

**TITLE 16. STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS**

INITIAL STATEMENT OF REASONS

Hearing Date: October 13, 2016

Subject Matter of Proposed Regulation: Termite Stations

Sections Affected: California Code of Regulations (CCR), Title 16, Sections 1993.2, 1993.3, 1993.4

PROBLEM BEING ADDRESSED

Currently, CCR section 1993.2 provides that prior to the installation of any termite baiting or monitoring station a full or limited inspection of the structure must be performed. Additionally, CCR 1993.3 provides that the installation of any baiting or monitoring system shall be considered a control service agreement subject to the provisions of Business and Professions (B&P) Code section 8516.

In practice, a consumer who wishes to have a non-pesticidal termite monitoring system installed must first pay to have a full or limited inspection performed and additionally, enter into a control service agreement with the registered company installing the system. The Board has determined that in order to address this problem it is necessary to amend CCR section 1993.2, repeal CCR section 1993.3 and add CCR section 1993.4 in order to draw a distinction between termite baiting and monitoring stations and outline provisions for when and how each may be used.

NECESSITY

Currently, CCR section 1993.2 is titled, "Termite Bait Station" and defines "above-ground bait station", "in-ground bait station", and "in-ground termite monitoring system". Additionally, CCR section 1993.2 mandates that prior to the installation of any of these systems a full or limited inspection of the structure shall be performed.

CCR section 1993.3 states the use of the any in-ground termite monitoring and/or baiting systems shall be considered a control service agreement as defined in B&P Code section 8516.

The existing language of the above two regulations would require a consumer to pay for a control service agreement, even though that service may not be needed, to obtain a non-pesticide termite monitoring system. As such, the Board feels that these definitions and provisions are not appropriate as they no longer serve the best interest of consumers. Therefore, it is necessary for the Board to amend CCR section 1993.2, repeal CCR section 1993.3, and add CCR section 1993.4.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL

Amend CCR section 1993.2

The specific purpose of the amendments to CCR section 1993.2 is to remove “termite monitoring stations” from this section and to clearly define what an “above-ground bait station” and an “in-ground bait station” are. Additionally, the amendments to this section provide guidelines for when and how termite bait stations may be used.

B&P Code section 8514 states that a registered company shall not commence work on a contract or sign, issue, or deliver any documents related to the control of wood destroying organisms until an inspection has been completed. The amendments to CCR section 1993.2 are meant to implement B&P Code section 8514 by making clear that “termite bait stations” are devices that contain pesticide and are intended for use as a control measure.

Additionally, the specific purpose of the amendment to CCR section 1993.2 which states that termite bait stations are considered control service agreements is to implement B&P Code sections 8516(g) and 8516(h). B&P Code sections 8516(g) and 8516(h) define and provide guidelines for control service agreements. Among these guidelines are the requirements that an inspection be performed at the outset of the agreement, and that regular reinspections are to occur at agreed upon intervals throughout the agreement. Because termite bait stations require regular reinspection their use falls under the terms of a control service agreement.

Repeal CCR section 1993.3

Currently, CCR section 1993.3 provides that the use of termite monitoring and/or bait systems shall be considered a control service agreement as defined in B&P Code section 8516. The purpose of repealing this section is to make clear that the control service agreement requirement applies only to termite bait stations and has therefore been added to CCR section 1993.2.

Add CCR section 1993.4

Because termite monitoring stations are separate and distinct from termite bait stations the Board feels it necessary to create CCR section 1993.4. The specific purpose of the addition of CCR section 1993.4 is to define and establish provisions for the use of termite monitoring stations. Because termite monitoring stations provide an indication as to the possible presence or absence of termites, another purpose of the proposed additions is to make clear that only Branch 3 registered companies may install them.

Additionally, the specific purpose of the addition of CCR section 1993.4 is to implement B&P Code section 8516. Among other things, B&P Code section 8516 outlines when and how inspections and control service agreements are to be conducted. Termite monitoring stations do not contain any pesticides and provide no control measures. They are used to help a consumer

decide when they may be in need of having a full or limited inspection performed or entering into a control service agreement pursuant to B&P Code section 8516.

ANTICIPATED BENEFITS

The Board anticipates that the proposed changes will benefit consumers by allowing the use of termite monitoring stations without mandating that they be part of a control service agreement or that they may only be used after a full or limited inspection has been performed. Specifically, consumers benefit by being alerted to the possible presence or absence of termites without the additional cost impact of entering into a control service agreement and having a full or limited inspection performed.

UNDERLYING DATA

None

BUSINESS IMPACT

The Board has determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The Board made this determination because the proposed regulation imposes no new requirements or restrictions on California businesses. The proposed regulation seeks to more clearly define termite baiting and monitoring systems and articulate the parameters for when and how each may be used.

MANDATE ON SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposed regulation does mandate the use of any specific technologies or equipment.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the state. The Board made this determination because the proposed regulation seeks to more clearly define termite baiting and monitoring systems and articulate the parameters for when and how each may be used.

The Board has determined that the proposed regulatory action will not affect the creation of new businesses or the elimination of existing businesses within the state. The Board made this determination because the proposed regulation seeks to more clearly define termite baiting and monitoring systems and articulate the parameters for when and how each may be used.

The Board has determined that the proposed regulatory action will not affect the expansion of businesses currently doing business within the state. The Board made this determination because the proposed regulation seeks to more clearly define termite baiting and monitoring systems and articulate the parameters for when and how each may be used.

The Board has determined that the proposed regulatory action will benefit the health of welfare of California's residents, worker safety, and the state's environment in the following ways:

The health and welfare of California residents will benefit from the proposed regulation by being able to utilize termite monitoring devices without having to endure the cost impact of a full or limited inspection of their structure or the cost of a control service agreement.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons or businesses or equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.