

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

The Meeting was held July 29, 2015 at the Department of Consumer Affairs,
Lake Tahoe Conference Room, 2005 Evergreen Street, 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
Tom Ineichen, Board Specialist
David Skelton, Administrative Analyst

Departmental Staff Present:

Frederic Chan-You, Legal Counsel
Kurt Heppler, Legal Counsel

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Gordon called the meeting to order at 9:36 A.M. and Ms. Saylor called roll. Quorum established.

APPROVAL OF MINUTES OF THE DECEMBER 3, 2014 COMMITTEE MEETING

Mr. Katz moved and Mr. Whitmore seconded to approve the Minutes of the December 3, 2014 Committee Meeting. 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 asked for a moment of silence in remembrance of former Committee member Darrell Ennes and also in remembrance of Dan Precht of Beneficial Exterminating, Inc.

Ms. Saylor informed the Committee that their previously recommended changes to Business and Professions (B&P) Code Sections 8508, 8513, 8552, 8611, and 8516.5 were included in Senate Bill (SB) 799.

Ms. Saylor informed the Committee that their previously recommended changes that were not included in SB 799 would hopefully make it into a Bill during the next legislative session.

Ms. Saylor informed the Committee that staff had not prepared its recommendations for Business and Professions (B&P) Code Section 8616.9 but that it would do so prior to the September 3, 2015 Meeting.

Mr. Gordon opened up discussion on the topic of termite monitoring stations and how California Code of Regulations (CCR) Sections 1993.2 and 1993.3 apply to their use.

The Committee discussed potential regulatory changes to draw a distinction between termite baiting, and monitoring stations, and to allow for the placement of monitoring stations without an inspection while maintaining a high level of consumer protection.

Mr. Katz moved and Mr. Kanady seconded to recommend to the Board the addition of CCR Section 1993.4. Passed unanimously. (AYES: Gordon, Kanady, Katz, Mckenzie, Whitmore. NOES: None. ABSTENTIONS: None.)

§ 1993.4 Termite Monitoring Devices

(a) "Termite monitoring devices" are defined as devices that contain no pesticides and do not provide any control measures. They solely provide an indication of the possible presence or absence of wood destroying pests. Termite monitoring devices do not provide for positive identification, nor does a positive indication on such device eliminate the need for an inspection conducted by a Branch 3 Operator or Field Representative prior to any treatment or work being performed.

(b) Installation of termite monitoring device(s) must be performed by a registered Branch 3 company.

(c) Prior to installation of any termite monitoring device(s), the following disclosure language shall be provided to the property owner or the property owner's designated agent by either written or electronic means:

"Termite monitoring devices are intended to solely provide an indication of the possible presence or absence of wood destroying pests in the areas where such devices are installed. Termite monitoring devices do not replace the requirement for a termite inspection to be performed by a licensed termite inspector prior to the commencement of

any treatment or work being performed. If the termite monitoring device indicates the possible presence of wood destroying pests, you should consider having an inspection performed by (company name). You have the right to choose any registered company licensed to perform these services.”

Mr. Katz moved and Mr. Mckenzie seconded to recommend to the Board the proposed amendments to CCR Section 1993.2 and the repeal of CCR Section 1993.3. Passed unanimously. (AYES: Gordon, Kanady, Katz, Mckenzie, Whitmore. NOES: None. ABSTENTIONS: None.)

§ 1993.2. Termite Bait Station.

(a) For the purposes of this section ~~and section 1993.3~~, “termite bait station” shall include:

(1) an “above-ground bait station,” which shall mean any device containing pesticide bait used for the eradication of wood destroying pests that is attached to the structure, or

(2) an “in-ground bait station,” which shall mean any device containing pesticide bait used for the eradication of wood destroying pests that is placed in the ground. ~~material to attract and or monitor wood destroying pests, or containing a pesticide bait to eradicate wood destroying pests, that is placed in the ground.~~

~~(3) an “in-ground termite monitoring system” is a device placed in the ground to determine the presence or absence of subterranean termites through scheduled periodic inspections.~~

(b) Prior to installation of any termite baiting system, a full or limited inspection of the structure shall be made.

(c) Use of termite baiting systems shall be considered a control service agreement as defined by section 8516 of the code.

~~§ 1993.3. In-Ground Termite Bait Stations.~~

~~Use of in-ground termite monitoring and/or baiting systems shall be considered a control service agreement as defined by section 8516 of the code.~~

Mr. Gordon opened up discussion on B&P Code Sections 8653 and 8697.2.

The Committee agreed to resume the discussion on B&P Code Sections 8653 and 8697.2 at the September 3, 2015 meeting.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

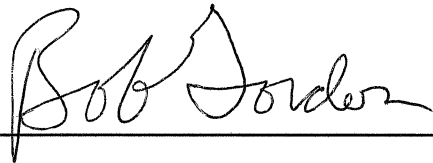
FUTURE MEETING DATES

The next meeting was scheduled for September 3, 2015 in Sacramento.

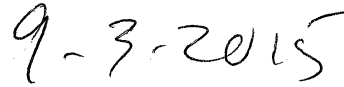
The following meetings were scheduled for October 9, 2015 in Sacramento and November 12, 2015 in Orange County.

ADJOURNMENT

The meeting was adjourned at 2:30 P.M.



Bob Gordon, Chairman



Date