

MINUTES OF THE
STRUCTURAL PEST CONTROL ACT REVIEW COMMITTEE
MEETING OF THE
STRUCTURAL PEST CONTROL BOARD
February 21, 2013

The meeting was held on Wednesday, February 21, 2013, at Department of Consumer Affairs, 2005 Evergreen Street, California, commencing at 9:11 A.M. with the following members present:

Bob Gordon, Chairman
Mike Katz
Allen Kanady
Darrell Ennes
Lee Whitmore
Ronna Brand

Board staff present:

Susan Saylor, Interim Executive Officer
Robert Lucas, Consumer Services Manager
Ronni O'Flaherty, Staff Services Analyst
Donald Graves, Board Specialist
Edward Ackerman, Board Specialist
Fred Bartley, Board Specialist
Greg Adams, Board Specialist
Ron Moss, Board Specialist
Steve Winfrey, Board Specialist
Steven Smith, Board Specialist
Tom Ineichen, Board Specialist

Departmental staff present:

Kathy Boyle, Staff Environmental Scientist

Mr. Katz stated that Mr. Good, Mr. Whitmore and Mr. Gordon were going to be late.

Ms. Saylor asked the Board Specialists to introduce themselves.

Mr. Winfrey, Mr. Ineichen, Mr. Bartley, Mr. Adams, Mr. Smith, Mr. Moss, Mr. Graves, and Mr. Ackerman introduced themselves.

**REVIEW OF THE STRUCTURAL PEST CONTROL ACT AND TITLE 16,
CALIFORNIA CODE OF REGULATIONS, FOR PURPOSES OF UPDATING AND
IDENTIFYING CONTINUED NEED AND/OR USE**

Mr. Katz reviewed the Specialists' recommendation regarding B&P Code Section 8505.6.

Ms. Saylor stated that after the Specialists discussed their recommendations as a group, they decided not to propose any additional changes to this code section.

Mr. Katz stated that the reason the committee decided to eliminate B&P Code Section 8505.6 because it is not current practice to fumigate a partial structure.

Ms. Saylor stated that there are some recommendations that the Specialists would like the committee to consider. She reviewed the Specialists' recommendations to amend B&P Code Section 8507.1.

Mr. Kanady moved and Mr. Ennes seconded to accept the specialist's recommendations to amend B&P Code Section 8507.1(a) and recommend them to the Board.

Ms. Saylor suggested the committee take roll call prior to making any motions.

ROLL CALL

Mr. Katz read roll call. Mr. Gordon and Mr. Whitmore were not present.

**REVIEW OF THE STRUCTURAL PEST CONTROL ACT AND TITLE 16,
CALIFORNIA CODE OF REGULATIONS, FOR PURPOSES OF UPDATING AND
IDENTIFYING CONTINUED NEED AND/OR USE**

Mr. Kanady moved and Mr. Ennes seconded to recommend to the Board to amend B&P Code Section 8507.1(a) as follows. Passed unanimously. Recommendations made at this meeting are indicated by double underline.

8507.1.(a) "Structural pest control applicator" is any individual who is licensed by the board to apply a pesticides, rodenticide, or allied chemicals or substances for the purpose of eliminating, exterminating, controlling, or preventing infestation or infections of pests or organisms included in Branch 2 or Branch 3 on behalf of a registered company after an inspection is performed by a licensed field representative or operator.

Ms. Saylor reviewed the specialists' recommendations regarding B&P Code Section 8514 with the committee members.

Mr. Katz commented that you cannot perform work until work is commenced, therefore, adding "perform" to B&P Code Section 8514 is not necessary.

Mr. Kanandy moved and Ms. Brand seconded to recommend to the Board to amend B&P Code Section 8514, paragraph 1 as follows. Passed unanimously.

8514. No registered company shall ~~commence~~ perform work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the control of household pests, or wood destroying pests or organisms until an inspection has been made by an operator or field representative associated with the registered company.

Mr. Ineichen stated that the committee already suggested removing B&P Code Section 8517, which provides the requirement for any other documents issued to refer to the original inspection report, therefore not allowing contracts or other documents to be provided to the consumer without an inspection report being issued first.

Mr. Ennes moved and Mr. Kanady seconded to recommend to the Board to amend B&P Code Section 8514, paragraph 2 as follows. Passed unanimously. Recommendations made during this motion are indicated by double underline.

8514. No registered company shall ~~commence~~ perform work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the control of household pests, or wood destroying pests or organisms until an inspection has been made by an operator or field representative associated with the registered company.

Notwithstanding any provision of this chapter, after an inspection has been made and any required inspection report or records are issued, a registered company which holds a branch registration for the control of household pests, or wood destroying pests or organisms, but its branch registration restricts the method of eradication or control permitted, may recommend and enter into a contract for the eradication or control of pests within the scope of its branch registration, provided that it subcontracts in writing the actual performance of the work to a registered company which holds a branch registration authorizing the particular method to be used.

Ms. Saylor stated that the specialists recommended to add B&P Code Section 8518 to B&P Code Section 8516(a).

Mr. Ennes moved and Mr. Kanady seconded to recommend to the Board to make the following amendment to B&P Code Section 8516(a). Passed unanimously.

~~**8516.** (a) This section, and Sections 8518 and 8519, apply only to wood destroying pests or organisms.~~

Mr. Ineichen reviewed the specialists' recommendation to add "reporting of the infested or infected wood members, or parts of the structure identified shall be listed in the inspection report so as to clearly identify them as is typical in standard construction components (i.e. siding, studs, rafters, floorjoist, fascia, subfloor, sheathing, trim boards, etc.)" to B&P Code Section 8516 (b)(6) and (7).

The committee discussed reporting requirements and the inspection report form.

Mr. Ineichen stated that inspection reports are not always written in enough detail to determine whether or not a licensee under reported findings or simply did not complete the items as required per the inspection report findings.

Mr. Kanady expressed concern with being cited for not reporting findings that were not clear and accessible at the time of the original report.

Mr. Ineichen stated that this section needs to require more details regarding the damages to better protect the consumer.

Mr. Ennes suggested tabling this discussion until the remaining committee members arrive.

The committee discussed the requirement to reinspect and certify a property that one's company was not hired to perform the work in depth.

Mr. Good, Mr. Whitmore, and Mr. Gordon arrived at 11:10 A.M.

Mr. Katz brought the committee members who were not present at the beginning of the meeting up to date with the actions brought forward at this meeting.

The committee discussed the recommended changes to B&P Code Section 8514.

Mr. Ennes moved and Mr. Whitmore seconded to recommend to the Board to make the following amendments to B&P Code Section 8514, paragraph 1. Recommendations made in this motion are indicated by double strikethrough and double underline.

8514. No registered company shall ~~commence~~ perform ~~commence~~ work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the control of household pests, or wood destroying pests or organisms until an inspection has been made by an operator or field representative ~~associated with the registered company.~~

Mr. Ennes moved and Ms. Brand seconded to recommend to the Board to make the following amendments to B&P Code Section 8516. Passed unanimously.

8516. (a) This section, and Sections 8518 and 8519, apply only to wood destroying pests or organisms.

(b) No registered company or licensee shall commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator associated with the registered company except as provided in Section 8519.5. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.

The committee continued their previous discussion regarding how specific the inspection reports need to be when making recommendations.

After much discussion, the committee did not come to a consensus regarding the specialists' recommendations to amend B&P Code Section 8516 in regards to how specific the report needs to be written.

Mr. Ennes moved and Ms. Brand seconded to table the discussion regarding B&P Code Section 8516(b)(6) and (7). Passed unanimously.

The committee discussed the specialists' recommendation to address the requirement or non-requirement of a licensee to perform a reinspection of work performed by other licensed companies or homeowners.

Mr. Ineichen suggested that the committee recommends to add language similar to what they recommended as B&P Code Section 8519(d) but pertaining to reinspections.

Mr. Gordon stated that the committee's previous recommendation to repeal B&P Code Sections 8516.5 and 8517 was made because the requirements in these Sections are already spelled out in B&P Code Section 8518.

Mr. Ineichen stated that the committee resolved the specialists' concerns with the recommendation to repeal B&P Code Section 8517 with their motion earlier in the meeting to amend B&P Code Section 8514.

The committee tabled the deletion of B&P Code Section 8517.

The committee discussed adding reinspection language as B&P Code Section 8519(e) with similar language as their earlier recommendation to add B&P Code Section 8519(d).

Mr. Gordon suggested adding "only" to the end of their recommendation to add B&P Code Sections 8519(d) and (e). He also pointed out that the recommendations made regarding B&P Code Section 8519(d) references the "SPCA" and suggested that the words "Structural Pest Control Act" be spelled out.

Mr. Whitmore stated that the committee previously requested the history of B&P Code Section 8519.5.

Ms. Saylor stated that Mr. Lucas did some research on the histories of B&P Code Sections 8519.5 and 8666.

Mr. Lucas stated that B&P Code Section 8519.5 was added as part of the budget language in Assembly Bill 910 in 1995. He added that B&P Code Section 8666 was repealed in 1995 as part of Assembly Bill 3474, which was carried by DCA.

Ms. Saylor reviewed the specialists' recommendation to amend B&P Code Section 8551.5. The committee decided not to move forward with the specialists' recommendation as they feel it was duplicative of B&P Code Section 8550.

The committee discussed B&P Code Section 8555.

Ms. Boyle suggested defining "own" as used in B&P Code Section 8555(c).

The committee discussed the specialists' recommendation to require all licensees to display their wall licenses in the office of which they work.

Mr. Katz commented that as long as the license is available, they should not all have to be displayed on the wall.

Mr. Ineichen stated that the intent of this recommendation is so that the wall license is at the actual branch office in which the employee is working from.

Mr. Katz stated that it is his preference to maintain all original licenses at the principal office.

Mr. Ineichen stated that it is difficult to determine whether the employees of companies are properly licensed when their wall licenses are located in a different office.

Mr. Whitmore commented that his employees are not assigned to particular branch offices.

The committee decided not to recommend any changes to B&P Code Section 8612.

Mr. Katz stated that it should not be a problem to move B&P Code Section 8619 to somewhere after B&P Code Section 8516 to keep consistent with the area of law in the Act, as the specialists recommended.

The committee discussed the specialists' recommendation to the committee to not recommend to the Board to remove B&P Code Section 8666.

Mr. Ineichen stated that the committee will have difficulty getting this through the Legislature.

FUTURE MEETING DATES

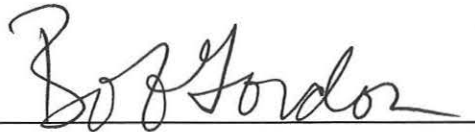
The next meeting was previously scheduled for April 26, 2013 in Sacramento.

The following meeting was scheduled for May 29, 2013 in Anaheim.

The following meeting was scheduled for July 17, 2013 in San Diego.

ADJOURNMENT

The meeting adjourned at 3:30 P.M.



Bob Gordon, Committee Chairperson



Susan Saylor, Interim Registrar

5/29/13
DATE