

MINUTES OF THE  
STRUCTURAL PEST CONTROL ACT REVIEW COMMITTEE  
MEETING OF THE  
STRUCTURAL PEST CONTROL BOARD  
May 29, 2013

The meeting was held on Wednesday, May 29, 2013, at Western Exterminator, 305 North Crescent Way, Anaheim, California, commencing at 9:04 A.M. with the following members present:

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

Board staff present:

Susan Saylor, Interim Executive Officer  
Robert Lucas, Consumer Services Manager  
Ronni O'Flaherty, Staff Services Analyst  
Ron Moss, Board Specialist

Departmental staff present:

Peggy Byerly

Board member Curtis Good was also in attendance.

**ROLL CALL**

Mr. Gordon read roll call. Ms. Brand was 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. Gordon stated that at the previous meeting, the committee did not make a motion regarding their recommendations to change California Code of Regulations (CCR) Section 1970.4.

Mr. Katz moved and Mr. Whitmore seconded to continue the committee's conversation regarding CCR Section 1970.4 from the April meeting. Passed unanimously.

Ms. Brand arrived at 9:18 A.M.

After much discussion, Mr. Katz moved and Mr. Kanady seconded to add to the recommendations made at the previous meeting to strike "written" and insert "either written or electronically" to the post notification requirement language in CCR Section 1970.4.

Mr. Katz moved and Mr. Kanady seconded to amend the motion on the table to read "a written notice to be given as either a paper copy or by electronic means". Passed unanimously.

Mr. Whitmore stated that Ms. Neblett has concerns regarding the Occupants Fumigation Notice (OFN) requirement that only requires the occupant or property owner to sign the notice but not be provided with a copy.

After much discussion regarding who should have to sign and who should be provided an OFN, the Committee decided not to make any changes relevant to these concerns.

Mr. Whitmore moved and Mr. Ennes seconded to recommend to the Board to adopt the rewrite of CCR Section 1970.4 as discussed at the April Meeting, including the recommended changes made at this meeting. Passed unanimously.

#### **§1970.4. Pesticide Notice and Disclosure Requirements.**

##### **(a) For Branch 1 applications:**

The ~~primary-prime~~ contractor for fumigation shall have in his or her possession and shall provide to any subcontractor for fumigation an Occupants Fumigation Notice & Pesticide Disclosure form (See Form 43M-48 (Rev. 5/07) ~~at the end of this section~~) signed by the occupants or designated agent of a structure. The ~~primary prime~~ contractor for fumigation and the subcontractor for fumigation shall retain a copy of the ~~occupants fumigation notice form~~ for a period of at least three years. In the case of multiple -family dwellings structures, every unit shall have a notice signed by the occupant. In the event the occupant is unavailable, the owner, manager or designated agent of the ~~building-structure~~ may obtain signatures and/or verify the notification of sign on the occupant's occupant's behalf.

~~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(s) or a copy(s) thereof shall be in the possession of the licensed fumigator when the fumigant is released. Such form(s) 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.~~

~~(e) (b) For Branch 2 or Branch 3 applications:~~

~~Whenever a licensee employed by a branch 2 or branch 3 registered company applies a pesticide within, around or to any structure such person licensee shall leave in a conspicuous location provide a written notice to be given as either a paper copy or by electronic means identifying the common, generic or chemical name of each pesticide applied, and the registered company's name, address, and telephone number. In case of a multiple family structure, such notice may shall be given to the designated agent, or the owner, or posted in a conspicuous place on the real property. 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. In the case of interior applications, at multi family structures, notification shall be provided to each affected unit.~~

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

~~(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 Business and Professions Code. Failure to comply with section 8538 of the Business and Professions Code is a misdemeanor and shall constitute grounds for discipline.~~

Mr. Katz moved and Ms. Brand seconded to make the above recommendation to the Board for action at the October Board Meeting. Passed unanimously.

Mr. Gordon stated that at the previous meeting, Mr. Ennes moved to approve the minutes of the February 21, 2013 committee meeting but there was no second or vote on the motion. He added

that it was noted that the signature line in these minutes needed to be corrected to indicate himself as the Chairperson of the committee.

Mr. Katz moved and Mr. Kanady seconded to approve the minutes of the February 21, 2013 committee meeting with the recommended changes. Passed unanimously.

Mr. Kanady moved and Mr. Ennes seconded to approve the minutes of the January 18, 2013 committee meeting. Passed unanimously.

Ms. Saylor stated that on page two of the minutes from the April 26, 2013 committee meeting "applicator" needs to be removed from the recommended changes to CCR 1950(f).

Mr. Ennes moved and Mr. Whitmore seconded to approve the minutes of the April 26, 2013 committee meeting after removing the recommended changes to CCR Section 1950(f) to add "applicator". Passed unanimously.

Mr. Gordon stated that Dan Humes, Hume & Company, submitted correspondence to the Committee requesting that the Committee consider adding a requirement to include the calculated cubic footage to each termite report that calls for fumigation as the primary treatment.

The Committee came to the conclusion that adding this requirement would not be of benefit to the consumer, but simply make it easier for a competitor to provide a bid based upon another company's report.

Mr. Whitmore stated that at the previous meeting, the Committee discussed recommending to the Board to add CCR Section 1975 regarding reporting requirements of death or serious injury. He stated that the Committee had agreed upon suggested language, but never made a motion to recommend the addition of this new section to the Board.

Mr. Ennes moved to add the language regarding CCR Section 1975 to the April committee meeting minutes.

Mr. Gordon stated that there was not a motion made at the April meeting and suggested that the Committee makes a motion during this meeting since the April meeting minutes were already approved.

There was no second on the motion.

Mr. Whitmore moved and Mr. Katz seconded to recommend to the Board to add CCR Section 1975 with the following language. Passed unanimously.

**§1975. Required Reporting of Death or Serious Injury**

**Any death or serious injury as defined by Title 8, CCR, Section 330(h), related to pesticide exposure, whether to a worker or member of the public, shall be reported to the Structural Pest Control Board and the local County Agricultural Commissioner's office immediately. Such reporting does not relieve any registered company of additional reporting requirements such as that required by CAL-OSHA under Title 8, CCR, Section 342.**

The Committee continued their discussion from the January 18, 2013 committee meeting regarding Ms. Boyle's recommendations to revise CCR Section 1970.

Mr. Whitmore suggested that the fumigation log need not be present when the seal of the fumigated structure is broken.

Mr. Gordon suggested that the Committee consider making the requirement to provide the fumigation log to the prime contractor five days rather than ten days because the prime contractor should not be required to file the completion notice without having the fumigation log. He added that if the subcontractor waits until the tenth day to provide the prime contractor with the fumigation log, it makes it difficult for the primary contractor to issue a certification along with the completion to the consumer.

Mr. Whitmore stated that requiring the fumigation log to be provided to the primary contractor within five business days is reasonable but will be met with resistance. He pointed out that CCR Section 1970 was developed to identify what needs to be reported on a fumigation log and later, a form was developed and put into regulation with that same information. He recommended that the Committee consider removing the language in CCR Section 1970 and leaving the form in regulation. He also reviewed his proposed changes to the Fumigation Log (Correspondence Item #34).

Mr. Gordon stated that the certification is already required to be provided by the subcontractor within five days and recommended that the committee makes it a requirement to provide the fumigation log at the same time.

Mr. Good commented that it should not be mandated for the subcontractor to provide the fumigation log to the prime contractor.

Mr. Whitmore suggested eliminating the requirement for the subcontractor to provide the fumigation log to the prime contractor.

Mr. Katz agreed and stated that this requirement is not necessary.

Mr. Moss stated that this requirement is necessary to keep proper records and added that if a subcontractor finds out there was a problem or complaint with a fumigation that they would have an opportunity to alter the fumigation log before an investigation is initiated.

Ms. Neblett agreed that from an enforcement prospective it helps to have a copy of the fumigation log in a location other than with the fumigation company.

Mr. Ennes moved and Ms. Brand seconded to recommend to the Board to adopt the revision of CCR Section 1970(b) as follows. Passed unanimously.

(b) For Branch 2 and Branch 3 applications:

~~The A report for each Branch 2 and Branch 3 pest control operation, other than fumigation, application~~ 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.

Mr. Ennes moved and Mr. Whitmore seconded to recommend to the Board to adopt the revision of CCR Section 1970(a) as follows. Passed unanimously.

(a) For Branch 1 applications:

The Standard Structural Fumigation Log (See Form 43M-47 (Rev. 5/07) at the end of this section) shall be completed for each fumigation. ~~job shall contain the following information:~~ The log shall be at the job site at the time the fumigant is released. The top portion of the log shall be completed prior to commencing fumigation and Section 1 shall be completed at the job site. It is not mandatory that the log be on site at the time ventilation is commenced or when the property is released for occupancy; however, Section 2 and Section 3 of the log must be completed by the licensee in charge of the applicable sections within ten business days.

The log shall contain all pertinent information noted, as well as any additional relevant facts such as the presence of construction elements that could allow the passage of fumigant from the structure to be fumigated to any adjacent or adjoining structure(s), method(s) used to prevent such passage of the fumigant, and any additional extraordinary safety precautions taken to ensure the fumigation is conducted in a safe and efficacious manner.

The log shall be retained for a period of at least three years. If the fumigation is performed by a fumigation subcontractor, the subcontractor shall complete the

fumigation log and forward a copy of the log to the prime contractor within ten business days.

~~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.~~

Mr. Whitmore stated that the revision in front of the Committee also includes subsection (c) and revisions to the fumigation log.

Mr. Katz moved and Mr. Whitmore seconded to recommend to the Board to adopt all of the revisions to CCR Section 1970 and the fumigation log as follows. Passed unanimously.

§1970. Standards and Record Requirements.

For the purpose of maintaining proper standards of safety and accurately documenting all applications of pesticides, each registered company shall compile a record of every pest control application as noted below.

(a) For Branch 1 applications:

The Standard Structural Fumigation Log (See Form 43M-47 (Rev. 5/07) at the end of this section) shall be completed for each fumigation. job shall contain the following information: The log shall be at the job site at the time the fumigant is released. The top portion of the log shall be completed prior to commencing fumigation and Section 1 shall be completed at the job site. It is not mandatory that the log be on site at the time ventilation is commenced or when the property is released for occupancy; however, Section 2 and Section 3 of the log must be completed by the licensee in charge of the applicable sections within ten business days.

The log shall contain all pertinent information noted, as well as any additional relevant facts such as the presence of construction elements that could allow the passage of fumigant from the structure to be fumigated to any adjacent or adjoining structure(s), method(s) used to prevent such passage of the fumigant, and any additional extraordinary safety precautions taken to ensure the fumigation is conducted in a safe and efficacious manner.

The log shall be retained for a period of at least three years. If the fumigation is performed by a fumigation subcontractor, the subcontractor shall complete the fumigation log and forward a copy of the log to the prime contractor within ten business days.

~~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) For Branch 2 and Branch 3 applications:~~

~~The A report for each Branch 2 and Branch 3 pest control operation, other than fumigation, application 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.

### STANDARD STRUCTURAL FUMIGATION LOG

ADDRESS OF PROPERTY		DATE OF FUMIGATION	
FUMIGATION COMPANY NAME AND ADDRESS		PRIME CONTRACTOR NAME AND ADDRESS	
	PR #		PR #
OWNER/AGENT NAME AND PHONE NUMBER		FIRE DEPT. NOTIFIED (DATE)(HOUR)	
PROPERTY DESCRIPTION		C.A.C. NOTIFIED (METHOD)(DATE)(HOUR)	
NOTES OR COMMENTS			
<b>SECTION</b>	TARGET PEST	WARNING AGENT	
<sup>1</sup> FUMIGANT RELEASED			CU BIC FEET OU
FUMIGANT / E.P.A. REGISTRATION NO.		SEALING METHOD	DATE/TIME GAS INTRODUCED
		CYLINDER SERIAL NO.	WT. BEFORE INTRO. PO
WIND M.P.H.	AIR TEMP	CYLINDER SERIAL NO.	WT. BEFORE INTRO. PO
		CYLINDER SERIAL NO.	WT. BEFORE INTRO. PO
EXTRAORDINARY PRECAUTIONS			TOTAL POUNDS
<input type="checkbox"/> FUMIGUIDE B		<input type="checkbox"/> VIKANE CALCULATOR	
DOSAGE FACTOR		UNDER SEAL	
TARP CONDITION		TEMPERATURE	
SEAL CONDITION		HOURS EXPOSURE	
WIND (MPH)		MONITOR JOB (YES / NO)	
VOLUME			
CREW MEMBERS FULL NAMES			

NATURAL GAS SHUT OFF PERFORMED BY:		LICENSEE RELEASING FUMIGANT		LIC ENSE NO.
<b>SECTION</b> <b>2</b>	AERATION COMMENCED:	SIGNATURE		
VENTILATIO	DATE	TIME	TARP / SEAL CONDITION	
CREW MEMBERS FULL NAMES				
LICENSEE COMMENCING VENTILATION				
SIGNATURE				
<b>SECTION</b> <b>3</b>	TESTING DEVICE USED	PROPERTY CERTIFIED SAFE FOR RE-ENTRY		
RELEASED	DATE	TIME		
CREW MEMBERS FULL NAMES				
SIGNATURE				

43M-47 (Rev. 5/03)

The committee discussed the recommended changes to CCR Section 1970.5 as provided in correspondence item number 33.

Mr. Katz stated that this section makes specific B & P Code Section 8505.3 and suggested that the Committee review B & P Code Section 8505.3 before making changes to CCR Section 1970.5.

Mr. Whitmore suggested leaving “ventilation” in place in CCR Section 1970.5 to maintain consistency throughout the Act.

The Committee discussed the relevance of CCR Section 1970.5 and the recent public hearing to repeal it.

Mr. Whitmore stated that he would do some research and report back to the committee.

Mr. Gordon stated that the committee readdressed this section at a future meeting.

The Committee reviewed and discussed CCR Section 1970.6 and agreed not to make any recommendations to change this section.

The Committee reviewed and discussed the recommended changes to CCR Section 1971 as provided in correspondence item #33.

Mr. Whitmore moved and Mr. Ennes seconded to table to discussion regarding CCR Section 1971 until a future meeting to allow Mr. Whitmore to draft a rewrite of this section. Passed unanimously.

The Committee reviewed and discussed the recommended changes to CCR Section 1973 as provided in correspondence item #33.

Mr. Katz moved and Mr. Whitmore seconded to recommend to the Board to adopt the proposed changes to CCR Section 1973 from correspondence item #33 as follows. Passed unanimously.

**§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~~ fumigant labeling 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. 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.

The Committee reviewed and discussed CCR Section 1974.

Ms. Saylor stated that in December of 2010 a subsection (c) was added to CCR Section 1974 requiring all fumigation warning signs to contain the name of the fumigants used and their active ingredients.

Ms. Byerly asked that the Committee review the contents of the sign to make them consistent with the language in regulation.

Ms. Saylor stated that the form in the 2010 Act is not the most current version of the form.

The Committee agreed that there were no changes that they would like to recommend to the Board.

The Committee reviewed and discussed CCR Section 1983 and the recommendation to change this section as provided in correspondence item #33.

Mr. Gordon suggested that the committee define "service kit" when the committee addresses definitions.

Ms. Neblett stated that most of the terms used in this section are defined in the Food and Agriculture Code.

In discussion of the recommendations provided in correspondence item #33, Mr. Gordon stated that he agrees with the recommendations to CCR Section 1983(b), with the exception of adding "or equipment".

Mr. Katz pointed out that the current language in CCR Section 1983(c) does not allow for the pesticide storage on a vehicle to be left unlocked or unattended. He added that this section should read "unlocked while unattended" to clarify the intentions of this section.

Mr. Katz stated that many items in this section are covered elsewhere.

Mr. Gordon suggested tabling the discussion of CCR Section 1983 until Ms. Boyle is present to discuss her recommendations as provided in correspondence item #33.

The Committee reviewed and discussed CCR Section 1984 and agreed that there were no changes that they would like to recommend to the Board.

The Committee reviewed and discussed CCR Section 1990.

Mr. Ennes stated pointed out that copies of branch 3 reports are no longer required to be sent to the Board and suggested removing the language in CCR Section 1990(a) that reads "copies filed with the Board must be clear and legible".

Mr. Whitmore pointed out that the formatting is incorrect in this section and added that CCR Section 1990(b) and the requirements under that section are not required to be put on the report because of this formatting error.

Mr. Gordon suggested removing "certificate" from CCR Section 1990(c).

Ms. Saylor stated that B & P Code Section 8516(b) now has 13 subsections and recommended that the committee change the title of CCR Section 1990 to "Report Requirements Under Section 9516(b) 1-13, inclusive".

Mr. Ennes moved and Mr. Kanady seconded to recommend to the Board to make the following changes to CCR Section 1990. Passed unanimously.

**§1990. Report Requirements Under Section 8516(b) 1- 913, Inclusive.**

(a) All reports shall be completed as prescribed by the board. ~~Copies filed with the board shall be clear and legible.~~ All reports must supply the information required by Section 8516 of the Code and the information regarding the pesticide or pesticides used as set forth in Section 8538 of the Code, and shall contain or describe the following:

- (1) Structural pest control license number of the person making the inspection.
- (2) Signature of the Branch 3 licensee who made the inspection.
- (3) Infestations, infections or evidence thereof.
- (4) Wood members found to be damaged by wood destroying pests or organisms.

(a) Conditions usually deemed likely to lead to infestation or infection include, but are not limited to:

- (1) Faulty Grade Level. A faulty grade level exists when the top of any foundation is even with or below the adjacent earth. The existing earth level shall be considered grade.
- (2) Inaccessible subareas or portions thereof and areas where there is less than 12 inches clear space between the bottom of the floor joists and the unimproved ground area.
- (3) Excessive Cellulose Debris. This is defined as any cellulose debris of a size that can be raked or larger. Stumps and wood imbedded in footings in earth contact shall be reported.
- (4) Earth-wood contacts.
- (5) Commonly controllable moisture conditions which would foster the growth of a fungus infection materially damaging to woodwork.

(b) When an infestation of carpenter ants or carpenter bees is found in a structure, control measures may be applied by companies holding a Branch 2 or Branch 3 registration certificate. If a Branch 3 licensee discovers an infestation or evidence of carpenter ant or carpenter bee infestation while performing an inspection pursuant to section 8516 of the code, he or she shall report his or her findings and make recommendations for controlling the infestation.

(d) Even though the licensee may consider the following areas inaccessible for purposes of inspection, the licensee must state specifically which of these areas or any other areas were not inspected and why the inspection of these areas is not practical: furnished interiors; inaccessible attics or portions thereof; the interior of hollow walls; spaces between a floor or porch deck and the ceiling or soffit below; stall showers over finished ceilings; such structural segments as porte cocheres, enclosed bay windows, buttresses, and similar areas to which there is no access without defacing or tearing out lumber, masonry or finished work; built-in cabinet work; floors beneath coverings, areas where storage conditions or locks make inspection impracticable.

(e) Information regarding all accessible areas of the structure including but not limited to the substructure, foundation walls and footings, porches, patios and steps, stairways, air vents, abutments, stucco walls, columns, attached structures or other parts of a structure normally subject to attack by wood-destroying pests or organisms.

(f) The following language shall appear just prior to the first finding/recommendation on each separated report:

“This is a separated report which is defined as Section I/Section II conditions evident on the date of the inspection. Section I contains items where there is visible evidence of active infestation, infection or conditions that have resulted in or from infestation of infection. Section II items are conditions deemed likely to lead to infestation or infection but where no visible evidence of such was found. Further inspection items are defined as recommendations to inspect area(s) which during the original inspection did not allow the inspector access to complete the inspection and cannot be defined as Section I or Section II.”

(g) Information must be reported regarding any wooden deck, wooden stairs or wooden landing in exterior exposure attached to or touching the structure being inspected. Portions of such structure that are not available for visual inspection must be designated as inaccessible.

### **FUTURE MEETING DATES**

The next meeting was scheduled for Monday, September 23, 2013 in Sacramento.


The following meeting was scheduled for Friday, October 18, 2013 in San Diego in conjunction with the October Board meeting.

Ms. O’Flaherty stated that she would seek a meeting location for this meeting.

### **ADJOURNMENT**

The meeting adjourned at 2:08 P.M.

  
\_\_\_\_\_  
Bob Gordon, Committee Chairperson

  
\_\_\_\_\_  
Susan Saylor, Registrar

12/11/13  
DATE