

TITLE 16 STRUCUTAL PEST CONTROL BOARD

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Department of Consumer Affairs Hearing Room, 400 "R" Street, Sacramento, California, at 9:00, a.m., on July 18, 2003. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Structural Pest Control Board at its office not later than 5:00 p.m. on July 17, 2003, or must be received by the Structural Pest Control at the hearing. The Structural Pest Control Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 8525 of the Business and Professions Code, and to implement, interpret or make specific Sections 8505.5, 8505.7, 8505.13, 8505.15, 8505.16, 8516, 8517, 8518, 8519, 8593, 8614, 8615, 8620, 8642, 8643, 8644, 8646, 8647, 8652 of said Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Adopt 1923- Consumer Complaint Disclosure.

The Board is proposing to adopt into regulation specific language relating to consumer complaint disclosure.

2. Amend 1953- Approval of Activities, Form Number 43M-18.

The form was revised June 2002 to meet the standard language of the California Code of Regulations regarding continuing education providers, however, the new revised form was omitted.

3. Amend 1970- Standards and Record Requirements.

Registered companies are currently required to maintain a fumigation log for each fumigation job performed. The log contains information including the name and address of a guard and the date and hour the police department was notified of the fumigation, where required by local ordinance.

The Board is proposing to amend section 1970 to delete the reporting requirement of the name and address of the guard, and the date and hour the police department was notified of the fumigation, because there is no law that requires a pest control company to hire guards or to notify the police department prior to fumigation.

4. Amend 1983 (j) – Handling, Use and Storage of Pesticides

The Board is proposing to include language regarding the removal of termite bait stations when a contract for service is terminated.

5. Amend 1996.1 – Inspection and Completion Tags

Current regulations define reporting and posting requirements for inspection and completion tags. The Board is proposing to amend the language to include requirements to post information regarding other method(s) of treatment other than chemicals.

6. Adopt 1996.3 Requirements for Reporting Property Addresses

Senate Bill 1307 (Chapter No. 983) amended sections of the Business and Professions Code to eliminate the requirement for registered companies to file inspection reports and notices of work completed with the Structural Pest Control Board. The bill created a requirement for registered companies to report and file with the Board addresses of properties inspected and the addresses of properties upon which work is completed.

This regulatory proposal requires structural pest control companies to file the address of properties inspected and the addresses of properties upon which work has been completed. This proposal would also specify the penalty for violation of the reporting requirements.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Structural Pest Control Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Structural Pest Control Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Structural Pest Control Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

Section 1923 will have no effect on small businesses because this adoption puts into regulation the Board's complaint disclosure policy.

Section 1953 will have no effect on small businesses because this revised form is already widely used by providers of continuing education.

Section 1970 will have no effect on small businesses because pest control companies currently do not hire security guards nor do companies notify police departments of an upcoming fumigation.

Section 1983 will have an effect on small businesses because pest control companies will be required to send licensed professions to properties to remove pesticides from bait stations once a contract for services has been terminated.

Section 1996.1 will have no effect on small businesses because inspection and completion tags are already required to be posted and chemicals used must be listed. This proposal only adds language requiring pest control companies to also include information in regards to other methods of treatment and to note those methods.

Section 1996.3 will have no effect on small businesses because the industry has been complying with these requirements since January 1, 2000, when the Business and Professions Code Section was changed with the passage of Senate Bill 1307 (Chapter No. 983.) This proposal clarifies the information to be filed with the Board and adopts the form for requiring this information into regulation.

CONSIDERATION OF ALTERNATIVES

The Structural Pest Control Board must determine that no reasonable alternative is considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 1418 Howe Ave. Suite 18, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **or by accessing the website listed below.**

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Delores Coleman
Address:	1418 Howe Avenue, Suite 18 Sacramento, CA 95825
Telephone No.:	916-561-8700
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The backup contact person is:

Name: Susan Saylor
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Website Access : Materials regarding this proposal can be found at
www.pestboard.ca.gov