

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

The Meeting was held January 15, 2016 at the Hilton San Diego Airport / Harbor Island, Chart Room, 1960 Harbor Island Drive, San Diego, California.

Committee Members Present:

Bob Gordon, Chairman
Ronna Brand
Allen Kanady
Mike Katz
Mike McKenzie

Committee Members Absent:

Lee Whitmore

Board Staff Present:

Kathy Boyle, Enforcement Manager
Ron Moss, Board Specialist
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 8:11 A.M. and called roll.

Committee members Gordon, Brand, Kanady, Katz, and McKenzie were present.

Committee member Whitmore was absent.

A quorum of the Committee was established.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

APPROVAL OF MINUTES OF THE NOVEMBER 12, 2015 COMMITTEE MEETING

Mr. Katz moved and Mr. Kanady seconded to approve the minutes of the November 12, 2015 Committee meeting. Passed unanimously. (AYES: GORDON, BRAND, KANADY, KATZ, MCKENZIE. 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 defining the terms "commercial" and "industrial".

Mr. Katz moved and Mr. McKenzie seconded to recommend to the Board the following changes to CCR Section 1970.4. Passed unanimously. (AYES: GORDON, BRAND, KANADY, KATZ, MCKENZIE. 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 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.

(g) For the purposes of section 8538 "commercial" and "industrial" are defined as business structures.

Mr. Gordon opened up discussion on defining the term "inspection".

Mr. Kanady moved and Mr. Katz seconded to recommend to the Board the addition of B&P Code Section 8504.4. Passed unanimously. (AYES: GORDON, BRAND, KANADY, KATZ, MCKENZIE. NOES: NONE. ABSTENTIONS: NONE.)

8504.4. "Inspection" is the act of a field representative or operator physically performing an on-site assessment of real property.

Mr. Gordon opened up discussion on defining the term "spray adjuvant".

Mr. Katz moved and Mr. Kanady seconded to recommend to the Board the following changes to CCR Section 1902. Passed unanimously. (AYES: GORDON, BRAND, KANADY, KATZ, MCKENZIE. NOES: NONE. ABSTENTIONS: NONE.)

§ 1902. Definitions.

(a) For the purpose of these rules and regulations, "board" means the State Structural Pest Control Board, and "code" means the Business and Professions Code.

(b) "Spray Adjuvant" as used in 8504.1 of the Code shall be defined as it is in Section 12758 of the Food & Agriculture Code.

Mr. Gordon opened up discussion on defining the term "supervisor".

Mr. Kanady moved and Ms. Brand seconded to recommend to the Board the addition of B&P Code Section 8504.5. Passed unanimously. (AYES: GORDON, BRAND, KANADY, KATZ, MCKENZIE. NOES: NONE. ABSTENTIONS: NONE.)

8504.5. "Supervisor" means a person who supervises workers or the work done by others.

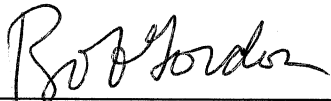
FUTURE MEETING DATES

The next meeting was scheduled for February 10, 2016 in Sacramento.

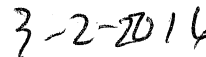
ADJOURNMENT

Mr. Gordon moved and Mr. Kanady seconded to adjourn the meeting. Passed unanimously. (AYES: GORDON, BRAND, KANADY, KATZ, MCKENZIE. NOES: NONE. ABSTENTIONS: NONE.)

The meeting was adjourned at 11:36 A.M.



Bob Gordon, Chairman



Date