2013).

The Structural Pest Control Board is statutorily composed of seven members, of whom four are public members and three are members of the pest control industry. The Governor appoints two public members and three licensed industry members. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member. Board Members may serve up to two four-year terms.

Accomplishments

2018-2019

- The SPCB awarded and executed 5 research contracts totaling \$1,024,000. The research focused on new studies and treatment of integrated pest management (IPM) for the following pests: ants, bedbugs, cockroaches, drywood termite, rodents, and yellowjackets.
- SPCB began the Business Modernization process to acquire and implement a new Information Technology system. This project will greatly benefit consumers and the pest control industry by offering online payment and document submission capability, as well as many other features modern technology allow for.
- SPCB worked with the Department of Consumer Affairs on amending its regulations to implement Assembly Bill 2138 and reduce barriers to licensure for certain individuals with criminal backgrounds.

2019-2020

- Through the flexibility of its staff and the implementation of a telework program the SPCB seamlessly continued to provide services to an essential industry and fulfill its primary mission of protecting the public despite the unprecedented challenges presented by the Covid-19 pandemic.

2020-2021

- The SPCB approved regulatory language recommended by the Pesticide Application Notice and Fumigation Notice Committees and directed staff to begin the formal rulemaking process. This language will clarify notice requirements related to the application of pesticides within, around, and to commercial, residential, and industrial structures benefitting both consumers and pest control professionals.
- The SPCB published a 2021 Act Book which includes all applicable statutes, regulations, and documents incorporated by reference.
- SPCB staff published a comprehensive Board Member Procedure Manual to assist and inform new Board members during the onboarding process.

2021-2022

- Legislatively, the SPCB, in cooperation with the Pest Control Operators of California (PCOC), developed language requiring registered companies to carry workers compensation insurance coverage. This language was incorporated into Senate Bill 1064 (Newman) and will strengthen protections for SPCB licensees and the consumers they serve.

Mission, Vision, and Values

Our Mission

The Structural Pest Control Board's mission is to protect the general welfare of Californians and the environment by promoting outreach, education, and regulation of the structural pest management profession.

Our Vision

The Structural Pest Control Board sets the standard as the national regulatory and environmental leader of pest management for consumer protection.

Our Values

- Accountability
- Consumer Protection
- Professionalism
- Service
- Transparency

Goal 1: Licensing, Examinations, and Continuing Education

The Board facilitates examination, licensing, and continuing education standards to ensure excellence in practice and public safety.

- 1.1 Implement the Connect system to improve transparency, customer experience, and efficiency of the examination and licensing processes.
- 1.2 Evaluate the process of auditing licensees' continuing education.]
- 1.3 Evaluate and restructure the continuing education approval process of providers and course materials to ensure quality continuing education is provided to licensees.
- 1.4 Research the feasibility of separating the branch 2 and branch 3 applicator examination and licenses to make applicator licenses more relevant to each trade.

Goal 2: Enforcement

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practice of structural pest control.

- 2.1 Increase positive proactive education and enforcement to improve the integrity and relationship with the industry.
- 2.2 Increase working relationships with county agricultural commissioners and the Department of Pesticide Regulations to reduce incidents of unlawful pest control services.
- 2.3 Seek authority to suspend and/or (with cause) revoke a license for non-compliance of a citation (unpaid citation or fine) to accelerate compliance and reduce outstanding fines.

Pending Approval

Goal 3: Legislation, Regulations, and Policy

The Board pursues statutes, regulations, policies, and procedures that strengthen and support the Board's mandate and mission.

- 3.1 Incorporate new EPA required standards into regulation to comply with federal standards.
- 3.2 Provide legislative and regulatory updates in the Board's newsletter to improve communication and awareness to consumers and licensees.
- 3.3 Re-examine the fee structure to ensure a consistent and balanced revenue stream.
- 3.4 Explore alternatives to foster enhanced communication with other agencies and the legislature to improve timely tracking of sensitive or competing legislation.
- 3.5 Review, and revise as necessary, language in the Act Book to improve clarity.

Goal 4: Outreach and Communication

The Board proactively communicates its mission, vision, and goals to consumers, licensees, and stakeholders.

- 4.1 Continue to communicate and further educate consumers (including such topics as controlled chemicals and general education of the Board's role) to help with health, safety, and consumer protection.
- 4.2 Set expectations for license applicants to improve success rate and reduce the number of unlicensed practitioners.
- 4.3 Expand communication channels and opportunities for the exam subject matter expert (SME) pool (including incentivizing participation) to raise awareness of SME opportunities.
- 4.4 Proactively distribute educational materials about enforcement to registered companies and licensees to encourage positive interactions with the Board.
- 4.5 Design and implement a quarterly newsletter program to increase communication and strengthen the relationship between the Board and the industry.
- 4.6 Increase participation at in-person events to create positive awareness of the Board and establish relationships.
- 4.7 Create a strategy to educate licensees and consumers on the new Connect system to ease the transition to an online platform
- 4.8 Establish relationships with realtor associations to educate realtors on the role of Wood Destroying Organism (WDO) reports.

Goal 5: Organizational Effectiveness

The Board standard is to build an excellent organization through effective leadership, responsible management, and transparency.

- 5.1 Continue to monitor, and adjust if necessary, staffing levels to achieve the Board's mandated goals and objectives.
- 5.2 Collaborate with DCA's Human Resources division to reclassify Structural Pest Control Specialist positions to increase recruitment and retention.
- 5.3 Create a succession plan to retain institutional knowledge within the Board.
- 5.4 Update and maintain content on the website to effectively communicate to consumers, licensees, and applicants.
- 5.5 Develop and maintain communication between board members and staff to create a collaborative and shared partnership.

Pending Approval



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AGENDA ITEM 11

DISCUSSION AND POSSIBLE ACTION TO CONSIDER CHANGES TO PREVIOUSLY PROPOSED TEXT AND REAUTHORIZATION OF A REGULAR RULEMAKING TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 16, SECTIONS 1970.4 – PESTICIDE DISCLOSURE REQUIREMENT, 1970.41 – PESTICIDE PRE-APPLICATION NOTICE, AND 1970.42 – PESTICIDE POST-APPLICATION NOTICE REQUIREMENTS.



California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 19. Structural Pest Control Board

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend 16 CCR section 1970.4 to read:

§ 1970.4. Pesticide Structural Fumigation Disclosure Requirement.

(a) The primary contractor for fumigation ~~shall have in his or her~~ must possession and ~~shall provide to any subcontractor for fumigation a~~ Tenants Fumigation Notice and Pesticide Disclosure form (See Form number 43M-48, revised 10/22, which is hereby incorporated by reference (Rev. 5/07) at the end of this section) signed by the ~~occupants tenants, if any, or designated owner or owner's agent of a structure.~~ The primary contractor for fumigation must provide to any subcontractor for fumigation a signed copy of Tenants Fumigation Notice and Pesticide Disclosure form at least prior to application. The primary contractor for fumigation and the subcontractor for fumigation ~~shall~~ must retain a signed copy of the ~~each occupants fumigation notice Occupants Fumigation Notice and Pesticide Disclosure form~~ for a period of at least three years. In the case of ~~multiple-family dwellings multi-unit structures,~~ the owner, or owner's agent, manager or designated agent of the building structure may obtain signatures and/or verify the notification of the ~~occupants tenants on behalf of the primary contractor.~~

The Tenants Fumigation Notice and Pesticide Disclosure form shall state the name of the pest to be controlled, the ~~pesticide(s)/fumigant(s)~~ proposed to be used, the active ingredient(s) and the health cautionary statement as required under section 8538 of the code. The Tenants Fumigation Notice and Pesticide Disclosure form shall also state that a lethal gas (poison) will be used in the building on indicated dates and that it is unsafe to return to the building until a certification notice for Reentry is posted by the licensed fumigator. The form shall also indicate that the occupant has received the prime contractor's information regarding the procedures for leaving the structure.

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

~~(b) Any death or serious injury relating to pesticide application or use, whether to a worker or member of the public, shall be reported to the nearest Structural Pest Control Board office immediately.~~

~~(c) Whenever a licensee employed by a branch 2 or branch 3 registered company~~

Structural Pest Control Board	Proposed Text	Page 1 of 5
16 CCR 1970.4	Pesticide Application Notice Requirements	October 7, 2022

~~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.
Add 16 CCR section 1970.41:

Structural Pest Control Board	Proposed Text	Page 2 of 5
16 CCR 1970.4	Pesticide Application Notice Requirements	October 7, 2022

OCCUPANTS FUMIGATION NOTICE AND PESTICIDE DISCLOSURE

JOB ADDRESS _____ **CITY** _____

Single Family Dwelling _____ Multi Family Dwelling _____ Other _____

Owner/Agent _____

Tel. No. () _____ Emergency No. () _____

Occupant _____

Tel. No. () _____ Emergency No. () _____

Prime Contractor _____ Emergency No. () _____

Fumigation Contractor _____ Emergency No. () _____

Target Pest(s): ~~50,000,000~~ **Drwood Termites** _____ **Beetles** _____ **Other(s)** _____

Fumigants proposed to be used: **Methyl Bromide** _____ **Sulfuryl Fluoride** _____

Other(s) _____ (Product Name)

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

CHLOROPICRIN WILL BE USED AS WARNING AGENT WITH EITHER FUMIGANT

Dates of fumigation: _____ **Date changes/Alternative dates:** _____

Initials _____ |

IMPORTANT - READ CAREFULLY

THIS BUILDING WILL BE FUMIGATED WITH LETHAL GASES ON THE DATE(S) INDICTED ABOVE. 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 GIVING THE TIME AND DATE FOR SAFE RE-ENTRY.

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 () and notify your pest control company. 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 any of the following: () for Health Questions -the County Health Department (); for Application Information -the County Agricultural Commissioner () and for Regulatory Information -the Structural Pest Control Board, 808/737-8168, 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815.

FOR HEALTH QUESTIONS:

COUNTY HEALTH DEPARTMENT	COUNTY AGRICULTURAL COMMISSIONER	POISON CONTROL CENTER	STRUCTURAL PEST CONTROL BOARD
PHONE #	PHONE #	PHONE #	PHONE #

(This section may be modified to include the information of geographical area served by the licensee.)

I hereby acknowledge receipt of a copy of this document as well as a list that includes the instructions for the necessary preparations for the fumigation, procedures for leaving the structure, and the following documents:

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.

() Owner/Agent (signature) _____ Date _____

() Occupants(s) (signature) _____

§ 1970.41 Pesticide Pre-Application Notice

In the pre-application pesticide notice, “conspicuous place” as it is used in section 8538 of the code, means heavily frequented, common areas, including the on-site manager’s office or unit, all multi-unit mailboxes, in all laundry rooms and community rooms for all exterior pest control services.

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

Add 16 CCR section 1970.42:

§ 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 pesticide notice in compliance with subdivision (b) immediately after the service visit as follows:

(1) When applied around or to the exterior of any structure, the post-application pesticide notice must be provided in writing personally to the tenant, owner, or owner’s agent, or by first-class mail. Alternatively, the post-application pesticide notice may be provided via electronic mail if the tenant, owner, or owner’s agent has authorized such communication method via contract or other written confirmation of such agreement.

(2) When applied to the interior of a unit within a multi-unit residential structure the post-application pesticide notice must be provided in writing and left on the door of the unit, or within the unit in an area next to the door of the unit.

(3) When applied to the interior of a commercial, industrial, or single-unit residential structure, the notice must be provided in a manner as described in subdivision (a)(1).

(b) The post-application pesticide notice specified in (a) may be a door hanger, invoice, billing statement or other similar written document and must include:

(1) The common, generic or chemical name of each pesticide applied;

(2) The date of service; and

(3) The registered company’s name, address, and telephone number.

(c) A registered structural pest control company which applies any pesticide within, around or to any structure must provide to any person, within 24 hours after request therefore, the common, generic or chemical name of each pesticide applied. This

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requirement applies to all requests made within 3 years of the pesticide application.

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

Add 16 CCR section 1970.43:

§ 1970.43 Reporting Death or Serious Injury.

Any death or serious injury relating to a structural fumigation or pesticide application or use, whether to the owner, an employee of the registered structural pest control company, or a member of the public, must be reported immediately by telephone to both the Structural Pest Control Board office and the County Agricultural Commissioner's office in the county where the structural fumigation or pesticide application or use occurred.

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

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TENANTS FUMIGATION NOTICE & PESTICIDE DISCLOSURE

Address of Structure to be Fumigated: _____

City: _____ State: _____ Zip: _____

Single-Unit Structure

Owner/Agent: _____

Multi-Unit Structure

Contact Number(s): _____

Other: _____

Tenant: _____

Contact Number(s): _____

Prime Contractor: _____

PR #: _____

Emergency Number: _____

Fumigation Contractor: _____

PR #: _____

Emergency Number: _____

Target Pest: _____

Fumigant Brand Name: _____

Active Ingredient: _____

IF YOU ARE AWARE OF ANY CONDUITS, PIPES, COMMON DRAINS, CENTRAL VACUUM SYSTEMS, AIR DUCTS, OR ANY OTHER CONSTRUCTION ELEMENTS THAT WOULD ALLOW FOR THE PASSAGE OF A FUMIGANT FROM THE STRUCTURE TO BE FUMIGATED TO ANY OTHER ADJACENT OR ADJOINING STRUCTURES THAT ARE NOT TO BE FUMIGATED, PLEASE DESCRIBE IN DETAIL:

CHLOROPICRIN WILL BE USED AS A WARNING AGENT

Start Date of Fumigation: _____

Date of Start Date: _____

End Date of Fumigation: _____

Change of End Date: _____

IMPORTANT READ CAREFULLY

THIS STRUCTURE WILL BE FUMIGATED WITH A LETHAL GAS ON THE DATE(S) INDICATED ABOVE. ALL PERSONS AND ANIMALS MUST VACATE THE STRUCTURE PRIOR TO THE COMMENCEMENT OF FUMIGATION.

IT IS UNSAFE TO ENTER THE STRUCTURE PRIOR TO THE TIME AND DATE LISTED ON THE CERTIFICATION NOTICE FOR RE-ENTRY POSTED BY THE LICENSED FUMIGATOR.

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 following application 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 (_____) and notify your pest control company. 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 any of the following: (____); for Health Questions the County Health Department (____); for Application Information the County Agricultural Commissioner (____) and for Regulatory Information the Structural Pest Control Board 916-561-8700, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815.

County Health Department Phone Number	County Agricultural Commissioner Phone Number	Poison Control Center Phone Number	Structural Pest Control Board Phone Number

(This section may be modified to include the information of geographical area served by the licensee)

WE SUGGEST YOU NOTIFY YOUR NEIGHBORS OF THE START AND END DATE OF FUMIGATION AND TO KEEP PETS AWAY DURING THE FUMIGATION. CLOSE OFF ANY ACCESS TO THE SUBAREA TO PREVENT PETS FROM ENTERING.

I hereby acknowledge receipt of a copy of this document and the information contained herein, a list that includes the instructions for the necessary preparations for the fumigation, procedures for leaving the structure, the fact sheet for the fumigant to be used, and the documents listed below, if any.

Owner/Agent Signature: _____

Date: _____

Tenants Signature: _____

Date: _____

AGENDA ITEM 12

DISCUSSION AND POSSIBLE ACTION TO INITIATE A RULEMAKING TO AMEND CALIFORNIA CODE OF REGULATIONS, TITLE 16, SECTIONS 1950 – CONTINUING EDUCATION REQUIREMENTS, 1950.5 – HOUR VALUE SYSTEM, 1953 – APPROVAL OF ACTIVITIES, AND 1970 – STANDARDS AND RECORDS REQUIREMENTS, AND TO ADD CALIFORNIA CODE OF REGULATIONS, TITLE 16, SECTIONS 1935.1 – EXAMINATION CORE COMPETENCIES, 1953.1 – IN-PERSON CONTINUING EDUCATION ACTIVITIES, AND 1953.2 – INTERACTIVE ONLINE AND WEBINAR CONTINUING EDUCATION ACTIVITIES.

(EO recommends to table this agenda item to the next Board Meeting)



AGENDA ITEM 13

Annual Election of Board President and Vice
President



AGENDA ITEM 14

FUTURE AGENDA ITEMS

