



BOARD MEETING

REVISED **NOTICE and AGENDA**

Thursday, April 6, 2017
9:00 A.M.

Department of Consumer Affairs
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815

Contact Person: Susan Saylor
(916) 561-8700

AGENDA

- I. Roll Call / Establishment of Quorum
- II. Flag Salute / Pledge of Allegiance
- III. Public Comment for Items Not on the Agenda
The Board may not discuss or take action on any matter raised during this public comment section that is not included on this agenda, except to decide whether to place the matter on the agenda of a future meeting.
[Government Code Sections 11125, 11125.7(a)]
- IV. Petition for Reinstatement
Rodney A. Lambright — OPR 7410 — Branch 3
- V. Closed Session – Pursuant to subdivision (c) (3) of Section 11126 of the Government Code, the Board will meet in closed session to consider proposed disciplinary actions, stipulated settlements, and petitions for modification / termination of probation and reinstatement

Return to Open Session

- VI. Approval of Minutes of the January 12, 2017 Board Meeting
- VII. Executive Officer's Report
 - Licensing and Enforcement Survey Results and Statistics
 - Examination Statistics
 - Staffing Changes
 - WDO Statistics
 - Sunset Review Update
 - Update on Department of Consumer Affairs New Director
 - Examination Development – Occupational Analyses
 - Regulatory Update (The Executive Officer Will Provide Regulatory Action Updates for the Following Sections of California Code of Regulations, Title 16, Division 19: 1914, 1937.11, 1993.2, 1993.3 and 1993.4)
 - Legislative Update
- VIII. Discussion and Possible Board Action Regarding Proposed Amendments to Business and Professions (B&P) Code section 8505.11 and California Code of Regulations (CCR) section

1991 to Require a Reference to the Cubic Square Feet of the Area to be Fumigated When a Recommendation for Fumigation is Made

- IX. Structural Pest Control Board Research Advisory Panel Update
- X. Discussion and Possible Board Position on Assembly Bill (AB) 593 to Extend the Structural Fumigation Enforcement Program
- XI. Discussion and Possible Board Position on Possible Bill Containing Proposed Amendments to Business and Professions Code Section 8567 to Allow Registered Companies to Notify the Board of an Employee's Disassociation When the Employee Fails To Do So
- XII. Discussion and Possible Board Position on Assembly Bill (AB) 1590 to Lengthen the Time Period the Board Has to File an Accusation After a Complaint is Filed From 12 to 18 Months
- XIII. Consideration and Possible Approval of 15 Day Notice of Modified Text With Revised Proposed Language for Regulatory Amendment of California Code of Regulations, Title 16, Section 1937.11 and the Board's Disciplinary Guidelines
- XIV. Consideration and Possible Approval of 15 Day Notice of Modified Text With Revised Proposed Language for Regulatory Amendment of Title 16, California Code of Regulations Sections 1993.2, 1993.3, and 1993.4
- XV. Board Calendar
- XVI. Discussion and Possible Board Position on Assembly Bill (AB) 1687 to Expand the Prohibition on Specified Anticoagulant Pesticides
- XVII. Future Agenda Items
- XVIII. Adjournment

The meeting may be cancelled or changed without notice. For verification, please check the Board's website at www.pestboard.ca.gov or call 916-561-8700. Action may be taken on any item on the agenda. Any item may be taken out of order to accommodate speakers and/or to maintain a quorum. Meetings of the Structural Pest Control Board are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The public may take appropriate opportunities to comment on any issue before the Board at the time the item is heard, but the President may, at his discretion, apportion available time among those who wish to speak. The public may comment on issues not on the agenda, but Board Members cannot discuss any issue that is not listed on the agenda. If you are presenting information to the Board, please provide 13 copies of your testimony for the Board Members and staff. Copying equipment is not available at the meeting location.

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the Structural Pest Control Board at (916) 561-8700 or email pestboard@dca.ca.gov or send a written request to the Structural Pest Control Board, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation.

This agenda can be found on the Structural Pest Control Board's Website at: www.pestboard.ca.gov



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MINUTES OF THE MEETING OF THE STRUCTURAL PEST CONTROL BOARD

The meeting was held January 12, 2017 at the Department of Consumer Affairs,
Hearing Room, 2005 Evergreen Street, Sacramento, California.

Board Members Present:

Darren Van Steenwyk, Vice President
Ronna Brand
Naresh Duggal
Mike Duran
Curtis Good

Board Members Absent:

Dave Tamayo

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Frederic Chan-You, Legal Counsel

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Van Steenwyk called the meeting to order at 9:05 A.M. and Ms. Saylor called roll. Board members Van Steenwyk, Brand, Duggal, Duran, and Good were present.

Board member Tamayo was absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Van Steenwyk lead everyone in a recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board was presented with proposed language sent in by Alex Del Toro, Operator License Number 9685 to amend Business and Professions (B&P) Code section 8505.11 and California Code of Regulations (CCR) section 1991 in order to mandate that an estimate of square footage be included when a fumigation is recommended.

The Board asked that the topic be placed on the agenda at a future meeting so that it could be discussed.

APPROVAL OF MINUTES OF THE OCTOBER 12 & 13, 2016 BOARD MEETING

Mr. Good moved and Ms. Brand seconded to approve the minutes of the October 12 & 13, 2016 Board Meeting. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the Board on licensing and enforcement statistics and survey results, examination statistics, staffing changes, WDO statistics, examination development, and regulatory and legislative updates.

Ms. Saylor updated the Board on the implementation of CCR section 1960 requiring licensees who have never been Livescanned to do so as a condition of license renewal. Ms. Saylor informed the Board that during the 2016 renewal cycle two-hundred licensees opted to let their licenses expire rather than be Livescanned and that the Board would soon be sending notifications to affected licensees for the 2017 renewal cycle.

Ms. Saylor informed the Board that the Branch 3 Operator Occupational Analysis is still ongoing and that the Board would possibly need subject matter experts in April.

Mr. Van Steenwyk inquired about the timeframe for implementing the Board approved amendments to CCR section 1970.4.

Ms. Saylor updated the Board on Department of Consumer Affairs (DCA) new regulatory procedures.

Mr. Skelton informed Mr. Van Steenwyk that the amendments to CCR section 1970.4 were to be included in the next round of regulatory proposals and that an effective date of January 1, 2019 would be a realistic goal.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING THE RECOMMENDATIONS OF THE CE IPM REVIEW COMMITTEE AND POTENTIAL CONFLICTS WITH THE PROPOSED FEDERAL CONTINUING EDUCATION / TRAINING GUIDELINES

Mr. Van Steenwyk summarized the revised version of the proposed EPA Applicator Training Guidelines and stated that in his opinion they do not appear to conflict with the proposed changes recommended by the Continuing Education Integrated Pest Management (CE IPM) Review Committee.

Mr. Good voiced his overall support for the recommendations of the CE IPM Review Committee but stated that the percentage of hours for each CE category would need further review.

Mr. Skelton stated that when the Board approved the recommendations of the CE IPM Review Committee it provided staff with the authority to adjust the proposal where it was deemed necessary to do so. Mr. Skelton further stated that staff would bring back the proposal for final Board approval before beginning the official rulemaking process.

Mr. Good inquired as to whether or not the Pest Control Operators of California (PCOC) had been involved with the creation of the CE IPM Review Committee's proposal.

Chris Reardon, Executive Vice President, PCOC, stated that the CE IPM Review Committee's recommendation looked acceptable but that PCOC would possibly have further input when staff presented the final regulatory proposal to the Board.

Mr. Duran moved and Ms. Brand seconded to direct staff to move forward with implementing the recommendations of the CE IPM Review Committee and for staff to bring back a regulatory proposal for Board approval prior to beginning the formal rulemaking process. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

DISCUSSION AND POSSIBLE BOARD POSITION AND ACTION REGARDING BUSINESS AND PROFESSIONS (B&P) CODE SECTION 8698.6 AND THE POSSIBLE EXTENSION OF THE STRUCTURAL FUMIGATION ENFORCEMENT PROGRAM

Mr. Good stated that there has been some discussion at the County Agricultural Commissioners and Sealers Association (CACASA) of perhaps adding counties or making other small changes to the Structural Fumigation Enforcement Program. Mr. Good further stated that the Structural Fumigation Enforcement Program has been very valuable and that extending it is a time sensitive matter.

Mr. Good moved and Mr. Duran seconded to approve the proposed language for B&P Code section 8698.6 extending the sunset date of the Structural Fumigation Enforcement Program and for Ms. Saylor to find a legislative author to implement the

amendments. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

STRUCTURAL PEST CONTROL BOARD RESEARCH ADVISORY PANEL UPDATE AND POSSIBLE BOARD DISCUSSION AND ACTION REGARDING THE PROPOSED TOPICS OF RESEARCH FOR THE REQUESTS FOR PROPOSAL FOR THE BOARD RESEARCH FUND CONTRACT

Ms. Saylor updated the Board on the October 25, 2016 teleconference meeting of the Research Advisory Panel and directed them to the draft minutes (in board materials) from that meeting to see the recommendations that were made.

Mr. Good stated that the ingestion of rodenticides by non-target predators is a topic that warrants research funding.

Mr. Duggal stated that by including IPM in the list of topics that would be considered it was the intent of the Research Panel that ingestion of rodenticides by non-target predators be included as a research topic that the Panel would consider funding.

Mr. Good moved and Mr. Duran seconded to accept the recommendations of the Research Advisory Panel and for staff to begin working with DCA on the preparation of the Requests for Proposal (RFP). Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

DISCUSSION AND POSSIBLE BOARD ACTION ON ASSEMBLY BILL (AB) 551 AND ITS AMENDMENT TO THE CIVIL CODE TO ADD SECTIONS 1954.600 AND 1954.601, REGARDING INCORPORATING TRAINING ON BED BUG MANAGEMENT FOR LICENSURE REQUIREMENTS

Debra Carlton, California Apartment Association, spoke about the provisions of AB 551 and expressed her desire to work with the Board on implementing programs to help effectively manage bed bug infestations.

Mr. Van Steenwyk stated that AB 551 does not require landlords to use licensed Pest Control Operators to treat infestations and asked why that requirement was not included.

Ms. Carlton stated that ideally landlords would be required to use licensed Pest Control Operators to treat bed bug infestations but that the language contained in AB 551 represented a compromise amongst all the stakeholders. Ms. Carlton stated they she would continue to look at legislative options to improve the treatment of bed bugs.

Mr. Good asked Ms. Carlton if she had seen improvement in the way the pest control industry, as a whole, deals with bed bug infestations and if she felt that industry needed more bed bug education.

Ms. Carlton stated that she has seen improvement in the way the pest control industry manages bed bug infestations, but that more education is needed in some cases and that consistency in treatment is the desired outcome.

Jith Meganathan, Western Center on Law & Poverty, stated that tenants are often the least knowledgeable party when it comes to bed bug infestations and that consistent guidelines and treatment regimens are the ultimate goal in order for eradication to be the most common outcome. Mr. Meganathan further stated that low income tenants are disproportionately affected by this issue.

Mr. Van Steenwyk stated that it is very difficult to create unique licensing standards for the treatment of individual insects. Mr. Van Steenwyk further stated that it is most important to educate landlords to hire licensed Pest Control Operators for the treatment of bed bugs.

Mr. Meganathan stated that because the provisions of AB 551 mandate that a tenant's privacy rights are waived when a licensed Pest Control Operator is brought in to treat a bed bug infestation, it is very important that the licensed Pest Control Operator be properly trained in treating bed bug infestations.

Mr. Duggal stated that educational material from the UC system should be utilized as much as possible and that landlords should be willing to pay for the higher level of service they would receive from licensed Pest Control Operators that specialize bed bug management.

Mr. Good suggested that Mr. Meganathan work with PCOC on the creation of a certification program for the treatment of bed bugs.

Mr. Reardon stated that PCOC would be interested in working on more bed bug education being available, but that a mandate for landlords to use licensed Pest Control Operators is also an important component.

Ms. Carlton stated her desire to partner with PCOC and the Board on this issue and that they would continue to seek out solutions, legislative and otherwise, going forward.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING INCREASING RODENTICIDE EDUCATION AND THE POSSIBLE IMPLEMENTATION OF A STEWARDSHIP PROGRAM

Mr. Van Steenwyk stated that the purpose of this agenda item was for the Board to determine if it should create, or encourage the creation of, a stewardship program for individuals who use rodenticides.

Mr. Duggal stated that the misuse of rodenticides is an issue related more to agricultural pest control rather than structural.

Mr. Good stated that there are currently studies underway focusing on the misuse of rodenticides in agricultural pest control and that more information would be available once they are completed.

Mr. Van Steenwyk suggested that the Board wait for more information to become available before determining how to proceed on this issue.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING STAFF RECOMMENDATIONS TO AMEND THE FOLLOWING SECTIONS IN THE BUSINESS AND PROFESSIONS (B&P) CODE

Amend B&P Code Section 8517 to Remove the Term “Nondecay Fungi”

Ms. Saylor presented the proposed language for the staff recommended amendment to B&P Code section 8517.

Mr. Good stated that he wasn't sure it was necessary to remove the term “nondecay fungi” and asked if removing it would preclude licensees from mentioning it in reports.

Mr. Lucas stated that removing the term “nondecay fungi” would not preclude licensees from mentioning it in reports.

Mr. Duran moved and Ms. Brand seconded to approve the proposed changes to B&P Code section 8517 and for Ms. Saylor to find a legislative author to implement the amendments. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran. NOES: None. ABSTENTIONS: Good.)

Amend B&P Code Section 8560 to Clarify That Applicants Must Obtain an Overall Score of 70% or Above on Board Licensing Examinations

The changes to B&P Code section 8560 were tabled pending further review of the proposed language.

Amend B&P Code Section 8567 to Allow Companies to Notify the Board of an Employee Disassociation

Ms. Saylor presented the proposed language for the staff recommended amendment to B&P Code section 8567.

Mr. Good stated his support for this amendment and further stated that it has been needed for a long time.

Mr. Good moved and Mr. Duran seconded to approve the proposed changes to B&P Code section 8567 and for Ms. Saylor to find a legislative author to implement the

amendments. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

Amend B&P Code Section 8623 to Align the Board's Procedures for Providing a Copy of an Applicant's Criminal History When the Board Denies a License With the Requirements of Penal Code Section 11105

Ms. Saylor presented the proposed language for the staff recommended amendment to B&P Code section 8623.

Mr. Good moved and Mr. Duran seconded to approve the proposed changes to B&P Code section 8623 and for Ms. Saylor to find a legislative author to implement the amendments. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

BOARD CALENDAR

The next 4 meetings of the Board were scheduled as follows:

Wednesday, April 5 and Thursday, April 6, 2017 in Sacramento.

Tuesday, July 11 and Wednesday, July 12, 2017 in Los Angeles.

Tuesday, October 10 and Wednesday, October 11, 2017 in Sacramento.

Tuesday, January 9 and Wednesday, January 10, 2018 in Los Angeles.

FUTURE AGENDA ITEMS

The following were identified as future agenda items –

The proposed language submitted by Alex Del Toro regarding an estimate of the cubic square feet when fumigations are recommended.

An update on the work of the Research Advisory Panel.

The extension of the Structural Fumigation Enforcement Program.

The recommendation by staff to amend B&P Code section 8560.

CLOSED SESSION

Pursuant to subdivision (c) (3) of section 11126 of the Government Code, the Board met in closed session to consider proposed disciplinary actions, stipulated settlements, and petitions for modification / termination of probation and reinstatement including the above petitions.

ADJOURNMENT

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

Dave Tamayo, President

Date

STRUCTURAL PEST CONTROL BOARD STATISTICS FOR FEBRUARY 2017 Page 1 of 2		FISCAL YEAR 2016/2017		FISCAL YEAR 2015/2016	
		Year		Year	
EXAMINATION		Monthly	To Date	Monthly	To Date
Field Representatives Scheduled		462	3,351	480	3,403
Field Representatives Examined		334	2,546	333	2,673
Field Representatives Passed		154	1,244	127	979
Field Representatives Failed		180	1,302	206	1,694
Operators Scheduled		27	231	47	280
Operators Examined		36	209	39	242
Operators Passed		19	135	24	161
Operators Failed		17	74	15	81
Applicators Scheduled		255	2,369	290	2,344
Applicators Examined		210	1,949	216	1,961
Applicators Passed		108	897	106	878
Applicators Failed		102	1,052	110	1,083
Field Representatives Passing Rate		46%	49%	38%	37%
Operator Passing Rate		53%	65%	62%	67%
Applicators Passing Rate		51%	46%	49%	45%
LICENSING					
Field Representative Licenses Issued		123	1,025	95	731
Operator Licenses Issued		21	96	23	104
Company Registrations Issued		22	143	19	150
Branch Office Registrations Issued		3	26	0	15
Change of Registered Company Officers		3	16	0	19
Change Of Qualifying Manager		9	65	8	74
Applicator Licenses Issued		97	886	108	847
Duplicate Licenses Issued		69	678	79	572
Upgrade Present License		26	199	14	149
Change of Status Processed		32	253	33	246
Address Change		144	724	106	948
Address Change (Principal Office)		22	182	27	180
Address Change (Branch Office)		2	16	5	25
Transfer of Employment Processed		176	1,142	45	967
Change of Name		2	11	2	15
Change of Registered Company Name		1	6	0	12
License Histories Prepared		25	121	49	151
Down Grade Present License		62	496	66	410
LICENSES/REGISTRATIONS IN EFFECT					
Field Representative			11,507		10,605
Operator			4,088		4,048
Company Registration			3,050		2,983
Branch Office			450		437
Licensed Applicator			7,171		6,841
LICENSES/REGISTRATIONS ON PROBATION					
Companies			21		17
Licensees			88		92

STRUCTURAL PEST CONTROL BOARD		FISCAL YEAR		FISCAL YEAR	
STATISTICS FOR FEBRUARY 2017		2016/2017		2015/2016	
		Monthly	Year To Date	Monthly	Year To Date
LICENSES RENEWED					
Operator		0	111	0	175
Field Representative		0	335	0	409
Applicator		0	146	0	73
LICENSES/ REGISTRATIONS CANCELED					
Operator		1	112	1	199
Field Representative		13	938	10	792
Company Registration		15	91	10	128
Branch Office		8	24	4	27
Applicator		6	1,152	7	1,081
LICENSES DENIED					
Licenses		11	45	6	20
INVESTIGATIVE FINES PROCESSED					
Fines Processed		\$0	\$0	\$0	\$0
Penalty Assessment		\$0	\$0	\$0	\$0
Pesticide Fines		\$6,753	\$95,026	\$9,755	\$111,270
STAMPS SOLD					
Pesticide		4,410	45,360	6,480	48,760
SEARCHES MADE					
Public		51	554	57	936
Complaints		3	44	12	265
BOND & INSURANCE					
Bonds Processed		16	158	15	129
Insurance Processed		220	1569	260	1900
Restoration Bonds Processed		0	3	3	9
Suspension Orders		14	264	18	231
Cancellations Processed		71	299	19	208
Change of Bond/Insurance		43	229	12	241
CONTINUING EDUCATION EXAMS					
Field Representative Examined		0	0	0	0
Field Representative Passed		0	0	0	0
Field Representative Failed		0	0	0	0
			0		
Operator Examined		0		0	0
Operator Passed		0	0	0	0
Operator Failed		0	0	0	0
Applicator Examined		0	0	0	0
Applicator Passed		0	0	0	0
Applicator Failed		0	0	0	0

LICENSING UNIT SURVEY RESULTS

April 6, 2017 – SPCB Meeting

December 28, 2016 – March 21, 2017

Response cards are sent to licensees, registered companies, and applicants receiving the following services: Licensure, Renewal of License, Upgrade/Downgrade License, Change of Qualifying Manager, Bond/Insurance, Company Registration, Transfer of Employment, Change of Address, and Examination. One hundred twenty survey cards were mailed during this reporting period. Fourteen responses were received.

	Question	Yes	No	N/A
1	Was staff courteous?	100%	0%	0%
2	Did staff understand your question?	93%	0%	7%
3	Did staff clearly answer your question?	92%	0%	8%
4	Did staff promptly return your telephone call?	79%	14%	7%
5	Did staff efficiently and promptly handle your transaction?	85%	15%	0%
6	How long did it take to complete its action on your file?* (Average)	32 days		

*There were 6 responses to question 6, ranging from 5 days to 60 days.

Company Registration: 60 days average (1 response)

Operator License: 10 days average (1 response)

Field Representative License: N/A (0 responses)

Applicator License: 17 days average (2 responses)

Transfer of Employment: N/A (0 responses)

Change of Address: N/A (0 responses)

Bond/Insurance: N/A (0 responses)

Change of Qualifying Manager: 60 days average (1 response)

Examination: 30 days average (1 response)

Comments:

- Frank was great! He should get a promotion! Thanks.

- It was great, thanks.
- It appears that the department is understaffed!
- Sorry I don't remember how long it took, but it was nice and quick. A+, thanks!
- They have all been so nice about everything. I always like calling for any issue I have.
- Took a long time, but Frank was very helpful.

WDO ACTIVITIES FILED

	2012/13	2013/14	2014/15	2015/16	2016/17	MO. AVG
July	110,432	123,958	122,803	121,639	111,086	117,984
August	110,534	116,087	112,400	112,511	121,000	114,506
September	103,223	129,161	116,100	115,977	119,089	116,710
October	120,645	117,714	123,250	123,409	125,804	122,164
November	102,655	103,787	94,750	100,779	118,121	104,018
December	88,935	101,132	95,373	105,326	106,000	99,353
January	94,775	92,959	88,247	83,209	96,000	91,038
February	98,208	88,870	97,884	97,100	95,000	95,412
March	114,785	109,979	124,448	122,261		117,868
April	121,802	122,692	131,292	128,201		125,997
May	115,207	114,956	116,578	123,028		117,442
June	116,313	117,773	124,648	131,954		122,672
FY Total	1,297,514	1,339,068	1,347,773	1,365,394		1,337,437
AVG PER MO.	108,126	111,589	112,314	113,783		

STRUCTURAL PEST CONTROL BOARD

REGULATORY ACTION STATUS

SECTION	SUBJECT	STATUS
1902	Definitions	April 6, 2017 - Staff Preparing Regulatory Proposal
1911	Addresses – Permits licensees to request a mailing address other than the address of record.	March 13, 1996 – Approved by the Office of Administrative Law
	Addresses – Requires applicators to report change of address.	August 12, 1996 – Approved by the Office of Administrative Law
	Change of Address / Employment Allow Employers to Notify Board of Employee Disassociation	April 6, 2017 – Seeking Author to Amend B&P Code 8567 to Provide Statutory Authority to Amend CCR 1911
1912	Branch Office Registration – Section 100 Change. To change the phrase “A registered company who opens a branch shall ...” to “A registered company which opens a branch office shall...”	Section 100 Change – Approved by the Office of Administrative Law on May 17, 2004

1914	Name Style – Delete Board’s responsibility to disapprove confusingly similar name styles	<p>December 16, 1998 – Public Hearing Disapproved by the Board</p> <p>April 4, 2003 - Public Hearing - Board voted to adopt February 14, 2004 Rulemaking File expired due to Executive Order Noticed for Public Hearing: April 8, 2005 Adopted by the Board. March 21, 2006 Approved by the Office of Administrative Law</p>
1914	<p>Name Style – Company Registration</p> <p>Will Prohibit the Approval or Use of a Company Name or Telephone Number That is the Same as the Name or Telephone Number of a Company Whose Registration has Been Surrendered</p>	<p>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>April 6, 2017 – Final Rulemaking Package Undergoing Review at DCA</p>
1918	<p>Supervision – Clarifies that a field representative or an operator can supervise.</p> <p>Supervision – Permits qualifying managers to supervise multiple locations.</p>	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p> <p>December 16, 1998 – Public Hearing. Referred to Rules and Regulations Committee.</p> <p>August 6, 1999 – Modified language mailed. January 11, 2001 Public Hearing. Adopted by the Board. Rulemaking file not completed by deadline of December 1, 2001</p>

1918	Re-states supervision of multiple locations, clarifies liability / responsibility of qualifying manager[s] & supervisor(s).	April 4, 2003 Public Hearing, referred to Rules and Regs Committee. Committee meeting held September 17, 2003. Placed on agenda for October 17, 2003 Bd. Mtg. Modified Text mailed Nov. 19, 2003. Comments due Dec. 3, 2003. No comments rec'd. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.
1919	Research Panel – Deletes reference to public board member on panel.	March 13, 1996 – Approved by the Office of Administrative Law.
1920	Cite & Fine – Authorizes board staff to issue citations and fines.	August 13, 1998 – Approved by the Office of Administrative Law.
	Cite & Fine – Amends to clarify no appeal after modification of decision.	October 15, 1999 – Public Hearing - Board voted to adopt.
1920 (e)(1)(2)(3)	Cite & Fine – Specifies that a second informal conference for a modified citation will not be allowed.	January 11, 2001 - Public Hearing - Board voted to adopt. December 1, 2001 Rulemaking File not completed by deadline. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.

1920(b)	<p>Citation - Assessment of Fines – SB 362 increased max fine amount to \$5000.</p> <p>Repealed specific criteria required in assessing fines in excess of \$2,500.</p>	<p>Section 100 Change pending Administrative decision to go forward. Filed with Sec. of State: 12-18-03. Board approved DCA's four sets of circumstance for max. fine on October 8, 2004. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.</p> <p>Agency subsequently agreed that the specific criteria from 2004 for fines in excess of \$2,500 should no longer apply. Board approved on April 22, 2010.</p> <p>December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR and Agency.</p> <p>April 12, 2011 DPR returned package with approval signatures.</p> <p>May 10, 2012 – Public Hearing – Board voted to adopt.</p> <p>March 22, 2013 rulemaking file filed with Office of Administrative Law</p> <p>May 8, 2013 – Disapproved by OAL</p> <p>Economic Impact Statement not included</p> <p>June 25, 2013 – 15 day notice to add Economic Impact Statement</p> <p>July 17, 2015 – Resubmitted to OAL</p> <p>August 8, 2013 – Approved by OAL</p> <p>Became Effective October 1, 2013</p>
1920(e)(2)	<p>Citations and Fines</p> <p>Allows the Board 30 Days Rather Than 10 to Notify Respondents of Informal Conference Decisions</p>	<p>July 14, 2016 – Language Approved by the Board and Staff Instructed to Begin the Rulemaking Process</p> <p>April 6, 2017 – Staff Preparing Regulatory Proposal</p>

1922	Civil Penalty Actions by Commissioners – Specifies penalty ranges. Penalty ranges serious, minor and moderate upped to mirror new law.	May 14, 1998 – Approved by the Office of Administrative Law. Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.
1922.3	Course requirements by County Agricultural Commissioners - Will place into regulation specific guidelines for licensee / County Ag Commissioners re: civil penalty actions.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1923	Consumer Complaint Disclosure. DCA created new document: Public Information System – Disclosure.	July 18, 2003 - Public Hearing - Board approved to adopt after proposed language modified with a 15-day public comment period. Rulemaking file placed on hold due to Executive Order. Withdrawn by DCA Legal Dept. Noticed for Public Hearing: October 7, 2005. Board voted to not proceed. (Language needs re-drafting – (a)4(d)(A) and (B)(ii) – now conforms to healing arts situation, and, if [A] is satisfied – so is [B])
1934	Board Approved Operator's License Course – Specifies time period in which courses must be completed.	August 13, 1998 – Approved by the Office of Administrative Law.

1936	Operator and Field Representative License Applications Revisions to include military and veteran status, revised criminal history question, etc.	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms</p> <p>June 4, 2015 - Noticed for Public Hearing</p> <p>July 23, 2015 - Public Hearing – Adopted by Board.</p> <p>August 20, 2015 – To DCA for legal review.</p> <p>June 8, 2016 – 15 Day Notice of Modified Text issued to clarify that California ID in lieu of driver license is acceptable.</p> <p>October 12, 2016 – Approved and Effective January 1, 2017</p>
1936.1	Company Registration Form Revisions to include military and veteran status, revised criminal history question, etc.	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms</p> <p>June 4, 2015 - Noticed for Public Hearing</p> <p>July 23, 2015 - Public Hearing – Adopted by Board.</p> <p>August 20, 2015 – To DCA for legal review.</p> <p>June 8, 2016 – 15 Day Notice of Modified Text issued to clarify that California ID in lieu of driver license is acceptable.</p> <p>October 12, 2016 – Approved and Effective January 1, 2017</p>
1936.2	Applicator – Established by regulation the form for the applicator's license.	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p>

1936.2	Applicator License Application Form Revisions to include military and veteran status, revised criminal history question, etc.	<p>March 27, 2014 – Staff directed by Board to begin rulemaking process to revise forms</p> <p>June 4, 2015 - Noticed for Public Hearing.</p> <p>July 23, 2015 - Public Hearing – Adopted by Board</p> <p>August 20, 2015 – To DCA for legal review.</p> <p>June 8, 2016 – 15 Day Notice of Modified Text issued to clarify that California ID in lieu of driver license is acceptable.</p> <p>October 12, 2016 – Approved and Effective January 1, 2017</p>
1937	<p>Qualification of Applicant – Specifies minimum number of hours of training and experience.</p> <p>IPM training and experience – Requires that branch 2 and/or 3 applicants complete training and experience in structural Integrated Pest Management as part of their pre-licensing requirements</p>	<p>August 13, 1998 – Approved by the Office of Administrative Law.</p> <p>January 2008 – Noticed for Public Hearing to amend the current regulation.</p> <p>April 18, 2008 - Public Hearing - Board approved to adopt.</p> <p>June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p> <p>November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file.</p> <p>January 6, 2009 – Rulemaking file submitted to DCA for Director review.</p> <p>March 20, 2009 - Approved by the Office of Administrative Law.</p>

1937.11	<p>Disciplinary Guidelines – Incorporates by reference the Manual of Disciplinary Guidelines and Model Disciplinary Orders. Clean up language to change reference of UC Berkeley correspondence course to a CE course approved by board.</p>	<p>April 14, 1997 – Approved by the Office of Administrative Law. Board approved on October 28, 2010. December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR and Agency. April 12, 2011 DPR returned package with approval signatures. May 10, 2012 – Public Hearing - Board voted to adopt. March 22, 2013 rulemaking file filed with Office of Administrative Law May 8, 2013 – Disapproved by OAL Economic Impact Statement not included June 25, 2013 – 15 day notice to add Economic Impact Statement July 17, 2015 – Resubmitted to OAL August 8, 2013 – Approved by OAL Became Effective October 1, 2013</p>
1937.11	<p>Revisions regarding when suspension time must be served, length of probation, tolling of probation, etc.</p>	<p>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>January 12, 2017 – Final Rulemaking Package Undergoing Review at DCA</p> <p>April 6, 2017 – Modified Language Presented to the Board for Approval to Send 15 Day Notice of Modified Text</p>

1937.17	Customer Notification of Licensure – Adopts regulation requiring practitioner notification to customer of licensure.	<p>October 15, 1999 – Public Hearing - Referred to committee.</p> <p>January 18, 2002 - Public Hearing adopted by the board with modified text.</p> <p>December 16, 2002 - Approved by the Office of Administrative Law.</p>
1940 1941 1942	Applicator – Amends these actions to make distinction between field representatives, operators and applicators.	August 12, 1996 – Approved by the Office of Administrative Law.

1948	<p>Applicator Renewal Fee – Establishes the fee for applicator license renewal.</p> <p>Applicator – Establish and specify fee for applicator's license and license renewal.</p>	<p>June 26, 1998 – Public Hearing. Pending approval by Department of Finance.</p> <p>January 20, 2000 – Public Hearing - Board voted to adopt. March 13, 2002 disapproved by OAL. April 12, 2002 Public Hearing: Board voted to take no action. May 5, 2002: Rulemaking file submitted to the Director. July 7, 2002 file disapproved, DCA opposed approval due to Board's current fund condition. April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. April 2005 - DCA opposed proposal. Withdrawn from rulemaking file on April 28, 2005 for separate submission.</p> <p>Noticed for Public Hearing: October 7, 2005. Adopted by the Board. August 25, 2006 – Approved by the Office of Administrative Law.</p>
	<p>Field Representative – Increase field representative examination fee.</p>	<p>October 15, 1999 – Public Hearing - Adopted by the Board. January 20, 2000 Board decided to drop this section.</p>
	<p>Continuing Education - Deletes outdated renewal requirements.</p>	<p>August 12, 1996 - Approved by the Office of Administrative Law.</p>

1950	Applicator Continuing Education – Establish and specify number and type of continuing education hours required for renewal of applicator’s license. At April 2005 Hearing CE hours were changed to 12 hrs total, 8 covering pesticide application/use and 4 covering SPC Act & its rules & regulations or structural pest related agencies’ rules & regulations.	<p>June 26, 1998 - Public Hearing. Pending approval by Department of Finance.</p> <p>January 20, 2000 - Public Hearing Board voted to adopt. March 13, 2001 disapproved by the OAL. April 12, 2002 - Public Hearing. Board voted to adopt. Disapproved by the Director July 7, 2002.</p> <p>April 4, 2003 - Public Hearing - Board voted to proceed after 15-Day Notice. Notice mailed June 11, 2003, final comments due June 30, 2003. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Board voted to proceed after a 15-Day Notice. Notice mailed: May 27, 2005. March 21, 2006 - Approved by the Office of Administrative Law.</p>
1950	Continuing Education - Deletes language regarding Wood Roof Cleaning & Treatment	Change without Regulatory Effect - Approved by the Office of Administrative Law effective March 26, 2002.
	Continuing Education - Hours.	
	Continuing Education - To establish four hours in ethics for license renewal of Operators and Field Representatives.	Noticed for April 23, 2004 Bd. Mtg. Matter considered and rejected at July 23, 2004 Special Mtg. Withdrawn July 2004 with Notice of Decision Not to Proceed.
1950	Continuing Education - Requires that branch 2 and/or 3 licensees gain continuing education hours in structural Integrated Pest Management as part of their license renewal requirements.	<p>Noticed for the April 18, 2008 Board Meeting.</p> <p>April 18, 2008 - Public Hearing - Board approved to adopt after proposed language modified with a 15-day public comment period.</p> <p>June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p> <p>November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file.</p> <p>January 6, 2009 – Rulemaking file submitted to DCA for Director review.</p> <p>March 20, 2009 - Approved by the Office of Administrative Law.</p>

1950.1	Armed Services Exemption – Grants a one-year extension for a licensee to complete his/her continuing education requirements if his/her license expired while serving for the United States armed services.	<p>Noticed for the January 23, 2009 Board Meeting.</p> <p>January 23, 2009 - Public hearing, Board voted to send out 15-day notice of modified text.</p> <p>February 9, 2009 – Notice of modified text sent out.</p> <p>June 10, 2009 - Rulemaking file submitted to DCA for Director review.</p> <p>August 5, 2009 – Received approved rulemaking file from DCA.</p> <p>August 5, 2009 – Final rulemaking file submitted to OAL.</p> <p>September 16, 2009 – Approved by the Office of Administrative Law</p>
1950.5(c),(d)(g),(h),[g]	Continuing Education - Requires that course providers administer a second examination.	March 13, 1996 - Approved by the Office of Administrative Law.
1950.5(c),(d)(g),(h),[g]	Continuing Education Requirements, Hour Value System, removal of language regarding wood roof cleaning and treatment.	March 26, 2002 - Approved by the Office of Administrative Law
1950.5	Hour Value System - Require all C.E. providers to administer written tests after licensees complete approved courses in technical or rules and regulations; equivalent activities will no longer be granted C.E.; Board mtg. attendance will drop to 4 hrs total C.E. credit - 1 hr General Ed and 1 hr Rules & Regs per meeting.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.

1950.5	Hour Value System - Establish an hour value for board approved Integrated Pest Management courses.	<p>Noticed for the April 18, 2008 Board Meeting.</p> <p>April 18, 2008 - Public Hearing - Board approved to adopt.</p> <p>June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p> <p>November 18, 2008 - Clarification of the effective date needed for section 1950 of the rulemaking file.</p> <p>January 6, 2009 - Rulemaking file submitted to DCA for Director review.</p> <p>March 20, 2009 - Approved by the Office of Administrative Law.</p>
1951	Continuing Education - Makes distinction between field representative, operators and applicators.	August 12, 1996 - Approved by the Office of Administrative Law.
	Continuing Education - Licensing examination to replace continuing education examination.	<p>October 15, 1999 - Public Hearing - referred to committee.</p> <p>April 6, 2000 - Committee recommendations to the Board.</p>
	Examination in Lieu of C.E. - To change references of operator/field representative to "licensee" and clarify that a passing score is 70% or higher.	Noticed for the April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1953(a)	<p>Providers of Continuing Education - C.E. providers that providers do not charge an attendee fee to be exempt from the \$25 course approval fee. Thus eliminating financial burden to the provider.</p> <p>Adopt a revised form 43M-18.</p>	<p>January 11, 2001 - Public Hearing - Board voted to adopt. February 2001-DCA opposed proposal.</p> <p>July 18, 2003 - Public Hearing Board voted to adopt new form. March 17, 2004 Rulemaking file on hold due to Executive Order.</p> <p>Approved by Office Of Administrative Law on August 12, 2004.</p>

1953(f)(3)	Approval of Activities - Revised Form.	July 18, 2003 Public Hearing - Board voted to adopt the revised form. Approved by Office Administrative Law, Section 100 Change effective on May 2, 2003.
1953(f)(3)	Section 100 Change – Typo. The dates for the form numbers were duplicated. Delete (New 5/87) and replace it with (Rev. 11/99) Revise the form - Return it back to 43M-38 (5/87). Current form (Rev.11/99) is obsolete. Correction of reversal of form numbers 43M-38 and 43M-39 in language and 43M-39 given Rev.10/03 date.	Section 100 Change to OAL on May 13, 2004. Withdrawn June 17, 2004. Change requires language be re-noticed. Board needs to notice for public hearing. Approved by the Office of Administrative Law - July 6, 2005
1953(3) (A)(C)(D)(E) (4)(g)	Approval of Activities - Clean up language in item (3)(A), define “syllabus” in item (3)(C), revision of form No 43M-39, and language regarding the cost of postage in item (3)(D), delete the words “or products” and language regarding the approval for meetings of in-house staff or employee training being approved in item (4)(g).	Noticed for April 23, 2004 Board Meeting. Approved by the Office of Administrative Law - July 6, 2005.
1953(f)(3)(D)	Approval of Activities - Remove the requirement that continuing education course providers provide course evaluation forms to students.	Noticed for the April 18, 2008 Board Meeting. April 18, 2008 - Public Hearing - Board approved to adopt. June 26, 2008 - Rulemaking file submitted to DCA for Director review. November 18, 2008 – Clarification of the effective date needed for section 1950 of the rulemaking file. January 6, 2009 – Rulemaking file submitted to DCA for Director review. March 20, 2009 - Approved by the Office of Administrative Law.

1960	Fingerprint Requirement – requires all licensees who have not previously been fingerprinted to do so upon license renewal	<p>March 26, 2015 - Text Approved by Board Members</p> <p>June 4, 2015 - Noticed for Public Hearing</p> <p>July 23, 2015 - Public Hearing – Adopted by Board.</p> <p>August 20, 2015 – To DCA for review.</p> <p>December 1, 2015 – Approved by DCA, to Agency for review.</p> <p>January 21, 2016 – To OAL for final review.</p> <p>February 29, 2016 – Approved and effective.</p>
1970	Standards - Construction elements allowing passage of fumigants.	<p>October 12, 2000 - Public Hearing - Board voted to adopt with modifications.</p> <p>November 23, 2001 - Approved by the Office of Administrative Law.</p>
	<p>Fumigation Log - Delete the reporting requirements of the name and address of the guard, and delete the date and hour the police department was notified of fumigation. Rev. form 43M-47.</p> <p>Add additional fumigant calculators on the Fumigation Log</p>	<p>January 11, 2001 - Public Hearing - Board voted to adopt. Rulemaking file not complete by deadline of December 1, 2001.</p> <p>April 4, 2003 - Public Hearing. Due to errors in language, re-noticed for July 18, 2003 - Public Hearing. Board voted to adopt new language and revise log form number 43M-47. Approved by Office of Administrative Law on August 12, 2004.</p> <p>Noticed for Public Hearing July 20, 2007.</p> <p>July 20, 2007 - Public Hearing. Board voted to adopt.</p> <p>September 26, 2007 language under DCA legal review by the Director.</p> <p>March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law.</p> <p>April 29, 2008 – Approved by the Office of Administrative Law.</p>

1970	Standards and Record Requirements - Fumigating contractors will be required to provide a complete fumigation log to its prime contractors and retain the log for 3 years.	<p>July 18, 2003 - Board voted to place on October 17, 2003 board meeting agenda. October 17, 2003 Board voted not to adopt.</p> <p>Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt.</p> <p>September 26, 2007 language under DCA legal review by the Director.</p> <p>March 17, 2008 - Approved by the Director, filed with the Office of Administrative Law.</p> <p>April 29, 2008 - Approved by the Office of Administrative Law.</p>
1970.3	Securing Against Entry - Includes clamshell locks and pins in general description of secondary locks.	March 13, 1996 - Approved by the Office of Administrative Law.
1970.4	Pesticide Disclosure Requirement - Requires primary contractor to retain OFN for three years.	<p>July 28, 1995 - Board voted to adopt. Technical error - Necessary to re-notice all amendments.</p>
	Pesticide Disclosure Requirement - Includes the required Occupants Fumigation Notice into regulation.	May 12, 1995 - Public Hearing. Referred to the Laws and Regulations Committee for further review. December 8, 1995 - Board adopted revision to the OFN. Technical error-Necessary to re-notice all amendments.
	Pesticide Disclosure Requirement - Requires primary contractor to retain Occupants Fumigation Notice (OFN) for three years. Includes the required OFN into regulation.	April 28, 1998 - Approved by the Office of Administrative Law.
	Pet Notification - Amends OFN to include notification regarding neighboring pets.	<p>January 20, 2000 - Board voted to adopt. June 23, 2000 Board voted not to proceed. January 2005 Board voted to proceed. Noticed for Public Hearing July 15, 2005. December 30, 2005 - Approved by the Office of Administrative Law.</p>

1970.4	Disclosure Requirement - Deletes language regarding Wood Roof Cleaning & Treatment Pesticide.	March 26, 2002 change without regulatory effect approved by the Office of Administrative Law.
	Disclosure Requirement – Include presence of conduit language on the OFN	Noticed for Public Hearing July 20, 2007. July 20, 2007 - Public Hearing. Board voted to adopt. September 26, 2007 language under DCA legal review by the Director. March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law. April 29, 2008 – Approved by the Office of Administrative Law.
1970.4	Allows for signed Occupants Fumigation Notice to be in electronic format	January 15, 2015 - Text Approved by Board Members June 4, 2015 - Noticed for Public Hearing July 23, 2015 - Public Hearing. August 20, 2015 – To DCA for review. February 17, 2016 – To OAL for final review. March 22, 2016 – Approved to become effective July 1, 2016. Industry notified May 31, 2016.
1970.4	Pesticide Disclosure Requirement Additional updates allowing information about pesticide use to be distributed electronically.	October 8, 2015 – Language approved by the Board January 15, 2016 – Act Review Committee Recommended Additional Changes. Staff Preparing Documents April 6, 2017 – Staff Preparing Regulatory Proposal

1970.5	<p>Aeration - Clarifies that a field representative or operator must be present during aeration.</p> <p>Amendment regarding when licensee is required to be present to correlate with DPR's CAP regulation. – DEAD 05/10/12</p>	<p>August 12, 1996 – Approved by the Office of Administrative Law.</p> <p>December 22, 2010 Notice, ISOR, Language, Std 399 submitted to Linda Otani for review/approval by DPR.</p> <p>March 11, 2011 DPR request this regulation be repealed.</p> <p>April 28, 2011 Board voted to repeal regulation.</p> <p>May 10, 2012 – Public Hearing – Board voted to non-adopt proposed repeal of regulation.</p>
1970.6	Fumigation - Construction elements allowing passage of fumigants.	<p>December 16, 1998 - Public Hearing - Action postponed until further input.</p> <p>June 18, 1999 - Board voted to adopt with modifications.</p> <p>November 23, 2001 - Approved by the Office of Administrative Law.</p>
1971	Gas Masks – Removed the subsection concerning gas masks. B&P Code section 8505.15 was repealed January 1, 2008	<p>Noticed for Public Hearing July 24, 2009</p> <p>July 24, 2009 – Board members voted to carryover to next board meeting.</p> <p>October 22, 2009 – Board members voted not to proceed with amending the regulation.</p>
1973	Re-entry Requirements - Requires use of proper testing equipment and changes printing on re-entry notice from red to black.	March 13, 1996 - Approved by the Office of Administrative Law.
1973	Notice of Re-entry – Replace a product trade name with the active ingredient.	<p>Noticed for Public Hearing July 20, 2007.</p> <p>July 20, 2007 - Public Hearing. Board voted to adopt.</p> <p>September 26, 2007 language under DCA legal review by the Director.</p> <p>March 17, 2008 – Approved by the Director, filed with the Office of Administrative Law.</p> <p>April 29, 2008 – Approved by the Office of Administrative Law.</p>

1974	<p>Fumigation Warning Signs - Specifies size and placement of signs.</p> <p>Fumigation warning signs to include the name of the fumigant used and its active ingredient.</p>	<p>March 13, 1996 - Approved by the Office of Administrative Law.</p> <p>Noticed for Public Hearing January 21, 2010 Public hearing held January 21, 2010 – Board voted to adopt. May 18, 2010, Rulemaking File submitted to DPR for approval. September 23, 2010 DPR returned package with approval signatures. September 30, 2010 Rulemaking File submitted to OAL. November 8, 2010 approved by OAL</p>
1983(i)	<p>Handling, Use and Storage of Pesticides - Clarification of bait station (rodenticide and avicide) reference.</p>	<p>December 16, 1998 - Public Hearing December 30, 1998 - Notice of Modification mailed. January 11, 2001 - Public Hearing - Board voted to adopt. Rulemaking File not complete by deadline date of December 1, 2001.</p> <p>April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.</p>
1983(j)	<p>Language regarding the removal of termite bait stations when a contract for service is terminated.</p>	<p>July 18, 2003 - Public hearing Board voted to adopt with proposed amendments. Approved by the Office of Administrative Law on August 12, 2004</p>

1984	Proposed regulation to define structural Integrated Pest Management	<p>October 2007 – Noticed for Public Hearing to adopt new section.</p> <p>March 10, 2008 – Final rulemaking file submitted to the Department.</p> <p>June 6, 2008 – Approved by the Director, filed with the Office of Administrative Law.</p> <p>July 9, 2008 - Approved by the Office of Administrative Law.</p> <p>Noticed for the January 23, 2009 Board Meeting.</p> <p>January 23, 2009 - Public hearing, Board voted to adopt with proposed amendments.</p> <p>June 10, 2009 - Rulemaking file submitted to DCA for Director review.</p> <p>August 5, 2009 – Received approved rulemaking file from DCA.</p> <p>August 5, 2009 – Final rulemaking file submitted to OAL.</p> <p>September 16, 2009 – Approved by the Office of Administrative Law</p>
1990	Report Requirements - Defines separated reports and structural members, and addresses reporting requirements for carpenter ants/bees.	March 13, 1996 - Approved by the Office of Administrative Law.
1990	<p>Report Requirements Under Section 8516</p> <p>Makes various changes to clarify and update existing language.</p>	<p>January 14, 2016- Language approved by Board and staff instructed to begin the rulemaking process.</p> <p>April 6, 2017 - Staff Preparing Regulatory Proposal.</p>
1990(g)	Report Requirements – Inspection of wooden decks.	April 28, 1998 - Approved by the Office of Administrative Law.
1990.1	Report Requirements - Repeal language under Section 8516.1(b) and (c)(1)(8).	March 26, 2002 change without regulatory effect - Approved by the Office of Administrative Law.

1991	Report Requirements - Eliminates requirement to cover accessible pellets and frass, and requires replacement of wood members no longer serving purpose to support or adorn the structure.	March 13, 1996 - Approved by the Office of Administrative Law.
1991(A)(B) (C)	Report Requirements - Specifies the restoration, refastening, removal or replacement of wooden decks, wooden stairs or wooden landings.	April 28, 1998 - Approved by the Office of Administrative Law.
1991(a)(5) 1991(a)(5)	Report Requirements - Allows for reinforcement of fungus infected wood and permits surface fungus to be chemically treated or left as is once the moisture is eliminated.	April 3, 1996 - Approved by the Office of Administrative Law.
1991(a)(8)c	Report Requirements - Requires registered companies to report that local treatment and/or corrective work will not eradicate other undetected infestations which may be located in other areas of the structure.	October 6, 1995 - Public Hearing - Board voted to non-adopt. Referred to committee to consider the matter of an all-encompassing disclosure statement on all inspection reports addressing inaccessible areas and potential infection and infestations.
	Report Requirements - Local treatment notification.	October 15, 1999 Public Hearing - Board voted to adopt. January 11, 2001 - Referred back to committee for comments. October 19, 2001 Public Hearing - Board voted to non-adopt, referred language back to committee. August 31, 2002 publication date expired. October 11, 2002 - Re-noticed -Public Hearing. Board voted to adopt. January 8, 2003 language under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. Rulemaking file withdrawn from OAL March 27, 2003 pending a 15-Day Notice. File resubmitted to OAL. July 26, 2003 - Approved by the Office of Administrative Law.
1991 (cont.)		

1991(a)(9)	Report Requirement - Corrective Measures for extermination of a subterranean termite infestation and termite tubes. Exception for above ground termite bait stations.	January 11, 2001 Board voted to amend 1991(a)(9). October 19, 2001 Board passed unanimously to modify language with a 15-Day Notice. Notice mailed January 28, 2002, 1 year past the publication date. Bd. needs to re-notice. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.
1991(13)(A) (B)(C)	Report Requirements - Delete specific recommendations regarding wooden decks, wooden stairs and landings. Language already exists in 1991(a)(5).	October 19, 2001 Board voted to repeal the language. August 31, 2002 publication date expired. April 4, 2003 - Public Hearing. Board voted to go forward after 15-Day Notice. Notice mailed June 11, 2003, final comments due June 30, 2003. February 14, 2004 rulemaking file expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.
1991(b)(10)	Report Requirements – Non-substantive correction to heading.	March 28, 2000 – Filed with the Office of Administrative Law. May 15, 2000 - Approved by the Office of Administrative Law.
1991	Report Requirements Makes Various Changes to the Language in Order to Promote Clarity and Consistency	January 14, 2016- Language approved by Board and staff instructed to begin the rulemaking process April 6, 2017 - Staff Preparing Regulatory Proposal

1992	<p align="center">Secondary Recommendations</p> <p align="center">Changes Language to Specifically State That Secondary Recommendations Must be Listed on the Notice of Work Completed / Not Completed</p>	<p align="center">January 14, 2016- Language approved by Board and staff instructed to begin the rulemaking process</p> <p align="center">April 6, 2017 - Staff Preparing Regulatory Proposal</p>
1993(a)(b) (c)(d)(e)	<p>Inspection - Specifies that reports shall comply</p> <p>With 8516 and defines different types of inspection reports. Also clarifies difference between duties performed by a field representative, operator and applicator.</p>	<p>March 13, 1996 - Approved by the Office of Administrative Law.</p>
	<p>Inspection Reports - Clarifies that the requirement applies to licensed field representative and licensed operators, not license applicators.</p>	<p>August 12, 1996 - Approved by the Office of Administrative Law.</p>
1993	<p>Deletes language regarding the filing of stamps.</p>	<p>April 4, 2003 - Public Hearing - Board voted to adopt. February 14, 2004 rulemaking file expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 -Approved by the Office of Administrative Law.</p>
1993, 1998	<p>Report Requirements – To eliminate reference to filing inspection reports and notices of work completed and require companies to file the address of properties inspected.</p>	<p>January 20, 2000 - Public Hearing Board voted to adopt. March 13, 2001 Rulemaking File disapproved by the Office of Administrative Law.</p> <p>April 4, 2003 - Public Hearing. Sec.1996 proceed with a 15-Day Notice, Sec. 1996.3 re-notice for July 18, 2003 meeting, Sec.1993 & 1998 Board voted to adopt. February 14, 2004 Rulemaking File expired due to Executive Order. Noticed for Public Hearing: April 8, 2005. Adopted by the Board. March 21, 2006 - Approved by the Office of Administrative Law.</p>

1993.1	Reinspection Language – To adopt section 1993.1 to require Wood Destroying Pest and Organism Inspection Reports to contain statement that work performed by others must be reinspected within ten days of request at a charge no greater than the original inspection fee.	May 22, 1998 – Rulemaking file disapproved by Office of Administrative Law. December 16, 1998 – Public Hearing. December 30, 1998 - Notice of Modifications mailed. January 11, 2001 - Public Hearing. Board voted to adopt. December 1, 2001 rulemaking file not completed by deadline. April 4, 2003 re-noticed for Public Hearing. Approved by the Office of Administrative Law - July 6, 2005.
1993.2	Bait Stations.	October 19, 2001 Board passed to adopt new language. Publication date expired. October 11, 2002 language re-noticed for Board meeting. December 23, 2002 rulemaking file under review. January 8, 2003 under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. March 27, 2003 rulemaking file withdrawn from OAL pending a 15-Day Notice. July 26, 2003 - Approved by the Office of Administrative Law.
1993.2	<p>Termite Bait Stations.</p> <p>Defines above and below ground termite bait stations as devices containing pesticide bait. Specifies that use of termite bait stations are a control service agreement.</p>	<p>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>January 12, 2017 – Final Rulemaking Package Undergoing Review at DCA</p> <p>April 6, 2017 – Modified Language Presented to the Board for Approval to Send 15 Day Notice of Modified Text</p>

1993.3	In-Ground Termite Bait Stations.	<p>October 12, 2001 Board passed to adopt new language. Publication date expired. Language re-noticed for October 11, 2002 Board meeting. Rulemaking package under review 12-23-02. January 8, 2003 – Under DCA legal review by the Director. February 21, 2003 filed with the Office of Administrative Law. March 27, 2003 rulemaking file withdrawn from OAL pending a 15-Day Notice. July 26, 2003 - Approved by the Office of Administrative Law.</p>
1993.3	<p>In-Ground Termite Bait Stations.</p> <p>Being repealed. Language in 1993.2 & 1993.4 make this section obsolete.</p>	<p>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>January 12, 2017 – Final Rulemaking Package Undergoing Review at DCA</p> <p>April 6, 2017 – Modified Language Presented to the Board for Approval to Send 15 Day Notice of Modified Text</p>
1993.4	<p>Termite Monitoring Devices.</p> <p>New section defining termite monitoring devices and providing guidelines for their installation and use.</p>	<p>October 13, 2016 – Public Hearing was Conducted and Board Directed Staff to Begin Final Rulemaking Process</p> <p>January 12, 2017 – Final Rulemaking Package Undergoing Review at DCA</p> <p>April 6, 2017 – Modified Language Presented to the Board for Approval to Send 15 Day Notice of Modified Text</p>

1996	Pre-Treatment - Specifies Pre-Treatment Inspection Report/Notice of Intent form.	August 30, 1996 - Public Hearing. Amendment was not adopted. Board referred to Pre-Treatment Committee.
	Inspection Report – Includes a first page of the Inspection Report for scanning purposes.	August 13, 1998 – Approved by the Office of Administrative Law.
	Requirements for Reporting All Inspections Under Section 8516(b).	January 18, 2002 Public Hearing - Board voted to adopt. Form Rev. date completed 1-15-03. April 4, 2003 Board again voted to adopt regulatory lang. Noticed for Public Hearing July 15, 2005. December 30, 2005 – Approved by the Office of Administrative Law.
1996.2	Revised Inspection Report Form and Standard Notice of work Completed and Not Completed.	December 16, 2002 - Approved by the Office of Administrative Law.
1996.1	<p>Inspection and Completion Tags - The completion tag shall include the method(s) of treatment.</p> <p>Completion tag to include the trade name of any pesticide used and active ingredient.</p>	<p>July 18, 2003 Public Hearing - Board members voted to adopt.</p> <p>Rulemaking file placed on hold due to Executive Order.</p> <p>Approved by Office of Administrative Law August 12, 2004</p> <p>Noticed for Public Hearing January 21, 2010</p> <p>Public hearing held January 21, 2010 – Board voted to adopt. May 18, 2010, Rulemaking File submitted to DPR for approval.</p> <p>September 23, 2010 DPR returned package with approval signatures.</p> <p>September 30, 2010 Rulemaking File submitted to OAL.</p> <p>November 8, 2010 approved by OAL.</p>
1996.2	Completion Notice – Includes a first page of the Completion Notice for scanning purposes.	August 13, 1998 – Approved by the Office of Administrative Law.
	Revised Completion Notice Form.	<p>January 18, 2002 Public Hearing - Adopted by the Board.</p> <p>December 16, 2002 - Approved by the Office of Administrative Law.</p>

1996.3	<p>Requirements for Reporting property addresses. Adopt new language that will provide guidelines of what is required when filing the WDO form with the Board.</p> <p>Increase filing fee to \$2.00 on form</p> <p>Increase filing fee to \$2.50 on form</p>	<p>March 17, 2003 Rulemaking file on hold due to Executive Order. July 18, 2003 Public Hearing - Board voted to adopt after a 15-Day Notice of modified language. Approved by Office of Administrative Law July 13, 2004</p> <p>Noticed for Public Hearing July 24, 2009 July 24, 2009 – Board voted to adopt. Sept. 3, 2009 – Rulemaking file submitted to DCA for review. January 21, 2010, Board considered 15-day comments to increase fee to \$2.50. Board voted to adopt at \$2.50 per activity. May 20, 2010 Office of Administrative Law approves Rulemaking File to increase fee to \$2.50 effective July 1, 2010.</p>
1997	<p>Filing Fee – Inspection Reports and Completion Notices.</p> <p>Filing Fee – Inspection Reports and Completion Notices – Fee increase.</p>	<p>October 15, 1996 – Approved by the Office of Administrative Law.</p> <p>December 16, 1998 – Public Hearing Adopted by Board. Rulemaking file not submitted based on recommendations from DCA that fee increase not necessary to fund condition.</p>

1997	<p>Filing Fee – WDO Activity Filing Fee.</p> <p>Filing Fee – Increase WDO Activity Filing Fee to \$2.00.</p> <p>15-Day Modified Text to increase fee to \$2.50 per activity effective July 1, 2010</p>	<p>December 16, 1999 – Non-substantive change without regulatory effect filed with the Office of Administrative Law. January 28, 2000 - Approved by the Office of Administrative Law.</p> <p>Noticed for Public Hearing July 24, 2009 July 24, 2009 Board voted to adopt. Sept. 3, 2009 – Rulemaking file submitted to DCA for review.</p> <p>Dec. 28, 2009 – Board passed unanimously to modify language with a 15-Day Notice. Notice mailed on December 29, 2009, final comments due January 13, 2010</p> <p>January 21, 2010, Board considered 15-day comments to increase fee to \$2.50. Board voted to adopt at \$2.50 per activity. May 20, 2010 Office of Administrative Law approves Rulemaking File to increase fee to \$2.50 effective July 1, 2010.</p>
1999.5	Advertising Guidelines.	<p>June 18, 1999 – Public Hearing August 27, 1999 – Modified language mailed November 22, 2001 approved by the Office of Administrative Law. September 24, 2002 non-substantive change without regulatory effect approved by the Office of Administrative Law.</p> <p>October 2007 – Noticed for Public Hearing to amend the current regulation. January 2008 – Board moved to request further analysis by Legal Counsel and staff. June 26, 2008 - Rulemaking file submitted to DCA for Director review.</p>

<p>1999.5 (cont.)</p>	<p>Include an introductory statement to clarify the purpose of the regulation. Clarify that certain subsections pertain only to Branch 3 companies.</p>	<p>September 11, 2008 - Rulemaking file submitted to OAL for approval. October 24, 2008 - Rulemaking file disapproved by OAL. February 19, 2009 – Task Force meeting held to discuss OAL’s disapproval March 2009 – Extension granted by OAL. June 2, 2009 – Resubmittal submitted to DCA for Director review. June 8, 2009 – Resubmittal submitted to OAL for approval. July 17, 2009 – Approved by OAL</p>
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PROPOSED LANGUAGE SUBMITTED BY
ALEX DEL TORO, OPERATOR LICENSE NUMBER 9685

8505.11. If the structure which has been fumigated has an attic or if the area underneath such structure is accessible to inspection for purposes of structural pest control, the registered company which performed the fumigation shall, immediately upon completion, post in the attic, immediately adjacent to the entrance thereto, or in the area underneath the structure, immediately adjacent to the main entrance vent thereof, or in both of such places if the structure has an attic and an accessible underarea, a durable sign not less than five inches by seven inches in size stating the name of the registered company, the date of fumigation, ~~and~~ the type of fumigant used, and the cubic square feet as measured by the Branch 3 company.

§ 1991. Report Requirements Under Section 8516(b)10.

(a) Recommendations for corrective measures for the conditions found shall be made as required by paragraph 10 of subdivision (b) of Section 8516 of the code and shall also conform with the provisions of Title 24 of the California Code of Regulations and any other applicable local building code, and shall accomplish the following:

(1) Comply with the provisions of section 2516(c)(1) of Title 24 of the California Code of Regulations.

(2) Remove from the subarea all excessive cellulose debris in earth contact. This excludes shavings or other cellulose too small to be raked or stored goods not in earth contact. Stumps and wood imbedded in footings in earth contact shall be treated if removal is impractical.

(3) When evidence of moisture, infestations or infections exists as a result of faulty grade levels, earth fill planters or loose stucco, a recommendation shall be made to correct the condition. Any method of controlling infestations arising from these conditions is considered adequate if the infestation is controlled.

(4) Comply with the provisions of section 2516(c)(6.1) of Title 24 of the California Code of Regulations (Effective July 1992).

(5) Structural members which appear to be structurally weakened by wood-destroying pests to the point where they no longer serve their intended purpose shall be replaced or reinforced. Structural members which are structurally weakened by fungus to the point where they no longer serve their intended purpose shall be removed or, if feasible, may remain in place if another structural member is installed adjacent to it to perform the same function, if both members are dry (below 20% moisture content), and if the excessive moisture condition responsible for the fungus damage is corrected. Structural members which appear to have only surface fungus damage may be chemically treated and/or left as is if, in the opinion of the inspector, the structural member will continue to perform its originally intended function and if correcting the excessive moisture condition will stop the further expansion of the fungus.

(6) Comply with the provisions of section 2516(c)(6) of Title 24 of the California Code of Regulations.

(7) Comply with the provisions of section 2516(c)(4) of Title 24 of the California Code of Regulations.

(8) Exterminate all reported wood-destroying pests. Such extermination shall not be considered repair under section 8516(b)(12) of the code. If evidence indicates that wood-destroying pests extend into an inaccessible area(s), recommendation shall be made to either:

(A) enclose the structure for an all encompassing treatment utilizing materials listed in Section 8505.1 of the code. When a recommendation for fumigation is made, a clear reference as to the cubic square feet of the structure to be fumigated shall be made in the fumigation recommendation, or

[Home](#)[Bill Information](#)[California Law](#)[Publications](#)[Other Resources](#)[My Subscriptions](#)[My Favorites](#)**AB-593 Structural Fumigation Enforcement Program.** (2017-2018)

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Date Published: 02/14/2017 09:00 PM

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL**No. 593****Introduced by Assembly Member Gloria****February 14, 2017**

An act to amend Section 8698.6 of the Business and Professions Code, relating to structural fumigation.

LEGISLATIVE COUNSEL'S DIGEST

AB 593, as introduced, Gloria. Structural Fumigation Enforcement Program.

Existing law, until January 1, 2018, establishes a structural fumigation enforcement program that requires the Director of the Department of Pesticide Regulation to provide oversight for the program. Existing law requires any company performing a structural fumigation in Los Angeles County, Orange County, Santa Clara County, or San Diego County to pay the county agricultural commissioner a specified fee for each fumigation conducted at a specific location. Existing law authorizes the commissioners of those counties to perform increased structural fumigation, inspection, and enforcement activities to be funded by the required fee. Existing law requires these funds to be paid to the county and used for the sole purpose of funding enforcement and training activities directly related to the structural fumigation program.

This bill would extend the operation of these provisions to January 1, 2022.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 8698.6 of the Business and Professions Code is amended to read:

8698.6. This chapter shall remain in effect only until January 1, ~~2018~~, 2022, and as of that date is ~~repealed, unless a later enacted statute, which is chaptered before January 1, 2018, deletes or extends that date.~~ *repealed.*



MEMORANDUM

DATE	March 15, 2017
TO	Board Members
FROM	Susan Saylor, Executive Officer Structural Pest Control Board
SUBJECT	AGENDA ITEM XI – BOARD POSITION ON POSSIBLE BILL ENACTING BOARD APPROVED CHANGES TO B&P CODE SECTION 8567

Enclosed in your binders is Board approved proposed language to amend Business and Professions (B&P) Code section 8567 to allow employers to notify the Board of an employee's disassociation when the employee fails to do so in a timely manner.

While these amendments are not yet officially included in a Bill, it appears likely that they will be. For that reason I request that the Board take an official position on the possible Bill that will include the amendments to B&P Code section 8567.

8567. (a) Should a field representative or applicator change his or her employment, or should an operator enter the employ of a registered company, or being already employed by a registered company change his or her employment, or being employed by a registered company leave that employment and enter the pest control business on his or her own behalf, he or she shall notify the registrar on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. The registrar shall register the change in his or her records.

(b) If a field representative, operator, or applicator fails to notify the registrar within 30 days of when a change of employment occurs, a registered company may notify the registrar on a form prescribed by the board that the field representative, operator, or applicator is no longer associated with the company.



MEMORANDUM

DATE	March 27, 2017
TO	Board Members
FROM	David Sketon, Regulatory Analyst
SUBJECT	AGENDA ITEM XIII — CONSIDERATION AND POSSIBLE APPROVAL OF DISCIPLINARY GUIDELINES REVISIONS MODIFIED TEXT

At the October 13, 2016 Board Meeting, staff was directed by the Board to complete the rulemaking process and enact Board approved amendments to the Disciplinary Guidelines. During the final rulemaking process, legal counsel advised staff that changes to the proposed language would be necessary prior to submitting the regulatory proposal to the Office of Administrative Law.

Enclosed in your Board packages is the modified proposed language for the Disciplinary Guideline Revisions regulatory proposal. Staff is requesting Board approval of this modified language and direction to proceed with a 15 Day Notice of Modified Text. Additionally, staff is requesting Board direction to complete the rulemaking process.

DISCIPLINARY GUIDELINE REVISIONS MODIFIED PROPOSED LANGUAGE KEY

<u>Single Underline</u>	Denotes text being added in the originally proposed language
Strikethrough	Denotes text being removed in the originally proposed language
<u>Double Underline</u>	Denotes text being added in the 15 Day Notice of Modified Text
Double Strikethrough	Denotes text being removed in the 15 Day Notice of Modified Text

THE FOLLOWING IS THE LEGEND FOR THE MODEL DISCIPLINARY ORDERS, STANDARD TERMS AND CONDITIONS OF PROBATION, AND OPTIONAL TERMS AND CONDITIONS OF PROBATION, SECTIONS OF THE DISCIPLINARY GUIDELINES. IN THESE SECTIONS SOME OF THE EXISTING TEXT USED UNDERLINED AND / OR BOLDED TEXT

<u>Single Underline</u>	Denotes existing text
<u>Double Underline</u>	Denotes text being added in the originally proposed language
Strikethrough	Denotes text being removed in the existing language
Double Strikethrough	Denotes text being removed in the 15 Day Notice of Modified Text
<u>Double Underline and Bold</u>	Denotes text being added in the 15 Day Notice of Modified Text
<u>Double Underline, Bold, and Highlight</u>	Denotes text being added in the 15 Day Notice of Modified Text in places where the existing or proposed language is bold.

TITLE 16. STRUCTURAL PEST CONTROL BOARD

DISCIPLINARY GUIDELINES REVISIONS

MODIFIED PROPOSED LANGUAGE

§ 1937.11. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the board shall consider the disciplinary guidelines entitled "A Manual of Disciplinary Guidelines and Model Disciplinary Orders" [Rev. 2010~~6~~] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board and/or administrative law judges in its/his or her discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

Note: Authority cited: Section 8525, Business and Professions Code, ~~Section 11425.50(e), Government Code~~. Reference: Section 11425.50(e), 11519 Government Code, and Sections 125.3, 8620, 8635, 8636, 8637, 8638, 8639, 8640, 8641, 8642, 8643, 8644, 8645, 8646, 8646.5, 8647, 8648, 8649, 8650, 8651, 8652, 8653, 8654, 8655 ~~and~~ 8657, and 8666, Business and Professions Code.

**A MANUAL OF
DISCIPLINARY GUIDELINES
AND
MODEL DISCIPLINARY
ORDERS**

**STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

20106

STRUCTURAL PEST CONTROL BOARD

2005 EVERGREEN STREET, SUITE 1500

**SACRAMENTO, CA 95815-3831
(916) 561-8700**

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DISCIPLINARY GUIDELINES

INTRODUCTION

~~To establish consistency in~~ In reaching a decision on a disciplinary penalties for similar offenses, action under the Administrative Procedure Act (Government Code Section 11400 et seq), the Structural Pest Control Board establishes these and the Administrative Law Judge shall consider the uniform disciplinary guidelines as set forth herein.

The Board recognizes that these ~~penalties~~ terms of discipline and conditions of probation are merely guidelines and that ~~the Board and the aAdministrative lLaw jJudges~~ must be free to exercise their discretion in such cases. However, ~~the Board desires that these deviation from such guidelines be followed to the extent possible and requests that the administrative law judge hearing the case include some explanation of any is appropriate only when facts of the case warrant such a departure or omissions from the guidelines.~~ As such, any departure from these guidelines should be explained and noted fully in the proposed decision or disciplinary order so that the circumstances can be better understood by the Board during its review of the case for ultimate action.

The Board desires that matters in extenuation or mitigation, as well as those in aggravation, be fully considered and noted in the proposed decision or disciplinary order. Of primary importance is the effect of the licensee's or / registrant's conduct/action ~~had or can have~~ on the public as consumers.

PENALTY GUIDELINES

Violation	Minimum Penalty	Optional Probation Conditions	Maximum Penalty
Section 8635 Disregard of Specifications	Suspension, Stayed, 3 <u>4</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 25, 26 <u>10, 11/12/13, 14,</u> <u>15, 16, 17</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8636 Violation of Laws	Suspension, Stayed, 3 <u>4</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 25, 26 <u>10, 11/13/13, 14,</u> <u>15, 16, 17</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8637 Misrepresentation	Revocation and Optional Condition <u>24</u> 27 <u>19</u>	<u>Discretionary</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8638 Violation of Contracts	Suspension, Stayed, 3 <u>4</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>16</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8639 Aiding and Abetting	Suspension Revocation, Stayed, 3 <u>5</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8640 Real Estate Rebates	Suspension Revocation, Stayed, 3 <u>4</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8641 Violation of Chapter and Rules	Suspension, Stayed, 3 <u>4</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 25, 26, 28 <u>10, 11/12/13,</u> <u>14, 15, 16, 17, 19</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8642 Fraud	<u>Revocation, Stayed, 5</u> <u>Years Probation and</u> <u>Optional Condition 27</u> Suspension, Stayed, 3 Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 25, 26, 28 <u>10, 11/12/13,</u> <u>14, 15, 16, 17, 19</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>

Violation	Minimum Penalty	Optional Probation Condition	Maximum Penalty
Section 8643 Negligent Handling or Use of Poisonous Agent	Revocation, Stayed, <u>4</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 25, 26, 28 10, 11/12/13, <u>14, 15, 17, 19</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8644 Misrepresentation After Inspection	Suspension Revocation, Stayed, 3 <u>5</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 25, 26, 28 10, 11/12/13, <u>14, 15, 16, 17, 19</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8645 Impersonation	Suspension Revocation, Stayed, 3 <u>5</u> Years Probation	16, 19, 20, 21, 23, 24, 26 10, 14, 15, 17	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8646 Disregard of Laws	Suspension, Stayed, 3 Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 25, 26, 28 10, 11/12/13, <u>14, 15, 17, 19</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>
Section 8646.5 Cease & Desist	Suspension, Stayed, 3 Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 26 10, 11/12/13, 14, 15, <u>17</u>	Revocation and Optional Condition <u>24</u> 27 <u>18</u>

Violation	Minimum Penalty	Optional Probation Conditions	Maximum Penalty
Section 8647 Violation of Laws as to Insecticides	Suspension, Stayed, 3 Years Probation	16, 17/18/ 49, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	Revocation and Optional Condition 24-27 <u>18</u>
Section 8648 False Advertising	Suspension, Stayed, 3 <u>4</u> Years Probation	16, 17/18/ 49, 20/21/22, 23, 26 10, <u>11/12/13, 14, 17</u>	Revocation and Optional Condition 24-27 <u>18</u>
Section 8649 Conviction, Evidence	Revocation, Stayed, 3 <u>5</u> Years Probation	16, 20, 21, 10, 23, 24, 26 10, 14, 15, 17	Revocation and Optional Condition 24-27 <u>18</u>
Section 8650 Name and Location as Licensed	Suspension, Stayed, 3 Years Probation	16, 17/18/ 49, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	Revocation and Optional Condition 24-27 <u>18</u>
Section 8651 Performing or Soliciting Beyond Scope of License	Revocation, Stayed, 3 <u>4</u> Years Probation	16, 17/18/ 49, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	Revocation and Optional Condition 24-27 <u>18</u>
Section 8652 Failure to Make and Keep All Reports	Suspension, Stayed, 3 Years Probation	16, 17/18/ 49, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	Revocation and Optional Condition 24-27 <u>18</u>
Section 8653 Withholding Payment	Suspension, Stayed, 3 <u>4</u> Years Probation	16, 17/18/ 49, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	Revocation and Optional Condition 24-27 <u>18</u>
Section 8654 Prohibition Against Association of Suspended Operator	Suspension, Stayed, 3 Years Probation	16, 17/18/ 49, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	Revocation and Optional Condition 24-27 <u>18</u>

Violation	Minimum Penalty	Optional Probation Conditions	Maximum Penalty
Section 8655 Charge Substantially Related	Revocation, Stayed, <u>3</u> <u>5</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	Revocation and Optional Condition 24-27 <u>18</u>
Section 8657 Appointment of Receiver	Suspension Revocation , Stayed, <u>3</u> <u>4</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	Revocation and Optional Condition 24-27 <u>18</u>
<u>Section 8666</u> <u>Excessive Work</u>	<u>Revocation, Stayed</u> <u>3-4</u> Years Probation	16, 17/18/ 19, 20/21/22, 23, 24, 26 <u>10, 11/12/13, 14, 15,</u> <u>17</u>	<u>Revocation and</u> <u>Optional Condition</u> 27 <u>18</u>
Violation of Probation	Extend Probation <u>1 to 5</u> <u>years</u> with Appropriate New <u>or Amended</u> Conditions	<u>Discretionary</u>	Revoke Probation and Impose Stayed Penalty
<u>All Other Violations</u>	<u>Suspension, Stayed</u> <u>3</u> Years Probation	<u>Discretionary</u>	<u>Revocation</u> <u>Optional Condition</u> 27 <u>18</u>

**FACTORS IN AGGRAVATION, AND MITIGATION AND IN EXTENUATION TO BE
CONSIDERED FOR CONSIDERATION FOR IN DISCIPLINARY CASES**

In determining whether the minimum, maximum, or an intermediate penalty revocation, suspension, or probation is to be imposed in a given disciplinary case, factors such as the following should be considered:

1. ~~Actual or potential harm to the public.~~
2. ~~Actual or potential harm to any consumer.~~
3. ~~Prior disciplinary record.~~
4. ~~Number and / or variety of current violations.~~
5. ~~Mitigation evidence.~~
6. ~~In case of a criminal conviction, compliance with terms of sentence.~~
7. ~~Overall criminal record.~~
8. ~~Whether the conduct was knowing, willful, reckless or inadvertent.~~
9. ~~The financial benefit to the respondent.~~
10. ~~Evidence that the unlawful act was part of a pattern of practice.~~
11. ~~Currently on probation.~~

I) Factors in Aggravation: Crimes or Acts

- a. Nature and severity of the act or crime under consideration.
- b. Actual or potential harm to the public or any consumer.
- c. Pending and final records of any cause of action from any investigation, hearing, or court of competent jurisdiction in this state or any other venue.
- d. Conduct was knowing, willful, reckless, or negligent.
- e. Whether financially motivated.
- f. Involved fraud, misrepresentation and/or dishonesty.
- g. Whether a pattern of practice.
- h. Length of time passed since the act or omission.
- i. Length and seriousness of the administrative, civil or criminal record.
- j. ~~Negative status of Compliance with any administrative, civil or criminal probation, or of any criminal parole imposed, regardless of venue.~~
- k. Compliance with, including but not ~~exclusive~~ limited to, restitution, fines, or community service lawfully imposed in this state or any other venue.

II. Factors in Mitigation: Crimes or Acts

- a. Satisfaction of any lawfully imposed sanctions or other conditions including, but not ~~exclusive~~ limited to, restitution, fines or compliance arising from any cause of action.
- b. Participation and completion of training, counseling or rehabilitation programs.
- c. No prior disciplinary actions.
- d. Not a pattern of practice.
- e. Evidence of substantial measures to prevent the occurrence of future violations.
- f. Neither willful, reckless, or negligent.
- g. The public or any consumer was not actually or potentially harmed.

- h. The length of time passed since the act or omission, or completion of probation, or completion of parole.
- i. No prior criminal record.
- j. If applicable, evidence of expungement proceedings or dismissal pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.
- k. Other relevant evidence of rehabilitation.

III. ~~Matters~~ Factors in Extenuation: Crimes or Acts

- a. Circumstances deemed beyond one's direction or control.
- b. Degree of knowledge and/or participation constituting cause for discipline.
- c. Coercion or oppression.
- d. Incapacitation, physical or mental condition.

The Board does not ~~intend~~ require the presence of that any one or combination of the above factors ~~be required~~ to justify the minimum or maximum penalty as opposed to an intermediate one. degree of discipline to be imposed.

STANDARD TERMS AND CONDITIONS OF PROBATION

The standard terms of probation ~~generally~~ appearing in every case are:

- ~~A. 1.~~ Obey all laws [8]*
- ~~B. 2.~~ File quarterly reports [9]
- ~~C. 3.~~ Tolling of probation if respondent moves out of state; ~~or surrenders~~, is suspended, does not renew, or inactivates license [10]
- ~~D. 4a.~~ Notice to employers [11]
- ~~E. 4b.~~ Notice to employees [12]
- ~~F. Posting of suspension sign [13]~~
- ~~G. 5. Violation Completion-Violation~~ Violation of probation [14]
- ~~H. Completion Violation of probation [15]~~
- ~~I. Cost Recovery [16]~~
- ~~J. 6.~~ Interview / Records: Board Or Its Designee [17]
- ~~K. 7.~~ License Surrender [18]
- 8. Completion of Probation
- 9. Cost Recovery

OPTIONAL TERMS AND CONDITIONS OF PROBATION

- ~~A. 10.~~ Actual suspension of license / registration certificate [1619]
- ~~B. 11.~~ Completion of appropriate continuing education course; ~~appropriate~~ Branch 1 [1720];
- 12. Completion of appropriate continuing education course: Branch 2 [1821]; or
- 13. Completion of appropriate continuing education course: Branch 3 [1922]
- ~~C. 14.~~ Reimbursement to the Board for random inspections [2023]

- ~~D.~~ 15. Payment of inspection fee [~~2124~~]
- ~~E.~~ 16. Restitution to consumer [~~2225~~]
- ~~F.~~ 17. Prohibition from serving as officer, director, associate, partner or qualifying manager [~~2326~~]
- ~~G.~~ 18. No ownership of registered company [~~2427~~]
- ~~H.~~ 19. Take and pass licensure examination [~~2528~~]

DEFAULT DECISION

The disciplinary penalty in a default decision is revocation.

CIVIL PENALTY IN LIEU OF SUSPENSION

The Board has the authority to assess a civil penalty in lieu of actual suspension as follows:

- (a) not more than \$5,000 for an actual suspension of 1 to 19 days
- (b) not more than \$10,000 for an actual suspension of 20 to 45 days

The respondent may express a preference for paying a civil penalty in lieu of actual suspension, but the Board is not bound by any expression of preference. If such preference is expressed, it should be included in the proposed decision.

MODEL DISCIPLINARY ORDERS

MODEL ~~NUMBERS~~ LANGUAGE

~~[1]~~ A. Revocation – Single Cause

(Ex. Operator's / Field Representative's / Applicator's) License / Company Registration Certificate No. (Ex. OPR 1234) issued to Respondent (Ex. John Doe) is revoked.

~~[2]~~ B. Revocation – Multiple Causes

(Ex. Operator's / Field Representative's / Applicator's) License / Company Registration Certificate No. (Ex. OPR 1234) issued to respondent (Ex. John Doe) is revoked pursuant to Determination of Issues (Ex. I, II, and III) separately and for all of them.

~~[3]~~ C. Suspension – Single Cause

(Ex. Operator's / Field Representative's / Applicator's) License / Company Registration Certificate No. (Ex. OPR 1234, Branch(es) X) issued to Respondent (Ex. John Doe) is suspended (Ex. Thirty (30) consecutive days) beginning the effective date of the decision.

[4] D. Suspension – Multiple Causes ~~(run concurrently)~~

(Ex. Operator's / Field Representative's/ Applicator's) License / Company Registration Certificate No. (Ex. OPR 1234, Branch(es) X) issued to respondent (Ex. John Doe) is suspended for (Ex. thirty (30) consecutive days) pursuant to Determination of Issues (Ex. I, II, and III) separately and for all of them. All suspensions shall run concurrently beginning the effective date of the decision.

[5] E. Suspension – Multiple Causes ~~(run consecutively)~~

(Ex. Operator's / Field Representative's/ Applicator's) License / Company Registration Certificate No. (Ex. OPR 1234) issued to respondent (Ex. John Doe) is suspended (Ex. Thirty (30) consecutive days) pursuant to Determination of Issues (Ex. I, II, and III) and (Ex. Sixty (60) consecutive days) pursuant to Determination of Issues (Ex. IV and V). These suspensions shall run consecutively, for a total period of (Ex. Ninety (90) consecutive days) beginning the effective date of the decision.

[6] F. Standard Stay Order

However, (revocation / suspension) is stayed and respondent is placed on probation for (Ex. ~~three (3)~~ _____ years) upon the following terms and conditions:

[7] G. Probation

a. However, (revocation / suspension) is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

~~or~~

~~b. Respondent is placed on probation for a period of three (), four () or five () years.~~

STANDARD TERMS AND CONDITIONS OF PROBATION

[8] 1 Obey All Laws

Respondent shall obey all federal, state and local laws including all laws and rules relating to the practice of structural pest control.

He/she Respondent shall submit a completed California Department of Justice and federal Livescan fingerprint form, unless previously submitted as part of the licensure application process. Fingerprint forms shall be submitted within thirty (30) calendar days of the effective date of the Decision and Order.

[9 2] Quarterly Reports

Respondent shall file quarterly reports with the Board during the period of probation: no later than ten (10) days after the end of the quarter.

[40 3] Tolling of Probation

~~Should if respondent leaves California to reside for more than thirty (30) days, outside this state, respondent must notify the Board in writing no later than ten (10) days prior to the planned date of departure of the dates of departure and return. Periods of out of state residency, or practice when such state license has been surrendered, suspended, placed on inactive status, or is not renewed, shall not reduce the probationary period outside the state shall not apply to reduction of the probationary period.~~

In the event respondent should leave California to reside or practice outside the state, prior to departing, respondent must provide written notification to the Board of the dates of departure and anticipated return to the state. Respondent's probation is tolled if and when he or she ceases practicing in California. Periods of practice outside of California will not apply to the reduction of the probationary period. For purposes of this condition, non-practice due to Board ordered suspension, or in compliance with any other Board ordered condition of probation, shall not be considered a period of non-practice.

[44 4a.] Notice to Employers (Individual Licensees)

Respondent shall notify all present and prospective employers of the decision in case No. (Ex. 91-01) and the terms, conditions and restriction imposed on respondent by said decision. Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking new employment, respondent shall cause his/her employer, owner and qualifying manager to report to the Board in writing acknowledging he/she has read the decision in case No. (Ex. 90-01).

[42 4b.] Notice to Employees (Registered Companies)

Respondent shall, upon or before the effective date of this decision, post and or circulate a notice to all employees involved in structural pest control operations which accurately recite the terms and conditions of probation. Respondent shall be responsible for said notice being immediately available to said employees. "Employees" as used in this provision includes all full-time, part-time, temporary and relief employees and independent contractors employed or hired at any time during probation. The notice shall be posted in a conspicuous place where employees can see it and shall remain posted the entire term of probation.

~~[13] Posted Notice of Suspension~~

~~Respondent structural pest control company shall prominently post a suspension notice provided by the Board of the Board's order of suspension at its principle office and each of its branch offices in a place conspicuous and readable to the public. Said notice shall remain so posted during the entire period of actual suspension.~~

~~[14]~~ **Completion of Probation**

~~Upon successful completion of probation, respondent's license / certificate will be fully restored.~~

~~[45]~~ **5 Violation of Probation**

Should respondent violate probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. ~~If an accusation, statement of issues, or a petition to revoke probation is filed against respondent during probation, or if respondent requests a hearing to be conducted pursuant to 11500 of the Government Code, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final~~ **has been acted upon by the Board.**

~~[16]~~ **Cost Recovery**

~~Respondent shall reimburse the Board investigation and enforcement costs in the amount of \$ _____. Respondent shall be permitted to pay these costs within 90 days of the effective date of the decision or through a payment plan approved by the Board. Failure to make a timely payment, and/or failure to complete payment of cost recovery, shall constitute a violation of probation, which may subject Respondent's license to outright revocation.~~

~~Periods of non-practice by Respondent shall not relieve respondent of his or her obligation to reimburse the Board for its investigative and enforcement costs. Probation shall not be terminated until all costs are paid in full.~~

~~[47]~~ **6 Interview / Records: Board Or Its Designees**

~~Respondent shall be available in person upon reasonable request for interviews and the review of records either at respondent's place of business, residence, or other agreed upon location throughout the term of probation.~~

~~[48]~~ **7 License Surrender**

~~Following the effective date of this decision, if respondent ceases practicing in the pest control industry due to retirement, health reasons, or is otherwise unable to satisfy the terms and conditions of probation, respondent may request the voluntary surrender of respondent's license/registration to the Board. The Board reserves the right to evaluate the respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal the Board's acceptance of the surrender, respondent shall within fifteen (15) days deliver to the Board's offices his/her wall and pocket license and company registration wall certificate. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license/registration shall be deemed a disciplinary action. However, if respondent re-applies for a license or registration, the application shall be treated as a petition for reinstatement of a revoked license/registration. Under these circumstances, Respondent's prior probationary time shall be restored effective the date of surrender and shall be in addition to any probationary time required if reinstatement is granted.~~

[44 8] Completion of Probation

Upon successful completion of probation, respondent's license / certificate will be fully restored.

[46 9] Cost Recovery

Respondent shall reimburse the Board investigation and enforcement costs in the amount of \$. Respondent shall be permitted to pay these costs within 90 days of the effective date of the decision or through a payment plan approved by the Board. Failure to make a timely payment, and/or failure to complete payment of cost recovery, shall constitute a violation of probation, which may subject Respondent's license to outright revocation.

Periods of non-practice by Respondent shall not relieve respondent of his or her obligation to reimburse the Board for its investigative and enforcement costs. Probation shall not be terminated until all costs are paid-in-full.

OPTIONAL TERMS AND CONDITIONS OF PROBATION

[16] [49 10] Actual Suspension

(Ex. Operator's/Field Representative's/ Applicator's) License/Company Registration No. (Ex. OPR 1234, Branch X and Branch X or Branch X only) issued to (Ex. John Doe) serves an actual suspension of Respondent is suspended from practicing for (Ex. ten (10) consecutive days) beginning the effective date of the decision. This period of suspension shall not apply to the reduction of the probationary time period.

Note: The following paragraph applies only to companies:

Respondent structural pest control company shall prominently post a suspension notice provided by the Board of the Board's order of suspension at its principle office and each of its branch offices in a place conspicuous and readable to the public. The notice shall remain posted during the entire period of actual suspension.

[17] [20 11] Continuing Education Course – Branch 1

Respondent (Ex. John Doe) shall complete a continuing education course for pest control in Branch 1 (fumigation) within six (6) months of the effective date of this decision in addition to the existing license renewal requirements within eighteen (18) months of the effective date of this decision.

[18] [24 12] Continuing Education Course – Branch 2

Respondent (Ex. John Doe) shall complete a continuing education course for pest control in Branch 2 (general pest) within six (6) months of the effective date of this decision in addition to the existing license renewal requirements within eighteen (18) months of the effective date of this decision.

[19] ~~[22]~~ [13] Continuing Education Course – Branch 3

Respondent (~~Ex. John Doe~~) shall complete a continuing education course for pest control in Branch 3 (wood destroying pests and organisms) within six (6) months of the effective date of this decision in addition to the existing license renewal requirements within eighteen (18) months of the effective date of this decision.

[20] ~~[23]~~ [14] Random Inspections

Respondent shall reimburse the Board for (Ex. one (1)) random inspection(s) per (Ex. quarter) by Board specialists during the period of probation not to exceed \$125 per inspection.

[21] ~~[24]~~ [15] Inspection Fees

Respondent shall pay to the registrar, or designee, an inspection fee of (Ex. \$50) within thirty (30) days from the effective date of this decision.

[22] ~~[25]~~ [16] ~~Reimbursement~~ Restitution to Consumer

Respondent shall submit proof to the registrar that restitution in the amount of (Ex. \$8,000) has been made to (Ex. John Smith) within (Ex. thirty (30) days) of the effective date of the decision.

[23] ~~[26]~~ [17] Prohibited from Serving as Officer, Director, Associate, Partner, or Qualifying Manager

Respondent is prohibited from serving as an officer, director, associate, partner, qualifying manager, ~~or branch office manager, or responsible managing employee~~ of any registered company during the period ~~that discipline of probation is imposed on~~ (Ex. Operator's/Field Representative's) License No. (Ex. OPR 1234).

[24] ~~[27]~~ [18] No Interest In Any Registered Company

Respondent shall not have any legal or beneficial interest in any company currently or hereinafter registered by the Board.

[25] ~~[28]~~ [19] Take And Pass Licensure Examinations

Within (Ex. six (6) months) of the effective date of this decision, respondent shall take and pass the (Ex. Operator's/Field Representative's/Applicator's) examination currently required of new applicants for (Ex. Operator's/Field Representative's) license. The examination shall be taken on regularly scheduled dates. Respondent shall pay the established examination fee. If respondent fails to pass said examination within (Ex. Six (6) months) of the effective date of this decision it shall constitute a violation of probation, respondent shall notify the board and shall cease practice until respondent takes and successfully passes said examination.

CROSS REFERENCE
BUSINESS AND PROFESSIONS CODE (B&P)
SECTIONS TO BUSINESS AND PROFESSIONS CODE SECTION
ESTABLISHING GROUNDS FOR DISCIPLINARY ACTION

VIOLATION OF B&P CODE SECTION	GROUNDS FOR DISCIPLINE UNDER B&P CODE SECTION
8505	8651
<u>8505.1</u>	<u>8646</u>
8505.2	8646
8505.3	8646
8505.4	8646
8505.5	8646
8505.6	8646
8505.7	8646
8505.8	8646
8505.9	8646
8505.10	8646
8505.11	8646
8505.12	8646
8505.13	8646
8505.14	8646
8505.15	8646
8505.16	8646
<u>8505.17</u>	<u>8646</u>
8506(c)	8641
<u>8506.1</u>	<u>8641</u>
8506.2	8641
8507	8651
<u>8507.1</u>	<u>8651</u>
<u>8509</u>	<u>8641</u>
8513	8641
8514	8641
<u>8514.5</u>	<u>8641</u>
8516	8641
8516.1	8641
8516.2	8641
8516.5	8641
8517	8641
8518	8641
8519	<u>8641</u> , 8644
<u>8519.5</u>	<u>8646</u>
8538	8646
<u>8550</u>	<u>8641, 8646, 8648, 8651</u>

<u>8551</u>	<u>8646</u>
<u>8551.5</u>	<u>8641, 8646</u>
<u>8552</u>	<u>8648</u>
<u>8553</u>	<u>8641</u>
<u>8554</u>	<u>8641</u>
<u>8567</u>	<u>8641</u>
<u>8571</u>	<u>8641</u>
<u>8593</u>	<u>8641</u>
<u>8593.1</u>	<u>8641</u>
<u>8610</u>	<u>8641</u>
<u>8611</u>	<u>8641</u>
<u>8612</u>	<u>8641, 8650</u>
<u>8613</u>	<u>8641, 8651</u>
<u>8619</u>	<u>8641</u>
<u>8622</u>	<u>8641</u>
<u>8635</u>	<u>8641</u>
<u>8636</u>	<u>8641</u>
<u>8637</u>	<u>8641, 8642</u>
<u>8638</u>	<u>8641</u>
<u>8639</u>	<u>8641, 8646, 8648, 8651</u>
<u>8640</u>	<u>8641, 8646</u>
<u>8641</u>	<u>8641</u>
<u>8642</u>	<u>8641, 8642</u>
<u>8643</u>	<u>8641, 8646</u>
<u>8644</u>	<u>8641</u>
<u>8645</u>	<u>8641</u>
<u>8646</u>	<u>8641, 8646</u>
<u>8647</u>	<u>8646</u>
<u>8648</u>	<u>8641</u>
<u>8649</u>	<u>8641, 8649</u>
<u>8650</u>	<u>8641</u>
<u>8651</u>	<u>8641</u>
<u>8652</u>	<u>8641</u>
<u>8653</u>	<u>8641</u>
<u>8657</u>	<u>8641, 8646</u>
<u>8666</u>	<u>8641</u>
<u>8690</u>	<u>8641</u>
<u>8691</u>	<u>8641</u>
<u>8695</u>	<u>8641</u>
<u>8697</u>	<u>8641</u>
<u>8697.4</u>	<u>8641</u>
<u>8698.1</u>	<u>8641</u>

CROSS REFERENCE
CALIFORNIA CODE OF REGULATIONS (CCR) SECTIONS
TO BUSINESS AND PROFESSIONS CODE SECTION
ESTABLISHING GROUNDS FOR DISCIPLINARY ACTION

VIOLATION OF CCR SECTION	GROUNDS FOR DISCIPLINE UNDER B&P CODE
1911	8641
1912	8650
<u>1913</u>	<u>8641, 8650</u>
1914	8650
1916	8641
1917	8650
<u>1918</u>	<u>8641</u>
1937	8641
<u>1937.12</u>	<u>8641</u>
1937.13	8641
1937.14	8635, 8636
1937.16	8641
<u>1937.17</u>	<u>8641</u>
1970(a)(b)	8652
1970.3	8646
1970.4(a)(b)(c)(d)(e)(f)	8646
<u>1970.5</u>	<u>8646</u>
<u>1970.6</u>	<u>8646</u>
1971(a)(1)(A)(B)(C)	8646
1971(a)(1)(b)	<u>8646</u> , 8647
1971(a)(2)	<u>8646</u> , 8647
<u>1973</u>	<u>8646</u>
<u>1974</u>	<u>8646</u>
1983	8643, 8647
1990	8641
1991	8641
1992	8641
1993	8641
<u>1993.1</u>	<u>8641</u>
1994	8641
1996	8641
1996.1	8641
<u>1996.2</u>	<u>8641</u>
<u>1996.3</u>	<u>8641</u>
1998	8641
1998(f)	8652
<u>1999.5</u>	<u>8641</u>



MEMORANDUM

DATE	March 27, 2017
TO	Board Members
FROM	David Skelton, Regulatory Analyst
SUBJECT	AGENDA ITEM XIV — CONSIDERATION AND POSSIBLE APPROVAL OF TERMITE STATIONS MODIFIED TEXT

At the October 13, 2016 Board Meeting, staff was directed by the Board to complete the rulemaking process for the Termite Stations regulatory proposal. During the final rulemaking process, legal counsel advised staff that changes to the proposed language would be necessary prior to submitting the regulatory proposal to the Office of Administrative Law.

Enclosed in your Board packages is the modified proposed language for the Termite Stations regulatory proposal. Staff is requesting Board approval of this modified language and direction to proceed with a 15 Day Notice of Modified Text. Additionally, staff is requesting Board direction to complete the rulemaking process.

TERMITE STATIONS
MODIFIED PROPOSED LANGUAGE KEY

<u>Single Underline</u>	Denotes text being added in the originally proposed language
Strikethrough	Denotes text being removed in the originally proposed language
<u><u>Double Underline</u></u>	Denotes text being added in the 15 Day Notice of Modified Text
<u>Double Strikethrough</u>	Denotes text being removed in the 15 Day Notice of Modified Text

TITLE 16. STRUCTURAL PEST CONTROL BOARD

TERMITE STATIONS

MODIFIED PROPOSED LANGUAGE

Amend section 1993.2, repeal section 1993.3, and add section 1993.4 of Title 16, Division 19, of the California Code of Regulations to read as follows:

§ 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 termites 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.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8514 and 8516, Business and Professions 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.~~

~~Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8516, Business and Professions Code.~~

§ 1993.4 Termite Monitoring Devices

(a) A "Termite monitoring devices" are is defined as a devices that:

- (1) Solely provides an indication of the possible presence or absence of termites.
- (2) Does not provide for positive identification of an infestation.
- (3) Does not eliminate the need for an inspection conducted by a Branch 3 Operator or Field Representative prior to any treatment or work being performed.
- (4) Does not contain any pesticides. ~~contains no pesticides and~~
- (5) Does not provide any control measures. ~~do not provide any control measures. They solely provide an indication of the possible presence or absence of termites. 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 any 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 in writing 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 termites 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 termites, you should consider having an inspection performed by (company name). You have the right to choose any registered company licensed to perform these services."

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8514 and 8516, Business and Professions Code.

July 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
9	10	11 SPCB Meeting (Los Angeles)	12 SPCB Meeting (Los Angeles)	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

October 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6	7
8	9	10 SPCB Meeting (Sacramento)	11 SPCB Meeting (Sacramento)	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

January 2018

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5	6
7	8	9 SPCB Meeting (Los Angeles)	10 SPCB Meeting (Los Angeles)	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April 2018

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 81	2 82	3 83	4 84	5 85	6 86	7 87
8 88	9 89	10 90	11 91	12 92	13 93	14 94
15 95	16 96	17 97	18 98	19 99	20 100	21 101
22 102	23 103	24 104	25 105	26 106	27 107	28 108
29 109	30 110					



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AB-1687 Pesticides: use of anticoagulants. (2017-2018)

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Date Published: 03/22/2017 04:00 AM

AMENDED IN ASSEMBLY MARCH 21, 2017

CALIFORNIA LEGISLATURE— 2017–2018 REGULAR SESSION

ASSEMBLY BILL

No. 1687

Introduced by Assembly Member Bloom

February 17, 2017

An act to amend Section ~~47005~~ 12978.7 of the Food and Agricultural Code, relating to ~~certified farmers'~~
~~markets.~~ pesticides.

LEGISLATIVE COUNSEL'S DIGEST

AB 1687, as amended, Bloom. ~~Certified farmers' markets.~~ Pesticides: use of anticoagulants.

Existing law regulates the use of pesticides and authorizes the Director of Pesticide Regulation to adopt regulations to govern the possession, sale, or use of any pesticide, as prescribed. Existing law prohibits the use of any pesticide that contains one or more of specified anticoagulants in wildlife habitat areas, as defined. Existing law exempts from this prohibition the use of these pesticides for agricultural activities, as defined. Existing law requires the director, and each county agricultural commissioner under the direction and supervision of the director, to enforce the provisions regulating the use of pesticides. A violation of these provisions is a misdemeanor.

This bill would expand this prohibition to include a pesticide containing additional specified anticoagulants and would also prohibit the use of a pesticide containing one of those anticoagulants in the entire state. The bill would expand the exemption for agricultural activities to include activities conducted in certain locations.

To the extent the bill would impose additional duties on county agricultural commissioners, and because the bill would expand the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to

the statutory provisions noted above.

~~Under existing law, certified farmers' markets are California agricultural product point-of-sale locations that are registered and operated in accordance with specified provisions. Existing law requires a certified farmers' market operator or producer to annually register with the Department of Food and Agriculture by applying for and receiving a certificate from a county agricultural commissioner. Existing law authorizes an enforcing officer to enter and inspect any place or conveyance where products are produced, stored, packed, delivered for shipment, loaded, shipped, transported, or sold pertaining to a certified producer's certificate over which the enforcing officer has jurisdiction.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) *The Legislature finds and declares all of the following:*

- (1) *Wildlife, including birds of prey, mountain lions, bobcats, fishers, foxes, coyotes, and endangered species such as the northern spotted owl, pacific fisher, and San Joaquin kit fox, are an irreplaceable part of California's natural ecosystems. As predators of small mammals, they play an important role in regulating and controlling the population of rodents throughout the state to improve public health and welfare.*
- (2) *Millions of people annually visit California for the purposes of viewing and photographing wildlife, and these visits contribute millions of dollars to California's economy.*
- (3) *Urban areas are increasingly being used by predatory mammals and birds of prey and the public enjoys seeing them and values these animals and the ecosystem services they provide.*
- (4) *The ecosystem services provided by native wildlife predators are a public trust, just like clean air and water. We, as California residents, are obligated to conserve these wildlife populations for future generations of Californians.*
- (5) *Scientific research and state studies have found rodenticides in over 75 percent of animals tested. These rodenticides lead to direct mortality and chronic long-term health impacts for natural predators, nontarget organisms, and endangered species and further steps are needed to reduce rodenticide exposure in nontarget animals.*
- (6) *Rodenticides can be counterproductive to rodent control by poisoning, harming, and killing natural predators that help regulate rodent populations throughout California.*
- (b) *It is the intent of the Legislature in enacting this measure to ensure that aquatic, terrestrial, and avian wildlife species remain a fully functional component of the ecosystems they inhabit and move through in California.*

(c) *This act shall be known, and may be cited, as the California Natural Predator Protection Act of 2017.*

SEC. 2. *Section 12978.7 of the Food and Agricultural Code is amended to read:*

12978.7. (a) Except as provided in subdivision ~~(d)~~, (c), the use of any pesticide that contains one or more of the following anticoagulants is prohibited in ~~a wildlife habitat area~~: *this state*:

- (1) Brodifacoum.
- (2) Bromadiolone.
- (3) Bromethalin.
- (4) Chlorophacinone.
- (5) Cholecalciferol.
- ~~(3)~~
- (6) Difenacoum.

~~(4)~~

(7) Difethialone.

(8) Diphacinone.

(9) Warfarin.

~~(b) As used in subdivision (a), a "wildlife habitat area" means any state park, state wildlife refuge, or state conservancy.~~

~~(e)~~

(b) State agencies are directed to encourage federal agencies to comply with subdivision (a).

~~(d)~~

(c) (1) This section does not apply to the use of pesticides for agricultural activities, as defined in Section 564.

(2) For purposes of paragraph (1), "agricultural activities" include activities conducted in any of the following locations:

(A) Warehouses used to store foods for human or animal consumption.

(B) Agricultural food production sites, including, but not limited to, slaughterhouses and canneries.

(C) Factories, breweries, wineries, or any other location where rodent or pest populations need to be controlled for food safety or agricultural purposes.

~~(e)~~

(d) This section does not preempt or supersede any federal statute or the authority of any federal agency.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1. Section 47005 of the Food and Agricultural Code is amended to read:~~

~~47005. An enforcing officer may enter and inspect any place or conveyance where products are produced, stored, packed, delivered for shipment, loaded, shipped, transported, or sold pertaining to a certified producer's certificate over which the enforcing officer has jurisdiction.~~