



STRUCTURAL PEST CONTROL BOARD BOARD MEETING

June 28-29, 2023

9 a.m. to conclusion of business

Department of Consumer Affairs
(WebEx)





MEMBERS OF THE BOARD

KYLE FINLEY, PRESIDENT

YESSSENIA ANDERSON, VICE PRESIDENT

ANKUR BINDAL

MARK PAXSON

JOHN TENGAN

JANET THRASHER

OUR VISION

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

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 VALUES

Accountability
Consumer Protection
Professionalism
Service
Transparency

STRUCTURAL PEST CONTROL BOARD

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Toll-free: (800) 737-8188
www.pestboard.ca.gov



CALIFORNIA DEPARTMENT OF
CONSUMER
AFFAIRS



PDE_23-010



NOTICE OF STRUCTURAL PEST CONTROL BOARD MEETING

June 28-29, 2023

**9:00 a.m. – conclusion of business (COB)
Public Teleconference Meeting via WebEx**

Pursuant to the provisions of Government Code section 11133, neither a public location nor teleconference locations are provided. Public participation may be through teleconferencing as provided below.

The Structural Pest Control Board (SPCB) will hold a public meeting via WebEx Events. To participate in the WebEx Events meeting, please log on to the link(s) listed below on the day of the meeting.

June 28, 2023 – 9:00 a.m. - COB

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m9cd3faffbd71252cec9fffe81ab8f3db>

Event Number: 2485 371 0923

Event Password: SPCB06282023

Join By Phone:

+1-415-655-0001 US Toll

Access Code: 248 537 10923

Passcode: 77220628

June 29, 2023 – 9:00 a.m. - COB

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m1bd141206745aa00b03257a9f0610dd2>

Event Number: 2485 849 3298

Event Password: SPCB06292023

Join By Phone:

+1-415-655-0001 US Toll

Access Code: 248 584 93298

Passcode: 77220629

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 – June 28, 2023 – 9:00 a.m.

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 Modification/Termination of Probation
Demetrius D. Howard – FR 55408 – Branch 2 & RA 61276 – Branch 3
5. Petition for Reinstatement
Shuzhu Huang – OPR 11395 – Branches 2 & 3
6. Petition for Reinstatement
Eduardo Santillan – OPR 10743 – Branch 1

Closed Session

7. 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.

The Board will recess following the conclusion of Closed Session.

8. Recess until 9:00 a.m., June 29, 2023

AGENDA – June 29, 2023 – 9:00 a.m.

Open Session

9. Roll Call / Establishment of Quorum
10. Flag Salute / Pledge of Allegiance
11. 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).)
12. Discussion and Possible Approval of the March 9, 2023, SPCB Meeting Minutes –
Heather Jackson

Structural Pest Control Board Meeting Agenda

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13. Discussion and Possible Action on Separating the Branch 2 and Branch 3 Applicator Examination and Licenses – *Sophia Azar*
 - a. Presentation by DCA's Office of Professional Examination Services relative to Separating Branch 2 and Branch 3 Applicator Examinations – *Ganesh Kumar*
14. Discussion and Possible Action on the use of National Pest Management Association Wood Destroying Insect Inspection Form 33 in California – *Sophia Azar*
15. Review, Discussion, and Possible Action on Legislation Related to the Board, the Structural Pest Control Profession, and/or DCA – *Heather Jackson*
 - a. SB 813 (Roth) Structural Pest Control: Notice to Registrar
 - b. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
 - c. AB 307 (Chen) Structural Fumigation Enforcement Program
 - d. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of interest policy
 - e. AB 363 (Bauer-Kahan) Pesticides: Neonicotinoids for Nonagricultural Use: Reevaluation: Control Measures
 - f. AB 652 (Lee) Department of Pesticide Regulation Environmental Justice Advisory Committee
 - g. SB 601 (McGuire) Professions and Vocations: Contractors: Home Improvement Contracts: Prohibited Business Practices: Limitation of Actions
 - h. SB 802 (Roth) Licensing Boards: Disqualification from Licensure: Criminal Conviction
 - i. SB 887 (Committee on Business professions and Economic Development) Consumer Affairs
 - j. AB 883 (Mathis) Business Licenses: United States Department of Defense SkillBridge Program
 - k. SB 372 (Menjivar) Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes
 - l. AB 1101 (Flora) Building Standards: Exterior Elevated Elements: Inspection
 - m. AB 1322 (Friedman) Pesticides: second-generation anticoagulant rodenticide: diphacinone
16. Rulemaking Report – *Heather Jackson*
 - a. Review, Discussion, and Possible Action to Begin the Rulemaking Process and to Adopt Regulations on Regulatory Proposal Regarding Continuing Education Requirements, Hour Value System, Examination in Lieu of Continuing Education, Approval of Activities, and Standards and Records Requirements, (Amend Title 16, California Code of Regulations (CCR), sections 1950, 1950.5, 1953, and 1970, and Repeal section 1951)
 - b. Review, Discussion, and Possible Action on Regulatory Proposal Regarding Disciplinary Guidelines (Amend Title 16 CCR, section 1937.11)
 - c. Update Regarding Rulemaking Proposal Regarding Pesticide Application Notice Requirements (Amend Title 16 CCR, section 1970.4, and Add sections 1970.41, 1970.42, and 1970.43)

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17. Licensing Update – *Melissa Zanetta*
 - a. Statistical Reports
 - b. Connect Implementation
18. Enforcement Update – *Sophia Azar*
 - a. Statistical Reports
19. Outreach and Communication Update – *Heather Jackson / Kristina Jackson-Duran*
20. Executive Officer's Report – *Sophia Azar*
 - a. Staffing Update
 - b. Budget Update
 - c. 2023-2028 Strategic Plan Update
 - d. Report on Status of Board Funded Research Projects
21. Future Agenda Items
22. Adjournment

This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. Additionally, 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).)

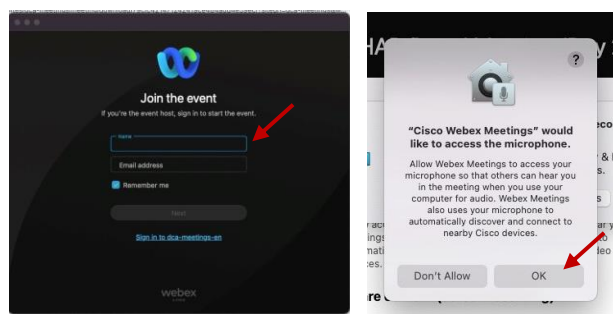
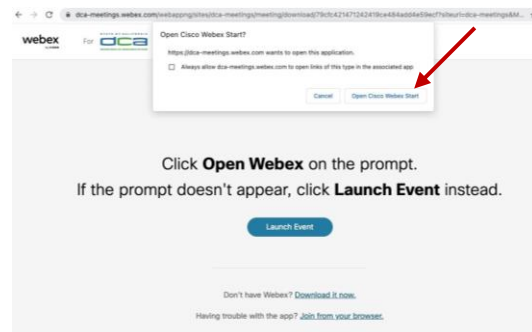
The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Kristina Jackson-Duran at (916) 561-8700, email: pestboard@dca.ca.gov, or send a written request to the Structural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

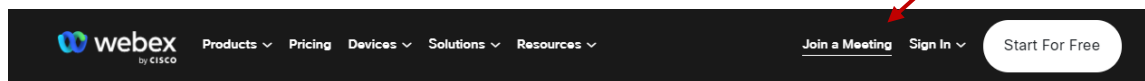


* Members of the public are not obligated to provide their name or personal information and may provide a unique identifier such as their initials or another alternative, and a fictitious email address like in the following sample format: XXXXX@mailinator.com.

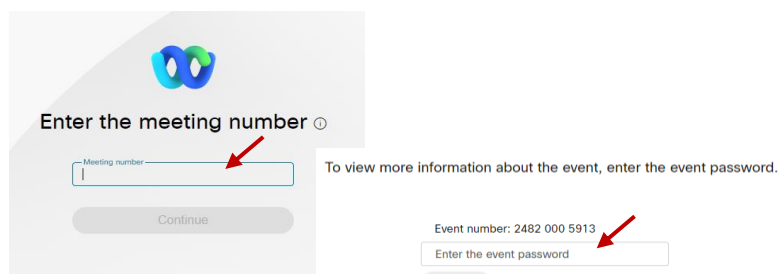
OR

If joining from Webex.com

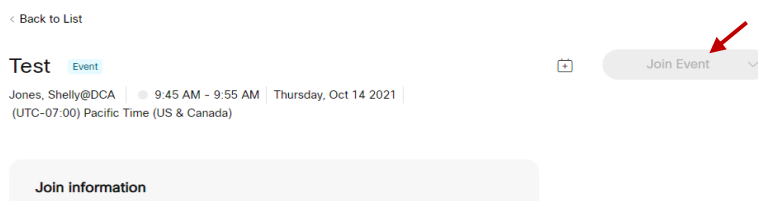
1 Click on "Join a Meeting" at the top of the Webex window.



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".



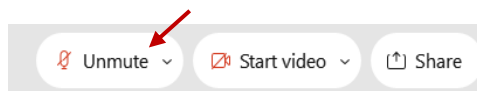
OR

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.

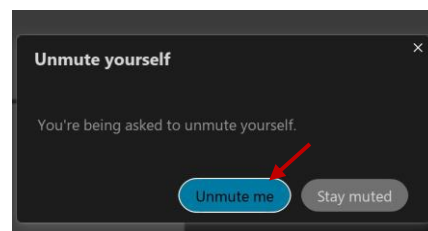


Green microphone = Unmuted: People in the meeting can hear you.



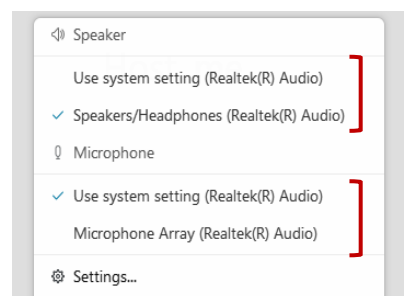
Red microphone = Muted: No one in the meeting can hear you.

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".



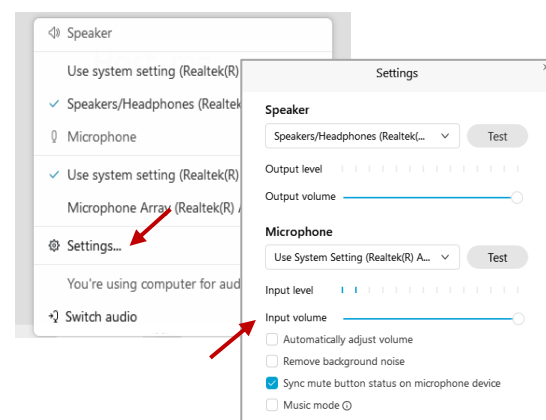
If you cannot hear or be heard

- 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

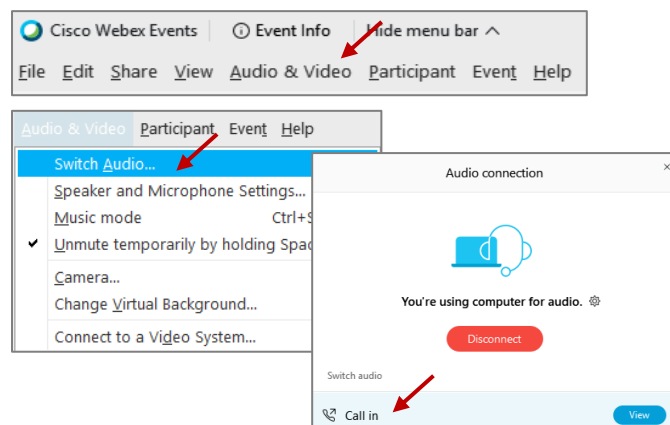
- 1 Locate the command row – click on the bottom facing arrow located on the Mute/Unmute button.
- 2 From the pop-up window:
 - Click on "Settings...":
 - Drag the "Input Volume" located under microphone settings to adjust your volume.



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.



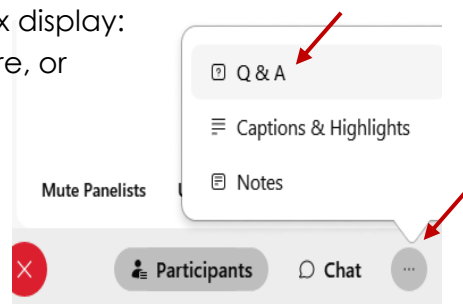
The question-and-answer (Q&A) and hand raise features are utilized for public comments.

NOTE: This feature is not accessible to those joining the meeting via telephone.

Q&A Feature

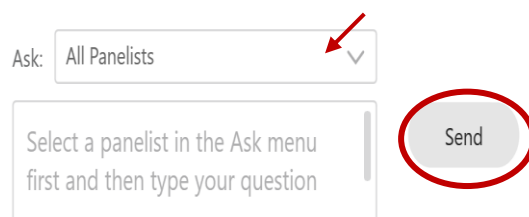
1 Access the Q&A panel at the bottom right of the Webex display:

- 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 —

Hand Raise Feature

- 1
- Hovering over your own name.
 - Clicking the hand icon that appears next to your name.
 - Repeat this process to lower your hand.

If connected via telephone:

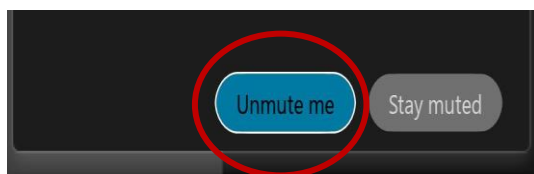
- Utilize the raise hand feature by pressing *3 to raise your hand.
- Repeat this process to lower your hand.

Unmuting Your Microphone



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.

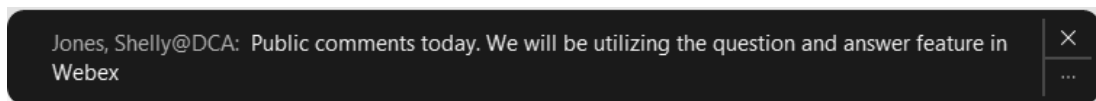


— OR —

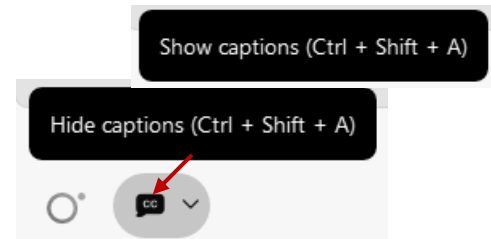
If connected via telephone:

- Press *3 to unmute your microphone.

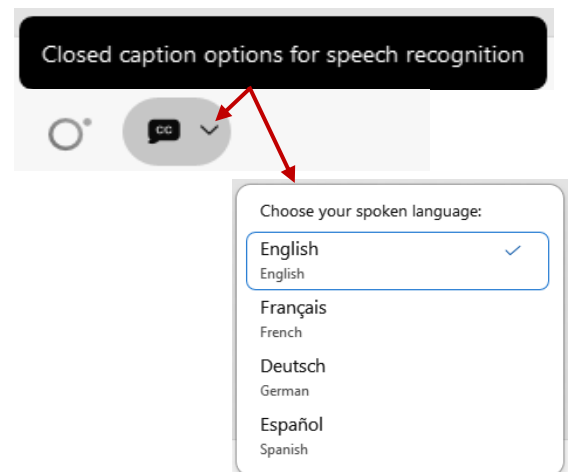
Webex provides real-time closed captioning displayed in a dialog box on your screen. The captioning box can be moved by clicking on the box and dragging it to another location on your screen.



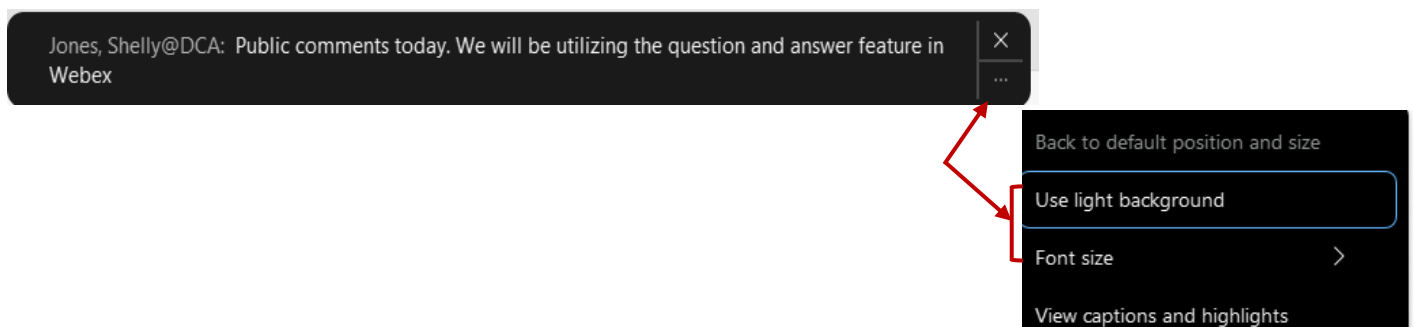
The closed captioning can be hidden from view by clicking on the closed captioning icon. You can repeat this action to unhide the dialog box.



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

YESSANIA ANDERSON, VICE PRESIDENT

ANKUR BINDAL

MARK PAXSON

JOHN TENGAN

JANET THRASHER



AGENDA ITEM 12

REVIEW OF MINUTES

Review and approval of the March 9, 2023,
SPCB Meeting Minutes



Structural Pest Control Board Meeting Minutes

March 9, 2023

Location:

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

Board Members Present:

Kyle Finley, Board President
Yessenia Anderson, Board Vice President
Ankur Bindal
Mark Paxson
Janet Thrasher
John Tengan

Board Members Absent:

None.

Board Staff Present:

Sophia Cornejo, Executive Officer
Melissa Sowers-Roberts, Disciplinary Specialist
Melissa Zanetta, Chief of Licensing & Administration
Heather Jackson, Regulation & Legislation Specialist
Kristina Jackson-Duran, Administrative Analyst

Departmental Staff Present:

Sabina Knight, DCA Legal Counsel

Agenda Item 1. Roll Call / Establishment of Quorum

The Structural Pest Control Board (Board) meeting was called to order by President Finley at 9:00 a.m. and Executive Officer (EO) Cornejo called roll.

President Finley, along with Board members Anderson, Bindal, Paxson, Thrasher, and Tengan were present.

A quorum of the Board was established.

Agenda Item 2. Flag Salute / Pledge of Allegiance

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

Agenda Item 3. Public Comment for Items Not on the Agenda

Michael Nash, Cascade Pest (Vacaville) expressed concerns with the use of NPMA33 forms, suggesting its use should be banned in California. The form is used during real estate transactions to identify wood destroying insects (WDI); however, it does not require identification of other wood destroying organism (WDO) damage, like dry rot. He explained how

it is dangerous for home buyers, and primarily benefits lenders, because the inspection could result in a report with no findings, even if there is considerable dry rot (or other WDO) damage.

[No further public comments.](#)

Agenda Item 4. Petition for Reinstatement

Joseph T. W. Walker – FR 43838, Branch 2

Administrative Law Judge Timothy Aspinwall and Deputy Attorney General Stephanie Lee appeared with the Board to hear Mr. Joseph T. W. Walker's petition. A court reporter was not available for the meeting; however, audio/video recording of the proceedings are available on the Board's website for reference.

After much discussion, Mr. Walker was informed he would be notified by mail of the Board's decision.

Agenda Item 5. Closed Session

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

The Board entered closed session at 10:50 a.m., and reconvened into open session at 11:34 a.m.

In addition to President Finley who called roll, Board members Anderson, Bindal, Paxson, Thrasher, and Tengan were present.

A quorum of the Board was established.

Agenda Item 6. Review and Possible Approval of the Minutes of the October 27, 2022, SPCB Meeting

Board Vice President **Anderson moved**, and Board member **Tengan seconded** the motion to approve the minutes of the October 27, 2022, Structural Pest Control Board meeting.

[No Board or public comments.](#)

Motion carried 6-0 by roll call vote.

Agenda Item 7. Executive Officer's Report

(7a) Staffing Update

EO Cornejo provided a staffing update for the Board. She announced that Vanessa O'Donnell, a Customer Services Representative (CSR) in Enforcement, left the board with a vacancy that was recently filled by Derek Enns who started as a CSR in January 2023. Additionally, Florencia Francisco, another CSR in Enforcement, left the board and the recruitment to backfill that

position is currently active. Lastly, EO Cornejo announced the Board hired a new Legislation & Regulation Specialist, Heather Jackson, who started in January 2023.

(7b) Update regarding Licensing, Enforcement, Examination and Wood Destroying Organism (WDO) statistics

The Board was referred to Agenda Item 8a in the meeting materials for detailed reports. EO Cornejo reported a recent increase of about 20,000 filings in February 2023, which she attributed to a WDO audit that the Board conducted recently.

(7g) Report on Board Funded Research Projects

EO Cornejo provided the board a brief background on the Board's Pest Control Research Fund and projects.

Neil Tsutsui from University of California, Berkeley provided the Board with a presentation on the final report and findings from their research project, "Diet and Colony Structure of Two Emerging Invasive Pest Ants."

Dr. Andrew Sutherland from University of California, Agriculture and Natural Resources provided the Board with a presentation on the final report and findings from their research project, "Evaluation of Bait Station System Efficacy for Reduced-Risk Subterranean Termite Management in California."

(7g) Strategic Plan Update

EO Cornejo reported on the status of the Board's Strategic Plan, referred to Agenda Item 7g in the meeting materials to review the plan timeline in detail.

(7e) Sunset Review Oversight Hearing

EO Cornejo reported that the Sunset Review Oversight hearing was scheduled for Tuesday, March 14, 2023, and stated that she and President Finley will be in attendance for that hearing.

(8d) Legislative/Regulation Update

EO Cornejo presented the Board with a supplemental 2022/23 Legislative summary which outlined recently introduced bills, and highlighted the following three:

SB 813 (Roth, Berman) – Structural Pest Control: Notice to Registrar
Placeholder bill for the SPCB sunset bill.

AB 307 (Chen) – Structural Fumigation Enforcement Program (SFEP)
Extends the sunset on the SFEP to January 1, 2029.

AB 996 (Low) – Department of Consumer Affairs: Continuing Education: Conflict of Interest Policy

Would require DCA entities to develop and maintain a conflict-of-interest policy that, at minimum, discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course.

Board member Paxon expressed concerns with the proposed bill, stating that many of the Board's continuing education courses are offered by providers who are a lot of times the developers of products. EO Cornejo assured the Board that the bill will be monitored for changes as it goes through the committees.

EO Cornejo provided a status update on two regulation packages, none requiring Board action.

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

Language for the package was approved at the October 2022 meeting and was submitted to the Department of Consumer Affairs (DCA) for review before it is filed with the Office of Administrative Law.

(2) Examination and Continuing Education Standards (CCR, Title 16, sections 1935.1, 1950, 1950.5, 1953, 1953.1, 1953.2, and 1970)

Preliminary language for this package was submitted to DCA for review, and Board staff continues to work with DCA legal counsel, DCA regulations unit, and the Department of Pesticide Regulation to refine the language and hope to have it ready for Board approval at the June 2023 meeting.

[No Board or public comments.](#)

Agenda Item 8. Board Meeting Calendar

The Board reviewed and discussed the 2023 Board meeting calendar.

[No Board or public comments.](#)

Agenda Item 9. Future Agenda Items

Board member Thrasher recounted a public comment and requested the Board discuss the use of NPMA33 forms in California at a future meeting.

President Finley requested the Board consider establishing a new Research Advisory Panel to begin exploring new research projects, outreach for research findings, and report on the status of the Board's Pest Control Research Fund.

Board member Tengan requested that the feasibility of separating Branch 2 and 3 applicator examination and licenses be discussed. EO Cornejo confirmed that the Board is actively exploring this through an objective on the strategic plan.

Board member Tengan also requested future agenda items to discuss revising regulations to enhance out-of-state qualifying manager renewal requirements and verification process, as well as bait station enforcement.

Legal Counsel, Sabina Knight, suggested the Board consider updating their Disciplinary Guidelines.

Darren Van Steenwyk, Clark Pest Control, requested the Board to provide an update on the status of pesticide disclosure notices and electronic communication.

Dr. Andrew Sutherland suggested the Board consider how bait stations are referred to and regulated within the Structural Pest Control Act.

Tom Ineichen, SPCB Specialist, reiterated Dr. Sutherland's concerns, and suggested the Board consider establishing a subcommittee to address ambiguities in the Pest Act regarding the use of monitoring and bait stations, including possible labeling concerns and clarifications.

Agenda Item 10. Adjournment

President Finley adjourned the meeting at 1:01 p.m.

Kyle Finley, President

Date



AGENDA ITEM 13

SEPARATING BRANCH 2 & 3 APPLICATOR EXAMINATION AND LICENSES

Discussion and Possible Action on Separating the
Branch 2 and Branch 3 Applicator Examination and
Licenses

*a. Presentation by DCA's Office of Professional
Examination Services relative to Separating
Branch 2 and Branch 3 Applicator Examination*

MEMORANDUM

DATE	June 29, 2023
TO	Members of the Structural Pest Control Board
FROM	Sophia Azar, Executive Officer Structural Pest Control Board
SUBJECT	Agenda Item #13: Discussion and Possible Action on Separating the Branch 2 and Branch 3 Applicator Examination and Licenses

Background

The Board requested a discussion on the feasibility of separating the Branch 2 and 3 Applicator examination. In addition to this request and through an objective of the Board's strategic plan, staff has collaborated with the Office of Professional Examination Services (OPES) to determine feasibility of separating the examinations.

In order to contextualize the Board's current examination structure, some historical details are necessary. During the Board's 1999/2000 Sunset Review, it reported that it administered eleven unique examinations – three Applicator, four Field Representative, four Operator. An applicant at the time would choose from the following branch(es) to be examined on:

SPCB Examinations (prior to 2000)			
	Operator	Field Representative	Applicator
Branch 1 – Fumigation	X	X	N/A
Branch 2 – General Pest	X	X	X
Branch 3 – Wood Destroying Organisms	X	X	X
Branch 4 – Wood Roof Cleaning and Treatment	X	X	X

The Joint Legislative Sunset Review Committee's report (JLSRC) posed a concern with the number of exams the Board administers and recommended the Board review its examinations, consider if any categories could be combined and evaluate if the examination fees were adequate.

An occupational analysis conducted in 2000, revealed that Branch 4 – Wood Roof Cleaning and Treatment was no longer necessary, and the overall work associated with Applicators in Branch 2 and 3 lacked distinctions, enough that it did not warrant two unique exams. As a result, the Board decided to remove the Branch 4 license categories

and combined the Applicator Branch 2 and 3 categories into a single examination and license, eliminating four associated examinations in total.

Today, the Board administers seven examinations under the following structure:

SPCB Examinations (current)			
	Operator	Field Representative	Applicator
Branch 1 – Fumigation	X	X	N/A
Branch 2 – General Pest	X	X	X
Branch 3 – Wood Destroying Organisms	X	X	

In a memorandum dated March 9, 2023, OPES provides a summary of the most recent Occupational Analysis conducted for the Applicator profession (attachment 1). A representative for OPES will be presenting on this item at the Board meeting and will be available for any additional follow-up questions.

Recommendation

With this information, I believe the rationale for initially merging the Branch 2 and 3 Applicator examinations in 2000, remains true today. In addition, OPES and Board staff work continuously to ensure the examination is comprehensive and relevant to applicants in both branches. In the most recent Occupational Analysis that was finalized in December 2022, concepts that were not duly relevant to both branches were either revised or eliminated. The examination development based on this Occupational Analysis is currently underway.

I recommend the Applicator examination remain a single exam, inclusive of Branch 2 and 3.

Attachment(s):

1. OPES Presentation Slide Deck



OFFICE OF PROFESSIONAL
EXAMINATION SERVICES



Overview of examination development

June 29, 2023

Heidi Lincer, Ph.D., OPES Chief

Presentation agenda

OPES services and mandates

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graph TD; A[OPES services and mandates] --> B[Examination development process]; B --> C[Most recent Applicator occupational analysis]; C --> D[Rationale for combined Applicator examination];
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Examination development process

Most recent Applicator occupational analysis

Rationale for combined Applicator examination

The Office of Professional Examination Services provides:

Professional consulting services in examination validation and development to DCA's boards, bureaus, and committees

Recommendations based on regulations, professional guidelines, and technical standards related to licensure examinations

Implementing Business and Professions Code § 139

*DCA Policy OPES 22-01 Licensure
Examination Validation*

*DCA Policy OPES 20-01 Participation in
Examination Development Workshops*

*DCA DPM OPES 22-01 Examination
Security*

*Standards for Educational and Psychological
Testing (2014)*



**SMEs of diverse
practice
backgrounds are
critical to ensure
validity**

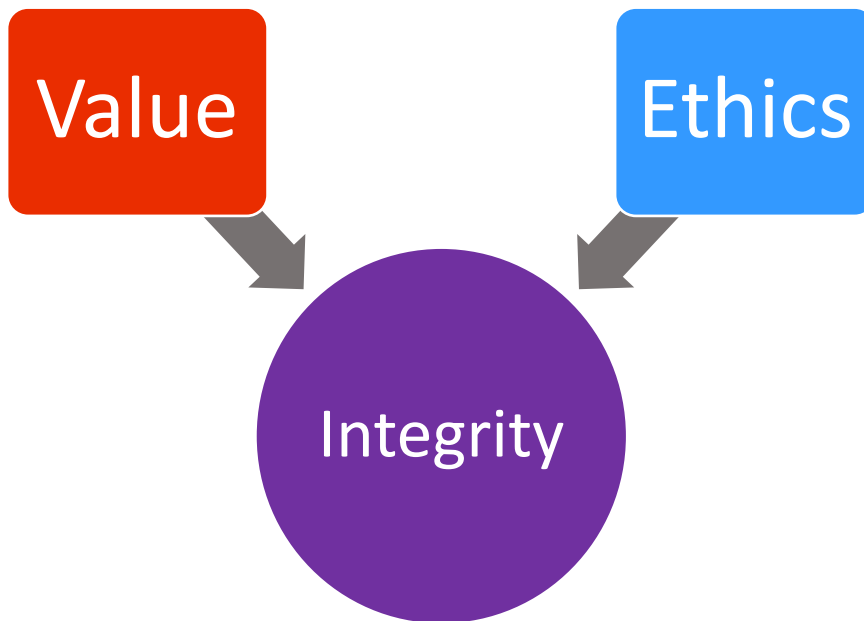


**Board recruits
sufficient number
of representative
SMEs**



**OPES facilitates
process and
ensures
psychometric
standards are met**

Subject Matter Experts: Ensuring quality and defensibility

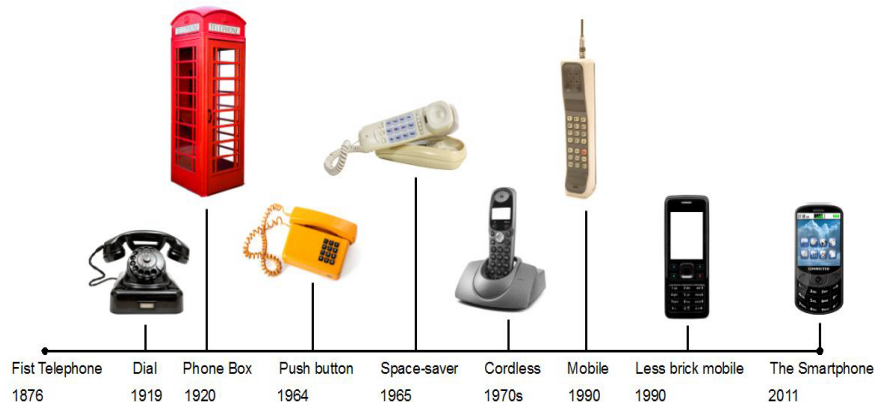


- Reflect the profession in specialty, type of practice, location, ethnicity, and gender
- Represent current practitioners
- Have a valid license in good standing
- Board members, committee members, and instructors should not serve as SMEs

Occupational Analyses should be performed every 5 years

Occupational analyses capture significant changes in a profession's tasks and job demands, scope of practice, equipment, technology, required knowledge, skills and abilities, or laws and regulations governing the profession.

The Evolution of the Telephone



seotrafficlab

Examination development cycle



Examination and item analysis

Examination Analysis

- How many candidates passed the test?
- How reliable is the test at determining who should pass and who should fail?
- Are any test takers behaving unusually or abnormally? If so, why?

Item Analysis

- How many people selected the correct answer?
- Did the high-scoring candidates select the correct answer?
- Did the low-scoring candidates select the incorrect answers?

**Provides a description of
current practice**

**Provides basis for
legislation and policy**

Occupational Analysis

**Provides the basis of job-
related, fair, and legally
defensible examinations**

**Establishes examination
validity by linking
examination content to
critical job competencies**

Occupational Analysis process



- **Researched the profession and reviewed previous OAs**



- **Conducted town hall meeting with stakeholders**



- **Developed task and knowledge statements with Applicator SMEs**



- **Reviewed task and knowledge statements with Branch 2 and 3 Field Representatives**



- **Developed examination content outline with Applicator SMEs**



- **Documented OA process**



Description of Applicator occupation

- **The Applicator occupation is defined in BPC § 8507.1:**
 - (a) (1) “Structural pest control applicator” is any individual who is licensed by the board to apply pesticides in Branch 2 or Branch 3 on behalf of a registered company.
 - (2) A structural pest control applicator shall not contract for pest control work or perform pest control work in his or her own behalf.
- (b) As used in this chapter, “applicator” refers to “structural pest control applicator.”

The Applicator occupation is further described in BCP § 8564.5:

- (b) The board shall ascertain by written examination that an applicant for a license as applicator in Branch 2 or Branch 3 has sufficient knowledge in pesticide equipment, pesticide mixing and formulation, pesticide application procedures and pesticide label directions.

Content areas for Applicator examination

2022 Examination Outline

1. Site Preparation and Understanding Label Information (15%)
2. Equipment Selection, Calibration, and Usage (14%)
3. Pesticide Application, Monitoring, and Maintenance (23%)
4. Environmental Protection Standards and Safety Procedures for Handling Pesticides, Materials, and Equipment (20%)
5. Personal Protection and Safety (16%)
6. Consumer Notification and Safety (12%)

Rationale for combined Applicator license examination

- **Previous OAs for Branch 2 and 3 Applicator showed very similar tasks**
- **Lack of enough unique task and knowledges to create individual Branch 2 and 3 exams**
- **Reduces examination development costs**
- **Allows applicators flexibility to work in both branches**
- **Efficient use of SMEs**

Any questions?



AGENDA ITEM 14
NATIONAL PEST MANAGEMENT
ASSOCIATION WOOD
DESTROYING INSECT INSPECTION
FORM 33 IN CALIFORNIA

Discussion and possible action on the use of
NPMA-33 Wood Destroying Insect Inspection Form
in California

†MEMORANDUM

DATE	June 29, 2023
TO	Members of the Structural Pest Control Board
FROM	Sophia Azar, Executive Officer Structural Pest Control Board
SUBJECT	Agenda Item #14: Discussion and Possible Action on the use of National Pest Management Association Wood Destroying Insect Inspection Form 33 in California

Background

During the March 9, 2023, Board meeting, a public comment was made regarding lenders requiring the use of Form NPMA-33 in California. They explained that the form is used during real estate transactions to identify wood destroying insects (WDI) and does not require identification of other wood destroying organism (WDO) damage, like dry rot. They emphasized the danger this may cause for home buyers, and how it primarily benefits lenders because the inspection could result in a report with no findings even if there is considerable dry rot (or other WDO) damage.

The Board subsequently directed staff to research this topic and report their findings, including any prior position the Board took on the use of the NPMA-33 in California.

Analysis

For states without prescribed procedures for pest inspections, the federal Department of Housing and Urban Development (HUD) requires a Wood Destroying Insect (WDI) inspection to be conducted for all HUD/Veteran Affairs guaranteed property transactions and requires the use of Form NPMA-33 to report inspection findings.

However, an NPMA document called Suggested Guidelines For Completing The Wood Destroying Insect Inspection Report – NPMA-33 Version 1.4 07/2021 (attachment 2), states the following:

*"If a state, through regulation or statute, requires the use of a state approved form and excludes the use of all other forms, the state mandated form must be used. If the state in which the inspection is conducted has prescribed procedures for inspections, those should be followed in conducting the inspection. **The NPMA-33 does not preempt state requirements for inspection practices and reporting.**"*

California Civil Code section 1099(a) provides that if required by the purchase contract or lender of a real estate transfer, the seller or the seller's agent(s) must deliver to the buyer a

copy of a report and written certification prepared by a registered structural pest control company, pursuant to Section 8516 of the Business and Professions Code. This form is prescribed in California Code of Regulations Title 16, Section 1996 – Form No. 43M-41, and is titled "Wood Destroying Pests and Organisms Inspection Report."

Recommendation

The Board consider echoing guidance issued in a prior memorandum (attachment 1) which specifies that California's law requires the use of a Wood Destroying Pests and Organisms Inspection Report and does not authorize the use of Form NPMA-33 by a Branch 3 licensee.

Attachment(s):

1. [May 4, 2005 SPCB Memorandum Regarding HUD's required use of National Pest Management Association's Insect Inspection Report Form NPMA-33](#)
2. [N/PMA's Suggested Guidelines For Completing The Wood Destroying Insect Inspection Report –NPMA-33 Version 1.4 07/2021](#)

MAY-04-2005 13:21
STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

DOA/STRUCTURAL PEST CNTRL
ADDRESS: 1415 HOWE AVENUE, SUITE 10, SACRAMENTO, CA 95825

916 263 2469 P.22
ADDRESS: 1415 HOWE AVENUE, SUITE 10, SACRAMENTO, CA 95825



STRUCTURAL PEST CONTROL BOARD

1415 HOWE AVENUE, SUITE 10, SACRAMENTO, CA 95825

Telephone Numbers:

Administration Unit (916) 561-8700
Examination/Licensing/Record Storage (916) 561-8704
Complaint Unit (916) 561-8708
FAX (916) 263-3469
www.pestboard.ca.gov



May 4, 2005

TO: All Registered Branch 3 Companies

RE: HUD's required use of National Pest Management Association's Insect
Inspection Report Form NPMA-33

Business and Professions Code Section 8516 provides that a written inspection report form approved by the Structural Pest Control Board shall be prepared after an inspection for the absence or presence of wood destroying pests or organisms. Section 8516 further identifies the information that must be included in the report.

Please be advised that Wood Destroying Insect Inspection Report Form (Form NPMA-33), developed by a national pest control industry association and recently adopted for use by the federal Department of Housing and Urban Development (HUD), has not been approved by the Structural Pest Control Board. Form NPMA-33 does not set forth the information required by California law.

Upon the completion of an inspection for the presence or absence of wood destroying pests or organisms, a Branch 3 licensee shall prepare and complete the report as specified in Section 8516 of the Business and Professions Code. State law does not authorize the use of Form NPMA-33 by a Branch 3 licensee.

SUGGESTED GUIDELINES FOR COMPLETING THE WOOD DESTROYING INSECT INSPECTION REPORT – NPMA-33 Version 1.4 07/2021

For updates to these instructions, visit www.npmapestworld.org

Form NPMA-33 MUST be used by wood destroying insect (WDI) inspectors to report the results of WDI inspections for any HUD/VA guaranteed property transactions. The NPMA-33 is also typically used for conventional transactions. If a state, through regulation or statute, requires the use of a state approved form and excludes the use of all other forms, the state mandated form must be used.

Under generally accepted practices, it is the responsibility of the inspector/inspecting company to inspect for and report on visible evidence of wood destroying insects, and visible damage. Inspected areas of the structure(s) may vary according to local and regulatory requirements and practices.

If the state in which the inspection is conducted has prescribed procedures for inspections, those should be followed in conducting the inspection. The NPMA-33 does not preempt state requirements for inspection practices and reporting. If no state guidance exists, the inspection procedures should be in accordance with this document.

Before starting the inspection process, inspectors should read and understand the NPMA-33.

Section I. General Information

This section is for reporting general information about the location of the inspection and the inspecting company. All boxes in this section must be filled out completely.

Inspection Company, Address, and Phone Number: Enter the business name, address and business phone number of the company performing and reporting the results of the inspection.

Company's Pest Control Business License Number: Enter the business license number of the company conducting the inspection. This is the state license to conduct pest control or pest inspections. In states where no such licenses are required, enter "Not issued by this state."

Date of Inspection: Enter the date on which the inspection was conducted. If it was done on more than one date, enter all dates that the property was inspected.

Address of Property Inspected: Enter the complete physical address of the property.

Inspector's Name, Signature & Certification, Registration, or License Number: Print the full name of the inspector who conducted the inspection. The inspector must then also sign the report and enter his/her certification, registration, or license number issued by the state pest/pesticide control regulatory agency.

Structure(s) Inspected: List all structures on the property that are part of the report (for example: "house and detached garage"). The person ordering the inspection should clearly specify which structures need to be inspected. It should be noted that HUD and VA normally require inspection of ALL structures on the property.

Any findings are restricted to visible evidence in, on, or under the structure including the structure itself and areas beneath any portion of the structure such as crawls, basements, and porches. Decks attached to the structure are considered part of the structure and should be inspected, however areas beneath decks and roof overhangs, adjacent mulch, landscape timbers, tree stumps, woodpiles, etc. should NOT be reported in this section. The inspector may wish to note WDI evidence observations found in these areas under Section V (Comments).

Section II. Inspection Findings

In this section, the results of the inspection are reported. Wood destroying insects, for the purpose of this inspection, include termites, carpenter ants, carpenter bees, and reinfesting wood boring beetles. If more room is needed, comments may be noted in Section V or by using attachments if such attachments are listed in Section V. The inspection reports conditions on the date of the inspection only and no warranty is provided by this report unless accompanied by an attachment and noted in Section V.

- A. No visible evidence of wood destroying insects was observed. Check this box if there is absolutely no visible evidence (past or present) of wood destroying insects in, on, or under the structure as defined above. This box should NOT be checked if there is any visible evidence of wood destroying insects.
- B. Visible evidence of wood destroying insects was observed as follows: Check this box if there is ANY visible evidence of wood destroying insects observed regardless of the extent or age of evidence. If box B is checked, at least one of the following boxes (1, 2, and/or 3) must be checked and an explanation, description, and location of the wood destroying insect evidence must be provided. More than one box may be checked, if appropriate.
 - 1. Live Insects (description and location): Check this box if live wood destroying insects were found. List the type and specify the general area(s) where the live insects were found. The areas listed should provide enough detail to direct other interested parties to the general area.
 - 2. Dead insects, insect parts, frass, shelter tubes, exit holes, or staining (description and location):
Check this box if dead insects, insect parts, frass, shelter tubes, exit holes, carton nests, fecal pellets, or staining (carpenter bee droppings or scraped termite tubes) were found. Describe the evidence and specify general area(s) where evidence was found.
 - 3. Visible damage from wood destroying insects noted in the following area(s):
Check this box and specify the general area(s) where the evidence was noted if visible damage caused by WDI was observed. The inspector should probe and/or sound readily accessible wood members. The inspector is not a damage expert; damage is nothing more than visible evidence of either current or previous infestation. The inspector should not distinguish between structural and cosmetic damage. The report clearly states, *"this is not a structural damage report"*. If the inspection company does provide damage evaluation and/or repair as an additional service, a separate contract should be attached and may be noted as an attachment in Section V.

Note that the next paragraph on the form clearly explains to the Buyer and Seller that damage, including hidden damage, may be present if box B is checked above. If any questions arise regarding damage reported, a qualified structural professional should be contacted.

Section III Recommendations

The lenders, real estate agents, buyers, and sellers are looking to the inspector to make a recommendation as to what corrective measures may be necessary or prudent. The inspector should use his/her knowledge, training, and expertise along with careful observation of the structure(s) being inspected when deciding if a treatment should be recommended. Note: Conducive conditions should not be listed in this section. HUD does not require reporting conditions conducive such as earth/wood contact. Conditions conducive to infestation are outlined in Section IV on page two of the form.

Live insects do not necessarily have to be observed during the inspection for the inspector to recommend a treatment. Examples may include fresh carpenter ant or powder post beetle frass, carpenter bee staining, or signs of termites with no documentation of previous treatment.

Treatment and warranty documentation provide important information that helps inspectors determine if a treatment should be recommended. Any documentation regarding treatments and/or warranties must be provided to the inspector at the time of inspection. If documentation is presented after the inspection report is completed, the inspector should not change the report but rather advise that the documentation be provided to the lender or appropriate parties.

Wood Destroying Insect Treatment Recommendations

All Termites

General Information Regarding All Termites

If live termites are observed in, on or under the structure, a treatment and/or corrective action should be recommended (regardless of whether or not the structure has been previously treated). If evidence of termites such as bodies, wings, fecal pellets, kickout holes, shelter tubes, carton nests, staining, or damage is observed and there is no documentation of treatment that indicates that the infestation has been addressed, then treatment and/or corrective action should be recommended.

Specifically Regarding Subterranean Termites (which includes Formosan termites)

Treatment and/or corrective action should also be recommended for a structure that has been treated previously and shows evidence of infestation, even if no live subterranean termites are observed, if documentation of a treatment performed by a licensed pest control company does not exist. Treatment or corrective action may be recommended if a documented treatment has occurred in the past unless the structure is under warranty or covered by a service agreement with a licensed pest control company. If any documentation is presented after the report is completed, the inspector should not change the report but rather advise that documentation be provided to the lender or appropriate parties.

If a termite bait system is installed but the inspector does not know whether the contract is current, the inspector may recommend a treatment for subterranean termites and should also note “unless there is a current baiting system service agreement in effect” or similar language. If any documentation is presented after the report is completed, the inspector should not change the report but rather advise that documentation be provided to the lender or appropriate parties.

Reinfesting Wood Boring Beetles

If live, adult beetles are found in, on, or under the structure, or if any life stage of beetles are found within the wood, then treatment and/or corrective action should be recommended. If evidence of wood infesting beetles such as bodies, frass, exit holes or damage is observed and there is no documentation of treatment that indicates that the infestation has been addressed, then treatment and/or corrective action may be recommended

Carpenter Ants

If live carpenter ants are observed in, on, or under the structure then a treatment and/or corrective action should be recommended. If bodies/body parts, wood debris or other “frass” from carpenter ants or damage is observed and there is no documentation of treatment that addressed such evidence, then treatment and/or corrective action may be recommended.

Carpenter Bees

If carpenter bees are observed in on or under a structure then treatment and/or corrective action should be recommended. If evidence of carpenter bees such as damage, entry holes, frass, staining etc. is observed and there is no documentation of treatment that addressed such evidence, then treatment and/or corrective action may be recommended.

Note: It should be understood that these treatment recommendations are suggested guidelines. Every inspection is different and there may be special situations, mitigating factors, or state regulations which could cause an inspector to make a recommendation that does not follow these general guidelines.

Section IV. Obstructions & Inaccessible Areas

Virtually every property will have some obstructed or inaccessible areas. Photos are recommended for future liability reduction but are not mandatory. The typical areas are listed with a key provided on the right side for ease of use. For example, if there were boxes stored against the wall in the basement, the walls were paneled, and there was ceiling tile, the box next to Basement would be checked and “1,3,7” would be listed. In addition, or in place of the key, a written description may be entered on the line. Additional areas may be listed under “Other” or in Section V.

Section V. Additional Comments and Attachments

List any additional comments from any section. This may include any pertinent information not previously listed such as documentation of previous treatment, photographs, or diagrams. Service agreement information, if any, should include the expiration date. If additional space is necessary, comments may be continued in an attachment and referenced on the Attachments line. List all attachments in this section. The Buyer will then know that there are important attachments to the report.

Signature of Buyer & Seller

The Buyer and Seller must sign and date the report. It is not the inspector's responsibility to obtain these signatures. These should be obtained at closing by the real estate agent or closing firm. The Seller's signature signifies that the Seller agrees that all pertinent property history regarding WDI infestation, damage, repair, and treatment has been disclosed to the Buyer. The Buyer signs the form to indicate that they acknowledge receipt of a copy of the report.

Page 2 - Important Consumer Information

This page contains information for the consumer which explains the scope and limitations of the inspection. Inspectors should read and understand all information on page two. In addition, a maintenance advisory regarding integrated pest management is detailed for the consumer. Both the Buyer and Seller should agree to any corrective action and responsibility for corrective action. Under no circumstances is the inspector responsible for corrective action unless provided by separate contract. A full understanding of the scope and limitations of the inspection cannot be gained without reading Page 2.

Form NPMA-33 is copyrighted and cannot be reproduced in any manner without written consent of NPMA. These Guidelines may be reproduced but may not be altered.

If your state or area requires a wood destroying organism report, NPMA has prepared a model of a Wood Destroying Organism Attachment to the Wood Destroying Insect Inspection Report. The attachment is designed to report wood decay fungus conditions. HUD and VA do NOT require an organism attachment as part of national requirements for HUD and VA loans. PMPs are free to adopt or alter the model Wood Destroying Organism Attachment for specific areas. It is not copyrighted and may be reproduced.

For a free copy of the model WDO Attachment, send a self-addressed stamped envelope to NPMA Model WDO Form, 10460 North Street, Fairfax, VA 22030 or visit www.npmapestworld.org.



AGENDA ITEM 15

LEGISLATION REPORT

- a. SB 813 (Roth) Structural Pest Control: Notice to Registrar
- b. SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing
- c. AB 307 (Chen) Structural Fumigation Enforcement Program
- d. AB 996 (Low) Department of Consumer Affairs: continuing education: conflict-of interest policy
- e. AB 363 (Bauer-Kahan) Pesticides: Neonicotinoids for Nonagricultural Use: Reevaluation: Control Measures
- f. AB 652 (Lee) Department of Pesticide Regulation Environmental Justice Advisory Committee
- g. SB 601 (McGuire) Professions and Vocations: Contractors: Home Improvement Contracts: Prohibited Business Practices: Limitation of Actions
- h. SB 802 (Roth) Licensing Boards: Disqualification from Licensure: Criminal Conviction
- i. SB 887 (Committee on Business professions and Economic Development) Consumer Affairs
- j. AB 883 (Mathis) Business Licenses: United States Department of Defense SkillBridge Program
- k. SB 372 (Menjivar) Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes
- l. AB 1101 (Flora) Building Standards: Exterior Elevated Elements: Inspection
- m. AB 1322 (Friedman) Pesticides: second-generation anticoagulant rodenticide: diphacinone



MEMORANDUM

DATE	June 29, 2023
TO	Members of the Structural Pest Control Board
FROM	Heather Jackson, Regulation & Legislative Program Specialist Structural Pest Control Board
SUBJECT	Agenda Item #15: Legislation Report

The 2023/24 Legislative summary included in the materials provides a summary of bills from the current Legislative session, grouped into two categories:

1. Structural Pest Control Board Legislation
Bills that could potentially impact SPCB and practice of structural pest control, regulation, or operations of the Board.
2. Department-Wide Legislation
Bills that could potentially have a department-wide impact or administrative impact to SPCB.

If the Board chooses to take a position on legislation, the definitions of SPCB's legislative positions are included in the materials (attachment 2).

Board staff received a request from the Pest Control Operators of California (PCOC) to take a stance on AB 1322 (Friedman). The letter (attachment 3) details their concerns with the bill and provides background on past related legislation.

Attachment(s):

1. 2023/24 Legislative Summary
 - a. Bill Digest/Text
2. Definition of SPCB's Legislative Positions
3. PCOC Request for Board Stance on AB 1322 (Friedman)

2023/24 Legislative Summary

Structural Pest Control Board | June 29, 2023

STRUCTURAL PEST CONTROL LEGISLATION

The following bills could potentially impact the Structural Pest Control Board (SPCB) and practice of structural pest control, regulation, or the operations of SPCB.

SB 813

Structural Pest Control Board

Author: Roth
Affected Section(s): CA Bus. & Prof. Code § 8571
Status: In Assembly. Set for hearing with Committee on Business and Professions on 7/11/2023.

Summary: This bill would extend the operation of the board and the authority to appoint an executive officer to January 1, 2028.

AB 307

Structural Fumigation Enforcement Program

Author: Chen
Affected Section(s): CA Bus. & Prof. Code § 8698.6
Status: In Senate Committee on Appropriations with the recommendation to consent calendar.

Summary: This bill would extend the sunset on the Structural Fumigation Enforcement Program (SFEP), from January 1, 2024, to January 1, 2029.

AB 363

Pesticides: Neonicotinoids for Nonagricultural Use: Reevaluation: Control Measures

Author: Bauer-Kahan
Affected Section(s): CA Food & Agriculture Code § 12838
Status: In Senate, referred to Committee on Rules for assignment.

Summary: This bill would require the Department of Pesticide Regulation (DPR) to issue a determination on or before July 1, 2024, with respect to a reevaluation of neonicotinoid pesticides when used on outdoor ornamental plants, trees, and turf, and to, on or before July 1, 2026, adopt control measures for those uses that are necessary to protect pollinating insects, aquatic ecosystems, and human health.

AB 652

Department of Pesticide Regulation Environmental Justice Advisory Committee

Author: Lee
Affected Section(s): CA Food & Agriculture Code § 11519
Status: In Senate, ordered to consent calendar. Read second time and amended. Ordered to second reading.

Summary: This bill would require the Department of Pesticide Regulation (DPR) to convene a DPR Environmental Justice Advisory Committee (EJ Advisory Committee) by January 1, 2025, to integrate environmental justice considerations into DPR's programs, policies, decision making, and activities.

2023/24 Legislative Summary

Structural Pest Control Board | June 29, 2023

AB 1101

Author:

Affected Section(s):

Status:

Summary:

Building Standards: Exterior Elevated Elements: Inspection

Flora

CA Health & Safety Code § 17973

Held in the Assembly, may be acted on in 2024.

This bill would authorize a structural pest control operator licensed by the Structural Pest Control Board with a minimum of 5 years of experience to perform exterior elevated elements inspections.

AB 1322

Author:

Affected Section(s):

Status:

Summary:

Pesticides: Second-generation Anticoagulant Rodenticide:

Diphacinone

Friedman

CA Food & Agriculture Code § 12978.7

In Senate, referred to Committees on Environmental Quality and Natural Resources and Water.

This bill would prohibit the use of the rodenticide diphacinone, as specified, until the director of the Department of Pesticide Regulation (DPR) takes specified actions.

DEPARTMENT-WIDE LEGISLATION

The following bills could potentially have a department-wide impact or administrative impact to SPCB.

SB 372

Author:

Affected Section(s):

Status:

Summary:

Department of Consumer Affairs: Licensee and Registrant Records: Name and Gender Changes

Menjivar

CA Bus. & Prof. Code § 27.5

In Assembly, referred to the Judiciary Committee and is in Business and Professions Committee. Set for hearing 6/20/23.

This bill would require a board to update a licensee or registrant's records, including records contained within an online license verification system, to include the licensee or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed.

SB 544

Author:

Affected Section(s):

Status:

Summary:

Bagley-Keene Open Meeting Act: Teleconferencing

Laird

CA Govt. Code § 11123

In Assembly, referred to Committee on Governmental Organization.

This bill would amend the Bagley-Keene Open Meeting Act to remove certain teleconference requirements, while ensuring remote public access to state body meetings via audio, online platforms, or physical attendance. This bill would also require procedures for accommodating individuals with disabilities and mandates disclosure of other individuals present with a member at a remote location, as specified.

2023/24 Legislative Summary

Structural Pest Control Board | June 29, 2023

SB 601

Professions and Vocations: Contractors: Home Improvement Contracts: Prohibited Business Practices: Limitation of Actions

Author: McGuire
Affected Section(s): CA Bus. & Prof. Code § 7159.5; CA Penal Code § 802
Status: In Assembly. Set for hearing with Committee on Business and Professions on 6/20/2023.

Summary: This bill would extend the statute of limitation for misdemeanor violations pertaining to misuse of a license, pursuant to Business and Professions Code section 119, from one year from violation to three years after discovery of the commission of the offense, or three years after completion of the offense, whichever is later. This bill makes other amendments specific to licensees regulated by the Contractors State License Board.

SB 802

Licensing Boards: Disqualification from Licensure: Criminal Conviction

Author: Roth
Affected Section(s): CA Bus. & Prof. Code § 480
Status: In Assembly. Set for hearing with Committee on Business and Professions on 7/11/2023.

Summary: This bill would require a board to notify the applicant, in writing within 30 days, if they decide to deny their application for licensure based on the applicant's conviction history.

SB 887

Consumer Affairs

Author: Committee on Business professions and Economic Development
Affected Section(s): 115.8, 472.4, 2530.3, 2532, 2532.5, 2535.4, 2537.3, 2538.20, 2538.21, 2538.27, 2538.28, 2538.30, 2538.32, 2538.33, 2538.34, 2538.36, 2538.40, 2538.49, 2538.50, 2538.51, 2538.56, 2539.1, 2539.6, 2710, 2728, 2732, 2732.1, 2733, 2734, 2736, 2746.8, 2759, 2760, 2761, 2762, 2765, 2770.11, 2770.7, 2780, 2785.6, 2800, 2811, 2811.5, 2816, 2826, 2828, 2830.6, 2833, 2836, 2838.1, 2838.2, 2915.4, 2915.5, 4427.8, 4846, 4861, 4875.3, 4989.14, 5017.1, 5017.5, 5022, 5028, 5037, 5051, 5053, 5057, 5058.2, 5058.3, 5058.4, 5060, 5063.3, 5070.7, 5076, 5082.4, 5094, 5096.20, 5096.21, 5103.5, 5104, 5107, 5121, 5134, 5550.3, 10471, and 21638.5 of, to amend, repeal, and add Section 7685.3 of, to add Section 4990.11 to, and to repeal Sections 2738, 5029, and 5092.1 of, the Business and Professions Code, and to amend Sections 94874.8, 94874.9, 94878, 94897, 94902, 94905, 94910, 94910.5, 94911, 94913, 94941, 94942, and 94949.73 of the Education Code, relating to consumer affairs.

Status: In Assembly. Set for hearing with Committee on Business and Professions on 7/11/2023.

Summary: This bill would make various technical and clarifying changes to programs within the Department of Consumer Affairs and the Department of Real Estate.

2023/24 Legislative Summary

Structural Pest Control Board | June 29, 2023

AB 883

Business Licenses: United States Department of Defense SkillBridge Program

Author: Mathis
Affected Section(s): CA Bus. & Prof. Code § 115.4
Status: In Senate. Set for hearing with Committee on Business and Professions and Economic Development on 6/12/2023.

Summary: This bill would require boards to expedite application processing for members of the military and honorably discharged veterans enrolled in the Department of Defense's SkillBridge program.

AB 996

Department of Consumer Affairs: continuing education: conflict-of-interest policy

Author: Low
Affected Section(s): CA Bus. & Prof. Code § 36
Status: In Senate. Set for hearing with Committee on Business and Professions and Economic Development on 6/12/2023.

Summary: This bill would require entities within the Department of Consumer Affairs, who are responsible for approving continuing education providers or courses, to develop and maintain a conflict-of-interest policy that discourages the use of any continuing education course, if the provider of that course has an economic interest in a commercial product or enterprise promoted in that course and requires conflicts to be disclosed at the beginning of each continuing education course.

AMENDED IN SENATE APRIL 27, 2023

SENATE BILL

No. 813

Introduced by Senator Roth

(Principal coauthor: Assembly Member Berman)

February 17, 2023

An act to amend ~~Section 8571~~ *Sections 8520 and 8528* of the Business and Professions Code, relating to structural pest control.

LEGISLATIVE COUNSEL'S DIGEST

SB 813, as amended, Roth. Structural pest control: notice to registrar. *Pest Control Board.*

Existing law establishes the Structural Pest Control Board ~~and the registrar of the Structural Pest Control Board~~, within the Department of Consumer Affairs, ~~and~~ requires the board to license and regulate structural pest control operators, as ~~specified~~. *specified, and authorizes the board to appoint a registrar to be the executive officer of the board. Existing law repeals those provisions on January 1, 2024, at which time the board is subject to review by the appropriate policy committees of the Legislature.* Existing law makes a violation of provisions regulating structural pest control operators a misdemeanor. ~~Existing law requires a registered company to notify the registrar in writing within 10 days when the licensed structural pest control operator who is designated as the qualifying manager for the company ceases to be connected with the company. Existing law suspends the registration of a company that fails to notify the registrar within that 10-day period, and requires the registration to be reinstated upon the filing of an affidavit with the registrar by a representative of the company, as provided.~~

This bill would ~~instead require a registered company to notify the registrar in writing within 7 business days when the licensed operator ceases to be connected with the company.~~ *extend the operation of the board and the authority to appoint an executive officer to January 1, 2028.* Because ~~an affidavit is required for the reinstatement of the company's registration, and this bill would expand the application of an existing crime of perjury by modifying by extending the above-described reporting requirement;~~ *misdemeanor*, this bill would create 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 no reimbursement is required by this act for a specified reason.

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. Section 8571 of the Business and Professions~~
2 ~~Code is amended to read:~~
3 ~~8571. If the licensed operator who is designated as the~~
4 ~~qualifying manager for a registered company ceases for any reason~~
5 ~~whatsoever to be connected with the company, the company shall~~
6 ~~notify the registrar in writing within seven business days from~~
7 ~~such cessation. If the notice is given the registration shall remain~~
8 ~~in force for a reasonable length of time, to be determined by rules~~
9 ~~of the board, during which period the company must submit to the~~
10 ~~registrar in writing the name of another qualified, or to be qualified,~~
11 ~~qualifying manager to replace the qualifying manager who has~~
12 ~~ceased to be connected with it, and who shall qualify as such within~~
13 ~~the time allowed by rules and regulations of the board.~~
14 ~~If the company fails to notify the registrar within the seven~~
15 ~~business day period, or fails to replace with a qualifying manager~~
16 ~~within the period fixed by the regulations of the board, at the end~~
17 ~~of the period the registration shall be ipso facto suspended. The~~
18 ~~registration shall be reinstated upon the filing of an affidavit,~~
19 ~~executed by a representative of the company, and filed with the~~
20 ~~registrar, to the effect that the qualifying manager who ceased to~~
21 ~~be connected with the company has been replaced by another~~

operator who is authorized by this chapter to act in such capacity, and that the operator has not had their license suspended or revoked or that the operator has not been connected with a company which has had its registration suspended or revoked.

SECTION 1. Section 8520 of the Business and Professions Code is amended to read:

8520. (a) There is in the Department of Consumer Affairs a Structural Pest Control Board, which consists of seven members.

(b) Subject to the jurisdiction conferred upon the director by Division 1 (commencing with Section 100), the board is vested with the power to and shall administer the provisions of this chapter.

(c) It is the intent of the Legislature that consumer protection is the primary mission of the board.

(d) This section shall remain in effect only until January 1, 2024, 2028, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2024, 2028, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

SEC. 2. Section 8528 of the Business and Professions Code is amended to read:

8528. (a) With the approval of the director, the board shall appoint a registrar, fix the registrar's compensation, and prescribe the registrar's duties.

(b) The registrar is the executive officer and secretary of the board.

(c) This section shall remain in effect only until January 1, 2024, 2028, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2024, 2028, deletes or extends that date.

~~SEC. 2.~~

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

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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ASSEMBLY BILL

No. 307

Introduced by Assembly Member Chen

January 26, 2023

An act to amend Section 8698.6 of the Business and Professions Code, relating to structural fumigation.

LEGISLATIVE COUNSEL'S DIGEST

AB 307, as introduced, Chen. Structural fumigation enforcement program.

Existing law, until January 1, 2024, establishes a structural fumigation enforcement program that requires the Director of the Department of Pesticide Regulation to provide oversight for the program. Existing law requires any company performing a structural fumigation in the Counties of Los Angeles, Orange, or Santa Clara to pay the county agricultural commissioner a specified fee for each fumigation conducted at a specific location. Existing law authorizes the commissioners of those counties to perform increased structural fumigation, inspection, and enforcement activities to be funded by the required fee. Existing law requires these funds to be paid to the county and used for the sole purpose of funding enforcement and training activities directly related to the structural fumigation program.

This bill would extend the operation of these provisions to January 1, 2029.

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

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

- 1 SECTION 1. Section 8698.6 of the Business and Professions
- 2 Code is amended to read:
- 3 8698.6. This chapter shall remain in effect only until January
- 4 1, ~~2024~~, 2029, and as of that date is repealed.

AMENDED IN ASSEMBLY MARCH 6, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 363

Introduced by Assembly Member Bauer-Kahan

February 1, 2023

An act to amend Section 12838 of the Food and Agricultural Code, relating to pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 363, as amended, Bauer-Kahan. Pesticides: neonicotinoids for nonagricultural use: reevaluation: ~~regulations~~; *control measures*.

Existing law generally regulates pesticide use by the Department of Pesticide Regulation, and requires the Director of Pesticide Regulation to endeavor to eliminate from use a pesticide that endangers the agricultural or nonagricultural environment. Existing law requires pesticides to be registered by the department, and requires that a pesticide be thoroughly evaluated prior to registration. Existing law provides for the continued evaluation of registered pesticides. Existing law requires the department, by July 1, 2018, to issue a determination with respect to its reevaluation of neonicotinoids and to adopt any control measures necessary to protect pollinator health within 2 years after making that determination. Existing law provides that every person who violates a provision of law or any regulation relating to pesticides is guilty of a misdemeanor and shall be punished by specified fines or by up to 6-months imprisonment, or both.

This bill would require the department, by July 1, 2024, ~~to publish a reevaluation of the latest science regarding the impacts of neonicotinoid pesticides; to issue a determination, taking into account the latest science, with respect to a reevaluation of neonicotinoids, as defined,~~

on pollinating insects, aquatic ecosystems, and human health when used for the nonagricultural protection of outdoor ornamental plants, trees, and turf, and, by July 1, 2026, to adopt ~~regulations governing control measures for~~ that use that are necessary to protect ~~the health of honeybees, native bees, and other~~ pollinating insects, aquatic ecosystems, and human health, as provided. The bill would require that the reevaluation consider the impacts to pollinating insects, aquatic ecosystems, and human health, including, except as provided, the cumulative impacts of exposure, which the bill would define for these purposes. ~~The bill would require the department to consult with the Office of Environmental Health Hazard Assessment (OEHHHA) in conducting its human health evaluation and to consider and adopt, or not adopt, all recommendations of OEHHHA, as provided.~~

By expanding the scope of a crime through the adoption of ~~regulations, control measures for the use of neonicotinoid pesticides~~, 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 no reimbursement is required by this act for a specified reason.

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. Section 12838 of the Food and Agricultural Code
2 is amended to read:
3 12838. (a) On or before July 1, 2018, the department shall
4 issue a determination with respect to its reevaluation of
5 neonicotinoids.
6 (b) (1) Within two years after making the determination
7 specified in subdivision (a), the department shall adopt any control
8 measures necessary to protect pollinator health.
9 (2) If the department is unable to adopt the necessary control
10 measures within two years as required in paragraph (1), the
11 department shall submit a report to the appropriate committees of
12 the Legislature setting forth the reasons the requirement of
13 paragraph (1) has not been met.

1 (3) The department shall update the report submitted to the
2 appropriate committees of the Legislature pursuant to paragraph
3 (2) every year until the department adopts the necessary control
4 measures specified in paragraph (1).

5 (c) (1) For purposes of this subdivision, “neonicotinoid
6 pesticide” means a pesticide containing acetamiprid, clothianidin,
7 dinotefuran, imidacloprid, thiamethoxam, or any other chemical
8 designated by the department as belonging to the neonicotinoid
9 class of chemicals.

10 (2) (A) On or before July 1, 2024, the department shall ~~publish~~
11 ~~a reevaluation of the latest science regarding the impacts of~~
12 ~~neonicotinoid pesticides when used for the protection of~~ *issue a*
13 *determination, taking into account the latest science, with respect*
14 *to a reevaluation of neonicotinoids when used on* outdoor
15 ornamental plants, trees, and turf.

16 (B) All of the following apply to the reevaluation:

17 (i) The reevaluation shall consider the impacts of neonicotinoid
18 pesticides ~~to~~ on pollinating insects, aquatic ecosystems, and human
19 health.

20 (ii) In performing the reevaluation, the department shall consider
21 the cumulative impacts of exposure to multiple neonicotinoid
22 pesticides unless the department can demonstrate with substantial
23 evidence that one or more neonicotinoid pesticides do not share a
24 common mechanism of toxicity and do not present risk of
25 cumulative harm. ~~“Cumulative~~ *For purposes of this subdivision,*
26 *“cumulative impacts of exposure” means the impact of exposure*
27 *to two or more neonicotinoid chemicals in the outdoor lawn or*
28 *garden environment, aggregated with the impacts of exposure to*
29 *any relevant neonicotinoid chemicals from sources other than lawn*
30 *or garden products.*

31 ~~(iii) In conducting its human health evaluation pursuant to this~~
32 ~~subdivision, the department shall consult with the Office of~~
33 ~~Environmental Health Hazard Assessment (OEHHA). The~~
34 ~~department shall consider all recommendations of OEHHA and~~
35 ~~issue a public notice explaining the decision by the department to~~
36 ~~adopt, or not adopt, each recommendation of OEHHA.~~

37 (iv)

38 (iii) The department is not required to conduct a reevaluation
39 of any use of neonicotinoid pesticides for the protection of

1 agricultural commodities, as defined in Section 6000 of Title 3 of
2 the California Code of Regulations.

3 (3) On or before July 1, 2026, the department shall adopt
4 ~~regulations governing the nonagricultural control measures for~~
5 ~~the use of neonicotinoid pesticides, as specified in paragraph (2),~~
6 ~~pesticides on outdoor ornamental plants, trees, and turf~~ that are
7 necessary to protect all of the following:

8 (A) ~~The health of honeybees, native bees, and other pollinating~~
9 ~~insects, Pollinating insects, including honeybees and native bees,~~
10 taking into account all relevant routes of exposure, including
11 exposure to contaminated pollen, nectar, soil, and water.

12 (B) Aquatic ecosystems, taking into account contamination of
13 surface or ground water.

14 (C) Human health, taking into account ~~aggregate~~ *the cumulative*
15 exposure of people to neonicotinoid pesticides from all sources.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

AMENDED IN ASSEMBLY MARCH 6, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 652

Introduced by Assembly Member Lee
(Coauthors: Assembly Members Bennett, Kalra, and Pellerin)
Pellerin, Connolly, McKinnor, and Zbur

February 9, 2023

An act to add Section 11519 to the Food and Agricultural Code, relating to the Department of Pesticide Regulation.

LEGISLATIVE COUNSEL'S DIGEST

AB 652, as amended, Lee. Department of Pesticide ~~Regulation:~~ *Regulation* Environmental Justice Advisory Committee.

Existing law, added by the Governor's Reorganization Plan No. 1 of 1991, creates the Department of Pesticide Regulation and authorizes the Director of Pesticide Regulation, among other things, to adopt regulations for the issuance and renewal of licenses and certificates for pest control operations. Existing law requires the director, on or after January 1, 2025, to adopt regulations for the issuance and renewal of licenses and certificates for pest control operations for a 3-year period.

This bill would require the department, by ~~July~~ *January* 1, 2025, to establish and convene ~~an environmental justice advisory committee; a Department of Pesticide Regulation Environmental Justice Advisory Committee~~, as provided, that would formally review the activities and programs under the jurisdiction of the department and that would provide recommendations ~~and identify best practices for improving community protections, compliance with regulations, and enforcement of timelines.~~ *to the department on ways to integrate environmental justice considerations into department programs, policies, decisionmaking,*

and activities, and on how the department can improve its communication with communities with the most significant exposure to pesticides. The bill would require the advisory committee to hold, at a minimum, quarterly meetings and to periodically post on the department's internet website its recommendations. The bill would also require the department to periodically post on its internet website an update on its efforts to incorporate the advisory committee's recommendations.

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

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

- 1 SECTION 1. Section 11519 is added to the Food and
2 Agricultural Code, to read:
3 11519. (a) ~~The department, in consultation with the California~~
4 ~~Air Resources Board Environmental Justice Advisory Committee,~~
5 *department* shall convene a Department of Pesticide Regulation
6 Environmental Justice Advisory Committee by ~~July~~ *January* 1,
7 2025.
8 (b) (1) The advisory committee shall be composed of ~~at least~~
9 *up to* 15 members, and shall include ~~environmental justice leaders,~~
10 ~~advocates of socially disadvantaged farmers or ranchers,~~
11 ~~representatives of Native American or tribal groups, farmworker~~
12 ~~advocates, and representatives from communities in the state with~~
13 ~~the most significant exposure to pesticides, including, but not~~
14 ~~limited to, community members living in both urban and rural~~
15 ~~regions with high pesticide use.~~ *the following:*
16 (A) *At least three environmental justice leaders who represent*
17 *rural and urban communities with the most significant exposure*
18 *to pesticides.*
19 (B) *At least three representatives of Native American, tribal, or*
20 *indigenous groups.*
21 (C) *At least two farmworker advocates.*
22 (D) *Up to two people with expertise in issues affecting socially*
23 *disadvantaged farmers or ranchers.*
24 (E) *Up to two agroecologists or biologists with an environmental*
25 *justice background.*

1 (2) *The advisory committee members shall represent*
2 *communities in the central coast, central valley, and southern and*
3 *northern California.*

4 (c) The department shall appoint the advisory committee
5 members from nominations received from environmental justice
6 organizations and community ~~groups~~. *groups through an open,*
7 *public process. After the initial establishment of the advisory*
8 *committee, future committee members shall be selected through a*
9 *majority vote of existing committee members at a noticed public*
10 *meeting of the advisory committee.*

11 (d) The advisory committee shall formally review the activities
12 and programs under the jurisdiction of the department, and shall
13 provide recommendations ~~and identify best practices for improving~~
14 ~~community protections, compliance with regulations, and~~
15 ~~enforcement of timelines and budget.~~ *to the department on ways*
16 *to integrate environmental justice considerations into department*
17 *programs, policies, decisionmaking, and activities, and on how*
18 *the department can improve its communication with communities*
19 *with the most significant exposure to pesticides.*

20 (e) (1) The members of the advisory committee may receive a
21 *reasonable* per diem allowance for each day's attendance at a
22 *noticed* meeting of the advisory committee.

23 (2) The members of the advisory committee may be reimbursed
24 for actual and necessary travel expenses incurred in connection
25 with their official duties.

26 (f) *The advisory committee members and the department's*
27 *Assistant Director for Environmental Justice and Equity shall*
28 *cofacilitate advisory committee meetings. The advisory committee*
29 *shall hold, at a minimum, quarterly public meetings, of which three*
30 *per year shall be held in communities with high pesticide use.*
31 *Members of the advisory committee shall be provided with a remote*
32 *call-in option. Language access shall be available to advisory*
33 *committee members and the public.*

34 (g) *The advisory committee shall periodically post, on the*
35 *department's internet website, its recommendations for the*
36 *department.*

37 (h) *The department shall periodically post, on its internet*
38 *website, an update on its efforts to incorporate the*
39 *recommendations of the advisory committee.*

40 (i) *For purposes of this section, the following definitions apply:*

1 (1) “Advisory committee” means the Department of Pesticide
2 Regulation Environmental Justice Advisory Committee established
3 pursuant to this section.

4 (2) “Department” means the Department of Pesticide
5 Regulation.

6 (3) “Socially disadvantaged farmer or rancher” has the same
7 meaning as defined in Section 512.

8

9

10 REVISIONS:

11 Heading—Line 2.

12

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AMENDED IN ASSEMBLY APRIL 13, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1101

Introduced by Assembly Member Flora

February 15, 2023

An act to amend Section 5551 of the Civil Code, and to amend Section 17973 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1101, as amended, Flora. Building standards: exterior elevated elements: inspection.

Existing law, the Davis-Stirling Common Interest Development Act, governs the management and operation of common interest developments. The act requires the board of an association of a condominium project to cause a visual inspection to be conducted, at least every 9 years, of the exterior elevated elements for which the association has maintenance or repair responsibility. Existing law requires the inspection to be conducted by a licensed structural engineer or architect.

This bill would additionally authorize a Branch 3 registered company registered with the Structural Pest Control Board with a minimum of 5 years of experience to conduct the inspection.

Existing law, the State Housing Law, authorizes an enforcement agency to enter and inspect any building or premises whenever necessary to secure compliance with, or prevent a violation of, the State Housing Law, the building standards published in the California Building Standards Code, and specified other rules and regulations. Existing law

requires exterior elevated elements that include load-bearing components in all buildings containing 3 or more multifamily dwelling units to be inspected, and requires that inspection to be performed by one of specified licensed individuals, including a licensed architect or a licensed civil or structural engineer.

This bill would additionally authorize a ~~structural pest control operator licensed by~~ *Branch 3 registered company registered with* the Structural Pest Control Board with a minimum of 5 years of experience to perform the inspection. To the extent the bill would impose additional enforcement duties on local enforcement entities, the 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 no reimbursement is required by this act for a specified reason.

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. Section 5551 of the Civil Code is amended to
2 read:

3 5551. (a) For purposes of this section, the following definitions
4 apply:

5 (1) “Associated waterproofing systems” include flashings,
6 membranes, coatings, and sealants that protect the load-bearing
7 components of exterior elevated elements from exposure to water.

8 (2) “Exterior elevated elements” mean the load-bearing
9 components together with their associated waterproofing system.

10 (3) “Load-bearing components” means those components that
11 extend beyond the exterior walls of the building to deliver structural
12 loads to the building from decks, balconies, stairways, walkways,
13 and their railings, that have a walking surface elevated more than
14 six feet above ground level, that are designed for human occupancy
15 or use, and that are supported in whole or in substantial part by
16 wood or wood-based products.

17 (4) “Statistically significant sample” means a sufficient number
18 of units inspected to provide 95 percent confidence that the results

1 from the sample are reflective of the whole, with a margin of error
2 of no greater than plus or minus 5 percent.

3 (5) "Visual inspection" means inspection through the least
4 intrusive method necessary to inspect load-bearing components,
5 including visual observation only or visual observation in
6 conjunction with, for example, the use of moisture meters,
7 borescopes, or infrared technology.

8 (b) (1) At least once every nine years, the board of an
9 association of a condominium project shall cause a reasonably
10 competent and diligent visual inspection to be conducted by a
11 licensed structural ~~engineer or architect~~ *engineer, a licensed*
12 *architect, or a Branch 3 registered company registered with the*
13 *Structural Pest Control Board with a minimum of five years of*
14 *experience* of a random and statistically significant sample of
15 exterior elevated elements for which the association has
16 maintenance or repair responsibility.

17 (2) The inspection shall determine whether the exterior elevated
18 elements are in a generally safe condition and performing in
19 accordance with applicable standards.

20 (c) Prior to conducting the first visual inspection, the inspector
21 shall generate a random list of the locations of each type of exterior
22 elevated element. The list shall include all exterior elevated
23 elements for which the association has maintenance or repair
24 responsibility. The list shall be provided to the association for
25 future use.

26 (d) The inspector shall perform the visual inspections in
27 accordance with the random list generated pursuant to subdivision
28 (c). If during the visual inspection the inspector observes building
29 conditions indicating that unintended water or water vapor has
30 passed into the associated waterproofing system, thereby creating
31 the potential for damage to the load-bearing components, then the
32 inspector may conduct a further inspection. The inspector shall
33 exercise their best professional judgment in determining the
34 necessity, scope, and breadth of any further inspection.

35 (e) Based upon the inspector's visual inspections, further
36 inspection, and construction and materials expertise, the inspector
37 shall issue a written report containing the following information:

38 (1) The identification of the building components comprising
39 the load-bearing components and associated waterproofing system.

(2) The current physical condition of the load-bearing components and associated waterproofing system, including whether the condition presents an immediate threat to the health and safety of the residents.

(3) The expected future performance and remaining useful life of the load-bearing components and associated waterproofing system.

(4) Recommendations for any necessary repair or replacement of the load-bearing components and associated waterproofing system.

(f) The report issued pursuant to subdivision (e) shall be stamped or signed by the inspector, presented to the board, and incorporated into the study required by Section 5550.

(g) (1) If, after inspection of any exterior elevated element, the inspector advises that the exterior elevated element poses an immediate threat to the safety of the occupants, the inspector shall provide a copy of the inspection report to the association immediately upon completion of the report, and to the local code enforcement agency within 15 days of completion of the report. Upon receiving the report, the association shall take preventive measures immediately, including preventing occupant access to the exterior elevated element until repairs have been inspected and approved by the local enforcement agency.

(2) Local enforcement agencies shall have the ability to recover enforcement costs associated with the requirements of this section from the association.

(h) Each subsequent visual inspection conducted under this section shall commence with the next exterior elevated element identified on the random list and shall proceed in order through the list.

(i) The first inspection shall be completed by January 1, 2025, and then every nine years thereafter in coordination with the reserve study inspection pursuant to Section 5550. All written reports shall be maintained for two inspection cycles as records of the association.

(j) (1) The association shall be responsible for complying with the requirements of this section.

(2) The continued and ongoing maintenance and repair of the load-bearing components and associated waterproofing systems in a safe, functional, and sanitary condition shall be the

responsibility of the association as required by the association's governing documents.

(k) The inspection of buildings for which a building permit application has been submitted on or after January 1, 2020, shall occur no later than six years following the issuance of a certificate of occupancy. The inspection shall otherwise comply with the provisions of this section.

(l) This section shall only apply to buildings containing three or more multifamily dwelling units.

(m) The association board may enact rules or bylaws imposing requirements greater than those imposed by this section.

(n) A local government or local enforcement agency may enact an ordinance or other rule imposing requirements greater than those imposed by this section.

SECTION 1.

SEC. 2. Section 17973 of the Health and Safety Code is amended to read:

17973. (a) Exterior elevated elements that include load-bearing components in all buildings containing three or more multifamily dwelling units shall be inspected. The inspection shall be performed by a licensed architect; a licensed civil or structural engineer; a building contractor holding any or all of the "A," "B," or "C-5" license classifications issued by the Contractors State License Board, with a minimum of five years of experience, as a holder of the aforementioned classifications or licenses, in constructing multistory wood frame buildings; ~~a structural pest control operator licensed by~~ *Branch 3 registered company registered with the* Structural Pest Control Board with a minimum of five years of experience; or an individual certified as a building inspector or building official from a recognized state, national, or international association, as determined by the local jurisdiction. These individuals shall not be employed by the local jurisdiction while performing these inspections. The purpose of the inspection is to determine that exterior elevated elements and their associated waterproofing elements are in a generally safe condition, adequate working order, and free from any hazardous condition caused by fungus, deterioration, decay, or improper alteration to the extent that the life, limb, health, property, safety, or welfare of the public or the occupants is not endangered. The person or business

1 performing the inspection shall be hired by the owner of the
2 building.

3 (b) For purposes of this section, the following terms have the
4 following definitions:

5 (1) “Associated waterproofing elements” include flashings,
6 membranes, coatings, and sealants that protect the load-bearing
7 components of exterior elevated elements from exposure to water
8 and the elements.

9 (2) “Exterior elevated element” means the following types of
10 structures, including their supports and railings: balconies, decks,
11 porches, stairways, walkways, and entry structures that extend
12 beyond exterior walls of the building and which have a walking
13 surface that is elevated more than six feet above ground level, are
14 designed for human occupancy or use, and rely in whole or in
15 substantial part on wood or wood-based products for structural
16 support or stability of the exterior elevated element.

17 (3) “Load-bearing components” are those components that
18 extend beyond the exterior walls of the building to deliver structural
19 loads from the exterior elevated element to the building.

20 (c) The inspection required by this section shall at a minimum
21 include:

22 (1) Identification of each type of exterior elevated element that,
23 if found to be defective, decayed, or deteriorated to the extent that
24 it does not meet its load requirements, would, in the opinion of the
25 inspector, constitute a threat to the health or safety of the occupants.

26 (2) Assessment of the load-bearing components and associated
27 waterproofing elements of the exterior elevated elements identified
28 in paragraph (1) using methods allowing for evaluation of their
29 performance by direct visual examination or comparable means
30 of evaluating their performance. For purposes of this section, a
31 sample of at least 15 percent of each type of exterior elevated
32 element shall be inspected.

33 (3) The evaluation and assessment shall address each of the
34 following as of the date of the evaluation:

35 (A) The current condition of the exterior elevated elements.

36 (B) Expectations of future performance and projected service
37 life.

38 (C) Recommendations of any further inspection necessary.

39 (4) A written report of the evaluation stamped or signed by the
40 inspector presented to the owner of the building or the owner’s

1 designated agent within 45 days of completion of the inspection.
2 The report shall include photographs, any test results, and narrative
3 sufficient to establish a baseline of the condition of the components
4 inspected that can be compared to the results of subsequent
5 inspections. In addition to the evaluation required by this section,
6 the report shall advise which, if any, exterior elevated element
7 poses an immediate threat to the safety of the occupants, and
8 whether preventing occupant access or conducting emergency
9 repairs, including shoring, are necessary.

10 (d) The inspection shall be completed by January 1, 2025, and
11 by January 1 every six years thereafter. The inspector conducting
12 the inspection shall produce an initial report pursuant to paragraph
13 (4) of subdivision (c) and, if requested by the owner, a final report
14 indicating that any required repairs have been completed. A copy
15 of any report that recommends immediate repairs, advises that any
16 building assembly poses an immediate threat to the safety of the
17 occupants, or that preventing occupant access or emergency repairs,
18 including shoring, are necessary, shall be provided by the inspector
19 to the owner of the building and to the local enforcement agency
20 within 15 days of completion of the report. Subsequent inspection
21 reports shall incorporate copies of prior inspection reports,
22 including the locations of the exterior elevated elements inspected.
23 Local enforcement agencies may determine whether any additional
24 information is to be provided in the report and may require a copy
25 of the initial or final reports, or both, be submitted to the local
26 jurisdiction. Copies of all inspection reports shall be maintained
27 in the building owner's permanent records for not less than two
28 inspection cycles, and shall be disclosed and delivered to the buyer
29 at the time of any subsequent sale of the building.

30 (e) The inspection of buildings for which a building permit
31 application has been submitted on or after January 1, 2019, shall
32 occur no later than six years following issuance of a certificate of
33 occupancy from the local jurisdiction and shall otherwise comply
34 with the provisions of this section.

35 (f) If the property was inspected within three years before
36 January 1, 2019, by an inspector as described in subdivision (a)
37 and a report of that inspector was issued stating that the exterior
38 elevated elements and associated waterproofing elements are in
39 proper working condition and do not pose a threat to the health

1 and safety of the public, no new inspection pursuant to this section
2 shall be required until January 1, 2025.

3 (g) An exterior elevated element found by the inspector that is
4 in need of repair or replacement shall be corrected by the owner
5 of the building. All necessary permits for repair or replacement
6 shall be obtained from the local jurisdiction. All repair and
7 replacement work shall be performed by a qualified and licensed
8 contractor in compliance with all of the following:

9 (1) The recommendations of a licensed professional described
10 in subdivision (a).

11 (2) Any applicable manufacturer's specifications.

12 (3) The California Building Standards Code, consistent with
13 subdivision (d) of Section 17922 of the Health and Safety Code.

14 (4) All local jurisdictional requirements.

15 (h) (1) An exterior elevated element that the inspector advises
16 poses an immediate threat to the safety of the occupants, or finds
17 preventing occupant access or emergency repairs, including
18 shoring, or both, are necessary, shall be considered an emergency
19 condition and the owner of the building shall perform required
20 preventive measures immediately. Immediately preventing
21 occupant access to the exterior elevated element until emergency
22 repairs can be completed constitutes compliance with this
23 paragraph. Repairs of emergency conditions shall comply with the
24 requirements of subdivision (g), be inspected by the inspector, and
25 reported to the local enforcement agency.

26 (2) The owner of the building requiring corrective work to an
27 exterior elevated element that, in the opinion of the inspector, does
28 not pose an immediate threat to the safety of the occupants, shall
29 apply for a permit within 120 days of receipt of the inspection
30 report. Once the permit is approved, the owner of the building
31 shall have 120 days to make the repairs unless an extension of time
32 is granted by the local enforcement agency.

33 (i) (1) The owner of the building shall be responsible for
34 complying with the requirements of this section.

35 (2) If the owner of the building does not comply with the repair
36 requirements within 180 days, the inspector shall notify the local
37 enforcement agency and the owner of the building. If within 30
38 days of the date of the notice the repairs are not completed, the
39 owner of the building shall be assessed a civil penalty based on
40 the fee schedule set by the local authority of not less than one

1 hundred dollars (\$100) nor more than five hundred dollars (\$500)
2 per day until the repairs are completed, unless an extension of time
3 is granted by the local enforcement agency.

4 (3) If a civil penalty is assessed pursuant to this section, a
5 building safety lien may be recorded in the county recorder's office
6 by the local jurisdiction in the county in which the parcel of land
7 is located and from the date of recording shall have the force,
8 effect, and priority of a judgment lien.

9 (j) (1) A building safety lien authorized by this section shall
10 specify the amount of the lien, the name of the agency on whose
11 behalf the lien is imposed, the street address, the legal description
12 and assessor's parcel number of the parcel on which the lien is
13 imposed, and the name and address of the recorded owner of the
14 building.

15 (2) If the lien is discharged, released, or satisfied, either through
16 payment or foreclosure, notice of the discharge containing the
17 information specified in paragraph (1) shall be recorded by the
18 governmental agency. A safety lien and the release of the lien shall
19 be indexed in the grantor-grantee index.

20 (3) A building safety lien may be foreclosed by an action
21 brought by the appropriate local jurisdiction for a money judgment.

22 (4) Notwithstanding any other law, the county recorder may
23 impose a fee on the city to reimburse the costs of processing and
24 recording the lien and providing notice to the owner of the building.
25 A city may recover from the owner of the building any costs
26 incurred regarding the processing and recording of the lien and
27 providing notice to the owner of the building as part of its
28 foreclosure action to enforce the lien.

29 (k) The continued and ongoing maintenance of exterior elevated
30 elements in a safe and functional condition in compliance with
31 these provisions shall be the responsibility of the owner of the
32 building.

33 (l) Local enforcement agencies shall have the ability to recover
34 enforcement costs associated with the requirements of this section.

35 (m) For any building subject to the provisions of this section
36 that is proposed for conversion to condominiums to be sold to the
37 public after January 1, 2019, the inspection required by this section
38 shall be conducted before the first close of escrow of a separate
39 interest in the project and shall include the inspector's
40 recommendations for repair or replacement of any exterior elevated

1 element found to be defective, decayed, or deteriorated to the extent
2 that it does not meet its load requirements, and would, in the
3 opinion of the inspector, constitute a threat to the health or safety
4 of the occupants. The inspection report and written confirmation
5 by the inspector that any repairs or replacements recommended
6 by the inspector have been completed shall be submitted to the
7 Department of Real Estate by the proponent of the conversion and
8 shall be a condition to the issuance of the final public report. A
9 complete copy of the inspection report and written confirmation
10 by the inspector that any repairs or replacements recommended
11 by the inspector have been completed shall be included with the
12 written statement of defects required by Section 1134 of the Civil
13 Code, and provided to the local jurisdiction in which the project
14 is located. The inspection, report, and confirmation of completed
15 repairs shall be a condition of the issuance of a final inspection or
16 certificate of occupancy by the local jurisdiction.

17 (n) This section shall not apply to a common interest
18 development, as defined in Section 4100 of the Civil Code.

19 (o) The governing body of any city, county, or city and county,
20 may enact ordinances or laws imposing requirements greater than
21 those imposed by this section.

22 ~~SEC. 2.~~

23 *SEC. 3.* No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 a local agency or school district has the authority to levy service
26 charges, fees, or assessments sufficient to pay for the program or
27 level of service mandated by this act, within the meaning of Section
28 17556 of the Government Code.

AMENDED IN ASSEMBLY APRIL 25, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1322

Introduced by Assembly Member Friedman

February 16, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1322, as amended, Friedman. Pesticides: *second-generation anticoagulant rodenticide*: diphacinone.

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 ~~second-generation~~ *second-generation* anticoagulant rodenticides in wildlife habitat areas. Existing law additionally prohibits the use of ~~second-generation~~ *second-generation* anticoagulant rodenticides, as defined, in the state until the director certifies to the Secretary of State that, among other things, the Department of Pesticide Regulation, in consultation with the Department of Fish and Wildlife, has adopted any additional restrictions necessary to ensure that continued use of ~~second-generation~~ *second-generation* anticoagulant rodenticides is not reasonably expected to result in significant adverse effects to nontarget wildlife, as provided. Existing law exempts the use of ~~second-generation~~ *second-generation* anticoagulant rodenticides from these prohibitions under certain circumstances. 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 also prohibit the use of diphacinone in a wildlife habitat area and in the state and would *generally* apply the above provisions to diphacinone. The bill would change the above-described condition required for the director to make the certification to the Secretary of State to instead provide that the Department of Pesticide Regulation, in consultation ~~with~~ *with, and with the concurrence of*, the Department of Fish and Wildlife, has adopted any additional ~~restrictions~~ *restrictions, including a requirement to implement integrated pest management procedures before the use of second-generation anticoagulant rodenticides*, necessary to ensure that ~~fewer~~ *less* than 10% of a *scientifically representative sample of* individuals of specified species ~~have~~ *has* a detectable level of any ~~second-generation~~ *second-generation anticoagulant rodenticide, diphacinone, rodenticide* or any of ~~their~~ *its* metabolites in blood samples, as provided. *The bill would also set forth similar conditions for the director to make the certification with respect to diphacinone, as provided.*

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

1 irreplaceable part of California's natural ecosystems. As predators
2 of small mammals, they play an important role in regulating and
3 controlling the population of rodents throughout the state to
4 improve public health and welfare.

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

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

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

15 (5) Consistent with this obligation, and as set forth in Executive
16 Order No. N-82-20, it is the policy of the state to conserve at least
17 30 percent of California's land and coastal waters by 2030 in a
18 manner that protects and restores biodiversity, enables enduring
19 conservation measures on a broad range of landscapes, builds
20 climate resilience, reduces risk from extreme climate events, and
21 contributes to the state's efforts to combat climate change.

22 (6) Protection and restoration of biodiversity consistent with
23 Executive Order No. N-82-20 requires implementation of
24 science-based measures to limit the use of anticoagulant
25 rodenticides, which cause direct mortality and chronic long-term
26 health impacts for natural predators, nontarget organisms, and
27 endangered species.

28 (7) ~~Second-generation~~ *Second-generation* anticoagulant
29 rodenticides (SGARs) are particularly dangerous to nontarget
30 wildlife as SGARs are higher potency than prior generations and
31 a single dose has a half-life of more than 100 days in a rodent's
32 liver. Due to high toxicity and concern for impact on nontarget
33 wildlife, the Legislature enacted the California Ecosystems
34 Protection Act of 2020 (Assembly Bill 1788) to restrict the use of
35 SGARs until further study is conducted. Since the implementation
36 of Assembly Bill 1788 in January 2021, the California Department
37 of Fish and Wildlife has continued to document the presence of
38 SGARs in nontarget wildlife and more data and analysis is required
39 to determine whether additional restrictions are necessary to protect
40 wildlife and ecosystems.

(8) Diphacinone is a first generation anticoagulant rodenticide (FGAR) that is commonly used and sold throughout the state and is the most frequently detected FGAR in nontarget wildlife. In a 16-year study of urban bobcats in Los Angeles, diphacinone was detected in approximately 30 percent of the blood samples tested and 40 percent of the liver samples tested. Exposure to diphacinone results in both lethal and sublethal effects on nontarget wildlife, including causing severe skin diseases and decreasing the immune system's response.

(9) Mountain lions in southern California are facing what scientists call an "extinction vortex" caused by lack of habitat connectivity, vehicle strikes, and rodenticide poisoning. National Park Service researchers have documented the presence of SGARs or FGARs in 39 out of 40 mountain lions tested in the Santa Monica Mountains. Rodenticide poisoning is so pervasive that in September 2022, the four unborn kittens of a pregnant mountain lion named P-54 tested positive for SGARs and FGARs, including diphacinone. Another female mountain lion, P-65, died in 2022 of severe mange, and five anticoagulant rodenticide compounds were found in her liver, including SGARs and diphacinone. Research demonstrates a strong correlation between severe mange and the level of exposure to anticoagulant rodenticides.

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

(b) It is the intent of the Legislature in enacting this act to ensure that the use of anticoagulant rodenticides that are harmful to aquatic, terrestrial, and avian wildlife species be appropriately restricted in order to protect and restore the state's biodiversity.

(c) This act shall be known, and may be cited, as the California Ecosystems Protection Act of 2023.

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

12978.7. (a) For purposes of this section, the following terms have the following meanings:

(1) "*Diphacinone*" means any pesticide product containing diphacinone.

(2) "*Integrated pest management*" has the same meaning as defined in Section 14717 of the Government Code.

~~(1) "Second generation~~

(3) “*Second-generation* anticoagulant rodenticide” means any pesticide product containing any of the following active ingredients:

- (A) Brodifacoum.
- (B) Bromadiolone.
- (C) Difenacoum.
- (D) Difethialone.

~~(2) “Diphacinone” means any pesticide product containing diphacinone.~~

~~(3)~~

(4) “Wildlife habitat area” means any state park, state wildlife refuge, or state conservancy.

(b) Except as provided in subdivision ~~(e)~~, (f), and notwithstanding subdivision (c), the use of any ~~second-generation~~ *second-generation* anticoagulant rodenticide or diphacinone is prohibited in a wildlife habitat area.

(c) Except as provided in subdivision ~~(e)~~ (f) or ~~(f)~~, (g), the use of any ~~second-generation~~ *second-generation* anticoagulant rodenticide ~~or diphacinone~~ is prohibited in this state until the director makes the certification described in subdivision ~~(g)~~ (h).

(d) Except as provided in subdivision (f) or (g), the use of diphacinone is prohibited in this state until the director makes the certification described in subdivision (i).

~~(d)~~

(e) State agencies are directed to encourage federal agencies to comply with subdivisions (b) ~~and (e)~~: to (d), inclusive.

~~(e)~~

(f) This section does not apply to any of the following:

(1) The use of ~~second-generation~~ *second-generation* anticoagulant rodenticides or diphacinone by any governmental agency employee who complies with Section 106925 of the Health and Safety Code, who uses ~~second-generation~~ *second-generation* anticoagulant rodenticides or diphacinone for public health activities.

(2) The use of ~~second-generation~~ *second-generation* anticoagulant rodenticides or diphacinone otherwise prohibited by this section when used by any governmental agency employee for the purposes of protecting water supply infrastructure and facilities in a manner that is consistent with all otherwise applicable federal and state laws and regulations.

(3) The use of ~~any second-generation~~ *second-generation* anticoagulant rodenticides or diphacinone by a mosquito or vector control district formed under Chapter 1 (commencing with Section 2000) of Division 3 or Chapter 8 (commencing with Section 2800) of Division 3 of the Health and Safety Code to protect the public health.

(4) The use of any ~~second-generation~~ *second-generation* anticoagulant rodenticides or diphacinone 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.

(5) The use of any ~~second-generation~~ *second-generation* anticoagulant rodenticide or diphacinone that the Department of Fish and Wildlife determines is required to control or eradicate an invasive rodent population for the protection of threatened or endangered species or their habitats.

(6) The use of any ~~second-generation~~ *second-generation* anticoagulant rodenticide or diphacinone to control an actual or potential rodent infestation associated with a public health need, as determined by a supporting declaration from the State Public Health Officer or a local public health officer. For purposes of this section, a public health need is an urgent, nonroutine situation posing a significant risk to human health in which it is documented that other rodent control alternatives, including nonchemical alternatives, are inadequate to control the rodent infestation.

(7) The use of any ~~second-generation~~ *second-generation* anticoagulant rodenticide or diphacinone for research purposes related to the reevaluation described in paragraph (1) of subdivision ~~(g)~~ *(h) or paragraph (1) of subdivision (i)*. Before using a second generation anticoagulant rodenticide or diphacinone in the manner described in this paragraph, a written authorization for research shall be obtained from the director. The director may specify the conditions in the authorization for research under which the research shall be conducted. The director may terminate, amend, or refuse to issue an authorization for research if the director determines any of the following:

(A) The research may involve a hazard to the environment.

(B) The research may be used for purposes unrelated to pesticide data development.

1 (C) A violation of the authorization for research, prior
2 authorization for research, or Division 6 (commencing with Section
3 11401) or this division, or a regulation adopted pursuant to either
4 or both of those divisions, has occurred in connection with the
5 research.

6 ~~(f)~~

7 (g) (1) This section does not apply to the use of second
8 generation anticoagulant rodenticides or diphacinone in either of
9 the following locations:

10 (A) A medical waste generator, as defined in Section 117705
11 of the Health and Safety Code.

12 (B) A facility registered annually and subject to inspection under
13 Section 510 of the Federal Food, Drug, and Cosmetic Act (21
14 U.S.C. Sec. 360 et seq.) and compliant with the Federal Insecticide,
15 Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.).

16 (2) This section does not apply to the use of ~~second-generation~~
17 *second-generation* anticoagulant rodenticides or diphacinone for
18 agricultural activities, as defined in Section 564.

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

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

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

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

26 (D) An agricultural production site housing water storage and
27 conveyance facilities.

28 (E) An agricultural production site housing rights-of-way and
29 other transportation infrastructure.

30 ~~(g)~~

31 (h) After the director determines that both of the following
32 conditions have occurred, the director shall certify to the Secretary
33 of State that determination:

34 (1) The department has completed the reevaluation of second
35 generation anticoagulant rodenticides, as commenced by the
36 department on March 12, 2019, pursuant to California Notice
37 2019-03 “(Notice of Final Decision to Begin Reevaluation of
38 Second-Generation Anticoagulant Rodenticides).”

39 (2) Consistent with the requirements of this division and
40 regulations adopted pursuant to this division, the department has

1 adopted any additional ~~restrictions~~ *restrictions, including, but not*
2 *limited to, a requirement to implement integrated pest management*
3 *procedures before the use of second-generation anticoagulant*
4 *rodenticides, that are necessary to ensure that fewer less than 10*
5 *percent of a scientifically representative sample of individuals of*
6 *rare, sensitive, special status, threatened, or and endangered*
7 *species, which are scientifically representative of the diversity of*
8 *the statewide population of each respective species, have species*
9 *has a detectable level of any second-generation second-generation*
10 *anticoagulant rodenticide, diphacinone, rodenticide or any of their*
11 *its metabolites in blood samples. Substantial evidence supporting*
12 *the restrictions shall include analysis regarding alternatives to*
13 *anticoagulant rodenticides, exposure pathways, sublethal effects,*
14 *species sensitivity, and the cumulative and synergistic effects of*
15 *exposures to registered rodenticides. The department, in*
16 *concurrence with the Department of Fish and Wildlife, shall make*
17 *that finding based upon the best available science, which may*
18 *include reviewing data and studying samples of certain species*
19 *and their populations as proxies for all potentially impacted species*
20 *and populations. Any restrictions described in this paragraph shall*
21 *be developed in consultation with with, and with the concurrence*
22 *of, the Department of Fish and Wildlife.*

23 (i) *After the director determines that both of the following*
24 *conditions have occurred, the director shall certify to the Secretary*
25 *of State that determination:*

26 (1) *The department has completed any pending reevaluation of*
27 *diphacinone.*

28 (2) *Consistent with the requirements of this division and*
29 *regulations adopted pursuant to this division, the department has,*
30 *in consultation with, and with the concurrence of, the Department*
31 *of Fish and Wildlife, developed and adopted any additional*
32 *restrictions necessary to ensure that less than 10 percent of a*
33 *scientifically representative sample of individuals of rare, sensitive,*
34 *special status, threatened, and endangered species has a detectable*
35 *level of diphacinone or any of its metabolites in blood samples.*
36 *The department, in concurrence with the Department of Fish and*
37 *Wildlife, shall make that finding based upon the best available*
38 *science, which may include reviewing data and studying samples*
39 *of certain species and their populations as proxies for all*
40 *potentially impacted species and populations. Substantial evidence*

1 *supporting the restrictions shall include, but is not limited to,*
2 *analysis regarding both of the following:*

3 *(A) Exposure pathways, sublethal effects, species sensitivity,*
4 *and the cumulative and synergistic effects of exposure to*
5 *anticoagulant rodenticides, including lethal and sublethal effects*
6 *on rare, sensitive, special status, threatened, or endangered*
7 *species.*

8 *(B) Alternatives to anticoagulant rodenticides, including a*
9 *requirement to implement integrated pest management procedures*
10 *before the use of diphacinone.*

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution for certain
13 costs that may be incurred by a local agency or school district
14 because, in that regard, this act creates a new crime or infraction,
15 eliminates a crime or infraction, or changes the penalty for a crime
16 or infraction, within the meaning of Section 17556 of the
17 Government Code, or changes the definition of a crime within the
18 meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 However, if the Commission on State Mandates determines that
21 this act contains other costs mandated by the state, reimbursement
22 to local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.

Definition of SPCB's Legislative Positions

Structural Pest Control Board

The Board may adopt the following positions regarding pending or proposed legislation.

OPPOSE

The Board will actively oppose proposed legislation and demonstrate opposition through letters, testimony, and other action necessary to communicate the oppose position taken by the Board.

OPPOSE, UNLESS AMENDED

The Board will take an opposed position and actively lobby the Legislature to amend the proposed legislation.

NEUTRAL

The Board neither supports nor opposes the addition/ amendment/repeal of the statutory provision(s) set forth by the bill.

WATCH

The watch position adopted by the Board will indicate concern regarding the proposed legislation. Board staff and members will closely monitor the progress of the proposed legislation and amendments.

SUPPORT, IF AMENDED

The Board will take a supportive position and actively lobby the Legislature to amend the proposed legislation.

SUPPORT

The Board will actively support proposed legislation and demonstrate support through letter, testimony, and any other action necessary to communicate the support position taken by the Board.



PEST CONTROL OPERATORS OF CALIFORNIA

June 12, 2023

Dear Honorable Board Members,

I am writing to respectfully request your opposition to AB 1322 (Friedman), which pertains to the Structural Pest Control Board and the use of diphacinone. While this bill aims to build upon the existing restrictions on rodenticides established by AB 1788 (Bloom), it goes beyond merely adding additional requirements for using these products.

One particular concern with this bill is its definition of Integrated Pest Management (IPM), which contradicts the definition already established in the Structural Pest Control Act (§1984). Industry experts, regulators, environmental justice activist groups and other stakeholders crafted the existing definition through careful collaboration. The Board currently uses this definition in enforcement actions, as well as in testing, continuing education, and study materials. Introducing a new definition only raises uncertainty among licensees and enforcement personnel regarding which definition is proper to use.

Regarding second-generation anti-coagulant rodenticides (SGARs), this bill also alters the goalposts for the ongoing re-evaluation process conducted by the Department of Pesticide Regulation (DPR). AB 1788 already imposed restrictions on SGARs and stated that DPR can lift these restrictions upon completion of the re-evaluation. However, AB 1322 changes the desired outcome of the re-evaluation, setting a new goal for DPR that has never been previously established.

Furthermore, this bill addresses the use of diphacinone, a first-generation anti-coagulant rodenticide. This legislation suspends diphacinone use until the conclusion of the product's re-evaluation. Furthermore, the measure sets the same end points as those established for SGARs. Notably, DPR recently proposed to initiate a re-evaluation of diphacinone. Thus, this section of the bill duplicates efforts and imposes unnecessary costs on DPR.

Over the years, the Board has funded scientific research studies conducted by Dr. Niamh Quinn, which have examined the use and distribution of rodenticides in urban areas. These studies have involved significant financial investments and taken years to complete, with one study currently underway. AB 1322 has the potential to render these efforts meaningless and impose restrictions that lack scientific justification.

It is worth noting that the Board has previously taken a stance and submitted letters of opposition to specific legislation. In 2017, the Board expressed opposition to AB 1687 (Bloom), and in 2020, it took a similar stance on AB 1788 (Bloom). Both bills addressed the usage and application of rodenticides. Given that AB 1322 also seeks to address rodenticide usage, a letter of opposition would be consistent with past actions.

I appreciate your time and attention to this matter, which holds immense importance for our industry and the licensees under the Board. Your leadership in this regard is highly valued.

Thank you once again for your consideration.

Michael E. Wilson
Chief Executive Officer

Executive Offices

1510 J Street, Suite 230 • Sacramento, CA 95814 • Ph: (916) 372-4363 • Fax (916) 372-5437

www.pcoc.org



AGENDA ITEM 16

RULEMAKING REPORT

- a.** Review, Discussion, and Possible Action to Begin the Rulemaking Process and to Adopt Regulations on Regulatory Proposal Regarding Continuing Education Requirements, Hour Value System, Examination in Lieu of Continuing Education, Approval of Activities, and Standards and Records Requirements, (Amend Title 16, California Code of Regulations (CCR), sections 1950, 1950.5, 1953, and 1970, and Repeal section 1951)
- b.** Review, Discussion, and Possible Action on Regulatory Proposal Regarding Disciplinary Guidelines (Amend Title 16 CCR, section 1937.11)
- c.** Update Regarding Rulemaking Proposal Regarding Pesticide Application Notice Requirements (Amend Title 16 CCR, section 1970.4, and Add sections 1970.41, 1970.42, and 1970.43)

MEMORANDUM

DATE	June 29, 2023
TO	Members of the Structural Pest Control Board
FROM	Heather Jackson, Regulation & Legislative Program Specialist Structural Pest Control Board
SUBJECT	Agenda Item #16: Rulemaking Report

The following provides an overview of the Board's pending regulatory efforts. Please refer to the SPCB Rulemaking Update (attachment 1) for detailed summaries and progress trackers, and DCA's Rulemaking Process (attachment 3) for information on the rulemaking process and phases.

a. Certification and Training ([Amend Title 16 of the California Code of Regulations sections 1950, 1950.5, 1953, and 1970, and Repeal section 1951](#))

This rulemaking effort is currently in the concept phase of the rulemaking process. Board staff has worked in collaboration with the DCA Regulations Unit, the Department of Pesticide Regulation, and the Department of Public Health to draft language aimed to address the new federal standards related to Certification of Pesticide Applicators. Staff is presenting the proposed language (attachment 2) for Board consideration.

Action Requested: The Executive Officer recommends the Board make a motion to approve the proposed regulatory text and changes to Sections 1950, 1950.5, 1951, 1953, and 1970 as provided in the materials and direct staff to submit all approved text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any technical or non-substantive changes to the package, and set the matter for hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Sections 1950, 1950.5, 1951, 1953, and 1970 as noticed.

b. Pesticide Application Notice ([Amend Title 16 of the California Code of Regulations sections 1970.4, 1970.41, 1970.42, and 1970.43](#))

This rulemaking effort is currently in the production phase of the rulemaking process. Board staff continues to work closely with the DCA Regulations Unit on the

regulatory documents, including the Board approved language, the Initial Statement of Reasons, fiscal impact analysis, and the Public Notice, to make necessary clarifications and move it forward in the rulemaking process. Board staff anticipates this package being routed to Business, Consumer Services and Housing Agency by Fall 2023. Following Agency approval, the regulatory package will be submitted to the Office of Administrative Law for publication in the Notice Register for a 45-day comment period.

Action Requested: None - Informational only.

c. Disciplinary Guidelines ([Amend Title 16 of the California Code of Regulations section 1937.11](#))

At the March 9, 2023, board meeting, the Board expressed interest in updating the Disciplinary Guidelines (DGs) incorporated into 16 CCR § 1937.11 (last revised 2016), to update/modernize language, and add optional terms (Psychotherapy, Biological fluids testing). The current DG document is provided (attachment 4) for the Board to review.

Action Requested: The Board may consider assembling a workgroup to review the current DGs and provide a recommendation to the Board on potential revisions at a future meeting. At that time, the Board may direct staff to take initial steps in the rulemaking process.

Attachment(s):

1. SPCB Rulemaking Update
2. Proposed Regulatory Language and Incorporated Forms (Certification and Training)
3. DCA Rulemaking Process & Phases
4. Current Disciplinary Guidelines

Rulemaking Update

June 29, 2023

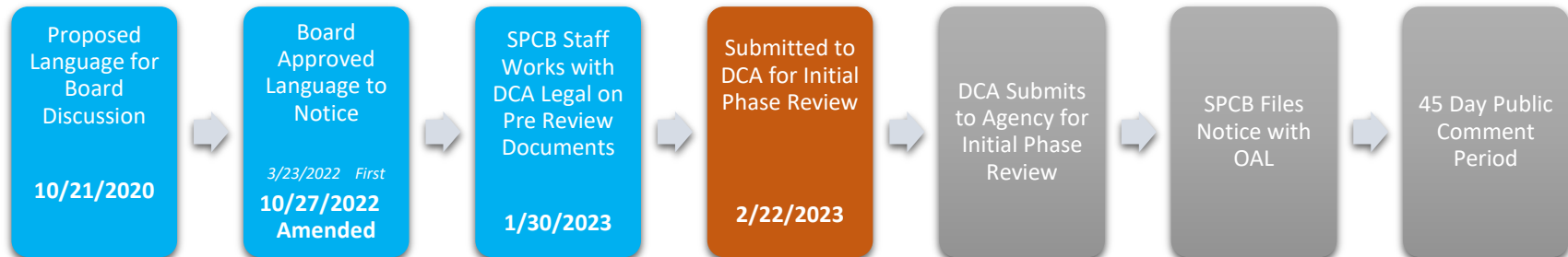
Pesticide Application Notice

California Code of Regulations Title and Sections Affected: 16 CCR 1970.4, 1970.41, 1970.42, and 1970.43

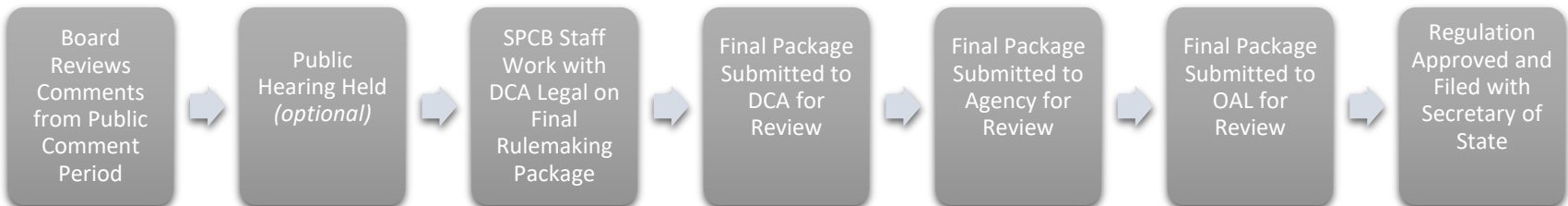
Statute(s) Being Implemented: Business and Professions Code Sections 8525, 8538

Summary: This regulatory proposal clarifies and/or updates instances of unclear and/or outdated terminology, provides post-application pesticide notice guidelines or several possible application scenarios, and requires registered companies to provide, within 24 hours, specified information about pesticide use to any person who requests such information. Additionally, this proposal adds a requirement that any death or serious injury be reported to the County Agricultural Commissioner in the County where the application took place. This requirement is added because the County Agricultural Commissioner's frequently conduct street level enforcement in coordination with the Structural Pest Control Board. Lastly, Form 43M-48, the Occupants Fumigation Notice and Pesticide Disclosure (OFN), has been redesigned to address the problem of the current version being outdated and containing irrelevant information. Additionally, the proposal is to remove the image of the OFN from regulation and incorporate the form by reference. The new OFN is being updated to more closely mirror the language described in Business and Professions Code (BPC) section 8538(a)(1-3).

Initial Phase:



Final Phase:



Orange: Current Status

Blue: Completed

Gray: Remaining Steps

Rulemaking Update

June 29, 2023

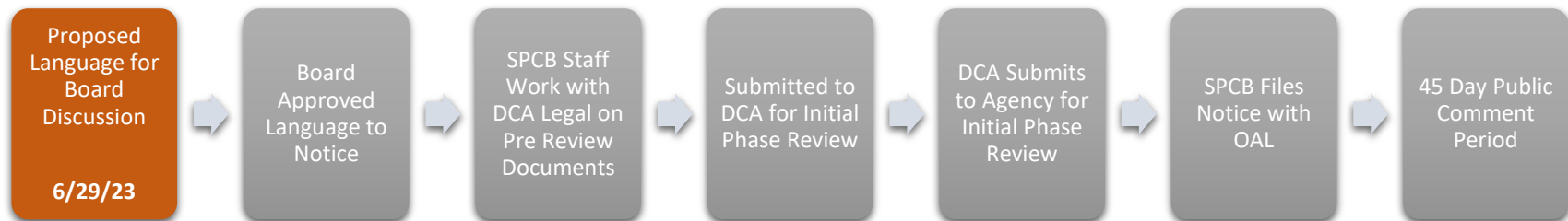
Certification and Training

California Code of Regulations Title and Sections Affected: 16 CCR 1950, 1950.5, 1951, 1953, and 1970

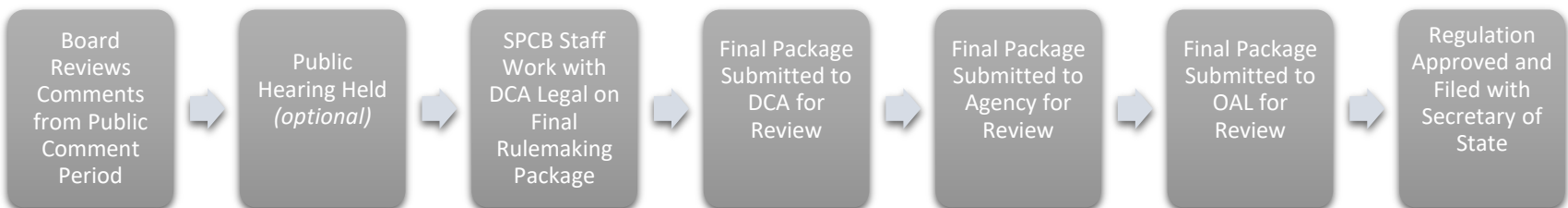
Statute(s) Being Implemented: Business and Professions Code Sections 8525, 8593, and Federal Register EPA 40 CFR Part 171

Summary: This package revisions necessary to comply with new U.S. EPA standards required by Code of Federal Regulations, Title 40, Part 171 – Certification of Pesticide Applicators. Board staff is presenting proposed language for Board consideration.

Initial Phase:



Final Phase:



Orange: Current Status

Blue: Completed

Gray: Remaining Steps

PROPOSED TEXT

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

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

1950. Continuing Education Requirements.

(a) Except as provided in section 1951, every licensee is required, as a condition to ~~renewal of a license~~ renewal, to certify that prior to the date of license expiration, they have ~~he or she has~~ completed the continuing education requirements set forth in this article. A licensee who cannot verify completion of continuing education by producing certificates of activity completion, whenever requested to do so by the Board, may be subject to disciplinary action under section 8641 of the code.

(b) Each licensee is required to complete a certain number of continuing education hours, as set forth in subsection (e), ~~during the each~~ three year renewal period. The number of hours required depends on the license type and the number of branches of pest control in which licenses are held. The subject matter covered by each activity shall be designated as ~~“technical” or “general”~~ “Laws & Regulations” (L&R), “Application & Intervention” (A&I), and “Integrated Pest Management” (IPM), as defined in Section 1953, by the Board when the activity is approved.

~~Hour values shall be assigned by the Board to each approved educational activity, in accordance with the provisions of section 1950.5.~~

(c) ~~Operators licensed in one branch of pest control shall complete 16 continuing education hours during each three year renewal period. Operators licensed in two branches of pest control shall complete 20 continuing education hours during each three year renewal period. Operators licensed in three branches of pest control shall complete 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch license, a minimum of two hours in Integrated Pest Management as defined in section 1984 must be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours must be completed from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.~~

(d) ~~Field representatives licensed in one branch of pest control shall have completed 16 continuing education hours, field representatives licensed in two branches of pest control shall have completed 20 continuing education hours, field representatives~~

~~licensed in three branches of pest control shall have completed 24 continuing education hours during each three year renewal period. In each case, a minimum of four continuing education hours in a technical subject directly related to each branch of pest control held by the licensee must be completed for each branch of pest control licensed, a minimum of two hours in Integrated Pest Management must be completed by Branch 2 and/or 3 licensees renewing on or after June 30, 2010, and a minimum of eight hours must be completed from Board approved courses on the Structural Pest Control Act, the Rules and Regulations, or structural pest control related agencies' rules and regulations.~~

~~(e) For the renewal period ending December 31, 2008, and each subsequent renewal period up to the renewal period ending June 29, 2010, a licensed applicator shall have completed 12 hours of Board approved continuing education. Such continuing education shall consist of eight hours of continuing education covering pesticide application and use, and four hours covering the Structural Pest Control Act and its rules and regulations or structural pest related agencies' rules and regulations.~~

~~(f) For the renewal period ending June 30, 2010 and each subsequent renewal period, a licensed applicator shall have completed 12 hours of Board approved continuing education. Such continuing education shall consist of six hours of continuing education covering pesticide application and use, two hours covering Integrated Pest Management, and four hours covering the Structural Pest Control Act and its rules and regulations or structural pest related agencies' rules and regulations.~~

~~(gc) Operators who hold a Field Representative's license in each a branch of pest control in which they do not hold an operator's license must complete the A&I hours required of their Field Representative branch license as listed in subsection (e) four of the continuing education hours required by section 1950(c) in a technical subject directly related to the branch or branches of pest control in which the field representative's license is held, in order to keep the field representative's license active.~~

~~(hd) No course activity, including complete operator's courses developed pursuant to section 8565.5, may be taken more than once during a renewal period for continuing education hours.~~

~~(a) Continuing education hours required shall be calculated as shown in the chart below.~~

<u>APPLICATORS</u>				
	<u>L&R</u>	<u>A&I</u>	<u>IPM</u>	<u>Total Hours</u>
<u>Branch 2</u>	<u>3</u>	<u>6</u>	<u>3</u>	<u>12</u>
<u>Branch 3</u>	<u>3</u>	<u>6</u>	<u>3</u>	<u>12</u>
<u>Branch 2 + 3</u>	<u>3</u>	<u>6</u> (3 per branch)	<u>3</u>	<u>12</u>

<u>FIELD REPRESENTATIVES / OPERATORS</u>				
	<u>L&R</u>	<u>A&I</u>	<u>IPM</u>	<u>Total Hours</u>
<u>Branch 1</u>	<u>8</u>	<u>8</u>	<u>0</u>	<u>16</u>
<u>Branch 2</u>	<u>4</u>	<u>4</u>	<u>8</u>	<u>16</u>
<u>Branch 3</u>	<u>4</u>	<u>4</u>	<u>8</u>	<u>16</u>
<u>Branch 1 + 2</u>	<u>4</u>	<u>8</u> (4 per branch)	<u>8</u>	<u>20</u>
<u>Branch 1 + 3</u>	<u>4</u>	<u>8</u> (4 per branch)	<u>8</u>	<u>20</u>
<u>Branch 2 + 3</u>	<u>4</u>	<u>8</u> (4 per branch)	<u>8</u>	<u>20</u>
<u>Branch 1 + 2 + 3</u>	<u>4</u>	<u>12</u> (4 per branch)	<u>8</u>	<u>24</u>

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560, 8641 and 8593, Business and Professions Code.

§ 1950.5. Hour Value System.

The following hour values shall be assigned to the educational activities approved by the Board. All educational activities must be submitted to the Board for approval before presentation for continuing education credit, in accordance with section 1953.

Continuing education activity credit is given on a one-to-one basis in the appropriate category (i.e., one hour of activity attendance and participation is equivalent to one hour of continuing education credit). ~~Each activity approved for technical or rules and regulations continuing education hours must include a written examination to be administered at the end of the course. Examinations administered at the end of the course must consist of ten questions per one hour of instruction, with 40 questions minimum for any activity of instruction of four hours or more. Licensees must obtain a~~

~~passing score of 70% or better in order to obtain a certificate of course completion. If the examination is failed, the licensee shall be allowed to be reexamined by taking a different examination within sixty days.~~

~~(a) Accredited college courses – 10 hours for each 2 semester-unit course; 16 hours for each 3 semester-unit course.~~

~~(b) Adult education courses – 6 hours~~

~~(c) Professional or Association seminars or meetings 1 hour for every hour of instruction up to a maximum of 6 hours per seminar or meeting. Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control.~~

~~(d) Technical seminars or meetings up to a maximum of 6 hours per seminar or meeting. Additional hours may be approved depending on the complexity of the activity and its relevance to new developments in the field of pest control.~~

~~(e) Operators' courses approved by the Board pursuant to section 8565.5 of the code – 1 hour per hour of instruction.~~

~~(f) Correspondence courses developed by the Board pursuant to section 8565.5 of the code – full credit per branch.~~

~~(g) Correspondence courses approved by the Board – hours will be assigned depending on the complexity of the course and its relevance to new developments in the field of pest control.~~

~~(h) Association meetings – 1 hour for every hour of instruction up to a maximum of 4 hours per meeting.~~

~~(i) Structural Pest Control Board public meetings - 1 general hour for every hour of attendance and 1 rule and regulation hour per meeting, up to a maximum of 4 hours per renewal period (excluding Board Members.) This activity is exempt from examination requirements pursuant to this section.~~

~~(j) Structural Pest Control Board Committee meetings – 1 hour per meeting, up to a maximum of 2 hours per renewal period (excluding Board Members).~~

~~(k) In-house training in technical subjects – 1 hour per hour of instruction.~~

~~(l) Board approved Rules and Regulations courses – 1 hour for every hour of instruction.~~

~~(m) Integrated Pest Management courses – 1 hour for every hour of instruction.~~

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560, 8641, and 8593, Business and Professions Code.

~~§ 1951. Examination in Lieu of Continuing Education.~~

~~In lieu of continuing education, a licensee may qualify for renewal by taking and passing an examination designed by the Board to cover developments in the field of pest control. Licensees who choose this method of qualifying for renewal may take this examination only once, and must take the examination no 105 1952 STRUCTURAL PEST CONTROL BOARD Title 16 earlier than one year prior to their license expiration date. A score of 70% or higher shall be considered a passing grade on this examination.~~

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

§ 1953. Approval of Activities.

(a) ~~Providers of activities of continuing education in pest control~~ Continuing education providers must submit an ~~shall request approval as a provider and of activities on Application for Continuing Education Activity forms provided by the Board (See Form number 43M-18, (Rev. 6/2023-6/02) at the end of this section), which is hereby incorporated by reference, and pay the non-refundable~~ accompanied by the required application fee specified in Section 1948s. Requests for approval of activities must be submitted to the Board no later than at least 60 days prior to the date of the activity presentation of the activity unless exception is granted by the Registrar.

(b) An “activity” is defined as an approved program of coordinated instruction in any of the subject categories as defined in subsection (c). Once approved, an activity may be given any number of times for three years following approval, with the single activity application fee paid one time every three years by the provider.

(c) Continuing education activities shall be approved as Laws & Regulations (L&R), Application & Intervention (A&I), or Integrated Pest Management (IPM) based on the following criteria:

- (1) L&R — Activities approved as L&R shall cover material directly related to the Structural Pest Control Act, the Board's rules and regulations, California Food and Agricultural Code, Department of Pesticide Regulation's CCR Title 3, Division 6, and Title 40 of the Code of Federal Regulations (40 CFR) Part 171 that govern the practice of structural pest control.
- (2) A&I — Activities approved as A&I are branch specific and must cover material related to the practice of structural pest control once a pesticide application or other intervention is determined to be necessary, in accordance with section 1984 (b).
- (3) IPM — Activities approved as IPM must cover material directly related to structural IPM as a systematic decision-making approach to managing pests, which focuses on long-term prevention or suppression of pests with the least possible hazard to human health, property, the environment, and non-target organisms, as defined in section 1984 (a).

~~(bd)~~ All providers must notify the Board 30 days prior to the presentation of any Board approved activity, unless exception is granted by the Registrar.

~~(ee)~~ All providers must submit an course activity attendance roster (~~See Form number No. 43M-46 (New 3/93), at the end of this section~~) to the Structural Pest Control Board within five working days after ~~every course~~ each activity instructed. The activity attendance roster must include the activity provider's name, activity number, date of activity, and licensee names and license numbers of all licensees that attended the activity.

~~(df)~~ After giving the provider a written notice and an opportunity to respond, the Board may withdraw approval of any provider or activity, when good cause exists. Good cause shall include, but not be limited to, failure ~~actually~~ to meet the standards for approval of activities which are outlined in ~~subsection (f)~~ of this section.

~~(eg)~~ Unless otherwise indicated on the written notification of approval, or unless an approval is withdrawn by the Board at an earlier date, approval of each activity shall remain in effect for 3 years.

~~(fh)~~ ~~In order to be approved~~ addition to the requirements described in this section, activities must be:

- (1) Directly related to the field of structural pest control;

(2) Provided by an institution, association, university, or other entity assuming full responsibility over the ~~course~~ activity program.

(3) Composed of a formal program of learning which requires:

(A) attendance and participation,

(B) at least one hour of instruction,

(C) a detailed syllabus providing the outline of the activity, including learning objectives and the amount of time allocated to each learning objective ~~(detailed outline of the main points of the curriculum)~~,

(D) a certificate of completion ~~on Form No. 43M-38 (NEW 5/87) (which is printed at the end of this section);~~ which includes the following information: and,

1. Provider Name
2. Attendee Name
3. Attendee License Number
4. Course Title
5. Date of Activity
6. Activity Approval Number
7. Total Hours of Continuing Education Credit earned in each category as defined in Section 1953(c)
8. Instructor signature or seal

(E) a written examination, in multiple choice format and derived directly from the activity content, to be administered at the end of the instructional period. Examinations administered at the end of the instructional period must consist of ten questions per one hour of instruction, with a maximum of 40 questions. Licensees must obtain a passing score of at least 70% in order to obtain a certificate of completion as described in subsection (g)(3)(D).

(4) Conducted by an instructor who has qualified by meeting two of the following experience requirements:

(A) Completion of training in the subject of the activity,

(B) Six months' experience working in the area covered by the activity within the preceding three years,

(C) Experience teaching an activity of similar content within the preceding five years,

(D) Completion of any post-secondary studies related to the subject matter of the activity,

(E) Author of the activity being reviewed, or a credentialed instructor.

(gi) No activity which focuses on the policies or procedures of a single firm shall be approved.

(j) Continuing Education activities may be offered in a variety of modalities, including in-person, virtual (instructor-led or self-led), or a hybrid thereof.

(k) Continuing education activities may be: (1) synchronous, where participants attend the course at the same time as it is presented; or (2) asynchronous, where participants have control over the time, place, and pace of learning.

(l) Continuing education providers shall retain for a period of five years a record of attendance that accurately assigns the appropriate number of activity hours for participants including those who arrive late or leave early that shall be made available to the Board upon request.

(m) Continuing education providers shall retain for a period of five years written educational goals and specific learning objectives, as well as a syllabus, which provides a general outline, instructional objectives, and a summary of topics for the course. A copy of the educational goals, learning objectives, and course syllabus shall be made available to the Board upon request.

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



STRUCTURAL PEST CONTROL BOARD
 1410 HOWE AVENUE, SUITE 10, SACRAMENTO, CA 95825
 Administration: (916) 561-8700
 Licensing: (916) 561-8704
 Complaint: (916) 561-8708
 FAX: (916) 263-2408
www.pestboard.ca.gov



APPLICATION FOR CONTINUING EDUCATION ACTIVITY

Please complete this request and return with:

1. Course outline (hour by hour)
2. Copies of all materials (textbooks, handouts, etc.)
3. Copies of all examinations
4. Copies of any promotional materials
5. Copy of certificate of completion and evaluation form provided to licensees
6. \$25 Fee

FEE \$25

NOTE: APPLICATION FOR CONTINUING
 EDUCATION INSTRUCTOR IS ON
 THE REVERSE SIDE OF FORM.

NAME OF PROVIDER		CONTACT PERSON	TELEPHONE NO.
ADDRESS			
TITLE OF ACTIVITY			
DATES OFFERED		FEE CHARGED	
CONTINUOUS <input checked="" type="radio"/> ONE-TIME ONLY <input type="radio"/>		CLASSROOM HOURS	
TYPE OF ACTIVITY TO BE OFFERED:		<input type="radio"/> TECHNICAL ACTIVITY <input type="radio"/> PROFESSIONAL ACTIVITY <input type="radio"/> RULES & REGULATIONS <input type="radio"/> CORRESPONDENCE ACTIVITY <input type="radio"/> IN-HOUSE TRAINING <input type="radio"/> ASSOCIATION MEETING	
BRIEF DESCRIPTION OF ACTIVITY			
METHOD OF EVALUATION			
DO NOT WRITE BELOW THIS LINE			

ACTIVITY # _____

☐ APPROVED ☐ DENIED

HOURS _____

SIGNATURE _____

RULES & REGULATIONS ☐

GENERAL ☐

TECHNICAL ☐ Branch 1 ☐ Branch 2 ☐
 Branch 3 ☐

DATE _____

INSTRUCTOR APPLICATION

NAME	TELEPHONE NO.
ADDRESS	
Name of Activity to be Instructed	
Name of Provider	
1968(d)(4) of the Structural Pest Control Board's Rules and Regulations states that instructors for continuing education must be credential instructors or meet two of the below equivalent experience requirements:	

EDUCATION

Credentialed Instructor in Course Area? <input type="radio"/> YES <input type="radio"/> NO	Course of Study
School/College/University	Degree Received Year Received

EQUIVALENT EXPERIENCE

LIST TRAINING ACTIVITIES COMPLETED IN SUBJECT MATTER
LIST ACTIVITIES YOU HAVE INSTRUCTED ON THE SUBJECT MATTER

ARE YOU LICENSED BY THE STRUCTURAL PEST CONTROL BOARD? (If yes, list License No.(s)) <input type="radio"/> YES <input type="radio"/> NO	DID YOU AUTHOR THE COURSE? <input type="radio"/> YES <input type="radio"/> NO
LIST EMPLOYMENT FOR THE LAST THREE YEARS	

The information on this application is required pursuant to section 8500 inclusive of the Business and Professions Code and is maintained by the Structural Pest Control Board, 1418 Howe Avenue, Ste. 18 Sacramento, CA 95825-3280, (916) 561-8704. All information requested in this application is mandatory. Failure to provide any of the requested information will result in the application being rejected as incomplete. This information may be transferred to other law enforcement agencies. You have a right of access to records maintained by this agency which contain personal information about you.

SIGNATURE	DATE

13M-18 (Rev. 06/02)

[illegible]

~~(Provider's name and address)~~

CERTIFICATE OF COMPLETION

LICENSEE'S NAME:				LICENSE NUMBER:	
ACTIVITY TITLE:				DATE OF ACTIVITY:	
ACTIVITY NUMBER:	EDUCATIONAL ACTIVITY:	HOURS ATTENDED:	HOURS EARNED:	BRANCH:	TECHNICAL/GENERAL

~~THIS IS TO CERTIFY THAT THE ABOVE NAMED LICENSEE HAS
SUCCESSFULLY COMPLETED THE ABOVE NUMBERED ACTIVITY.~~

~~NOTE: DO NOT SEND THIS CERTIFICATE TO THE BOARD.~~

~~The above hours are approved for Structural Pest Control Board license renewal. Original continuing education certificates are subject to Board audit and should be RETAINED by you for three years.~~

~~43M-38 (NEW 5/07)~~

INSTRUCTOR'S SIGNATURE

DATE

§ 1970. Standards and Record Requirements.

For the purpose of maintaining proper standards of safety and the establishment of responsibility in handling the dangerous gases used in fumigation and the pesticides used in other pest control operations, a registered company shall compile and retain for a period of at least three years, a Standard Fumigation Log (Form number 43M-47, Rev. 6/2023), hereby incorporated by reference, log for each fumigation job and a report for each structural pest control application for each pesticide control operation in which a pesticide is used by the registered company or the registered company's employee. If the fumigation is to be performed by a fumigation subcontractor, the subcontractor shall complete the fumigation log and forward a copy of the log to the primary contractor within ten business days.

~~(a) The log (See Form 43M-47 (Rev. 5/07) at the end of this section) for each fumigation job shall contain the following information:~~

~~Name, address and company registration certificate number of prime contractor.~~

~~Name, address and company registration certificate number of subcontractor, if any.~~
~~Address of property.~~
~~Date of fumigation.~~
~~Name and address of owner or his or her agent.~~
~~Date and hour fire department was notified pursuant to Business and Professions Code section 8505.5.~~
~~Date and hour county agricultural commissioner was notified and method of notification, where required.~~
~~Property description including type of structure as to details of roofing, walls, and the presence of construction elements, conduits, drains, air ducts, or vacuum systems that could allow the passage of fumigant from the structure to be fumigated to any adjacent or adjoining structure(s), thereby connecting them, and method(s) used to prevent passage of the fumigant.~~
~~Cubic feet fumigated.~~
~~Target pest(s).~~
~~Kind of fumigant(s) used.~~
~~United States Environmental Protection Agency registration number(s) of fumigant(s).~~
~~Name of warning agent and amount used.~~
~~Type of sealing method used.~~
~~Weather conditions as to temperature and wind.~~
~~Date and hour fumigant introduced.~~
~~Cylinder number of each fumigant used.~~
~~Weight of each fumigant cylinder before introduction of gas.~~
~~Pounds of fumigant used from each cylinder.~~
~~Total pounds of fumigant used.~~
~~List of any extraordinary safety precautions taken.~~
~~Name, signature and license number of operator or field representative releasing fumigant.~~
~~First name and surname of crew when fumigant was released, when aeration commenced and when the property was released for occupancy.~~
~~Indication of whether or not safety equipment was available at the fumigation site at the time the fumigant was introduced, when ventilation commenced and when the property was released for occupancy.~~
~~Date and hour aeration commenced.~~
~~Conditions of tarp and seal.~~
~~Name, signature and license number of operator or field representative commencing ventilation.~~
~~Type of device(s) used to test for re-entry.~~
~~Date and hour ready for occupancy.~~
~~Name, signature and license number of operator or field representative releasing property for occupancy.~~

~~Method used to calculate amount of fumigant used.~~
~~Factors used in calculation of fumigant.~~
~~Special notes or comments pertinent to fumigation.~~

(ba) The report for each structural pest control operation application, other than fumigation, in which a pesticide is used shall contain the following information:

~~Date of treatment.~~

1. Date and time of application
2. Name of owner or his or her ~~their~~ agent.
3. Address of property.
4. Description of area(s) treated ~~including size of application~~.
5. Target pest(s).
6. Pesticide product name, including U.S. Environmental Protection Agency or CA registration number on the pesticide label and amount used.
7. Identity and license number of Applicator(s) ~~person or persons~~ who applied the pesticide(s) or the identity and license number of the Field Representative or Operator who applied or supervised the application of restricted material(s) by Applicator(s).

OR

8. Identity and license number of the noncertified commercial applicator(s) who applied pesticide(s) or the identity and license number of the certified commercial applicator who applied or supervised the application(s) of restricted material(s) by the noncertified applicator.

(c) The term “fraudulent act” as used in Section 8642 includes but is not limited to the falsification of any records pertaining to fumigation jobs or other pest control operations in which a pesticide other than a fumigant is used.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8505.5, 8505.7, 8505.13, 8505.15, 8505.16, 8516, 8642, 8646 and 8652, Business and Professions Code.

✚

1994-1995



APPLICATION FOR CONTINUING EDUCATION ACTIVITY

Please complete this application and submit the following items:

FEE \$25

1. Detailed activity outline which contains the hourly breakdown allocated to each subject matter
2. Materials presented to attendees (textbooks, handouts, PowerPoint, etc.)
3. Examination(s) with the answer key (10 questions per hour/40 questions maximum)
4. Copy of Certificate of Completion that will be provided to licensees
5. Non-refundable fee of \$25

Name of Provider:	Contact Person:	Telephone Number: ()
Mailing Address: (street, unit)		
City:	State:	Zip:
Email Address: (Optional)		
Title of Activity:		
<input type="checkbox"/> Continuous <input type="checkbox"/> One Time Only - Date: _____ Total Hours: _____		Approval of Existing Activity: (Has this activity previously been approved by the Board?) <input type="checkbox"/> Yes <input type="checkbox"/> No
Method of Instructional Delivery: <input type="checkbox"/> In-Person <input type="checkbox"/> Virtual (Instructor-led or self-led) <input type="checkbox"/> Hybrid		
Subject Matter Covered: <input type="checkbox"/> Laws & Regulations (L&R) <input type="checkbox"/> Application & Intervention (A&I) <input type="checkbox"/> IPM		
Brief Description of Activity: _____ _____ _____		
FOR BOARD USE ONLY		
Activity # _____ Total Hours _____ <input type="checkbox"/> RA <input type="checkbox"/> FR <input type="checkbox"/> OPR		
<input type="checkbox"/> Laws & Regulations		
<input type="checkbox"/> Application & Intervention: <input type="checkbox"/> Branch 1 <input type="checkbox"/> Branch 2 <input type="checkbox"/> Branch 3		
<input type="checkbox"/> IPM		
Signature _____ Date _____		<div><input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Re-Approved</div>

INSTRUCTOR APPLICATION

Applicant Name:		Telephone Number: ()
Mailing Address: (street, unit)		
City:	State:	Zip:
Email Address: (Optional)		
Name of Provider:		
Title of Activity to be Instructed:		
Are you licensed by the Structural Pest Control Board?		<input type="checkbox"/> Yes (Provide License #) _____ <input type="checkbox"/> No
QUALIFYING EXPERIENCE Pursuant to 16 CCR §1953(h)(4), instructors for continuing education must meet two of the equivalent experience requirements listed in the table below.		
Experience Type <i>Select and reply to a minimum of two of the following requirements.</i>	Details <i>Provide information relevant to the selected experience type.</i>	
<input type="checkbox"/> Completion of training in the subject of the activity.	Training activities completed in the subject matter:	
<input type="checkbox"/> Six months' experience working in the area covered by the activity within the preceding three years.	Relevant employment for the last three years:	
<input type="checkbox"/> Experience teaching an activity of similar content within the preceding five years.	Activities instructed in the subject matter:	
<input type="checkbox"/> Completion of any post-secondary studies related to the subject matter of the activity.	Post-secondary studies completed in the subject matter:	
<input type="checkbox"/> Credentialed instructor in the course area.	School/College/University & Degree information:	
<input type="checkbox"/> Authored the activity being reviewed.		
CERTIFIED TRUE STATEMENT I have read and understand the above and I certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements and representations made in this application, including all statements attached hereto. I understand that falsifying information on this application may result in the denial of this application.		
Signature of Applicant		Date

NOTICE ON COLLECTION OF PERSONAL INFORMATION

Collection and Use of Personal Information

The Structural Pest Control Board of the Department of Consumer Affairs collects the personal information requested on this form as authorized by Business and Professions Code Section 8560 and the Information Practices Act. The Structural Pest Control Board uses this information principally to identify and evaluate applicants for licensure, issue and renew licenses, enforce licensing standards set by law and regulation, update and maintain current licensee information, and for mailing purposes.

Mandatory Submission

Submission of the requested information is mandatory. The Structural Pest Control Board cannot consider your application for licensure or renewal unless you provide all of the requested information.

Access to Personal Information

You may review the records maintained by the Structural Pest Control Board that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information

We make every effort to protect the personal information you provide us. The information you provide, however, may be disclosed in the following circumstances:

- In response to a Public Records Act request (GOV § 6250 et seq.), as allowed by the Information Practices Act (Civil Code Section 1798 and following);
- To another government agency as required by State or Federal law; or,
- In response to a court or administrative order, a subpoena, or a search warrant.

Contact Information

For questions about this notice or access to your records, you may contact:

The Structural Pest Control Board at 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815, by phone at (916) 561-8704, or by email at pestboard@dca.ca.gov.

For questions about the Department's Privacy Policy, you may contact:

The Department of Consumer Affairs at 1625 North Market Boulevard, Sacramento, CA 95834, by phone at (800) 952-5210, or by email at dca@dca.ca.gov.

STANDARD STRUCTURAL FUMIGATION LOG

ADDRESS OF PROPERTY		CITY	DATE OF FUMIGATION	
PRIME CONTRACTOR NAME AND ADDRESS		SUBCONTRACTOR NAME AND ADDRESS (if applicable)		
CO. REG. #		CO. REG. #		
OWNER/AGENT NAME AND ADDRESS		FIRE DEPT. NOTIFIED		
		(DATE) (HOUR)		
PROPERTY DESCRIPTION		C.A.C. NOTIFIED (METHOD)(DATE)(HOUR)		
NOTES / COMMENTS				
SECTION 1 – FUMIGANT RELEASED				
TARGET PEST		WARNING AGENT	CUBIC FEET	OUNCES USED
FUMIGANT / E.P.A. REGISTRATION NO.		SEALING METHOD		DATE/TIME GAS INTRODUCED
		CYLINDER SERIAL NO.	WT. BEFORE INTRO.	POUNDS APPLIED
WIND M.P.H. AIR TEMP		CYLINDER SERIAL NO.	WT. BEFORE INTRO.	POUNDS APPLIED
		CYLINDER SERIAL NO.	WT. BEFORE INTRO.	POUNDS APPLIED
EXTRAORDINARY PRECAUTIONS			TOTAL POUNDS	
[] FUMIGUIDE B [] FUMIGUIDE Y [] VIKANE CALCULATOR [] FUMICALC CALCULATOR [] OTHER				
DOSAGE FACTOR		UNDER SEAL		
TARP CONDITION		TEMPERATURE		
SEAL CONDITION		HOURS EXPOSURE		
WIND (MPH)		MONITOR JOB (YES / NO)		
VOLUME				
CREW MEMBER(S) FULL NAME(S):				
WAS REQUIRED SAFETY EQUIP. PROVIDED?		LICENSEE RELEASING FUMIGANT		LICENSE NO.
YES () NO ()		SIGNATURE		
SECTION 2 – VENTILATION COMMENCED				
AERATION COMMENCED:		TARP / SEAL CONDITION		
DATE TIME				
CREW MEMBER(S) FULL NAME(S):				
WAS REQUIRED SAFETY EQUIP. PROVIDED?		LICENSEE COMMENCING VENTILATION		LICENSE NO.
YES () NO ()		SIGNATURE		
SECTION 3 – RELEASED FOR OCCUPANCY				
TESTING DEVICE USED:		PROPERTY CERTIFIED SAFE FOR RE-ENTRY:		
		DATE TIME		
CREW MEMBER(S) FULL NAME(S):				
WAS REQUIRED SAFETY EQUIP. PROVIDED?		LICENSEE RELEASING PROPERTY FOR OCCUPANCY		LICENSE NO.
YES () NO ()		SIGNATURE		

Rulemaking Process Phases

Concept Phase

Production Phase

Initial Phase

Final Phase

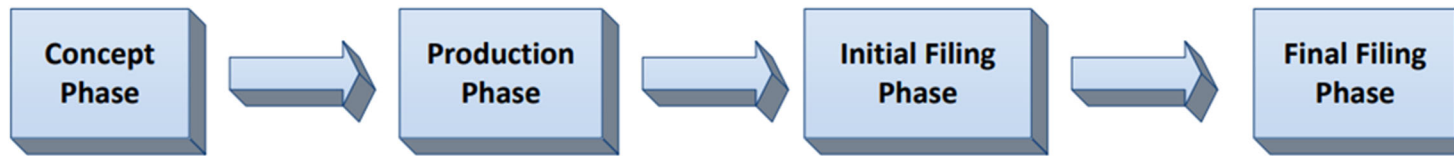
This document is intended to provide the Boards, Bureaus, Commission, Committees, and Program (Boards/Bureaus) with a process to follow to promulgate regulations. This document provides the framework to identify the roles and responsibilities of each participant within the process and should be utilized by staff at the Boards/Bureaus and the Department of Consumer Affairs (Department).

While this document provides guidance for the rulemaking process, with specific steps that should be taken, the Department recognizes that not all rulemaking packages are the same and there may need to be deviations from these processes depending upon the complexity of the regulations, the timelines provided by the legislature, or other factors that could impact and require flexibility within the process. Such deviations should be discussed with all parties at the beginning of the rulemaking process. Communication is key to the rulemaking process and this document is intended to encourage communication at each phase.

The meetings identified in these processes are at the discretion of the Board/Bureau, however, eliminating the meetings should be discussed with all parties.

Also, please be aware that these phases do not include the process for Emergency Regulations or Section 100 changes.

Regulation Package Approval Process



- Kick-Off Meeting with relevant Board and DCA staff to discuss potential regulation.
- Board staff drafts proposed regulation.
- Regulations Counsel and Second Level Reviewer reviews and approves proposed regulation.
- Board meeting is held, proposed regulation text is presented for vote and approval.

Phase Goal: Proposed Regulation is drafted and approved by the Board to move forward.

- After the Board approves the proposed text, Board staff develop remaining documents in the initial regulatory package.
- Regulation package is prepared with assistance from DCA Budget Analyst and Board Regulations Counsel.
- Following review and approval of the regulatory package by the Budget Analyst and Regulations Counsel, the package is reviewed and approved by the DCA Director and Agency.

Phase Goal: Regulation Package is approved by Agency.

- Following Agency approval, the regulatory package is submitted to OAL for publication in the Notice Register for a 45-day comment period.
- If comments are received, Board Staff draft responses for review by the Regulations Counsel.
- Board meeting is held to approve the responses and modified text, if necessary.
- If substantial changes are made to the text, a 15-day comment period commences.

Phase Goal: Completion of the Public Comment Period with all comments appropriately addressed and any changes to the text approved by the Board.

- Board Staff develops and submits a final regulatory package to the Regulations Coordinator for review.
- If there is a fiscal impact to the regulations, the Budget Analyst submits the package to the Department of Finance (DOF) for review and approval, as necessary.
- The package is reviewed by Regulations Counsel, DCA Director, and Agency.
- Final package is submitted to OAL.
- OAL approves package, Board Staff updates the Board website with the new regulation, and contacts interested parties with notification of the effective date.

Phase Goal: OAL approves Final Regulatory Package.

Final packages Approximate dates submitted to OAL for review	Decision Date	Effective Date
July 15 to October 15	September 1 to November 30	January 1 st
October 16 to January 14	December 1 to February 29	April 1 st
January 15 to April 15	March 1 to May 30	July 1 st
April 16 to July 14	June 1 to August 31	October 1 st

* Final packages must be received with sufficient time to allow OAL 30 *working* days for its review. It's not the date of submission to OAL, but rather the date of OAL's approval and submission to the Secretary of State that determines the effective date. An earlier effective date may be requested, but a legitimate need must be demonstrated.

**A MANUAL OF
DISCIPLINARY GUIDELINES
AND
MODEL DISCIPLINARY
ORDERS**

STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

2016

STRUCTURAL PEST CONTROL BOARD
2005 EVERGREEN STREET, SUITE 1500
SACRAMENTO, CA 95815-3831
(916) 561-8700

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DISCIPLINARY GUIDELINES

INTRODUCTION

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq), the Structural Pest Control Board and the Administrative Law Judge shall consider the uniform disciplinary guidelines as set forth herein.

The Board recognizes that these terms of discipline and conditions of probation are merely guidelines and that the Board and the Administrative Law Judge must be free to exercise their discretion in such cases. However, deviation from such guidelines is appropriate only when facts of the case warrant such a departure. As such, any departure from these guidelines should be explained and noted fully in the proposed decision or disciplinary order.

The Board desires that matters in extenuation or mitigation, as well as those in aggravation, be fully considered and noted in the proposed decision or disciplinary order. Of primary importance is the effect of the licensee's or registrant's conduct/action on the public as consumers.

PENALTY GUIDELINES

Violation	Minimum Penalty	Optional Probation Conditions	Maximum Penalty
Section 8635 Disregard of Specifications	Suspension, Stayed, 4 Years Probation	10, 11/12/13, 14, 15, 16, 17	Revocation and Optional Condition 18
Section 8636 Violation of Laws	Suspension, Stayed, 4 Years Probation	10, 11/12/13, 14, 15, 16, 17	Revocation and Optional Condition 18
Section 8637 Misrepresentation	Revocation and Optional Condition 18	Discretionary	Revocation and Optional Condition 18
Section 8638 Violation of Contracts	Suspension, Stayed, 4 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18
Section 8639 Aiding and Abetting	Revocation, Stayed, 5 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18
Section 8640 Real Estate Rebates	Revocation, Stayed, 4 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18
Section 8641 Violation of Chapter and Rules	Suspension, Stayed, 4 Years Probation	10, 11/12/13, 14, 15, 16, 17, 19	Revocation and Optional Condition 18
Section 8642 Fraud	Revocation, Stayed, 5 Years Probation and Optional Condition 18	10, 11/12/13, 14, 15, 16, 17, 19	Revocation and Optional Condition 18

Violation	Minimum Penalty	Optional Probation Condition	Maximum Penalty
Section 8643 Negligent Handling or Use of Poisonous Agent	Revocation, Stayed, 4 Years Probation	10, 11/12/13, 14, 15, 17, 19	Revocation and Optional Condition 18
Section 8644 Misrepresentation After Inspection	Revocation, Stayed, 5 Years Probation	10, 11/12/13, 14, 15, 16, 17, 19	Revocation and Optional Condition 18
Section 8645 Impersonation	Revocation, Stayed, 5 Years Probation	10, 14, 15, 17	Revocation and Optional Condition 18
Section 8646 Disregard of Laws	Suspension, Stayed, 3 Years Probation	10, 11/12/13, 14, 15, 17, 19	Revocation and Optional Condition 18
Section 8646.5 Cease & Desist	Suspension, Stayed, 3 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18

Violation	Minimum Penalty	Optional Probation Conditions	Maximum Penalty
Section 8647 Violation of Laws as to Insecticides	Suspension, Stayed, 3 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18
Section 8648 False Advertising	Suspension, Stayed, 4 Years Probation	10, 11/12/13, 14, 17	Revocation and Optional Condition 18
Section 8649 Conviction, Evidence	Revocation, Stayed, 5 Years Probation	10, 14, 15, 17	Revocation and Optional Condition 18
Section 8650 Name and Location as Licensed	Suspension, Stayed, 3 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18
Section 8651 Performing or Soliciting Beyond Scope of License	Revocation, Stayed, 4 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18
Section 8652 Failure to Make and Keep All Reports	Suspension, Stayed, 3 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18
Section 8653 Withholding Payment	Suspension, Stayed, 4 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18
Section 8654 Prohibition Against Association of Suspended Operator	Suspension, Stayed, 3 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18

Violation	Minimum Penalty	Optional Probation Conditions	Maximum Penalty
Section 8655 Charge Substantially Related	Revocation, Stayed, 5 Years Probation	10, 11/12/13, 14, 15, 17	Revocation and Optional Condition 18
Section 8657 Appointment of Receiver	Revocation, Stayed, 4 Years Probation	10, 11/12/13, 14, 17	Revocation and Optional Condition 18
Section 8666 Excessive Work	Revocation, Stayed 4 Years Probation	10, 11/12/13, 14, 16	Revocation and Optional Condition 18
Violation of Probation	Extend Probation 1 to 5 years with New or Amended Conditions	Discretionary	Revoke Probation and Impose Stayed Penalty
All Other Violations	Suspension, Stayed 3 Years Probation	Discretionary	Revocation Optional Condition 18

FACTORS IN AGGRAVATION, MITIGATION AND EXTENUATION FOR CONSIDERATION IN DISCIPLINARY CASES

In determining whether revocation, suspension, or probation is to be imposed in a given disciplinary case, factors such as the following should be considered:

- I) Factors in Aggravation: Crimes or Acts
 - a. Nature and severity of the act or crime under consideration.
 - b. Actual or potential harm to the public or any consumer.
 - c. Pending and final records of any cause of action from any investigation, hearing, or court of competent jurisdiction in this state or any other venue.
 - d. Conduct was knowing, willful, reckless, or negligent.
 - e. Whether financially motivated.
 - f. Involved fraud, misrepresentation and/or dishonesty.
 - g. Whether a pattern of practice.
 - h. Length of time passed since the act or omission.
 - i. Length and seriousness of the administrative, civil or criminal record.
 - j. Compliance with any administrative, or criminal probation, or of any criminal parole imposed, regardless of venue.
 - k. Compliance with, including but not limited to, restitution, fines, or community service lawfully imposed in this state or any other venue.
- II. Factors in Mitigation: Crimes or Acts
 - a. Satisfaction of any lawfully imposed sanctions or other conditions including, but not limited to, restitution, fines or compliance arising from any cause of action.
 - b. Participation and completion of training, counseling or rehabilitation programs.
 - c. No prior disciplinary actions.
 - d. Not a pattern of practice.
 - e. Evidence of substantial measures to prevent the occurrence of future violations.
 - f. Neither willful, reckless, or negligent.
 - g. The public or any consumer was not actually or potentially harmed.
 - h. The length of time passed since the act or omission, or completion of probation, or completion of parole.
 - i. No prior criminal record.
 - j. If applicable, evidence of expungement proceedings or dismissal pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.
 - k. Other relevant evidence of rehabilitation.
- III. Factors in Extenuation: Crimes or Acts
 - a. Circumstances deemed beyond one's direction or control.
 - b. Degree of knowledge and/or participation constituting cause for discipline.
 - c. Coercion or oppression.

- d. Incapacitation, physical or mental condition.

The Board does not require the presence of any one or combination of the above factors to justify the degree of discipline to be imposed.

STANDARD TERMS AND CONDITIONS OF PROBATION

The standard terms of probation appearing in every case are:

1. Obey all laws
2. File quarterly reports
3. Tolling of probation if respondent moves out of state, is suspended, does not renew, or inactivates license
- 4a. Notice to employers
- 4b. Notice to employees
5. Violation of probation
6. Interview / Records: Board Or Its Designee
7. License Surrender
8. Completion of Probation
9. Cost Recovery

OPTIONAL TERMS AND CONDITIONS OF PROBATION

10. Actual suspension of license / registration certificate
11. Completion of appropriate continuing education course: Branch 1
12. Completion of appropriate continuing education course: Branch 2
13. Completion of appropriate continuing education course: Branch 3
14. Reimbursement to the Board for random inspections
15. Payment of inspection fee
16. Restitution to consumer
17. Prohibition from serving as officer, director, associate, partner or qualifying manager
18. No ownership of registered company
19. Take and pass licensure examination

DEFAULT DECISION

The disciplinary penalty in a default decision is revocation.

CIVIL PENALTY IN LIEU OF SUSPENSION

The Board has the authority to assess a civil penalty in lieu of actual suspension as follows:

- (a) not more than \$5,000 for an actual suspension of 1 to 19 days
- (b) not more than \$10,000 for an actual suspension of 20 to 45 days

The respondent may express a preference for paying a civil penalty in lieu of actual suspension, but the Board is not bound by any expression of preference. If such preference is expressed, it should be included in the proposed decision.

MODEL DISCIPLINARY ORDERS

MODEL LANGUAGE

A. Revocation – Single Cause

(Ex. Operator's / Field Representative's / Applicator's) License / Company Registration Certificate No. (Ex. OPR 1234) issued to Respondent (Ex. John Doe) is revoked.

B. Revocation – Multiple Causes

(Ex. Operator's / Field Representative's / Applicator's) License / Company Registration Certificate No. (Ex. OPR 1234) issued to respondent (Ex. John Doe) is revoked pursuant to Determination of Issues (Ex. I, II, and III) separately and for all of them.

C. Suspension – Single Cause

(Ex. Operator's / Field Representative's / Applicator's) License / Company Registration Certificate No. (Ex. OPR 1234, Branch(es) X) issued to Respondent (Ex. John Doe) is suspended (Ex. Thirty (30) consecutive days) beginning the effective date of the decision.

D. Suspension – Multiple Causes

(Ex. Operator's / Field Representative's / Applicator's) License / Company Registration Certificate No. (Ex. OPR 1234, Branch(es) X) issued to respondent (Ex. John Doe) is suspended for (Ex. thirty (30) consecutive days) pursuant to Determination of Issues (Ex. I, II, and III) separately and for all of them. All suspensions shall run concurrently beginning the effective date of the decision.

E. Suspension – Multiple Causes

(Ex. Operator's / Field Representative's / Applicator's) License / Company Registration Certificate No. (Ex. OPR 1234) issued to respondent (Ex. John Doe) is suspended (Ex. Thirty (30) consecutive days) pursuant to Determination of Issues (Ex. I, II, and III) and (Ex. Sixty (60) consecutive days) pursuant to Determination of Issues (Ex. IV and V). These suspensions shall run consecutively, for a total period of (Ex. Ninety (90) consecutive days) beginning the effective date of the decision.

F. Standard Stay Order

However, (revocation / suspension) is stayed and respondent is placed on probation for (Ex. _____ years) upon the following terms and conditions:

G. Probation

However, (revocation / suspension) is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

STANDARD TERMS AND CONDITIONS OF PROBATION

[1] Obey All Laws

Respondent shall obey all federal, state and local laws including all laws and rules relating to the practice of structural pest control.

Respondent shall submit a completed California Department of Justice and federal Livescan fingerprint form, unless previously submitted as part of the licensure application process. Fingerprint forms shall be submitted within thirty (30) calendar days of the effective date of the Decision and Order.

[2] Quarterly Reports

Respondent shall file quarterly reports with the Board during the period of probation, no later than ten (10) days after the end of the quarter.

[3] Tolling of Probation

In the event respondent should leave California to reside or practice outside the state, prior to departing, respondent must provide written notification to the Board of the dates of departure and anticipated return to the state. Respondent's probation is tolled if and when he or she ceases practicing in California. Periods of practice outside of California will not apply to the reduction of the probationary period. For purposes of this condition, non-practice due to Board ordered suspension, or in compliance with any other Board ordered condition of probation, shall not be considered a period of non-practice.

[4a.] Notice to Employers (Individual Licensees)

Respondent shall notify all present and prospective employers of the decision in case No. (Ex. 91-01) and the terms, conditions and restriction imposed on respondent by said decision. Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking new employment, respondent shall cause his/her employer, owner and qualifying manager to report to the Board in writing acknowledging he/she has read the decision in case No. (Ex. 90-01).

[4b.] Notice to Employees (Registered Companies)

Respondent shall, upon or before the effective date of this decision, post and circulate a notice to all employees involved in structural pest control operations which accurately recite the terms and conditions of probation. Respondent shall be responsible for said notice being immediately available to said employees. "Employees" as used in this provision includes all full-time, part-time, temporary and relief employees and independent contractors employed or hired at any time during probation. The notice shall be posted in a conspicuous place where employees can see it and shall remain posted the entire term of probation.

[5] Violation of Probation

Should respondent violate probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If an accusation or a petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter has been acted upon by the Board.

[6] Interview / Records: Board Or Its Designees

Respondent shall be available in person upon reasonable request for interviews and the review of records either at respondent's place of business, residence, or other agreed upon location throughout the term of probation.

[7] License Surrender

Following the effective date of this decision, if respondent ceases practicing in the pest control industry due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may request the voluntary surrender of respondent's license/registration to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request or to take any other action deemed appropriate and reasonable under the circumstances. Upon the Board's acceptance of the surrender, respondent shall within fifteen (15) days deliver to the Board's offices his/her wall and pocket license and company registration wall certificate. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license/registration shall be deemed a disciplinary action. However, if respondent re-applies for a license or registration, the application shall be treated as a petition for reinstatement of a revoked license/registration.

[8] Completion of Probation

Upon successful completion of probation, respondent's license / certificate will be fully restored.

[9] Cost Recovery

Respondent shall reimburse the Board investigation and enforcement costs in the amount of \$_____. Respondent shall pay these costs within 90 days of the effective date of the decision or through a payment plan approved by the Board. Failure to make a timely payment,

and/or failure to complete payment of cost recovery, shall constitute a violation of probation.

Periods of non-practice by Respondent shall not relieve respondent of his or her obligation to reimburse the Board for its investigative and enforcement costs. Probation shall not be terminated until all costs are paid-in-full.

OPTIONAL TERMS AND CONDITIONS OF PROBATION

[10] Actual Suspension

Respondent is suspended from practicing for (Ex. ten (10) consecutive days) beginning the effective date of the decision. This period of suspension shall not apply to the reduction of the probationary time period.

Note: The following paragraph applies only to companies:

Respondent structural pest control company shall prominently post a suspension notice provided by the Board of the Board's order of suspension at its principle office and each of its branch offices in a place conspicuous and readable to the public. The notice shall remain posted during the entire period of actual suspension.

[11] Continuing Education Course – Branch 1

Respondent shall complete a continuing education course for pest control in Branch 1 (fumigation) within six (6) months of the effective date of this decision in addition to the existing license renewal requirements .

[12] Continuing Education Course – Branch 2

Respondent shall complete a continuing education course for pest control in Branch 2 (general pest) within six (6) months of the effective date of this decision in addition to the existing license renewal requirements.

[13] Continuing Education Course – Branch 3

Respondent shall complete a continuing education course for pest control in Branch 3 (wood destroying pests and organisms) within six (6) months of the effective date of this decision in addition to the existing license renewal requirements.

[14] Random Inspections

Respondent shall reimburse the Board for (Ex. one (1)) random inspection(s) per (Ex. quarter) by Board specialists during the period of probation not to exceed \$125 per inspection.

[15] Inspection Fees

Respondent shall pay to the registrar, or designee, an inspection fee of (Ex. \$50) within thirty (30) days from the effective date of this decision.

[16] Restitution to Consumer

Respondent shall submit proof to the registrar that restitution in the amount of (Ex. \$8,000) has been made to (Ex. John Smith) within (Ex. thirty (30) days) of the effective date of the decision.

[17] Prohibited from Serving as Officer, Director, Associate, Partner, or Qualifying Manager

Respondent is prohibited from serving as an officer, director, associate, partner, qualifying manager, branch office manager, or responsible managing employee of any registered company during the period of probation.

[18] No Interest In Any Registered Company

Respondent shall not have any legal or beneficial interest in any company currently or hereinafter registered by the Board.

[19] Take And Pass Licensure Examinations

Within (Ex. six (6) months) of the effective date of this decision, respondent shall take and pass the (Ex. Operator's/Field Representative's/Applicator's) examination currently required of new applicants for (Ex. Operator's/Field Representative's) license. The examination shall be taken on regularly scheduled dates. Respondent shall pay the established examination fee. If respondent fails to pass said examination within (Ex. Six (6) months) of the effective date of this decision it shall constitute a violation of probation.

CROSS REFERENCE
BUSINESS AND PROFESSIONS CODE (B&P)
SECTIONS TO BUSINESS AND PROFESSIONS CODE SECTION
ESTABLISHING GROUNDS FOR DISCIPLINARY ACTION

VIOLATION OF B&P CODE SECTION	GROUNDS FOR DISCIPLINE UNDER B&P CODE SECTION
8505	8651
8505.1	8646
8505.2	8646
8505.3	8646
8505.4	8646
8505.5	8646
8505.6	8646
8505.7	8646
8505.8	8646
8505.9	8646
8505.10	8646
8505.11	8646
8505.12	8646
8505.13	8646
8505.14	8646
8505.16	8646
8505.17	8646
8506(c)	8641
8506.1	8641
8506.2	8641
8507	8651
8507.1	8651
8509	8641
8513	8641
8514	8641
8514.5	8641
8516	8641
8516.5	8641
8517	8641
8518	8641
8519	8641, 8644
8519.5	8646
8538	8646
8550	8641, 8646, 8648, 8651
8551	8646
8551.5	8641, 8646
8552	8648

8553	8641
8554	8641
8567	8641
8571	8641
8593	8641
8593.1	8641
8610	8641
8611	8641
8612	8641, 8650
8613	8641, 8651
8619	8641
8622	8641
8635	8641
8636	8641
8637	8641, 8642
8638	8641
8639	8641, 8646, 8648, 8651
8640	8641, 8646
8641	8641
8642	8641, 8642
8643	8641, 8646
8644	8641
8645	8641
8646	8641, 8646
8647	8646
8648	8641
8649	8641, 8649
8650	8641
8651	8641
8652	8641
8653	8641
8657	8641, 8646
8666	8641
8690	8641
8691	8641
8695	8641
8697	8641
8697.4	8641
8698.1	8641

**CROSS REFERENCE
CALIFORNIA CODE OF REGULATIONS (CCR) SECTIONS
TO BUSINESS AND PROFESSIONS CODE SECTION
ESTABLISHING GROUNDS FOR DISCIPLINARY ACTION**

VIOLATION OF CCR SECTION	GROUNDS FOR DISCIPLINE UNDER B&P CODE
1911	8641
1912	8650
1913	8641, 8650
1914	8650
1916	8641
1917	8650
1918	8641
1937	8641
1937.12	8641
1937.13	8641
1937.14	8635, 8636
1937.16	8641
1937.17	8641
1970(a)(b)	8652
1970.3	8646
1970.4(a)(b)(c)(d)(e)(f)	8646
1970.5	8646
1970.6	8646
1971(a)(1)(A)(B)(C)	8646
1971(a)(1)(b)	8646, 8647
1971(a)(2)	8646, 8647
1973	8646
1974	8646
1983	8643, 8647
1990	8641
1991	8641
1992	8641
1993	8641
1993.1	8641
1994	8641
1996	8641
1996.1	8641
1996.2	8641
1996.3	8641
1998	8641
1998(f)	8652
1999.5	8641



AGENDA ITEM 17

LICENSING UPDATE

- a. Statistical Reports
- b. Connect Implementation



MEMORANDUM

DATE	June 29, 2023
TO	Members of the Structural Pest Control Board
FROM	Melissa Zanetta, Chief of Licensing and Administration Structural Pest Control Board
SUBJECT	Agenda Item #17: Licensing Update

a. Statistical Reports

The report included in the materials (attachment 1) provides comparisons of licensing and examinations of the current fiscal year (FY 2022/2023) and the previous fiscal year (FY 2021/2022) for Fiscal Month 11 (May). Additionally, you will find the results from the most recent licensing survey (attachment 2) conducted between February 22, 2023 and May 08, 2023.

b. Connect Implementation

The Structural Pest Control Board (SPCB) Business Modernization Project is in full force, with product implementations to begin in November 2023. SPCB is in the process of refreshing technology used by staff to ensure the smooth transition to a more automated, innovative solution to the current legacy system and outdated equipment.

Business modernization efforts will streamline all internal processes and greatly improve industry and consumer interactions. A new Wood Destroying Organisms (WDO) platform will be included in the first release of the Business Modernization project. When the time comes, SPCB staff will work closely with registered branch 3 companies to inform and educate the industry on the added benefits that will enhance functionality and efficiency when reporting WDO activities and making WDO deposits.

Attachments:

1. Licensing / Examinations Statistics Report
2. Licensing Unit Survey Results (February 27, 2023 – June 8, 2023)

Licensing/Examinations Statistics Report

	CURRENT		FM	PREVIOUS	
	FM 11 Total	YTD	+ / (-)	FM 11 Total	Total
EXAMINATIONS					
Field Representatives Registered			173	672	3,041
Field Representatives Examined			14	474	2,139
Field Representatives Passed			60	261	1,172
Field Representatives Failed	167	1,690	(46)	213	967
Field Representatives Pass Rate	66%	59%	11%	55%	55%
Operators Registered			(28)	75	367
Operators Examined			5	47	322
Operators Passed			(1)	23	143
Operators Failed	30	280	6	24	179
Operator Pass Rate	42%	50%	-7%	49%	44%
Applicators Registered			(71)	338	2,044
Applicators Examined			(41)	259	1,498
Applicators Passed			(57)	185	942
Applicators Failed	90	937	16	74	556
Applicators Pass Rate	59%	59%	-13%	71%	63%
LICENSING					
Field Representative Licenses Issued	263	1,933	55	208	1,066
Operator Licenses Issued	33	202	18	15	95
Company Registrations Issued	36	248	16	20	155
Branch Office Registrations Issued	4	40	(1)	5	21
Change of Registered Company Officers	4	32	1	3	19
Change Of Qualifying Manager	4	114	(11)	15	67
Applicator Licenses Issued	207	1,362	(21)	228	926
Duplicate Licenses Issued	85	882	19	66	537
Upgrade Present License	25	308	1	24	160
Change of Status Processed	85	1,367	23	62	356
Address Change	192	1,550	(18)	210	893
Address Change (Principal Office)	33	250	18	15	166
Address Change (Branch Office)	0	5	0	0	2
Transfer of Employment Processed	201	2,210	(5)	206	1,735
Change of Name	2	33	(1)	3	5
Change of Registered Company Name	0	13	(2)	2	7
License Histories Prepared	1	37	(2)	3	52
Down Grade Present License	74	871	(11)	85	458
LICENSES RENEWED					
Operator	0	159	(312)	312	309
Field Representative	2	835	(620)	622	1,034
Applicator	0	237	(102)	102	410
Total	2	1,231	(1,034)	1,036	1,753

Licensing/Examinations Statistics Report

			FM + / (-)	PREVIOUS FM 11 Total	Total
LICENSES/REGISTRATIONS IN EFFECT					
Field Representative			1,731		14,049
Operator			437		4,119
Company Registration			75		3,270
Branch Office			11		479
Licensed Applicator			1,146		6,536
Total	31,853		3,400		28,453
LICENSES/REGISTRATIONS ON PROBATION					
Companies	18		2		16
Licensees	100		(16)		116
Total	118		(14)		132
LICENSES/REGISTRATIONS CANCELLED					
Operator			(1)	1	185
Field Representative			15	9	86
Company Registration			0	14	115
Branch Office			(2)	4	7
Applicator			3	0	14
Total	43	504	15	28	407
LICENSES DENIED					
Licenses	1	9	(1)	2	7
Total	1	9	(1)	2	7
STAMPS SOLD					
Pesticide	7,560	74,244	1,610	5,950	48,400
Total	7,560	74,244	1,610		
FINANCIAL RESPONSIBILITY					
Bonds Processed	3	76	(5)	8	47
Insurance Processed	326	2,573	27	299	1,537
Restoration Bonds Processed	0	0	0	0	0
Suspension Orders	0	140	(12)	12	119
Cancellations Processed	0	322	(33)	33	189
Change of Bond/Insurance	5	216	(25)	30	150
WC Updates	346	612	346	0	0
WC Exemptions	0	217	0	0	0
WC Cancellations	0	2	0	0	0
WC Suspensions	0	0	0	0	0
WC Lapse	0	0	0	0	0
WC Company Change	0	0	0	0	0

Structural Pest Control Board

Licensing Unit Survey Results

Surveys 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.

Total Survey Cards Distributed: 427
Total Responses Received: 33
Survey Period: February 27, 2023 – June 8, 2023

QUESTION	Yes	No	n/a
1. Was staff courteous?	97%	0%	3%
2. Did staff understand your question?	91%	0%	9%
3. Did staff clearly answer your question?	88%	0%	12%
4. Did staff promptly return your telephone call?	78%	9%	13%
5. Did staff efficiently and promptly handle your transaction?	94%	6%	10%
6. How long did it take to complete its action on your file?	25 days (Average)		

Survey Type	Response
Company Registration	33 days (3 responses)
Operator License	35 days (10 responses)
Field Representative License	14 days (4 responses)
Applicator License	14 days (6 responses)
Examination	11 days (2 responses)
Bond/Insurance	60 days (1 response)
Change of Address	1 day (1 response)
Total Responses	37

Comments:

- No issues, great service.
- Very helpful. Thank you.
- I forgot to sign one of the pages, so it took longer. Frank Munoz doesn't return phone calls ever.
- Thank you for the help and support team!
- Everything was done through the mail.
- Much appreciation from all of us!
- Thank you. Actions were completed ahead of schedule.
- Took extra long due to an error on my part. Board notified me on how to correct and resubmit what was needed. They were prompt. Great service.

Structural Pest Control Board

Licensing Unit Survey Results

Comments (cont.):

- Interaction was professional and friendly, completed in 30 seconds. I would hope that person is compensated and recognized to reflect this level of merit.
- Frank was very helpful, responsive, and friendly. Thank you!
- Takes forever to get papers processed. My check gets cashed by my bank 3-4 weeks before my application gets approved.
- Longer than expected. Call back in a reasonable time, or at all, when message is left.
- No one has called me yet, but so far all has been smooth.
- Thanks for the help.
- Three months because of my mistakes.
- Frank was extremely knowledgeable, and Elizabeth was prompt and professional.



AGENDA ITEM 18

ENFORCEMENT UPDATE

a. Statistical Reports



MEMORANDUM

DATE	June 29, 2023
TO	Members of the Structural Pest Control Board
FROM	Sophia Azar, Executive Officer Structural Pest Control Board
SUBJECT	Agenda Item #18: Enforcement Update

The Enforcement Statistics Report included in the materials (attachment 1) provides the Board's complaint intake, investigations, transmittals to the Attorney General's office, citations issued, and investigative fines assessed for the current fiscal year (FY 2022/2023), broken down by quarter.

For Q3 (Jan – Mar 2023), there were 70 complaints and 226 convictions/arrest notifications received. Complaints received through Q3 this fiscal year are down 24% compared to last fiscal year.

The Wood Destroying Organisms (WDO) Statistics Report provides the number of WDO activities filed per month this fiscal year. WDO filings are down approximately 13% through May 2023 compared to May 2022. This decrease in WDO filings may be a result of the California housing market. According to the California Association of Realtors, single-family homes sales are projected to be down 7% this year from last year, and 26% lower than 2021.

Attachments:

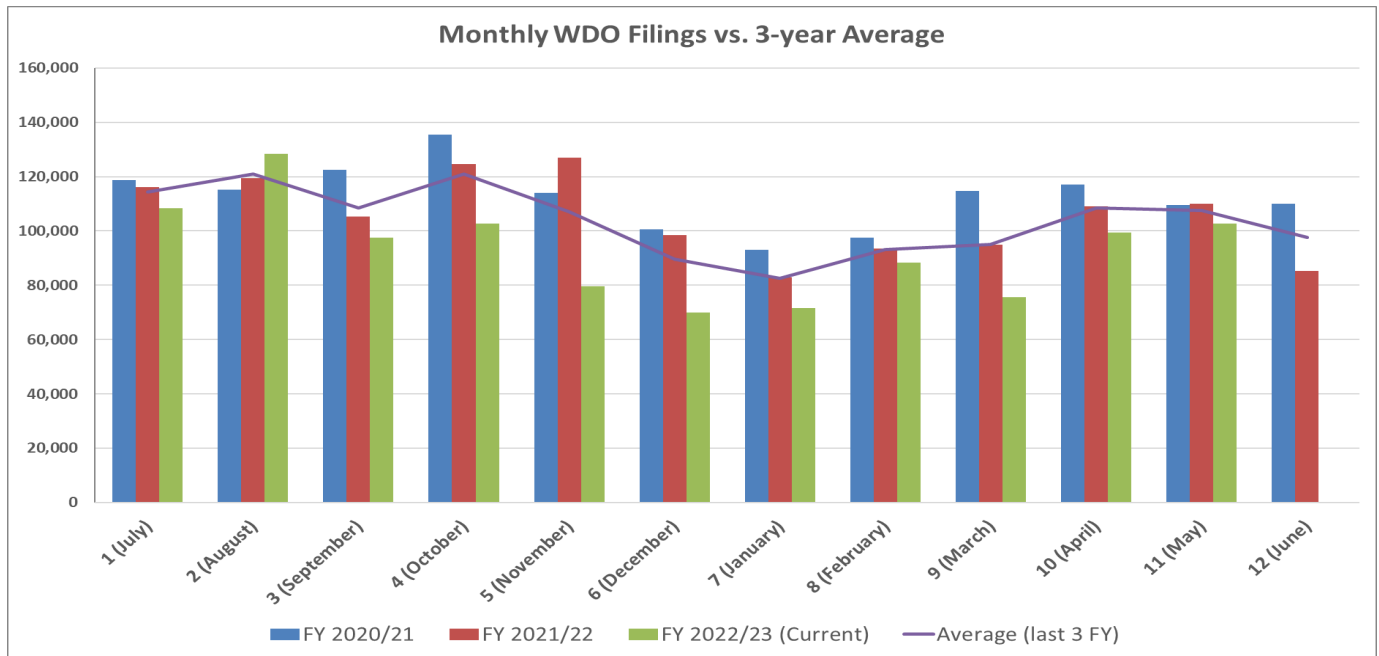
1. Enforcement Statistics Report
2. Wood Destroying Organisms (WDO) Statistics Report

Enforcement Statistics Report

	CURRENT FY 2022/23					PREVIOUS FY 2021/22
COMPLAINT INTAKE						
	Q1	Q2	Q3	Q4	YTD	Total
Complaints Received	52	77	70		199	328
Convictions/Arrest Received	260	219	226		705	697
Total Received	312	296	296		904	1,025
Average Days to Close/Assign	2	13	8		8	1.5
INVESTIGATIONS						
Target: 180 days	Q1	Q2	Q3	Q4	YTD	Total
Volume	61	75	81		217	328
Average Days to Close	275	445	575		432	514.5
TRANSMITTALS TO ATTORNEY GENERAL (AG)						
Target: 540 days	Q1	Q2	Q3	Q4	YTD	Total
AG Cases	13	8	6		27	29
Average Days to Close	468	254	180		301	432
CITATIONS						
	Q1	Q2	Q3	Q4	YTD	Total
Final Citations	14	25	80		119	188
Average Days to Close	Will begin tracking in FY2023/24					
INVESTIGATIVE FINES						
	Q1	Q2	Q3	Q4	YTD	Total
Specialist Fines						\$ 94,656
Civil Penalties						\$ 799
County Fines						\$ 79,635
Total Fines Processed	\$ 35,762	\$ 79,051	\$ 118,151		\$ 232,964	\$ 175,090

Wood Destroying Organisms (WDO) Statistics Report

	CURRENT FY 2022/23		PREVIOUS FY 2021/22
WDO ACTIVITIES FILED			
FM1 (July)	108,300	-7%	116,000
FM2 (August)	128,400	8%	119,400
FM3 (September)	97,600	-7%	105,300
FM4 (October)	102,800	-18%	124,700
FM5 (November)	79,700	-37%	127,000
FM6 (December)	70,000	-29%	98,500
FM7 (January)	71,600	-14%	83,000
FM8 (February)	88,400	-5%	93,500
FM9 (March)	75,500	-21%	95,000
FM10 (April)	99,500	-9%	109,000
FM11 (May)	102,800	-7%	110,000
FM12 (June)	<i>pending</i>	<i>pending</i>	85,200
YTD Total	1,024,600	-19%	1,266,600





AGENDA ITEM 19
OUTREACH AND
COMMUNICATION UPDATE

MEMORANDUM

DATE	June 29, 2023
TO	Members of the Structural Pest Control Board
FROM	Heather Jackson, Regulation & Legislative Program Specialist Structural Pest Control Board
SUBJECT	Agenda Item #19: Outreach and Communication Update

Email Communications

ListServ –

The Email Notification List (ListServ) continues to serve as a tool for Board staff to deliver large-scale e-mail communications to licensees and stakeholders. Interested parties can autonomously subscribe/unsubscribe for this tool on the [Email Notification List](#) page of the Board's website.

Since the last Board meeting on March 9, 2023, the Board's general ListServ email has 124 new subscribers, bringing us to 694 subscribers in total. Staff continues to highlight this feature by advertising through email, social media posts, during speaking engagements, and interactions with consumers and licensees.

New Licensee Outreach –

On March 24, 2023, Board staff began sending a "Connect with SPCB!" email (attachment 1) to new licensees each week. The email includes a congratulatory message, information on how to follow SPCB on social media, subscribe to the ListServ, and provides direct links to available resources on the Board's website.

Full Licensee Outreach –

On June 2, 2023, the "Connect with SPCB!" email was distributed to the Board's full licensing population. Approximately 12,000 licensees were contacted, and as a result the Board's social media account saw a significant increase in traffic and followers.

Social Media

In collaboration with the Department of Consumer Affairs' Office of Public Affairs, the Structural Pest Control Board (SPCB or Board) developed its first Strategic Communications Plan which is framework that supports a social media campaign aimed to educate and engage with the Board's consumer and licensee base.

Highlighted below are a number of key topics and messaging developed specifically for SPCB's social media. These topics serve as a guide for post material and, when available, offer links to informative material and resources on the Board's website.

- #termitetuesday – What are termites?
- #branch2tuesday – What are household pests?
- #fumefriday – What is fumigation?
- Renewal Reminders (Annual - January-April)
- Subscribe to Mailing List
- Holiday Office Closures
- Board Meeting/Events

On February 27, 2023, the Board released its first social media post across three platforms (Facebook, Instagram, and Twitter). The Social Media Account and Content Statistics Report (attachment 2) prepared by Board staff utilizes information collected directly from Meta reporting system insights and include details for each post, including the image, its topic, target audience, reach, performance, and engagements.

Quarterly Newsletter

Board staff has established an internal collaboration committee to facilitate a relaunch of the Board's newsletter by early 2024.

The committee had a kick-off meeting in early June 2023 to brainstorm a number of exciting concepts to include in future newsletters. Highlighted below are some of the concepts discussed:

- **Legislation/Regulation** - Board positions, new laws
- **Licensing/Enforcement/WDO** – FAQs, renewal reminder online licensing project updates, opportunities to earn CE, enforcement scope of practice reminders, consumer complaint process, WDO requirements/how to (new online process)
- **Outreach** – Partner Corner (content provided by some of our partners), SME recruitment opportunities, Ask the Board/Specialists (submit questions to be answered in future newsletters)
- **Other** - Tips/tricks, staff/field specialist bios/highlights, diversity, equity, and inclusion

Partnerships

I am excited to announce that we've established a partnership with the Department of Real Estate's (DRE) Communications & Publications Office. We look forward to including stories/informative material on the role of Wood Destroying Organism (WDO) reports in their next quarterly newsletter (Est. Fall 2023). Additionally, DRE is working on developing educational guides for first time homebuyers and have asked SPCB for information relevant to the pest control industry. This relationship will allow SPCB to connect with DRE's audience, and vice-versa.

We have also established a cohort of SPCB staff/specialists to gather information that may would be helpful for the real estate audience. Some ideas that came out of a recent brainstorm session included what to look for when buying a home (from a pest pro), the importance of having a pest inspection, and other information that might be helpful to

agents/lenders about SPCB, the pest industry, and inspection/reporting process. We look forward to expanding this cohort to include DRE representatives and possibly associations in the real estate space.

Live Events/Speaking Engagements

- **March 28, 2023** – UC Riverside Urban Pest Management Conference
- **June 21-23, 2023** – Pest Control Operators of California (PCOC) Expo

Attachment(s):

1. "Connect with SPCB!" Email Sample
2. Social Media Account and Content Statistics

From:
To:
Subject:
Date:

[REDACTED]
Connect with SPCB!
Thursday, March 24, 2023 8:00:00 AM

Welcome, and congratulations on your recent SPCB license approval!



Additional resources available online:

[Structural Pest Control Laws & Regulations](#)

[File WDO Reports Online](#)

[Update License Information](#)

[Renew License](#)

[Contact Us](#)

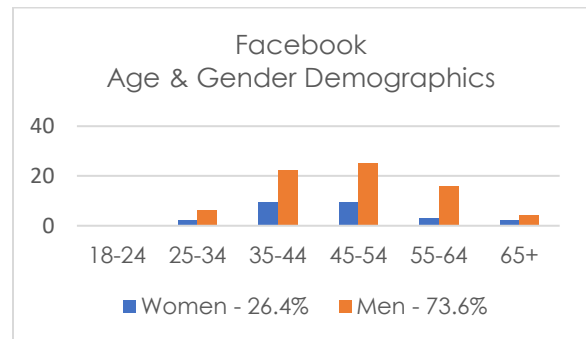
Structural Pest Control Board

Social Media Account & Content Statistics

Definitions	
Reach	The number of accounts that saw post at least once.
Impressions	Number of times users saw the Tweet on Twitter.
Engagements	Total number of times a user has interacted with a Tweet. This includes all clicks anywhere on the Tweet (including hashtags, links, avatar, username, and Tweet expansions), retweets, replies, follows, and likes.

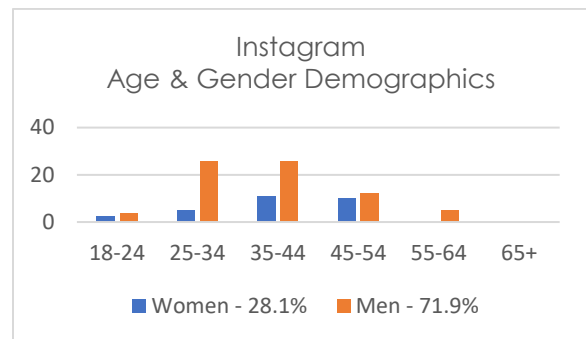
Facebook Statistics Cumulative: 1/26/23 – 6/6/23	
Page Likes	77
Page Follows	120
Page Reach	195
Page Visits	924

[Link to SPCB Facebook Page](#)



Instagram Statistics Cumulative: 1/26/23 – 6/6/23	
Page Follows	104
Page Reach	125
Page Visits	238

[Link to SPCB Instagram Page](#)





Twitter Statistics Cumulative: 1/26/23 – 6/6/23	
Total Followers	69
Total Tweets	14
Impressions	588
Profile Visits	1512

[Link to SPCB Twitter Page](#)


*Twitter demographics are not available at this time


Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
5/29/2023	Office Closure – Holiday		Consumers & Licensees						
			Message: In honor of Memorial Day, the SPCB will be closed today and will resume normal business hours on Tuesday, May 30, 2023. #memorialday #honorandremember						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	85		3	0	0	0			
Instagram	60	5		0	0	0			
Twitter		0		0		0	41	0	0

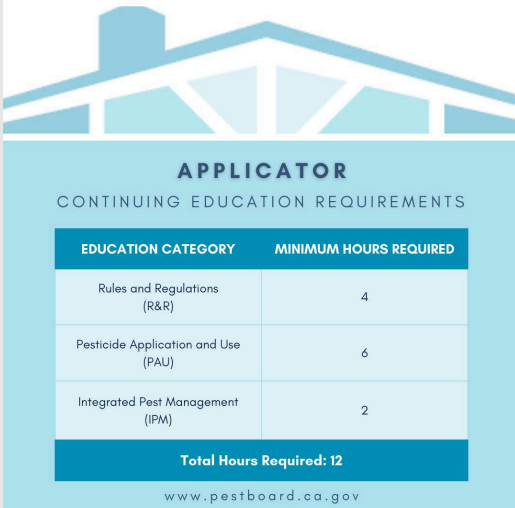
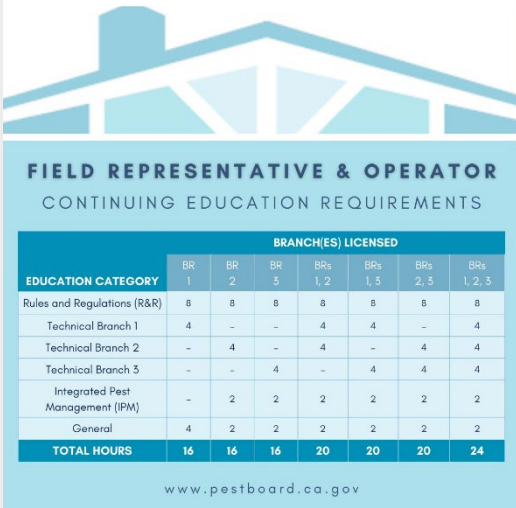
Date Posted		Post Topic				Target Audience			
5/18/2023		Cancel License Request				Licensees			
<div><p>NOT RENEWING YOUR LICENSE?</p><p>Consider canceling your license by submitting a written notice to the Board.</p><p>“</p><div><p><u>Sample Written Notice</u></p><p>Dear SPCB,</p><p>I, [Licensee First&Last Name] - [License Type & Number], hereby request to cancel my SPCB license immediately.</p><p>Thank you,</p><p>[Licensee Signature]</p></div><p>”</p><p>Email your notice to: PestBoard@dca.ca.gov</p><p>www.pestboard.ca.gov</p></div>						Message: If you are no longer working in the industry or DO NOT anticipate renewing your license, consider canceling your license with the Board. #pestboard			
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	77		3	0	0	0			
Instagram	84	11		0	1	0			
Twitter		0		0		0	42	3	0

Structural Pest Control Board – Content Performance


Date Posted		Post Topic				Target Audience					
5/17/2023		Renewal Printing - Restored				Licensees					
						<p>Message: DCA's printing provider has restored printing services!! Please verify your license information to ensure your address is correct and complete any continuing education hours prior to June 30, 2023. #pestboardca #renewalseason</p> <p>Link to DCA License Search</p>					
Performance											
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets		
Facebook	72		9	4	0	2					
Instagram	65	4		0	1	0					
Twitter		0		1		0	49	8	0		


Date Posted		Post Topic				Target Audience			
5/4/2023		Renewal Printing - Delayed				Licensees			
						<p>Message: DCA's printing provider is currently experiencing technical difficulties and, as a result, the printing of Structural Pest Control Board licenses, certificates, renewals, and letters is delayed. Printing interruption began on April 13, 2023. At this time, DCA does not have an estimated time of restoration. Updates will be provided as more information becomes available. Considering subscribing to our mailing list for Board updates: Link to Email Notification List</p>			
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	76		2	0	0	3			
Instagram	69	6		3	2	0			
Twitter		1		0		0	54	4	0

Structural Pest Control Board – Content Performance


Date Posted		Post Topic		Target Audience					
4/28/2023		Continuing Education		Licensees					
									
<p>Message: Does your license renew June 30, 2023? Section 1950 of the SPCB Act, requires all licensees to complete continuing education hours as a condition of renewal. For more information, visit our website at the link below.</p> <p>Link to Continuing Education Information</p>									
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	70		2	0	0	3			
Instagram	58	8		0	0	0			
Twitter		0		0		0	38	1	0


Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
4/21/2023	Verify a License		Consumers						
			<p>Message: Consumers remember to verify a license. A licensee should carry an identification card issued by SPCB which indicates that the person is licensed as a registered applicator, field representative, or operator. #consumerprotection</p> <p>Link to DCA License Search</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	69		3	1	0	0			
Instagram	51	5		0	0	0			
Twitter		0		0		0	49	10	1


Date Posted	Post Topic		Target Audience						
4/7/2023	Fumigation		Consumers						
			<p>Message: Fumigation is a method of using a lethal gas to exterminate pests within an enclosed space. There are two fumigation methods used. One is to seal the structure with plastic, tape, or other materials, and the other is to enclose the structure in a tent of vinyl-coated nylon tarpaulins. Click the link below for more information.</p> <p>#FumeFriday</p> <p>Link to Fumigation Brochure</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	52		3	0	0	2			
Instagram	60	5		0	0	0			
Twitter		0		0		0	25	0	0


Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
3/31/2023	Office Closure – Holiday		Consumers & Licensees						
			<p>Message: In observance of Cesar Chavez Day, the SPCB will be closed today and will resume normal business hours on Monday, April 3, 2023.</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	54		4	0	0	0			
Instagram	43	3		0	0	0			
Twitter		0		0		0	35	0	0


Date Posted	Post Topic		Target Audience						
3/30/2023	Renewal Information		Licensees						
<div></div>			<p>Message: If your license is expiring on June 30, 2023, consider updating your records with SPCB to ensure you receive your license renewal form.</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	56		3	0	0	0			
Instagram	45	5		0	0	0			
Twitter		0		0		0	21	0	0


Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
5/29/2023	Office Closure – Holiday		Consumers & Licensees						
			Message: In honor of Memorial Day, the SPCB will be closed today and will resume normal business hours on Tuesday, May 30, 2023. #memorialday #honorandremember						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	85		3	0	0	0			
Instagram	60	5		0	0	0			
Twitter		0		0		0	41	0	0


Date Posted	Post Topic		Target Audience						
3/28/2023	Termites		Consumers						
			<p>Message: Termites are small white, tan, or black insects that can cause severe destruction to wooden buildings. Termite pests in California include drywood, dampwood, and subterranean species. These pests cause serious damage to wooden structures and posts and attack stored food, books, and household furniture. Click the link below for more information. #termitetuesday</p> <p>Link to Termite Brochure</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	43		2	0	0	1			
Instagram	53	6		2	2	0			
Twitter		0		0		0	31	3	1


Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
3/23/2023	General Pest		Consumers						
			<p>Message: Common household pests are rodents, ants, bees, fleas, cockroaches, spiders, weevils, and moths. Household pests live in or invade households and structures. Some household pests damage food, clothing, rugs, or furniture; others may carry or spread disease. Click the link below for more information.</p> <p>Link to Household Pest Brochure</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	39		3	0	0	1			
Instagram	49	6		1	0	0			
Twitter		0		0		0	20	1	0


Date Posted	Post Topic		Target Audience						
3/14/2023	Women's History Month		Licensees and Consumers						
<div><p>THIS WOMEN'S HISTORY MONTH, WE HONOR AND RECOGNIZE THE EXTRAORDINARY WOMEN WHO LEAD THE CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS</p><p>(Video prepared by DCA)</p></div>			<p>Message: The SPCB and DCA recognizes and thanks the extraordinary women within the department for their service and dedication to California consumers. Happy Women's History Month.</p> <p>#WomensHistory Month</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	45		3	0	0	0			
Instagram	48	6		0	1	0			
Twitter		0		0		0	30	0	0

Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
3/10/2023	National Consumer Protection Week		Licensees and Consumers						
<div><p>(Snapshot of DCA Blog)</p></div>			<p>No message. Shared link to DCA Blog.</p> <p>Link to DCA Blog on National Consumer Protection Week</p> <p>*Only shared on Facebook</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	43		1	0	0	0			
Instagram	0	0		0	0	0			
Twitter		0		0		0	0	0	0

Date Posted	Post Topic		Target Audience						
2/27/2023	Board Meeting Notification		Licensees and Consumers						
			<p>Message: Join us on March 9th, 2023 for our upcoming Board Meeting in Sacramento. The meeting will start at 9:00am.</p> <p>For the agenda, visit the Board's website at: Link to Meeting Agenda</p>						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	61		4	0	0	2			
Instagram	49	1		0	0	0			
Twitter		0		0		0	96	1	1

Structural Pest Control Board – Content Performance

Date Posted	Post Topic		Target Audience						
2/27/2023	Board Meeting Notification		Licensees and Consumers						
			Message: Welcome to California Structural Pest Control Board - SPCB! Don't forget to like or follow us so you can stay informed with all things relating to structural pest control in California. Thanks for visiting and we look forward to connecting with you! #pestboardca #structuralpest #spcb						
Performance									
	Reach	Likes	Reactions	Comments	Shares	Link Clicks	Impressions	Engagements	Retweets
Facebook	53		2	0	0	0			
Instagram	48	7		1	0	0			
Twitter		0		0		0	80	8	2



AGENDA ITEM 20

EXECUTIVE OFFICER'S REPORT

- a.** Staffing Update
- b.** Budget Update
- c.** 2023-2028 Strategic Plan Update
- d.** Report on Status of Board Funded
Research Projects

MEMORANDUM

DATE	June 29, 2023
TO	Members of the Structural Pest Control Board
FROM	Sophia Azar, Executive Officer Structural Pest Control Board
SUBJECT	Agenda Item #20: Executive Officer's Report

a. Staffing Update

Board Specialist Greg Adams, from the Los Angeles area, is retiring effective August 2, 2023. Board staff is working on backfilling the position as soon as possible.

b. Budget Update

The fund condition statement (FCS) (attachment 1) is based on the 2023-24 Governor's Budget and 2022-23 fiscal month 10 revenue and expenditure projections. It has been updated with 2021-22 prior year actual revenues and expenditures, which resulted in a fund balance reserve of \$3.5 million (6.8 months).

Revenues: The Board began 2022-23 with a fund balance of \$3.5 million and is projected to collect approximately \$5.1 million in revenues with \$4.1 million from WDO activity submittals and \$898,000 in exam and license fees and license renewal fees.

Expenditures: The Board's 2022-23 current year appropriation is \$7.1 million. The FCS projects ongoing expenditures with a three percent (growth factor) increase per year. The FCS shows the Board fully expending its appropriation ongoing. Should the Board not fully expend its appropriation, any savings remains in the Fund for future use.

c. Strategic Plan Update

The Strategic Plan Status Report (attachment 2) provides a chart for each strategic goal showing the status of each related objective. As you can see from the report, we are moving ahead and making progress towards completing many of the Board's goals. Considering that this plan is through the end of 2028, I believe we're on track to meet most, if not all, of our deadlines.

d. Report on Board Funded Research Projects

Dr. Niamh Quinn - University of California, Agriculture and Natural Resources

"Investigation of Rodenticide Pathways in an Urban System Through the Use of Isotopically Labelled Bait"

Status: Phase 4 (Pilot field study and analyses of samples) is currently underway with successful deployment of isotopically labelled bait at pilot study site. See Dr. Quinn's project status report (attachment 3) in the meeting materials.

Total Contract Amount:	\$ 329,750
Amount Expended to Date:	\$ 152,506.67
Contract Expiration Date:	December 31, 2023

Attachment(s):

1. SPCB Fund Condition Statement
2. Strategic Plan Status Report
3. Dr. Quinn June 2023 Project Status Report

0775 - Structural Pest Control Fund Analysis of Fund Condition
(Dollars in Thousands)
2023-24 Governor's Budget W_FM10

Prepared on 5.31.2023

	Actual 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25
BEGINNING BALANCE				
Prior Year Adjustment	\$ 2,814	\$ 3,529	\$ 2,403	\$ 1,355
Adjusted Beginning Balance	\$ 301	\$ 0	\$ 0	\$ 0
	\$ 3,115	\$ 3,529	\$ 2,403	\$ 1,355
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4121200 - Delinquent fees	\$ 6	\$ 7	\$ 6	\$ 6
4127400 - Renewal fees	\$ 271	\$ 235	\$ 243	\$ 243
4129200 - Other regulatory fees	\$ 5,180	\$ 4,164	\$ 5,621	\$ 5,621
4129400 - Other regulatory licenses and permits	\$ 695	\$ 663	\$ 666	\$ 666
4141200 - Sales of Documents	\$ 17	\$ 1	\$ 0	\$ 0
4143500 - Miscellaneous Services to the Public	\$ 1	\$ 1	\$ 1	\$ 1
4163000 - Income from surplus money investments	\$ 15	\$ 57	\$ 39	\$ 1
4171400 - Escheat of unclaimed checks and warrants	\$ 8	\$ 8	\$ 0	\$ 0
4172500 - Miscellaneous revenues	\$ 1	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 6,194	\$ 5,136	\$ 6,576	\$ 6,538
Operating Transfers To General Fund 0001 (AB84)	\$ -201	\$ 0	\$ 0	\$ 0
Totals, Transfers and Other Adjustments	\$ -201	\$ 0	\$ 0	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 5,993	\$ 5,136	\$ 6,576	\$ 6,538
TOTAL RESOURCES	\$ 9,108	\$ 8,665	\$ 8,979	\$ 7,893
Expenditures:				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 5,138	\$ 5,794	\$ 7,057	\$ 7,269
9999 Statewide Pro Rata	\$ 340	\$ 367	\$ 466	\$ 466
9892 Supplemental Pension Payments (State Operations)	\$ 101	\$ 101	\$ 101	\$ 101
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 5,579	\$ 6,262	\$ 7,624	\$ 7,836
FUND BALANCE				
Reserve for economic uncertainties	\$ 3,529	\$ 2,403	\$ 1,355	\$ 57
Months in Reserve	6.8	3.8	2.1	0.1

NOTES:

1. Assumes workload and revenue projections are realized in BY +1 and ongoing.
2. Expenditure growth projected at 3% beginning BY +1.

**0399 - Structural Pest Control Education and Enforcement Fund Analysis
of Fund Condition
(Dollars in Thousands)**

Prepared on 5.31.2023

2023-24 Governor's Budget W_FM10 Projections

	Actual 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25
BEGINNING BALANCE				
Prior Year Adjustment	\$ 1,207	\$ 1,437	\$ 1,523	\$ 1,654
Adjusted Beginning Balance	\$ 157	\$ 0	\$ 0	\$ 0
	\$ 1,364	\$ 1,437	\$ 1,523	\$ 1,654
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4129200 - Other regulatory fees	\$ 407	\$ 404	\$ 437	\$ 437
4163000 - Income from surplus money investments	\$ 6	\$ 26	\$ 25	\$ 26
4171400 - Escheat of unclaimed checks and warrants	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 413	\$ 430	\$ 462	\$ 463
TOTAL RESOURCES	\$ 1,777	\$ 1,867	\$ 1,985	\$ 2,117
Expenditures:				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 314	\$ 314	\$ 314	\$ 323
9892 Supplemental Pension Payments (State Operations)	\$ 4	\$ 4	\$ 4	\$ 4
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 22	\$ 26	\$ 13	\$ 13
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 340	\$ 344	\$ 331	\$ 340
FUND BALANCE				
Reserve for economic uncertainties	\$ 1,437	\$ 1,523	\$ 1,654	\$ 1,777
Months in Reserve	50.1	55.2	58.3	63.4

NOTES:

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

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

Prepared on 5.31.2023

2023-24 Governor's Budget W_FM10 Projections

	Actual 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25
BEGINNING BALANCE				
Prior Year Adjustment	\$ 794	\$ 1,117	\$ 971	\$ 1,141
Adjusted Beginning Balance	\$ 0	\$ 0	\$ 0	\$ 0
	\$ 794	\$ 1,117	\$ 971	\$ 1,141
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4129200 - Other regulatory fees	\$ 163	\$ 158	\$ 156	\$ 156
4163000 - Income from surplus money investments	\$ 4	\$ 17	\$ 17	\$ 19
Totals, Revenues	\$ 167	\$ 175	\$ 173	\$ 175
TOTAL RESOURCES	\$ 961	\$ 1,292	\$ 1,144	\$ 1,316
Expenditures:				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ -156	\$ 321	\$ 3	\$ 3
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ -156	\$ 321	\$ 3	\$ 3
FUND BALANCE				
Reserve for economic uncertainties	\$ 1,117	\$ 971	\$ 1,141	\$ 1,313

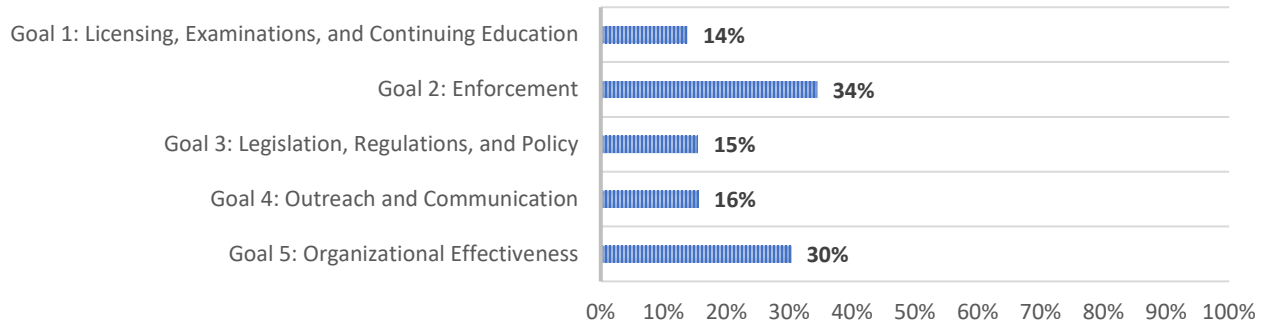
NOTES:

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

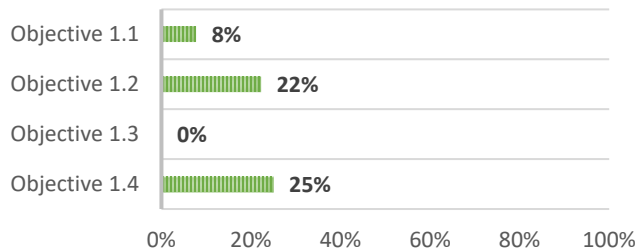
Structural Pest Control Board

Strategic Plan Progress Report (Q2 - 2023)

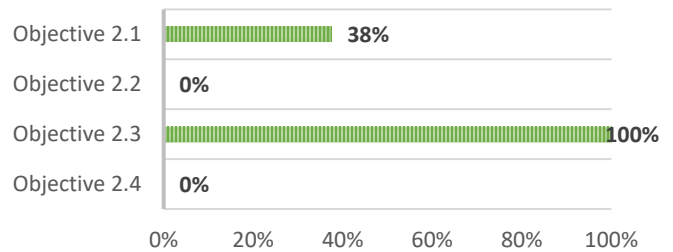
OVERALL GOALS



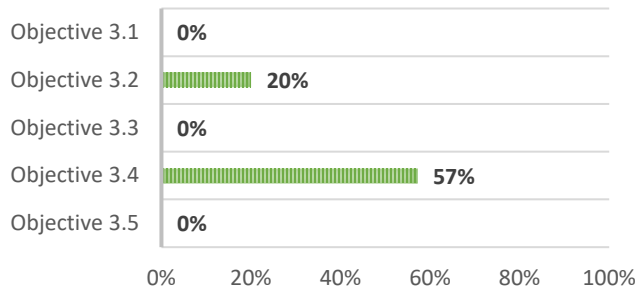
GOAL 1: LICENSING, EXAMINATIONS, AND CONTINUING EDUCATION



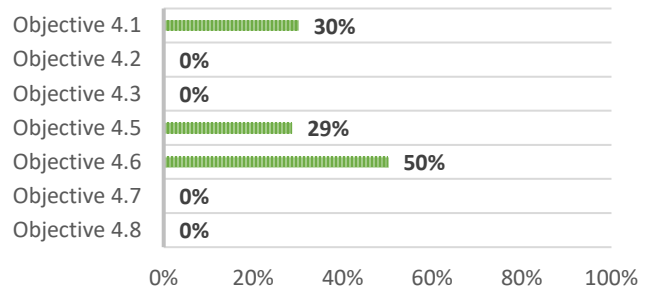
GOAL 2: ENFORCEMENT



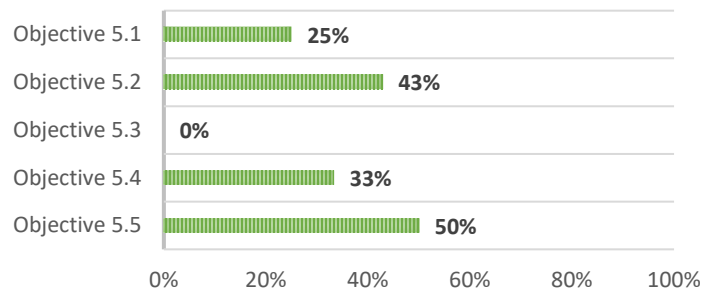
GOAL 3: LEGISLATION, REGULATIONS, & POLICY



GOAL 4: OUTREACH & COMMUNICATION



GOAL 5: ORGANIZATIONAL EFFECTIVENESS



SPCB 2023-2028 Action Plan

Goal 1: Licensing, Examinations, and Continuing Education

1.1

Implement the Connect system to improve transparency, customer experience, and efficiency of the examination and licensing processes.

Success Measure:

Examination and licensing processes are online.

1.1.1

Identify projected timelines for completion of licensing implementation.

1.1.2

Review legislation and regulations to reflect new platform processes.

1.1.3

Identify SMEs to work internally with OIS.

1.1.4

Identify internal contacts to cite on website.

1.1.5

Identify internal processes for help with Connect.

1.1.6

Ensure that development is addressing board specific needs.

1.1.7

Identify/map different business processes.

1.1.8

Create procedures for the new Connect platform.

1.1.9

Create training plans for internal users.

1.1.10

Create training plans for external users.

1.1.11

Participate in continued testing and adjustment as needed.

1.1.12

Partner with PCOC (Pest Control Operators of California) and other interested parties to notify of changes of new platform. (See 4.7)

1.1.13

Update board website to include FAQs.

1.2

Evaluate the process of auditing licensees' continuing education.

Success Measure:

Decrease in audit processing time and increase in number of audits completed.

1.2.1

Review current processes.

1.2.2

Identify problematic auditing processes (including contact information).

1.2.3

Explore new or existing auditing processes to determine efficacy.

1.2.4

Collaborate with Organizational Improvement Office (OIO) on processes.

1.2.5

Explore automated options in Connect for the submission and confirmation of CE certificates and rosters.

1.2.6

Recommend new auditing processes, if needed.

1.2.7

Create/update auditing procedures to reflect new process.

1.2.8

Provide training for internal staff, providers, and licensees.

1.2.9

Provide outreach on new EPA standards.

1.3

Evaluate and restructure the continuing education approval process of providers and course materials to ensure quality continuing education is provided to licensees.

Success Measure:

Decrease in violations.

1.3.1

Review current processes.

1.3.2	Identify problematic approval processes (including contact information).
1.3.3	Review course materials standards.
1.3.4	Evaluate how EPA changes will affect the approval process and standards. (check DPR also)
1.3.5	Explore new or existing approval processes among other boards and other agencies to determine efficacy.
1.3.6	Collaborate with Organizational Improvement Office (OIO) on processes.
1.3.7	Recommend new approval processes, if needed.
1.3.8	Educate the providers on the approval process.
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.
Success Measure:	Recommendation made to the Board.
1.4.1	Collaborate with OPES on potential process of separating the two branches.
1.4.2	Identify costs and barriers of separating.
1.4.3	Identify ways to provide assistance for exam takers.
1.4.4	Make a recommendation to the Board (include other possible options if separating is not feasible, such as taking only field rep exam?).
Goal 2: Enforcement	
2.1	Increase positive proactive education and enforcement to improve the integrity and relationship with the industry.
Success Measure:	Have events scheduled ongoing (at least three events per year).
2.1.1	Work with PCOC to attend their events in different regions of California – send specialist and perhaps staff (districts looking for speakers). One coming March 2023.
2.1.2	Create meet and greet events in regions, invite companies, take questions – maybe include licensing & enforcement staff (monthly meet and greet?).
2.1.3	Generate a report of new companies (monthly, quarterly), have a specialist introduce themselves; Look into the idea of inside staff doing this with field offices, give contact info – identify who needs extra support (those would go to a specialist).
2.1.4	Incorporate meet and greets aligned with board meetings when board meets in person.
2.1.5	Follow up on new regs via field staff and internal staff (email blasts?).
2.1.6	Find ways to elicit feedback from companies.

2.1.7	Comment cards/surveys – also send to companies – for general satisfaction.
2.1.8	Develop and offer virtual workshop.
2.2	Increase the working relationships with county agricultural commissioners and the Department of Pesticide Regulations (DPR) to reduce incidents of unlawful pest control services.
Success Measure:	Have meetings scheduled ongoing with county ags and/or DPR; internal training created and scheduled.
2.2.1	Reaching out to DPR - to help drive Structural Civil Penalties (SCP) participation (update enforcement letter?), establish contacts, share ideas.
2.2.2	CAC (county ag commissioner) has five area groups– attend virtual meetings, introduce collaboration tone and ideas, sharing contacts.
2.2.3	Create meetings or ways to introduce all parties across SPCB and DPR.
2.2.4	Meet with county ags to get an idea of what they do, meet to find ways to work together, establish contacts, set tone (SCP for more counties?).
2.2.5	Clarify roles of DPR and county ags and Board (an internal training for CSRs, attend annual structural training at least once).
2.2.6	Create an internal training for CSRs about roles, ask/encourage/require them to attend annual structural training at least once.
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.
Success Measure:	Legislative proposal submitted to legislature.
2.3.1	Develop draft language.
2.3.2	Work with Leg Council, DCA Leg office and leg committee staff to seek an author for the legislative proposal.
2.3.3	Determine fiscal impact to the legislative proposal.
2.3.4	Include in Sunset Review as a new issue (in 2026).
2.3.5	Seek approval from Board for legislative proposal.
2.4	Implement the Connect system to improve transparency, customer experience, and efficiency of the enforcement processes.
Success Measure:	Enforcement processes are online.
2.4.1	Ensure that development is addressing board specific needs.
2.4.2	Identify SMEs to work internally with OIS.
2.4.3	Create procedures for the new Connect platform.
2.4.4	Create training plans for external users.
2.4.5	Create training plans for internal users.
2.4.6	Partner with DPR and CACs and other interested parties to notify of changes of new platform.
2.4.7	Participate in continued testing and adjustment as needed.

2.4.8	Update board website to include new process for complaint submission and FAQs.
2.4.9	Identify internal contacts to cite on website.
2.4.10	Identify internal processes for help with Connect.
2.4.11	Review legislation and regulations to reflect new platform processes (see also 3.5).
Goal 3: Legislation, Regulations, and Policy	
3.1	Incorporate new EPA required standards into regulation to comply with federal standards.
Success Measure:	Regulations are finalized, communicated to licensees, and all Branch 1 licensees have been tested.
3.1.1	Continue to work with DPR staff and DCA Legal Counsel regarding the Board's Certification & Training regulation package to meet EPA standards.
3.1.2	Continue the rulemaking process to finalize the Board's Certification & Training regulation package to meet EPA standards.
3.1.3	Coordinate with the Office of Professional Examination Services (OPES) to revise examinations to meet the new C&T requirements.
3.1.4	SPCB conducts outreach and provides guidance to SPCB licensing population and CE providers.
3.1.5	SPCB re-tests existing Branch 1 (fumigation) licensees using new examinations reflecting revised competency standards.
3.2	Provide legislative and regulatory updates in the Board's newsletter to improve communication and awareness to consumers and licensees.
Success Measure:	Newsletter is relaunched with leg/reg updates.
3.2.1	Create new Act Review Committee (see 3.5).
3.2.2	Address suggested changes from previous Act Review Committee (see also 3.5).
3.2.3	Relaunch Board's newsletter (see 4.5).
3.2.4	Board staff to work with Act Review Committee on possible Leg/Reg updates that can be included in the newsletter.
3.2.5	Assign staff member to coordinate the newsletter column.
3.3	Re-examine the fee structure to ensure a consistent and balanced revenue stream.
Success Measure:	Recommendation made to the Board.
3.3.1	Research feasibility of contracting with outside vendor instead of DCA Budget Office to conduct a fee study.
3.3.2	Conduct fee study (if outside vendor, obtain contract).
3.3.3	Develop recommendation to the Board based on results of fee study.

3.3.4	Recommend to the Board possible changes to the Board's fee structure.
3.4	Explore alternatives to foster improved communication with other agencies and the legislature to improve timely tracking of sensitive or competing legislation.
Success Measure:	Contacts established and monthly EO report sent.
3.4.1	Collaborate with CSLB to assist with answering questions regarding home inspectors.
3.4.2	Identify who (DPR, Fish & Wildlife, CSLB, SOS, FTB. etc.) to communicate and collaborate with.
3.4.3	Ensure that board meeting recordings are highlighted on the Board's social media accounts (see 5.4).
3.4.4	Ensure board staff is properly identifying and tracking leg proposals and outside rulemaking that effect the board and providing updates.
3.4.5	Ensure board staff is regularly updating the board's website to reflect updates to legislation and regulations.
3.4.6	Catch Legislative Supplement publication up to date.
3.4.7	Ensure monthly EO report reflects updates to legislation and regulation.
3.5	Review, and revise as necessary, language in the [Board's act and regulations] to improve clarity.
Success Measure:	Act Review Committee re-established, and regulations updated as needed.
3.5.1	Ask the Board President to establish new Act Review Committee.
3.5.2	Address suggested changes from previous Act Review Committee.
3.5.3	Board staff work closely with the Act Review Committee to determine updates needed to the BPC and CCRs.
3.5.4	Leg/Reg Specialist to work closely with SMEs on minor clean-up regulation package.
3.5.5	Recommend to the Board, as needed, possible CCR changes for approval to begin the rulemaking process.
Goal 4: Outreach and Communication	
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.
Success Measure:	Website and ListServ refreshed, and newsletter relaunched.
4.1.1	Visit at in-person events (see 4.6).
4.1.2	Relaunch the Board's newsletter (see 4.5).

4.1.3	Continue to work closely with DCA Communications (OPA) team on social media campaign.
4.1.4	Review and refresh the digital brochures on website.
4.1.5	Review and refresh links on website to studies being done.
4.1.6	Incorporate external agency contact list with roles on website (including such topics as pesticides).
4.1.7	Selecting information from outside websites to link to on Board's website.
4.1.8	Update the consumer information tab on website (see 5.4).
4.1.9	Work with OIS to break out separate topics via ListServ for consumers.
4.1.10	Promote ListServ.
4.2	Set expectations for license applicants to improve success rate and reduce the number of unlicensed practitioners.
Success Measure:	Website continuously updated to reflect updated resources for applicants.
4.2.1	Outline process for updates to materials of all kinds including notifying of suggested materials.
4.2.2	Review and refresh newly issued company registration packets (PR introduction package).
4.2.3	Work with OPES to keep exam resources list up to date.
4.2.4	Ensure that staff update website to reflect changes OPES made to candidate handbook.
4.2.5	Bulletin or highlight on main webpage about Branch 1 EPA changes.
4.2.6	Update website on how to start a company with timeframes (licensing performance measures, etc.).
4.3	Expand communication channels and opportunities for the exam subject matter expert (SME) pool (including incentivizing participation) to raise awareness of SME opportunities.
Success Measure:	Increased pool of SMEs.
4.3.1	Explore options to incentivize participation (higher pay, additional CE hours, etc.).
4.3.2	Begin social media posts and increase email blasts regarding SME opportunities.
4.3.3	Research best practices from other Boards/Bureaus.
4.3.4	Include information in Board's Newsletter regarding SME opportunities.
4.3.5	Send information regarding SME opportunities directly to individual licensees.
4.3.6	Collaborate with trade associations (PCOC) on opportunities to raise awareness of SME opportunities including networking.
4.3.7	Include this as a part of the new company calls that inside staff will be making include SME opportunities to new PR calls.
4.3.8	Explore options for reducing the number of days for exam development to reduce travel burden and explore virtual options.

4.3.9	Coordinate with OPES to schedule around the busy season.
4.3.10	Explore options of having OPES travel to SoCal.
4.4	Proactively distribute educational materials about enforcement to registered companies and licensees to encourage positive interactions with the Board.
Success Measure:	Objective omitted , will be completed through objective 2.1 - Increase positive proactive education and enforcement to improve the integrity and relationship with the industry.
4.5	Design and implement a quarterly newsletter program to increase communication and strengthen the relationship between the Board and the industry.
Success Measure:	First newsletter distributed.
4.5.1	Designate staff to relaunch and implement newsletter.
4.5.2	Review newsletters from other DCA entities.
4.5.3	Explore topics to be written (i.e., staff intros, standing items, Q&As, Do's & Don'ts, Consumer focus, disciplinary actions, new/updated rules & regulations, SME recruitment, Board stats, etc.).
4.5.4	Set schedule for newsletter.
4.5.5	Work with Office of Publications, Design & Editing.
4.5.6	Distribute on multiple platforms (hard copies, social media, website, etc.).
4.5.7	Add newsletter as a topic of interest for email blasts.
4.6	Increase participation at in-person events to create positive awareness of the Board and establish relationships.
Success Measure:	Outreach calendar established, and first in-person event attended.
4.6.1	Explore logistics and feasibility of in-person event attendance.
4.6.2	Collaborate with outside entities to create partnerships (include trainings).
4.6.3	Create outreach calendar for all in-person meetings.
4.6.4	Collaborate with DCA entities to create partnerships.
4.7	Create a strategy to educate licensees and consumers on the new Connect system to ease the transition to an online platform.
Success Measure:	Creation of communication plan.
4.7.1	Review best practices from other Boards/Bureaus.

4.7.2	Explore options for visual demonstrations of processes (YouTube videos linked from website).
4.7.3	Partner with PCOC (Pest Control Operators of California), county ag, and other interested parties to notify of changes of new platform.
4.7.4	Create materials.
4.7.5	Utilize all outreach methods (social media, newsletter, website, email, etc.) to inform about new online platform.
4.8	Establish relationships with realtor associations to educate realtors on the role of the Wood Destroying Organism (WDO) reports.
Success Measure:	Contacts made and materials developed.
4.8.1	Collaborate with Department of Real Estate for better enforcement with both entities and to clarify authority.
4.8.2	Identify common/important issues and processes to be addressed.
4.8.3	Provide education to licensees on real estate related matters (NPMA-33 form, WDO report).
4.8.4	Identify associations for potential partnership.
4.8.5	Develop and distribute materials for licensees.
Goal 5: Organizational Effectiveness	
5.1	Continue to monitor, and adjust if necessary, staffing levels to achieve the Board's mandated goals and objectives.
Success Measure:	Vacancy rate lower; workload analysis and cross-training completed.
5.1.1	Conduct a Workload Analysis to determine optimal staffing levels for the Board.
5.1.2	If Workload Analysis identifies an increase in staffing levels is needed, complete a Budget Change Proposal.
5.1.3	Conduct cross-training.
5.1.4	Designate a communications/social media staff position.
5.2	Collaborate with DCA's Human Resources division to reclassify the Structural Pest Control Specialist positions to increase recruitment and retention.
Success Measure:	Positions are re-classified (if feasible).
5.2.1	Explore/determine feasibility in re-classing the SPCB Specialists.
5.2.2	Collaborate with other DCA entities that have similar classification issues/specialized classifications.
5.2.3	Review the reclass proposal that was submitted to HR by prior management and work with HR to determine why it was denied.
5.2.4	Explore current Minimum Qualification (MQ) of being licensed by the Board (change to Desirable Q not MQ?).
5.2.5	Work with HR on classification options for the SPCB Specialists.

5.2.6	Submit a new request to HR to reclass the SPCB Specialists.
5.2.7	Do outreach on exams for vacant positions.
5.3	Create a succession plan to retain institutional knowledge within the Board.
Success Measure:	Succession plan has been created; policies and procedures updated.
5.3.1	Document processes, create/update procedure manuals.
5.3.2	Identify key positions that are critical to business continuity.
5.3.3	Evaluate and determine what competencies are needed to be successful in the key positions.
5.3.4	Document the knowledge that key position individuals possess before they leave the Board.
5.3.5	Conduct cross-training.
5.3.6	Consider annual one-on-one staff meeting or encourage IDPs.
5.3.7	Create a succession plan.
5.4	Update and maintain content on the website to effectively communicate to consumers, licensees, and applicants.
Success Measure:	Website is consistently updated.
5.4.1	Explore other DCA entity websites for ideas.
5.4.2	Ensure all pages, forms, brochures are up to date and loading without errors - Update the consumer information tab on website.
5.4.3	Highlight hot topics and key items on website (including new videos and educational material, board meeting recordings & notices).
5.4.4	Explore a chat feature on the website.
5.4.5	Establish and roll out social media accounts.
5.4.6	Implement Connect system via links from website.
5.4.7	Create and maintain tracking mechanism to make sure updates are being made as needed.
5.4.8	Ensure accessibility and ADA compliance.
5.4.9	Add processing time estimates where appropriate.
5.5	Develop and maintain communication between board members and staff to create a collaborative and shared partnership.
Success Measure:	Creation of monthly EO report.
5.5.1	Encourage staff to read Board member admin manual, board member roles and guidelines. (send to staff to inform them)
5.5.2	Create a monthly EO Report to all Board Members (licensing, enforcement, admin, staff updates, etc.).

5.5.3	Encourage and provide opportunities for staff to attend Board and Committee Meetings.
5.5.4	Increase staff participation at Board and Committee Meetings (rather than EO providing all updates).
5.5.5	Explore holding a meet and greet with Board members and staff.
5.5.6	Maintain a board roster for staff, and one for management - encourage staff to review website info about Board members.

June 2023

Structural Pest Control Board
2005 Evergreen St,
Sacramento,
CA 95815

Project Update: June 2023

PI: Niamh Quinn

Project: Investigation of Rodenticide Pathways in an Urban System Through the Use of Isotopically Labelled Bait

Dear Structural Pest Control Board,

This project is finally progressing very well. The sampling of coyotes at NWRC in Utah is completed and the final samples are making their way to NWRC in Colorado. Testing of these samples has also occurred and will continue until all the hair and feces samples have been tested.

The pilot study has started at the study location in Irvine, CA. With permission for the Director of the Department of Pesticide Regulation, the isotopically labeled bait has been applied. We are almost done with this application and will continue to collect feces from the site for several weeks post application. We have already tested several samples and detected the compound on multiple occasions.

Although we are not finished, the support of the Board has allowed us to successfully develop a method that can trace bait applications and that can be used to develop sound and data-driven mitigation measures. This result is immense and highly significant for the future of developing pesticide laws and regulations. We are so excited. We look forward to presenting this information to the Board next year.

Sincerely,



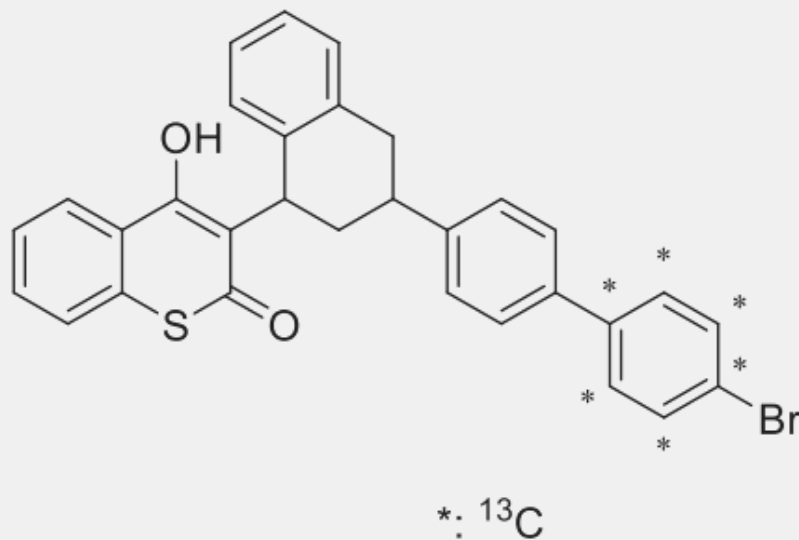
Niamh Quinn
Human-Wildlife Interactions Advisor



PROJECT STATUS



Investigation of Rodenticide Pathways in
an Urban System Through the Use of
Isotopically Labelled Bait



ABOUT OUR PROJECT

This study will investigate which species are exposed to a rodenticide in a food web with the coyote as the apex predator, after a second-generation rodenticide bait is applied in bait stations to target roof rats. A University of California Research and Extension Center site will serve as a model system in which as many individual animals as possible will be passively monitored for the presence of a stable isotope marker in a specially-formulated bait. The data collected from the field sites will be used to construct exposure pathways, based on the proportion of positively marked individuals of each species and the length of time the marker is detected in them.

PHASES

The project involved multiple phases:

- Phase 1- Isotopically labelled bait design
- Phase 2- Labelling of rats
- Phase 3- Administering rats to captive coyotes
- Phase 4- Pilot field study and analyses of samples





THE PROBLEMS

04

A Brief Description About the Problems

Unfortunately, this project has been plagued with multiple delays and issues. Initially, we had significant delays with getting ethical approval from the university which is a requirement. However, once that was acquired, both phases 1 and 2 were swiftly completed. There were some brief issues with flooding and getting some of our samples analyzed at the NWRC Research Facility in Colorado. Phase 3 also faced some issues. Covid 19 delayed the start. The coyotes were extremely uncooperative and did not feed on the rats. This required a lot of trouble shooting and also a trip to the NWRC Research Facility in Utah in order to make the rats into meatballs which were a huge success. However, a freezer failure caused the damage off all the lethally exposed rat samples. Phase 4 is currently underway and almost 500 scats have been collected for testing. We continue to apply bait, have started to analyze scat for the labelled bait and we have already detected it in our pilot system.

THE GOOD NEWS

05



Rats labelled with isotopically labelled DFN

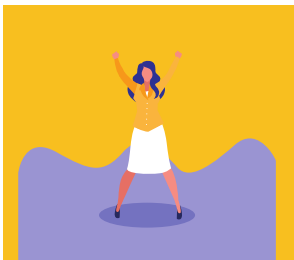
The manufacturing of an isotopically labeled rodenticide had never been done before. We were very successful in the manufacture of this compound and the development of the bait by our research partners Liphatech.

Rats were successfully administered the isotopically labelled rodenticide in Milwaukee (48 sublethally and 32 lethally).



Captive coyotes accept isotopically labeled DFN (finally)

It took some work to get the coyotes to finally eat the bait but we were successful in completing the first half of this work and all coyotes in the sublethal trial completed all the feedings required.



Successful detection of isotopically labeled DFN in captive coyotes

This is the biggest success of this project thus far. We are so excited to report that we have not only developed a bait, we have also developed methods to detect this bait up the food chain. The implications of this success are huge.

MORE GOOD NEWS

06



Successful deployment of isotopically labelled bait at pilot study site

With the successful detection of the isotopically labelled bait in captive coyotes, this allowed for the deployment of the bait at our pilot study area. This application is coming to an end shortly.



Collection of 100s of scats in pilot study area

Scat is collected multiple times a week in the pilot study area in order for us to have a chance to detect it in the environment.



Successful detection of isotopically labeled DFN in wild coyotes

Although we are not yet finished the deployment of bait, or the collection of scats to determine its pathways, we have already successfully detected the labelled bait in the pilot study area in carnivores.

PRELIMINARY RESULTS FROM PILOT STUDY

07

Total number of samples tested = 229

Number of positives = 20

Percentage of positives = 8.7%



LOCATION OF POSITIVE SCATS

08



Legend

- Bait station
- 📌 Positive scat

N

0.09 0.04 0 0.09 0.18 0.27 0.36
Kilometers

MEET THE TEAM

09



Niamh Quinn
UCANR



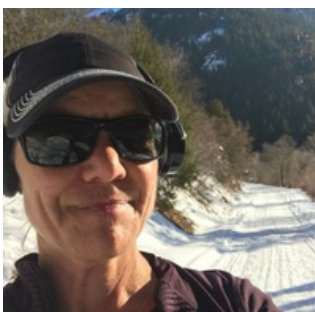
Katie Swift
Liphatech



Carolyn Day
UCANR



Steve Volker
USDA NWRC



Julie Young
USDA NWRC





Thank you to the Structural Pest Control Board for their patience with this project. Although we have faced many challenges, we are so excited for the results thus far and we are looking forward to presenting all the results to the board at the conclusion of the project.



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