

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

The meeting was held October 9, 2015 at the Department of Consumer Affairs,  
Lake Tahoe Conference Room, 2005 Evergreen Street, Sacramento, California.

**Committee Members Present:**

Bob Gordon, Chairman  
Mike Katz  
Mike McKenzie  
Lee Whitmore

**Committee Members Absent:**

Ronna Brand  
Allen Kanady

**Board Staff Present:**

Susan Saylor, Executive Officer  
Robert Lucas, Assistant Executive Officer  
Kathy Boyle, Chief Enforcement Officer  
Kevin Lau, Enforcement Technician  
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 9:34 A.M. and read roll.

Committee members Gordon, Katz, McKenzie, and Whitmore were present.

Committee members Brand and Kanady were absent.

A quorum of the Committee was established.

## APPROVAL OF MINUTES OF THE SEPTEMBER 3, 2015 COMMITTEE MEETING

Mr. Katz moved and Mr. Whitmore seconded to approve the Minutes of the September 3, 2015 meeting. Passed unanimously. (AYES: GORDON, 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 CCR Section 1990.

The Committee discussed ways to revise their previously recommended changes to CCR Section 1990 in a manner that would not obligate Board licensees to make determinations that are outside the scope of their license.

Mr. Katz moved and Mr. Whitmore seconded to recommend to the Board the following changes to CCR Section 1990. Passed unanimously. (AYES: GORDON, 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, decks, 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. Portions of such structure that are not available for visual inspection must be designated as inaccessible and recommendation for further inspection shall be made.

(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.~~

Mr. Gordon opened up discussion on the creation of definitions.

Mr. Whitmore moved and Mr. McKenzie seconded to recommend to the Board that the following definitions be adopted into the Structural Pest Control Act. Passed unanimously. (AYES: GORDON, KATZ, MCKENZIE, WHITMORE. NOES: NONE. ABSTENTIONS: NONE.)

**8504.2** Control means a pest population management system that utilizes all suitable techniques to reduce and maintain pest populations at levels below those causing economic or material injury or to so manipulate the populations that they are prevented from causing such injury.

**8504.3** Eradication means the total elimination of a pest from a designated area. For purposes of this subdivision eliminate and exterminate shall have the same meaning.

The Committee agreed to continue their discussion on the definition of "Guarantee" at a future meeting.

The Committee agreed to look up the Department of Pesticide Regulation's rules and regulations concerning service kits and discuss how they apply to a Board service kit definition at a future meeting.

The Committee asked staff to bring the dictionary definitions of the words the Committee is interested in defining to the November 12, 2015 meeting.

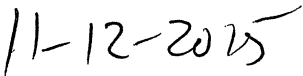
### **FUTURE MEETING DATES**

The following meeting was previously scheduled for November 12, 2015 in Orange County.

### **ADJOURNMENT**

The meeting was adjourned at 1:12 P.M.

  
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Bob Gordon, Chairman

  
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Date