

MINUTES OF THE  
SPECIAL MEETING OF THE  
STRUCTURAL PEST CONTROL BOARD  
JULY 20, 2007

The meeting was held on Friday, July 20, 2007, at the Department of Consumer Affairs, 1625 North Market Blvd., Room S-102, Sacramento, California, commencing at 9:07 PM with the following members constituting a quorum:

Jean Melton, President  
Mustapha Sesay, Vice President  
Cris Arzate (arrived at 10:15 AM)  
Terrel Combs-Feirrer  
Bill Morris  
Cliff Utley

Board staff present:

Kelli Okuma, Executive Officer  
Susan Saylor, Assistant Executive Officer  
Carl Smitley, Enforcement Coordinator  
Dennis Patzer, Administration Analyst  
Ryan Vaughn, Administration Analyst

Departmental staff present:

Kurt Heppler, Legal Counsel

Board Liaison Deputy Attorney General Christina Thomas was also in attendance.

**I. ROLL CALL**

Ms. Saylor read the roll call.

**II. FLAG SALUTE**

Mr. Sesay led everyone in the flag salute.

**III. APPROVAL OF APRIL 20, 2007, BOARD MEETING MINUTES**

Mr. Sesay moved and Mr. Utley seconded to approve the minutes of the special meeting of April 20, 2007. Passed unanimously.

- IV. PUBLIC HEARING TO AMEND SECTIONS:**
- A. 1970 TO REQUIRE SUBCONTRACTORS TO FORWARD A COPY OF A FORM TO THE PRIMARY CONTRACTORS AND ALLOW FOR ADDITIONAL CALCULATION METHODS
  - B. 1970.4 TO REPLACE A TRADE NAME WITH THE ACTIVE INGREDIENT ON A FORM
  - C. 1973 TO REPLACE A TRADE NAME WITH THE ACTIVE INGREDIENT ON A FORM

Mr. Heppler announced for the record that this hearing was to consider the proposed amendment of three sections of Title 16 of the California Code of Regulations relating to the practice of structural pest control. The affected sections were 1970, 1970.4, and 1973 as outlined in the public notice. This hearing was being held pursuant to section 8525 of the Business and Professions Code as well as the provisions of the Administrative Procedures Act as set forth in the Government Code. The hearing was open to take oral testimony and/or documentary evidence by any person interested in these regulations for the record, which was being made by tape recorder. All oral testimony and documentary evidence would be considered by the Board pursuant to the requirements of the Administrative Procedures Act before the Board formally adopted the proposed amendments to the regulations, or recommended changes that may evolve as a result of the hearing.

Mr. Heppler stated that if any interested person desired to provide oral testimony, he or she should stand or come forward, giving his or her name and address, and if he or she represented an organization, the name of such organization, and persons offering oral testimony would not be cross-examined or sworn. These steps should be followed so that the Board would have a full record of all those who offered such testimony. He stated it was the desire of the Board that the record of the hearing be clear and intelligible and that the hearing itself be orderly, thus providing all parties with fair and ample opportunity to be heard. After all interested parties, if any, had been heard, the issue would stand submitted.

Mr. Heppler asked the audience if there were any questions concerning the nature of the proceedings or the procedures to be followed in today's public hearing. As there were none, he stated they would proceed in numerical order to consider the Board's proposed amendments to the regulations.

#### Proposed Amendment of Regulation Section 1970

Mr. Heppler stated that the Board had received a written public comment from Jimmie Brown indicating his support of the proposed amendment and a written public comment from Curtis Good indicating his opposition to the proposed amendment. These comments will be considered by the Board when preparing the final statement of reasons.

Curtis Good, Newport Exterminating, stated that requiring a branch 1 company to forward the fumigation log to the branch 3 company would not benefit consumers as stated in the initial statements of reasons. He believed that the pest control industry communicates very well through the termite inspection reports and completion notices. The fumigation log

contains nothing more than the time the fumigation took place and the person that certified the fumigation. The fumigation log had nothing to do with efficacy. Mr. Good felt that if the industry relied on the fumigation log, it would remove some of the responsibility from the termite inspector.

John Van Hooser, Van Hooser Enterprises, stated his support for the proposed amendment. The branch 1 company is already forwarding a copy of the Occupant's Fumigation Notice to the branch 3 company so he felt that one additional document should not be a significant burden. The fumigation log is the only record of the fumigation. Mr. Van Hooser felt that this documentation needs to be available to the branch 3 companies should the branch 1 company that performed the fumigation go out of business. For enforcement purposes, the fumigation log should be available.

Jimmie Brown, D & M Termite Company, spoke in support of the amendment. He stated that the inspectors from the County Agricultural Commissioners offices do not have access to the fumigation logs when a branch 3 company office is inspected.

Jessie Ivey, Proficient Termite Control, stated his support for the amendment. His branch 3 registered company does not receive notification of when/if the fumigation takes place. He cited examples of branch 1 companies performing improper fumigations. Having a falsified fumigation log in hand would help if the case were to go to court.

#### Proposed Amendment of Regulation Section 1970.4

There were no public comments.

#### Proposed Amendment of Regulation Section 1973

There were no public comments.

There being no further public comments, Mr. Heppler concluded the regulatory hearing and opened up the proposals for Board discussion.

#### Proposed Amendment of Regulation Section 1970

Mr. Utlely commented that this proposed amendment would protect the consumers only when the consumer went directly to the branch 1 company. He was not sure how the consumer is being protected in other instances.

Mr. Van Hooser responded that a direct fumigation can happen in two ways. The first example is when a consumer has a termite inspection report and then contacts a branch 1 company to perform the fumigation. In this situation the branch 3 company is unaware if or when a fumigation took place. The other example of a direct fumigation is when a consumer contacts a company that is licensed in both branch 1 and 3. The company can perform a limited inspection and then perform the fumigation.

Mr. Heppler stated that the opportunity for public comment had already passed. A motion would be required to direct staff to complete the rulemaking file.

Mr. Sesay asked if there were any branch 3 companies in the audience that are opposed to the proposed amendment.

Mr. Good responded that his company is licensed in all 3 branches of pest control and that he is opposed.

Mr. Utley stated that he is not speaking in favor or support but he felt that the situation where this amendment would be beneficial to consumers is less than 1 percent of the fumigations.

Ms. Okuma responded that the Initial Statement of Reasons states that this document should be available at more than one location. The benefit to having the fumigation log at the branch 3 companies is that consumers could receive assistance or some kind of civil remedy should the branch 1 company no longer be in business. From the Board's enforcement perspective, there are many ways for the proposed amendment to benefit consumers.

Mr. Morris wished to remind everybody the overall seriousness of responsibility that fumigation represents. He felt that the statements made by Ms. Okuma were very accurate in terms of the benefits to consumers.

Mr. Sesay moved and Mr. Morris seconded to adopt the proposed amendment to section 1970 of the California Code of Regulations as follows:

**§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 log for each fumigation job and 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. 5/0307) 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.

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

Date of treatment.

Name of owner or his or her agent.

Address of property.

Description of area treated.

Target pest(s).

Pesticide and amount used.

Identity of person or persons who applied the pesticide.

(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.

Mr. Good asked how the Board's specialists have been able to investigate cases for so long without the fumigation log being present at the branch 3 companies. He questioned how sending 100,000 pieces of paper through the state would make a difference. His main concern is having the branch 3 company attempt to translate the efficacy of the branch 1 company through the fumigation log.

Ms. Okuma responded that the Board's specialists have asked for this amendment in the past. The proposal was noticed for public hearing but the Board did not adopt the proposed amendment. The branch 3 companies had objected to maintaining an additional document.

Mr. Ivey commented that consumers contacting branch 1 companies directly is very prevalent in repossessed homes. Homes are often fumigated a second time when it wasn't necessary.

Passed unanimously.

(The Standard Fumigation Log is referenced separately, at the end of these minutes.)

#### Proposed Amendment of Regulation Section 1970.4

Mr. Sesay moved and Ms. Combs-Ferreira seconded to adopt the proposed amendment to section 1970.4 of the California Code of Regulations as follows:

##### **§1970.4. Pesticide Disclosure Requirement.**

(a) The primary contractor for fumigation shall have in his or her possession and shall provide to any subcontractor for fumigation a form (See Form 43M-48 (Rev. 5/0507) at the end of this section) signed by the occupants or designated agent of a structure. The primary contractor for fumigation and the subcontractor for fumigation shall retain a copy of the occupants fumigation notice for a period of at least three years. In case of multiple-family dwellings, the owner, manager or designated agent of the building may obtain signatures and/or verify the notification of the occupants.

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

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

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

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

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

(e) Where notification is required under section 8538 of the code, and the premises on which the work is to be performed is a multiple family dwelling consisting of more than 4 units, the owner/owner's agent shall receive notification and other notices shall be posted in heavily frequented, highly visible areas including, but not limited to, all mailboxes, manager's apartment, in all laundry rooms, and community rooms on all external pest control servicing. Complexes with fewer than 5 units will have each affected unit notified. Any pest control servicing done within a tenant's apartment requires that the tenant be notified according to section 8538 of the code.

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

Passed unanimously.

(The Occupant's Fumigation Notice and Pesticide Disclosure Form is referenced separately, at the end of these minutes.)

### Proposed Amendment of Regulation Section 1973

Mr. Utlely moved and Mr. Sesay seconded to adopt the proposed amendment to section 1973 of the California Code of Regulations as follows:

#### **§1973. Re-Entry Requirements**

Following a fumigation, the licensee must personally:

(a) Perform proper testing after aeration using testing equipment for clearing the structure as required by the manufacturer's label instructions and all applicable laws and regulations.

(b) Release the property for occupancy by posting a Notice of Re-Entry (See Form 43M-42 (Rev. ~~8/92~~5/07) at the end of this section). The form must be no smaller than 8 1/2" x 11" and be printed in black lettering on a white background.

Passed unanimously.

(The Notice of Re-Entry is referenced separately, at the end of these minutes.)

## V. EXECUTIVE OFFICER'S REPORT

Ms. Okuma reported on the following:

- Legislative Bills were reviewed with the Board members.  
Assembly Bill 126 – currently at the Senate Appropriations Committee, would include Santa Clara County in the Structural Fumigation Enforcement program. The Board had already taken a position of support for AB 126.  
Assembly Bill 1025 – would address issuing licenses to people with prior convictions. This bill is currently at the Senate Appropriations Committee. The Board had already taken a position of opposition on AB 1025.  
Assembly Bill 1477 – is a trapping bill affecting the Department of Fish and Game and not the Board.  
Assembly Bill 1604 – is a fumigant bill that is directed towards agricultural fumigation.  
Assembly Bill 1717 – would require branch 2 and 3 operators and companies that are Board registered to also register annually with the Agricultural Commissioners office prior to operating a business. The Board has not taken a position on this bill.

Mr. Morris asked for more information on AB 1717.

Mr. Van Hooser believed that companies are already required to register with each county.

Harvey Logan, Pest Control Operators of California (PCOC), responded that companies are required to notify the counties via the pesticide use stamps but there is not a registration requirement.

Mr. Good recommended that the Board support the bill. He added that the branch 1 companies would also have to register with the counties.

Ms. Okuma asked if the bill would allow the counties to revoke a registration.

Mr. Good responded that he believed that it would.

Mr. Utley reported that there is currently a \$10 per county fee that companies are required to pay.

Karalee Etheridge, Contractor's Termite & Pest Control, spoke in favor of the bill stating that her company has witnessed pre-treatment companies performing work without notifying the county. She hoped that this bill would strengthen enforcement.

Mr. Heppler stated that the Board's business and professions code states that an individual or company license is entitled to a full evidentiary hearing before being



revoked. There is the question as to whether the local jurisdiction's decision not to issue the registration would be included in the Board's code.

Ms. Okuma reported that DPR and the Agricultural Commissioner's offices are supporting the bill and that it currently does not have opposition. She stated concern that the bill would circumvent the Board's authority.

Mr. Good responded that the company would not be put out of business in the state, just the county or counties in where it is registered.

Ms. Okuma responded that a company performing work in one or two counties could be put out of business.

Mr. Logan stated his support for the bill. He felt each county should have the authority to discipline individuals and companies.

Mr. Utlely moved and Mr. Sesay seconded to support AB1717.

Passed by majority (Ayes – Melton, Morris, Sesay, Utlely. Abstain – Combs-Ferreira).

Senate Bill 824 – affects the assumption of jurisdiction for the Department of the Consumer Affairs. This is a non-active bill.

Senate Bill 1047 –will amend Business and Professions Code Sections:

- 8505.2 to clean up language in regards to fumigation
- 8505.3 to clarify direct and personal supervision as it relates to branch 1 companies
- 8505.4 to clean up language
- 8505.15 to strike out the reference of the effective types of masks to be worn when performing a fumigation. This is being removed as it is covered in the Food and Agricultural Department's code
- 8506.1 to clean up language
- 8507 to clean up language
- 8509 to clean up language
- 8510 to clean up the language to change the reference from Food and Agricultural Department to the Department of Pesticide Regulation
- 8512 to clarify that companies "employ" licensees instead of "hire"
- 8525 to clean up the language to change the reference from Food and Agricultural Department to the Department of Pesticide Regulation
- 8551.5 to clarify that companies "employ" licensees instead of "hire." Inadvertently an amendment was included strike references to rodenticide/allied chemical language. The error will be corrected through committee.
- 8565.5 to strike out that the Board will develop a correspondence course
- 8591 to replace "operator" and "field representative" with "license"
- 8592 to clean up language

- 8610 to specify that operators can act as a qualifying manager for only two companies
  - 8611 to clarify the requirement for displaying licenses in branch offices
  - 8612 to clarify the reference to a qualifying manager
  - 8617 to remove the reference to stamps which the Board no longer sells
- Patti Jensen of the Enforcement and Complaint Unit, Melissa Roberts of the Licensing Unit, and Karen Costley of the Administrative Unit were introduced in the audience.
- Ms. Okuma attended the Department of Consumer Affairs (DCA) roundtable meeting in southern California. The meeting provided an opportunity for Ms. Okuma to educate other agencies on what services the Board provides.

Mr. Heppler introduced legal intern Alan Donato.

- An Applicator examination had been reported missing. A new version of the examination was distributed to all the County Agricultural offices within five days.
- The Department of Pesticide Regulation's (DPR) County Agricultural Commissioner's Training was conducted in April and May in northern and southern California. Board staff and Board specialists assisted and participated in the training.
- A specialist meeting was held in June to review the Board's enforcement procedures.
- Ms. Okuma and Mr. Patzer spoke at a California Association of Realtors meeting in June.

Ms. Saylor reported on the following:

- Licensing statistics, survey results, and the Regulatory Action Status were reviewed with the Board members.
- A new Board newsletter was mailed out to all Board licensees and companies on July 16, 2007. Carolyn Albers of the Administration Unit has assumed the role of newsletter coordinator and the Board hopes to release new editions more regularly.
- The 2007 edition of the Board's Rules and Regulations was mailed out to the Board's principal and branch offices. Additional copies can be ordered through the Board.
- The general fund loan of two million dollars was returned to the Board this fiscal year. These funds were returned to the Board's reserves.
- Emily Markel has filled the Office Assistant vacancy position in the Licensing Unit.
- Randy Freitas, Office Services Supervisor in the Licensing Unit, has accepted a position with the Medical Board and will be leaving the Board in August. Recruitment has begun to fill the position.
- The Board was notified by DCA that there is an active specialist examination list to fill the vacant Board specialist position.

- The examination development for the Field Representative and Operator Branch 3 examinations is underway and the Board is still on target to have those examinations in place for the October testing.

Ms. Melton introduced Martyn B. Hopper, Pest Control Operators of California (PCOC), who will be taking over for Harvey Logan.

## **VI. DEPARTMENT OF PESTICIDE REGULATION UPDATE**

Regina Sarracino, DPR, reported on the following:

- DPR is currently examining the sulfuryl fluoride products. With the introduction of the product Zythor, Vikane is in the process of re-registering its sulfuryl fluoride product to match the one part per million consistent with Zythor's registration for. A third sulfuryl fluoride, Master Fume, is in development and will be registered at one part per million.
- Sulfuryl fluoride has been listed as a toxic air contaminant (TAC). A product that is listed as a TAC undergoes a risk assessment then mitigation measures are explored.
- DPR's respirator regulations were approved but will not go into effect until January 1, 2008. Training will be conducted with county staff before the regulations go into effect.
- DPR is examining its enforcement response regulations, which went into effect late 2006. The regulations help define how violations are classified. The purpose of the regulations is to promote uniformity and consistency throughout all the counties. There is a subcommittee that will be examining the regulations and their effects over the next two years.
- DPR's Pest Management Advisory Committee recommended forming an Urban Pest Management workgroup. Ms. Okuma is a member of the workgroup, representing structural pest control.

## **VII. IPM TASK FORCE UPDATE**

Michael Katz, Western Exterminator Company and chair of the two task forces, provided an update to the Board. The IPM task force met on May 22 and June 26 in Sacramento. The task force centered on two items: to develop a definition of integrated pest management and to develop recommendations to the Board concerning the certification of those that practice IPM. The proposed definition that the task force developed is as follows:

Structural integrated pest management (IPM) means a systematic decision making approach to managing pests, which focuses on long-term prevention or suppression with minimal impact on human health, property, the environment, and non-target organisms. Structural IPM incorporates all reasonable measures to prevent pest problems by properly identifying pests, monitoring population dynamics, and using cultural, physical, biological or chemical pest population control measures to reduce pests to acceptable levels. If a pesticide application or other intervention is

determined to be necessary, the selection and application of the intervention shall be performed in a manner that minimizes risk to people, property, the environment, and non-target organisms, while providing effective pest management.

Accompanying this proposed definition is the following recommendation:

- (1) The Structural Pest Control Board shall develop and adopt a statewide certification program for companies, technicians, and sites in the practice of structural IPM.
- (2) The certification program shall be administered by the Structural Pest Control Board.
- (3) The certification program be developed with the input of a broad based and balanced stakeholder group.
- (4) The program shall include a continuing education component to support the standards that are set.

Mr. Katz reported that he felt the task force had completed its purpose and he wished to thank all those that were involved.

Dave Tamayo, California Stormwater Quality Association (CASQA) and County of Sacramento Stormwater Program, reported that CASQA and the Sacramento Stormwater Program are very pleased with the recommendations of the task force. If the recommendations are approved, Mr. Tamayo hoped that organizations such as CASQA and the Sacramento Stormwater Program would be involved in developing the IPM standards. He commended Mr. Katz and the other task force members.

Mark Rentz, DPR, also wished to praise Mr. Katz and the other task force members. He felt that the Board could work with DPR in formulating a good set of IPM standards.

Jonathan Kaplan, Natural Resources Defense Council, commended the chair and other members. He stated that he has polled his colleagues in the environmental industry and that there is interest to develop a set of IPM standards. He stated that while the meetings had a lot of integrity, they were not balanced with Mr. Kaplan being the only environmental representative. He urged the Board to include DPR in the discussions and suggested addressing landscape IPM.

Ms. Okuma reported that the recommendations presented by the IPM Task Force will be on the October Board meeting agenda.

## **VIII. 1999.5 TASK FORCE UPDATE**

Mr. Katz reported that the task force had met on May 22 and June 28 and is scheduled to meet on July 26. It was recommended that a purpose statement be developed and it was ultimately decided that the statement needed to deal with efficacy. The proposed statement is as follows:

It is the purpose of these regulations to protect the public from false, misleading, deceptive, or unfair representations or claims concerning structural pest control, while enabling the public to receive truthful and legitimate information about those structural pest control products and services and their potential to reduce impact to health or the environment.

The task force decided that sections 1999.5(f)4 and 1999.5(f)5 would need to be amended to make clear that they refer exclusively to wood destroying pests or organisms.

Mr. Katz reported that the task force has effectively dealt with most of the affected sections and the rest should be addressed at the next meeting. Mr. Kaplan suggested developing a guidance document to be included in the regulation which will give examples of what are acceptable and unacceptable statements and representations in advertisements. Mr. Katz believed that the task force will address all the issues and have recommendations for the Board at the October Board meeting.

Mr. Heppler thanked Mr. Katz for his work on both of the task forces.

**IX. NEEDED CHANGES TO ENSURE STRUCTURAL PEST CONTROL APPLICATOR'S LICENSE MEETS FIFRA REQUIREMENTS FOR CERTIFICATION**

Ms. Okuma reported that this agenda item resulted from DPR presenting the proposed reclassification making second-generation anti-coagulants restricted use products. If the proposed changes go through, the Board's licensed applicators would not be allowed to apply the pesticides. Board staff researched possible ways to ensure that applicators could continue to apply the pesticides. One possible solution would be to amend the examination to include pest identification and biology. The Board's current statutes state that applicators are not to do pest identification and biology. If the Board's statutes were amended to include pest identification and biology for applicators, the licensed applicators would essentially be the same as the Board's licensed field representatives.

Dennis Patzer reported that he recently spoke with Laura Parsons of the U.S. Environmental Protection Agency (EPA). Although not in writing, she stated that the Board could allow non-certified applicators that are under direct supervision to apply the second-generation anti-coagulants. Mr. Patzer is awaiting further confirmation.

Mr. Utley asked for clarification on the whether the supervision was direct supervision.

Mr. Patzer responded that the supervision as he understood would require that the field representative or operator be available but not necessarily on site.

Ms. Okuma stated that Board staff would continue to research the issue and report findings to the Board at the next meeting.

## **X. RESEARCH GRANT UPDATE**

Ms. Saylor stated that at the April Board meeting, Ms. Okuma indicated that the next research proposal would be sent to the University of California (UC) campuses, which should expedite the approval process for research projects. The proposal is projected to be submitted to the UC system in mid August with the proposals returned to the Board by October 1, 2007. The Research Advisory Panel will review the proposals and make recommendations for the Board at the October Board meeting. The proposals are projected to be in place by November 1, 2008.

The current research project summaries and progress reports were reviewed with the Board. Ms. Saylor reported that Dr. Neil D. Tsutsui, contracted for research at UC of Irvine, is now working for UC Berkeley. The contract with UC Irvine was mutually cancelled on June 30, 2007, and Board staff is preparing a new contract so that Dr. Tsutsui can continue the project.

Dr. Vernard Lewis provided an update to his research project being conducted at UC Berkeley. The necessary testing equipment had been purchased and objectives 1 and 2 of the project will begin in late fall or early 2008. Dr. Lewis reported that he would provide a further update at the October Board meeting.

Mr. Morris expressed his gratitude for Dr. Lewis appearing at the Board meetings and providing updates for the Board.

Mr. Morris asked for the amount of Board funds that are available for the next research fund proposals.

Ms. Saylor responded that the figure is approximately \$450,000.

Mr. Morris suggested requiring a representative from each research project to make at least one in-person appearance a year at a Board meeting to update the Board.

Ms. Saylor responded that the requirement had already been included in the research fund proposal based on Mr. Morris's suggestion at the January Board meeting.

Mr. Arzate asked if the delay in Dr. Tsutsui's research project would affect the completion of the project.

Ms. Okuma responded that there is a provision that will allow him to request a one-time extension.

## **XI. APPOINTMENT OF RESEARCH ADVISORY PANEL**

Ms. Okuma stated that the Board's statute states that the Research Advisory Panel must consist of one Board member, two industry members, one representative from DPR, and

one representative from the UC system. Ms. Okuma distributed bios and license histories for the proposed panel members.

Nita Davidson, DPR, has participated in the Board's task force meetings and is up for consideration to be included in the panel.

Mr. Utlemy moved and Ms. Combs-Feirrer seconded to appoint Nita Davidson to the Research Advisory Panel. Passed unanimously.

James Steffenson, an industry member, has been a member of the past Research Advisory Panels.

Mr. Sesay moved and Mr. Utlemy seconded to appoint James Steffenson to the Research Advisory Panel. Passed unanimously.

Michael Lawton, an industry member, has worked for Western Exterminator Company for nearly thirty years and according to Ms. Okuma is extremely qualified.

Mr. Sesay moved and Mr. Morris seconded to appoint Michael Lawton to the Research Advisory Panel. Passed unanimously.

Mary Louise Flint, a representative from UC Davis, has considerable experience working in the structural pest control industry.

Mr. Morris requested confirmation that Dr. Flint's involvement with the research panel would not result in a conflict of interest should she submit a proposal.

Ms. Okuma responded that the issue had been discussed and Dr. Flint would not be a researcher with structural pest control research projects at UC Davis.

Mr. Utlemy moved and Ms. Combs-Feirrer seconded to appoint Mary Louise Flint to the Research Advisory Panel. Passed unanimously.

Ms. Okuma reported that Mr. Morris had been involved with the two previous research panels. Citing Mr. Morris's current involvement with the Board's IPM task force, Mr. Arzate has accepted the nomination of joining the research panel.

Mr. Morris moved and Ms. Combs-Feirrer seconded to appoint Cris Arzate to the Research Advisory Panel. Passed unanimously.

## **XII. BOARD MEETING CALENDAR**

The next Board meeting will be held October 11 and 12, 2007, in Orange County. The meeting following will be held January 10 and 11, 2008, in San Jose.

**XIII. FUTURE AGENDA ITEMS**

Ms. Okuma reported that this new agenda item would provide the Board or public to suggest topics for future Board agenda items.

Ms. Sarracino, DPR, suggested discussing a plan to accommodate the counties that accept electronic filing of the monthly pesticide use reports. The Board currently sells the stamps that are affixed to the reports.

**XIV. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Mr. Van Hooser stated that he has requested that Board staff calculate the correlation of continuing education evaluation cards to the number of licensees that attend each course.

Joshua Mace, Miners Pest Services, introduced himself to the Board and stated that he would be petitioning the Board to grant him a branch 3 operators license as he has only two of the four required years of experience.

**XV. CLOSED SESSION**

The Board adjourned to closed session to consider proposed disciplinary actions in accordance with subdivision (c)(3) of Section 11126 of the Government Code.

Ms. Melton adjourned the meeting at 12:13 PM.

\_\_\_\_\_  
JEAN MELTON, President

\_\_\_\_\_  
KELLI OKUMA, Executive Officer

\_\_\_\_\_  
DATE



# STANDARD STRUCTURAL FUMIGATION LOG

ADDRESS OF PROPERTY		CITY		DATE OF FUMIGATION	
BRANCH CO. AND ADDRESS (SUBCONTRACTOR)			PRIME CONTRACTOR NAME AND ADDRESS		
OWNER/AGENT NAME AND ADDRESS			FIRE DEPT. NOTIFIED (DATE)(HOUR)		
PROPERTY DESCRIPTION			C.A.C. NOTIFIED (METHOD)(DATE)(HOUR)		
NOTES OR COMMENTS					
<b>SECTION 1</b>					
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	
<input type="checkbox"/> FUMIGUIDE B <input type="checkbox"/> FUMIGUIDE Y <input type="checkbox"/> VIKANE CALCULATOR <input type="checkbox"/> FUMICALC CALCULATOR <input type="checkbox"/> OTHER _____					
DOSAGE FACTOR		UNDER SEAL			
TARP CONDITION		TEMPERATURE			
SEAL CONDITION		HOURS EXPOSURE			
WIND (MPH)		MONITOR JOB (YES / NO)			
VOLUME					
CREW MEMBERS NAMES					
WAS REQUIRED SAFETY EQUIP. PROVIDED?		LICENSEE RELEASING FUMIGANT		LICENSE NO.	
YES ( ) NO ( )		SIGNATURE			
<b>SECTION 2</b>					
VENTILATION COMMENCED		AERATION COMMENCED:	TARP / SEAL CONDITION		
		DATE	TIME		
CREW MEMBERS NAMES					
WAS REQUIRED SAFETY EQUIP. PROVIDED?		LICENSEE COMMENCING VENTILATION		LICENSE NO.	
YES ( ) NO ( )		SIGNATURE			
<b>SECTION 3</b>					
RELEASED FOR OCCUPANCY		TESTING DEVICE USED	PROPERTY CERTIFIED SAFE FOR RE-ENTRY		
			DATE	TIME	
CREW MEMBERS NAMES					
WAS REQUIRED SAFETY EQUIP. PROVIDED?		LICENSEE RELEASING PROPERTY FOR OCCUPANCY		LICENSE NO.	
YES ( ) NO ( )		SIGNATURE			

**OCCUPANTS FUMIGATION NOTICE AND PESTICIDE DISCLOSURE**

JOB ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_

Single Family Dwelling     Multi Family Dwelling     Other \_\_\_\_\_

Owner/Agent \_\_\_\_\_

Tel. No. ( ) \_\_\_\_\_ Emergency No. ( ) \_\_\_\_\_

Occupant \_\_\_\_\_

Tel. No. ( ) \_\_\_\_\_ Emergency No. ( ) \_\_\_\_\_

Prime Contractor \_\_\_\_\_ Emergency No. ( ) \_\_\_\_\_

Fumigation Contractor \_\_\_\_\_ Emergency No. ( ) \_\_\_\_\_

Target Pest(s):  Drywood Termites     Beetles     Other(s)

Fumigants proposed to be used:  Methyl Bromide     Vikane™ Sulfuryl Fluoride: \_\_\_\_\_  
(Product Name)

Other(s) \_\_\_\_\_

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

**CHLOROPICRIN WILL BE USED AS WARNING AGENT WITH EITHER FUMIGANT**

Dates of fumigation: \_\_\_\_\_ Date changes/Alternative date: \_\_\_\_\_  
 Initials \_\_\_\_\_

**IMPORTANT - READ CAREFULLY**

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

UNDER NO CIRCUMSTANCES CAN ANYONE ENTER THE BUILDING UNTIL THE FUMIGATION COMPANY'S NOTICE IS POSTED GIVING THE TIME AND DATE FOR SAFE RE-ENTRY.

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

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

For further information, contact any of the following: Your pest control company (telephone number); for Health Questions - the County Health Department (telephone number); for Application Information - the County Agricultural Commissioner (telephone number) and for Regulatory Information - the Structural Pest Control Board, 800/737-8188, 1418 Howe Avenue, Ste. 18, Sacramento, CA 95825.

**FOR HEALTH QUESTIONS:**

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

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

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

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

[ ] Owner/Agent (signature) \_\_\_\_\_ Date \_\_\_\_\_  
 [ ] Occupants(s) (signature) \_\_\_\_\_

STRUCTURAL PEST CONTROL BOARD  
*Control de Pestes Estructurales*

# NOTICE/AVISO

THIS BUILDING IS SAFE FOR RE-ENTRY ON:  
*Se puede entrar a este edificio después de:*

**DATE/FECHA** \_\_\_\_\_ **TIME/HORA** \_\_\_\_\_

FUMIGANT USED: METHYL BROMIDE | |

*Fumigante utilizado:*

SULFURYL FLUORIDE | | \_\_\_\_\_

(VIKANE\* Gas Fumigant)

(Product Name)

WARNING AGENT:

Odorizante de Noticia de Peligro: **CHLOROPICRIN**

BRANCH 1 LICENSEE NAME/

*Nombre de la Licencia de Categoría 1:* \_\_\_\_\_

LICENSE NO./ *Número de Licencia:* \_\_\_\_\_

COMPANY NAME/

*Nombre de la Compañía:* \_\_\_\_\_

COMPANY REGISTRATION NO./

*Número de Registro de la Compañía:* \_\_\_\_\_

COMPANY ADDRESS/

*Dirección de la Compañía:* \_\_\_\_\_

COMPANY TELEPHONE NO./

*Teléfono de la Compañía:* \_\_\_\_\_

43M-42 (Rev. 8/92 5/07)

\*Trademark of Dow Elanco