

**MINUTES OF THE STRUCTURAL PEST CONTROL BOARD
ACT REVIEW COMMITTEE MEETING**

The meeting was held September 3, 2015 at the Department of Consumer Affairs,
Lake Tahoe Conference Room, Sacramento, California.

Committee Members Present:

Bob Gordon, Chairman
Allen Kanady
Mike Katz
Mike McKenzie
Lee Whitmore

Committee Members Absent:

Ronna Brand

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
Kathy Boyle, Chief Enforcement Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Frederic Chan-You, Legal Counsel

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Gordon called the meeting to order at 10:12 A.M. and called roll. A quorum of the Committee was established.

APPROVAL OF MINUTES OF THE JULY 29, 2015 COMMITTEE MEETING

Mr. Gordon asked that the Minutes be corrected to reflect that the moment of silence in remembrance of Darrell Ennes which was called for at the July 29, 2015 Meeting was also intended to honor Dan Prechtl of Beneficial Exterminating.

Mr. Katz moved and Mr. Kanady seconded to approve the Minutes of the July 29, 2015 Committee Meeting with the correction requested by Mr. Gordon. Passed unanimously. (AYES: Gordon, Kanady, Katz, McKenzie, Whitmore. NOES: None. ABSTENTIONS: None.)

REVIEW OF THE STRUCTURAL PEST CONTROL ACT AND TITLE 16, CALIFORNIA CODE OF REGULATIONS, FOR THE PURPOSE OF UPDATING AND IDENTIFYING CONTINUED NEED AND/OR USE AND TO MAKE RECOMMENDATIONS TO THE BOARD

Mr. Gordon opened up discussion on California Code of Regulations (CCR) Section 1970.4.

Mr. Katz moved and Mr. McKenzie seconded to recommend to the Board the following changes to CCR Section 1970.4. Passed unanimously. (AYES: Gordon, Kanady, Katz, McKenzie, Whitmore. NOES: None. ABSTENTIONS: None.)

§ 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. 5/07) 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, written or electronic, 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, or provide via electronic mail, if an electronic mailing address has been provided, a written, or electronic notice 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 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, or electronic document which contains the registered company's name, address, and telephone number. Notices provided electronically must be transmitted no later than the conclusion of service.

(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.

Mr. Gordon opened up discussion on B&P Code Section 8616.9.

The Committee agreed to table the discussion on B&P Code Section 8616.9 until the November 12, 2015 Committee Meeting.

Mr. Gordon opened up discussion on B&P Code Section 8506.1.

Mr. McKenzie moved and Mr. Katz seconded to recommend the following changes to B&P Code Section 8506.1. Passed unanimously. (AYES: Gordon, Kanady, Katz, McKenzie, Whitmore. NOES: None. ABSTENTIONS: None.)

8506.1. A "registered company" is any sole proprietorship, partnership, corporation, or other organization or any combination thereof that is registered with the Structural Pest Control Board to engage in the practice of structural pest control.

A registered company may secure structural pest control work, submit bids, or otherwise contract for pest control work. A registered company may employ licensed field representatives and licensed operators to identify infestations or infections, make inspections, and represent the company in the securing of pest control work.

A registered company may hire or employ individuals who are not licensed under this chapter to perform work on contracts or service agreements as defined in this chapter covering Branches 1, 2, and 3 wood-destroying organisms only after an operator or field representative has fully completed the negotiation or signing of the contract covering a given job.

~~A registered company may hire and use individuals who are not licensed under this chapter on service contracts already established.~~ Nothing in this section shall be interpreted to mean that an unlicensed individual may perform work specifically requiring licensure as defined in this chapter.

Mr. Gordon opened up discussion on CCR Section 1990.

Mr. Kanady moved and Mr. McKenzie seconded to recommend the following changes to CCR Section 1990. (AYES: Gordon, Kanady, Katz, McKenzie, Whitmore. NOES: None. ABSTENTIONS: None.)

§ 1990. Report Requirements Under Section 8516(b) 1-9, Inclusive.

(a) All reports shall be completed as prescribed by the board. Copies filed with provided to 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~~ Branch 3 licensee(s) making who performed the inspection.

(2) Signature of the Branch 3 licensee(s) who ~~made~~ performed the inspection.

(3) Infestations, infections or evidence thereof.

(4) Wood members found to be damaged by wood destroying pests or organisms.

(b) 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~~ surface. The existing ~~earth~~ surface 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.

(c) When an infestation of carpenter ants or carpenter bees is found in a structure, control measures may be applied by a registered ~~companies holding a~~ Branch 2 or Branch 3 company 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 or 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 ~~wøøden~~ deck, ~~wøøden~~ stairs or ~~wøøden~~ 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.

Mr. Gordon opened up discussion on CCR Section 1991.

The Committee tabled the discussion on CCR Section 1991 until the October 9, 2015 meeting.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

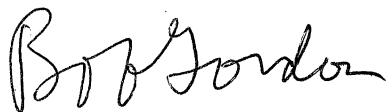
There were no public comments for items not on the agenda.

FUTURE MEETING DATES

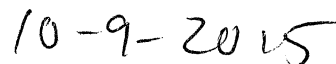
The following two meetings were previously scheduled for October 9, 2015 in Sacramento, and November 12, 2015 in Orange County.

ADJOURNMENT

The meeting was adjourned at 1:40 P.M.



Bob Gordon, Chairman



Date