



## **STRUCTURAL PEST CONTROL BOARD MEETING** **NOTICE AND AGENDA**

### **PUBLIC TELECONFERENCE MEETING**

**March 9, 2021 – 9:00 A.M.**

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020 neither Board member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided below.

Important Notices to the Public: The Structural Pest Control Board (SPCB) will hold a public meeting via Webex Events. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

**March 9, 2021 – 9:00 A.M. - <https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=ed4da28bf3ba0ce11ce326daf59ffa459>**

**Event Number: 187 849 0068**

**Event Password: SPCB03092021**

**INSTRUCTIONS FOR PARTICIPATION:** Please see the instructions attached hereto to observe and participate in the meeting using Webex from a Microsoft Windows based PC.

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting modifier can identify individuals who wish to make a public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: [XYZ123@mailinator.com](mailto:XYZ123@mailinator.com).

Public comments will be limited to two minutes unless, in the discretion of the SPCB, circumstances require a shorter period. Members of the public will not be permitted to yield their time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at:

<https://thedcapage.wordpress.com/webcasts/>

**Tuesday, March 9, 2021 – 9:00 A.M.**

- 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  
Eduardo Santillan – OPR 10743 – Branch 1
- V. Petition for Modification / Termination of Probation Joseph Peter Serrano – OPR 9854 – Branch 3

**Closed Session**

- VI. Pursuant to Section 11126(c)(3) of the Government Code, the Board Will Meet in Closed Session for Discussion and to Take Action on Disciplinary Matters, Including the Above Petitions.

**Reconvene in Open Session**

- VII. Review and Possible Approval of Minutes of the October 20 & 21, 2020 and January 11, 2021 SPCB Meetings
- VIII. Department of Pesticide Regulation (DPR) Update
- IX. Executive Officer's Report
  - a. Licensing, Enforcement, Examination and WDO Statistics
  - b. Survey Results
  - c. Examination Development
- X. Discussion and Possible Action on the SPCB's Compliance With U.S. Environmental Protection Agency Pesticide Applicator Regulations
- XI. Presentation and Discussion on DPR's Proposed Regulatory Amendments to Title 3, California Code of Regulations, sections 6734 and 6771 to Clarify Eyewash Requirements for Employees Handling Pesticides
- XII. Update on the Status of the Research Proposals Selected for Funding at the July 26, 2018 Board Meeting
- XIII. Pesticide Application Notice Committee and Fumigation Notice Committee Recommendation: Pesticide Disclosure Requirements: Proposed Amendments to California Code of Regulations (CCR), Title 16, section 1970.4; Add CCR Title 16, sections 1970.41, 1970.42, and 1970.43

XIV. Regulations Status Update: Rulemaking to Implement AB 2138: CCR, Title 16, sections 1936, 1936.1, 1936.2, 1937.1, 1937.2

XV. Legislation Update and Possible Action:

- a. Assembly Bill 29 (Cooper) – State Bodies: Meetings
- b. Assembly Bill 646 (Low) – Department of Consumer Affairs: Boards: Expunged Convictions
- c. Assembly Bill 1788 (Bloom) – Pesticides: Use of Anti-Coagulants

XVI. Future Agenda Items

XVII. Board Calendar

XVIII. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting is being held via Webex Events. The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: David Skelton at (916) 561-8700, email: [pestboard@dca.ca.gov](mailto: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 is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

# HOW TO – Join – DCA WebEx Event

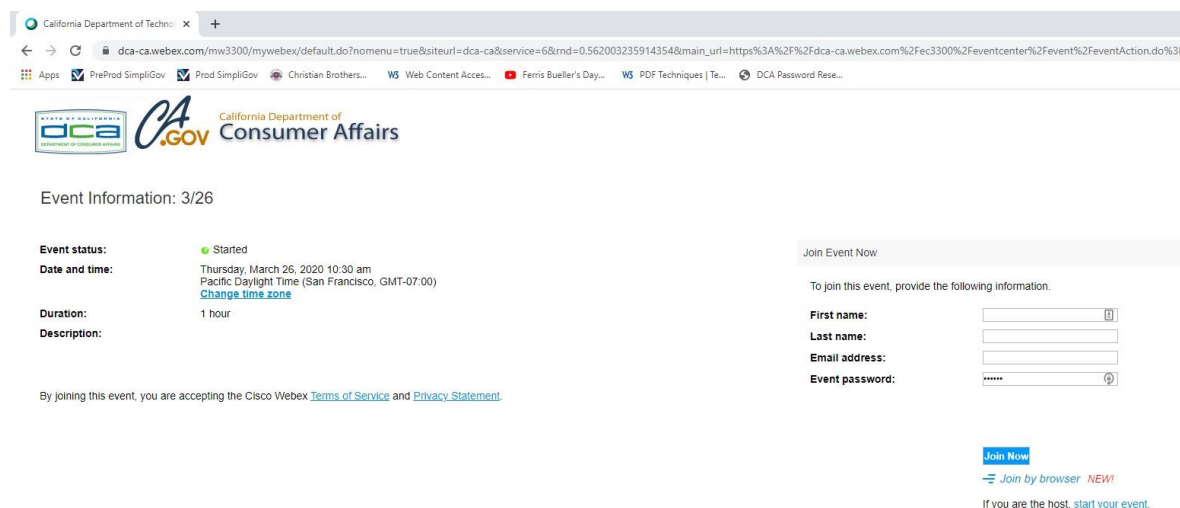
The following contains instructions on how to join a WebEx event hosted by the Department of Consumer Affairs (DCA).

NOTE: The preferred audio connection to our event is via telephone conference and not the microphone and speakers on your computer. Further guidance relevant to the audio connection will be outlined below.

1. Navigate to the WebEx event link provided by the DCA entity (an example link is provided below for reference) via an internet browser.

Example link:

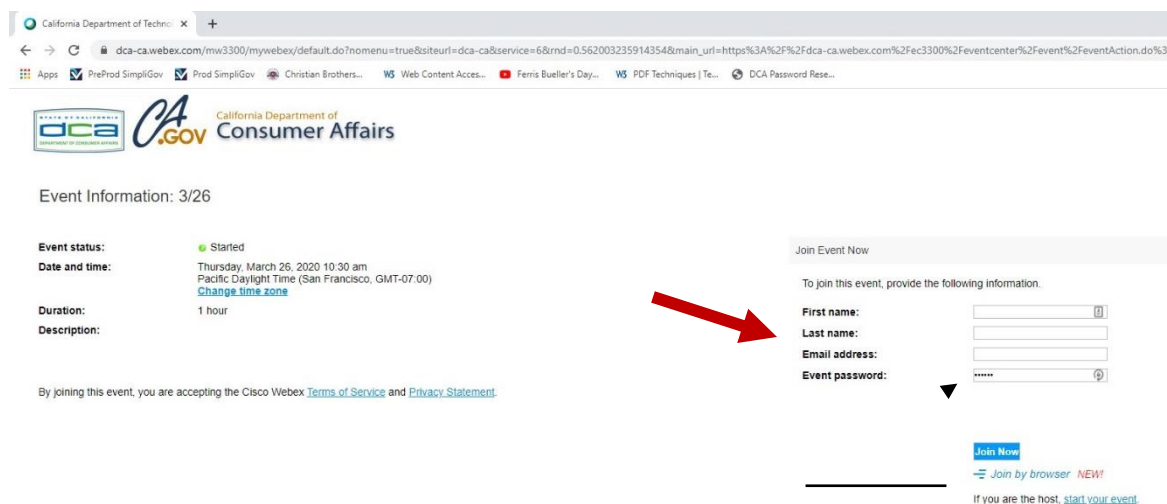
<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eb0a73a251f0201d9d5ef3aaa9e978bb5>



2. The details of the event are presented on the left of the screen and the required information for you to complete is on the right.

NOTE: If there is a potential that you will participate in this event during a Public Comment period, you must identify yourself in a manner that the event Host can then identify your line and unmute it so the event participants can hear your public comment. The 'First name', 'Last name' and 'Email address' fields do not need to reflect your identity. The department will use the name or moniker you provide here to identify your communication line should you participate during public comment.

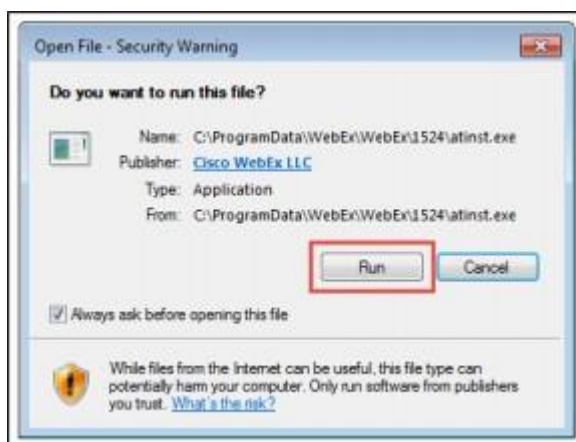
# HOW TO – Join – DCA WebEx Event



3. Click the 'Join Now' button.

*NOTE: The event password will be entered automatically. If you alter the password by accident, close the browser and click the event link provided again.*

4. If you do not have the WebEx applet installed for your browser, a new window may open, so make sure your pop-up blocker is disabled. You may see a window asking you to open or run new software. Click 'Run'.



Depending on your computer's settings, you may be blocked from running the necessary software. If this is the case, click 'Cancel' and return to the browser tab that looks like the window below. You can bypass the above process.

## Starting Webex...



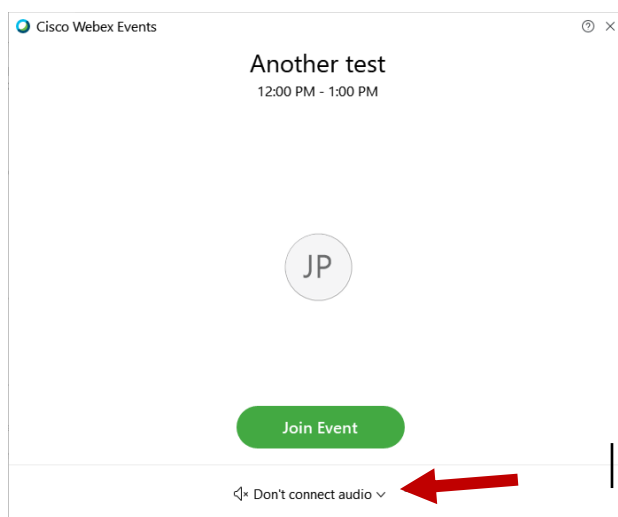
Still having trouble? [Run a temporary application](#) to join this meeting immediately.

5. To bypass step 4, click 'Run a temporary application'.
6. A dialog box will appear at the bottom of the page, click 'Run'.



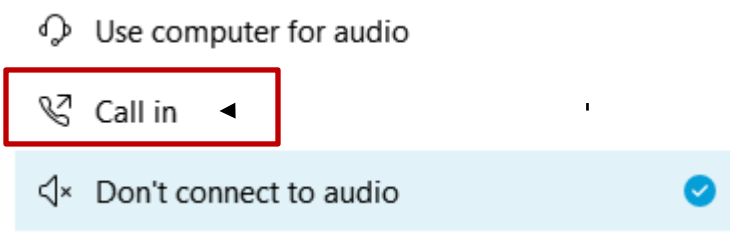
The temporary software will run, and the meeting window will open.

7. Click the audio menu below the green 'Join Event' button.

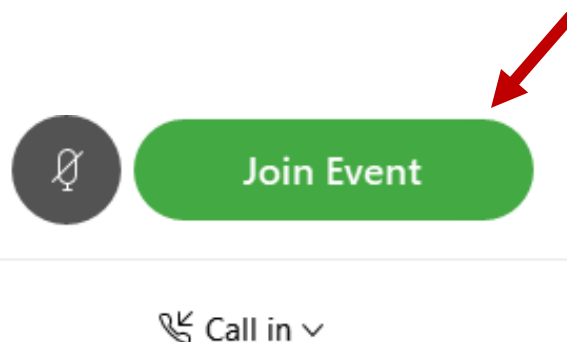


8. When the audio menu appears click 'Call in'.

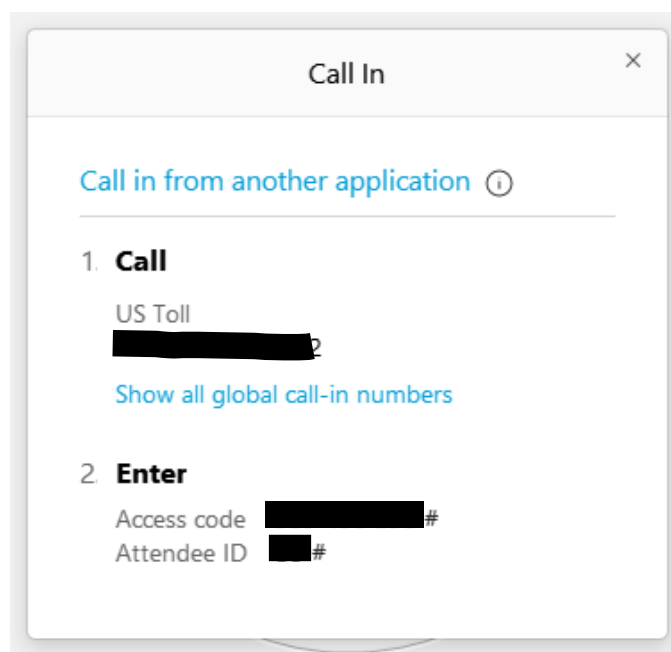
# HOW TO – Join – DCA WebEx Event



9. Click 'Join Event'. The audio conference call in information will be available after you join the Event.



10. Call into the audio conference with the details provided.

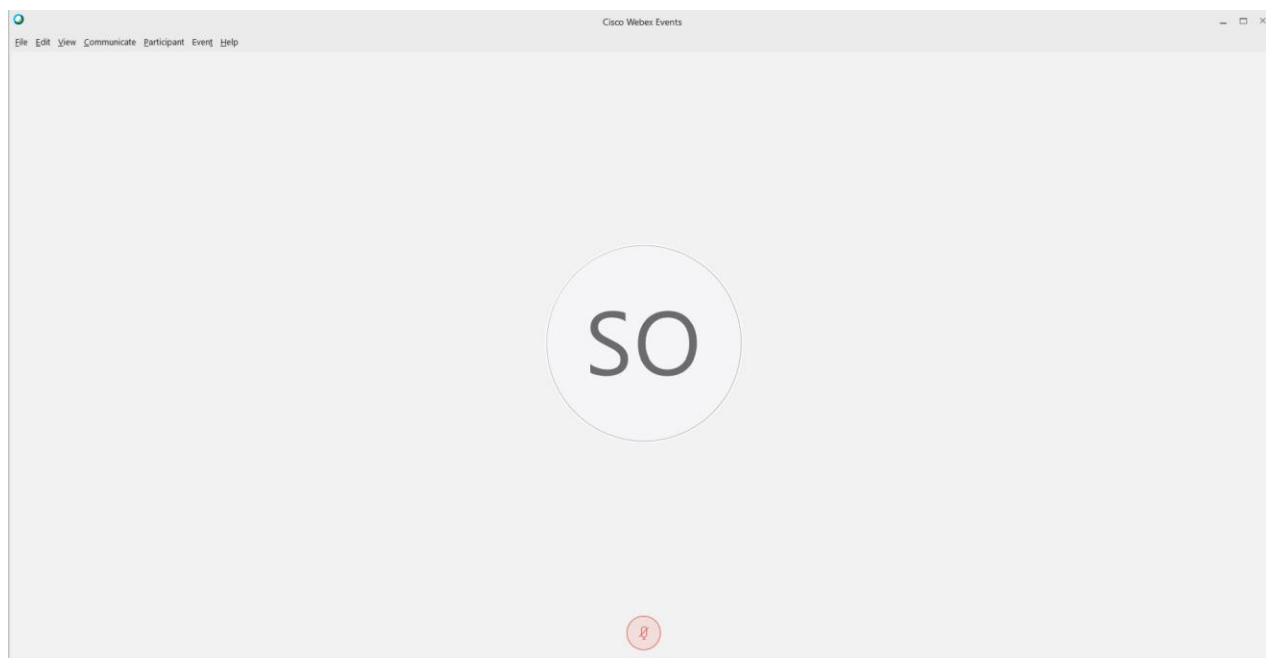


*NOTE: The audio conference is the preferred method. Using your computer's microphone and speakers is not recommended.*

# HOW TO – Join – DCA WebEx Event

Once you successfully call into the audio conference with the information provided, your screen will look like the screen below and you have joined the event.

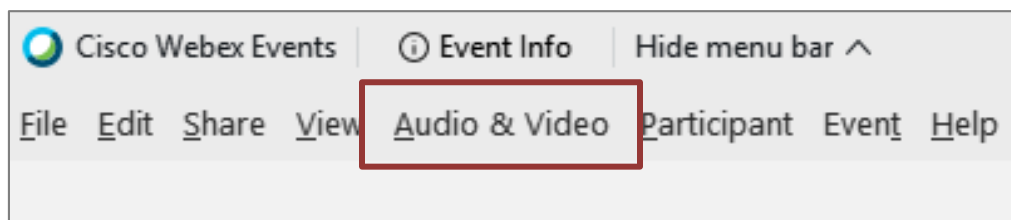
Congratulations!



*NOTE: Your audio line is muted and can only be unmuted by the event host.*

If you join the meeting using your computer's microphone and audio, or you didn't connect audio at all, you can still set that up while you are in the meeting.

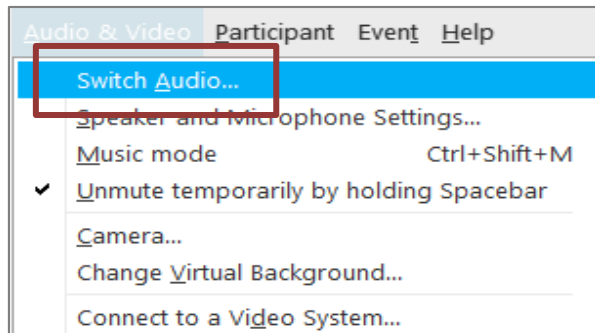
1. Select 'Audio & Video' from the menu bar at the top of your screen.



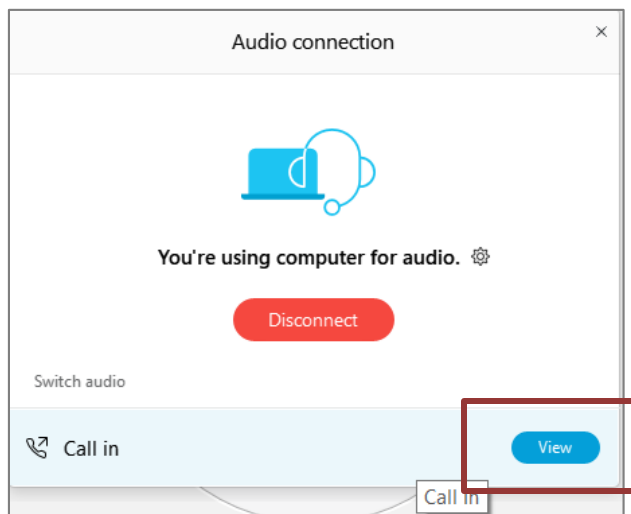


# HOW TO – Join – DCA WebEx Event

2. Select “Switch Audio” from the drop-down menu.



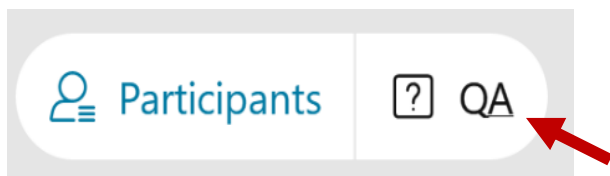
3. The 'Call In' information can be displayed by selecting 'View'



You will then be presented the dial in information for you to call in from any phone.

## Participating During a Public Comment Period

At certain times during the event, the facilitator may call for public comment. If you would like to make a public comment, click on the 'Q and A' button near the bottom, center of your WebEx session.



This will bring up the 'Q and A' chat box.

*NOTE: The 'Q and A' button will only be available when the event host opens it during a public comment period.*

To request time to speak during a public comment period, make sure the 'Ask' menu is set to 'All panelists' and type 'I would like to make a public comment'.

Ask:  ▼

Select a panelist in the Ask menu first and then type your question

Attendee lines will be unmuted in the order the requests were received, and you will be allowed to present public comment.

*NOTE: Your line will be muted at the end of the allotted public comment duration. You will be given a warning that your time is about to expire.*

**MINUTES OF THE MEETING OF THE  
STRUCTURAL PEST CONTROL BOARD**

October 20 & 21, 2020

The meeting was held October 20 & 21, 2020 via WebEx Events

**Board Members Present:**

Curtis Good (President)  
Dave Tamayo (Vice President)  
Derek Devermont  
Kyle Finley  
Janet Thrasher

**Board Members Absent:**

Ronna Brand

**Board Staff Present:**

Susan Saylor (Executive Officer)  
Robert Lucas (Assistant Executive Officer)  
David Skelton (Administrative Analyst)

**Departmental Staff Present:**

Sabina Knight (Legal Counsel)

**Tuesday, October 20, 2020 – 1:00 P.M.**

**ROLL CALL / ESTABLISHMENT OF QUORUM**

Mr. Good called the meeting to order at 1:01 P.M. and Ms. Saylor called roll.

Board Members Good, Tamayo, Devermont, Finley, and Thrasher were present.

Board Member Brand was absent.

A quorum of the Structural Pest Control Board (SPCB) was established.

**FLAG SALUTE / PLEDGE OF ALLEGIANCE**

Mr. Good led everyone in a flag salute and recitation of the Pledge of Allegiance.

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

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

**PETITION FOR REINSTATEMENT**  
**DAWN CHARRETTE – OPR 9119 – BRANCHES 1 & 3**

Administrative Law Judge Wim van Rooyen sat with the SPCB to hear the Petition for Reinstatement for Dawn Charrette, Operator License Number 9119, Branches 1 & 3. Ms. Charrette was informed she would be notified by mail of the SPCB's decision.

**PETITION FOR MODIFICATON / TERMINATION OF PROBATION**  
**GEORGE KENNETH WEBB – OPR 9331 – BRANCH 3**  
**GEORGE WEBB TERMITE CONTROL, INC. – PR 7766 – BRANCH 3**

Administrative Law Judge Wim van Rooyen sat with the SPCB to hear the Petition for Modification/Termination of Probation for George Kenneth Webb, Operator License Number 9331, Branch 3, and George Webb Termite Control, Inc., Principle Registration Number 7766, Branch 3. Mr. Webb was informed he would be notified by mail of the SPCB's decision.

**CLOSED SESSION**

Pursuant to Subdivision (c)(3) of Section 11126 of the Government Code the SPCB met in Closed Session to Consider Reinstatements, Proposed Disciplinary Actions, and Stipulated Settlements.

**CLOSED SESSION**

Pursuant to Subdivision (a)(1) of Section 11126 of the Government Code the SPCB met in Closed Session to Conduct the Executive Officer's Performance Review.

**Reconvened in Open Session**

**Recess Until 9:00 A.M. Wednesday, October 21, 2020**

**ROLL CALL / ESTABLISHMENT OF QUORUM**

Mr. Good called the meeting to order at 9:01 A.M. and Ms. Saylor called roll.

Board Members Good, Tamayo, Devermont, Finley, and Thrasher were present.

Board Member Brand was absent.

A quorum of the Structural Pest Control Board (SPCB) was established.

**FLAG SALUTE / PLEDGE OF ALLEGIANCE**

Mr. Good led everyone in a flag salute and recitation of the Pledge of Allegiance.

## **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

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

## **REVIEW AND APPROVAL OF MINUTES OF THE MARCH 12, 2020 BOARD MEETING**

Mr. Tamayo moved and Mr. Finley seconded to approve the minutes of the March 12, 2020 SPCB Meeting. Passed unanimously.

(AYES: Good, Tamayo, Devermont, Finley, Thrasher. NOES: None. ABSTENTIONS: None.)

## **DEPARTMENT OF PESTICIDE REGULATION (DPR) UPDATE**

Peggy Byerly, Department of Pesticide Regulation (DPR), provided the following updates to the SPCB –

- Over the summer DPR enforcement and licensing staff moved to a new regional office in Rancho Cordova. Ms. Byerly stated that updated contact information for the staff that moved is available on DPR's website.
- Beginning in August, 2020 DPR began providing computer-based testing.
- Structural regulatory training will be held remotely this year on October 27<sup>th</sup>, 28<sup>th</sup>, and 29<sup>th</sup> with attendees participating via Zoom. Due to the virtual format, registration is open statewide and 108 county enforcement staff have been confirmed thus far.

Mr. Tamayo asked if DPR's structural regulatory training covers surface water regulations as they pertain to pyrethroids and what specifically are enforcement personnel told to look for to ensure compliance.

Ms. Byerly stated that the structural regulatory training does cover pyrethroid surface water regulations and that enforcement personnel have access to the applicable code sections when they are in the field. Ms. Byerly further stated that enforcement personnel are directly observing applications in the field to ensure compliance with the label and the pyrethroid surface water regulations.

## **EXECUTIVE OFFICER'S REPORT**

Ms. Saylor reported to the SPCB on licensing, enforcement, examination, and wood destroying organism statistics, survey results, and examination development.

Ms. Saylor stated that the increased passing rates for the Field Representative and Operator examination were likely due to new examinations being released that are more representative of current industry practice.

Ms. Saylor stated that Naomi Vasquez has retired after a 20-year tenure at the SPCB and that Marina Sao has been hired to replace her on the Bond & Insurance desk. Ms. Saylor added that a part time position at the reception desk has also been filled.

Ms. Saylor stated that due to the Covid-19 pandemic, examination development workshops have been suspended.

Mr. Good asked if it was possible for the Office of Professional Examination Services (OPES) to host examination development workshops using a remote platform.

Ganesh Kumar, OPES, stated that due to security concerns, OPES cannot remotely host exam development workshops but item writing, and occupational analysis workshops are possible.

### **INQUIRY AND DISCUSSION ON THE STRUCTURAL PEST CONTROL BOARD'S LICENSING TIMEFRAMES**

Ms. Saylor stated that she randomly sampled 20 Applicator and Field Representative applications and the average processing time for those were under 10 calendar days. Ms. Saylor added that the most common cause of delay in the licensing process is when an application is incomplete, or the email address is illegible.

Mr. Good stated that when applications are complete and legible the SPCB is extremely timely with its processing. Mr. Good added that due to the Covid-19 pandemic seating at testing locations is far more scarce than usual.

Ms. Saylor stated that due to the Covid-19 pandemic the SPCB's examination proctor can only seat 8 candidates at a time. Ms. Saylor added that there are 17 testing locations throughout California which is a major improvement over past years when there were only 2.

Mr. Finley asked if there are plans for the SPCB to begin accepting digital submission of licensing applications.

Ms. Saylor stated that the SPCB is in the process of installing a new information technology system that would make online application submission possible. Ms. Saylor stated that the new system was scheduled to go live on July 1, 2020 but due to the Covid-19 pandemic, Department of Finance placed the SPCB's budget change proposal on hold for 1 calendar year.

### **UPDATE ON THE STATUS OF THE RESEARCH PROPOSALS SELECTED FOR FUNDING AT THE JULY 26, 2018 BOARD MEETING**

Ms. Saylor updated the SPCB on the status of the research projects that were selected for funding at the July 26, 2018 SPCB meeting.

## **ANNUAL REVIEW AND POSSIBLE ACTION REGARDING THE BOARD'S RESEARCH FUND**

Ms. Saylor updated the SPCB on the condition of the Research Fund. Ms. Saylor stated that the fund is currently projected to have around a \$400,000 balance in 2023 and at this time it would be premature to begin the solicitation process.

Mr. Finley asked for a brief explanation on the research funding and selection process.

Ms. Saylor stated that the SPCB's research fund accrues money through the sale of pesticide use stamps. Ms. Saylor added that based on historical data the fund accumulates roughly \$150,000 annually and when it reaches a threshold the SPCB feels is adequate, the formal research project selection process occurs.

## **ANNUAL REVIEW AND POSSIBLE ACTION REGARDING THE BOARD'S POLICIES AND PROCEDURES**

Ms. Saylor stated that the review of the SPCB's Policies and Procedures occurs annually at the October meeting.

Ms. Saylor presented one recommended amendment to section G.4. of the SPCB's Policies and Procedures whereby the SPCB's President and Vice President would begin serving in their roles immediately following the meeting of their election rather than at the following meeting.

Mr. Finley moved and Ms. Thrasher seconded to adopt the amendment to section G.4. of the SPCB's Policies and Procedures. Passed unanimously.

(AYES: Good, Tamayo, Devermont, Finley, Thrasher. NOES: None. ABSTENTIONS: None.)

## **REGULATIONS DISCUSSION, POSSIBLE ACTION, AND UPDATE:**

### **California Code of Regulations (CCR), Title 16, Section 1970.4, 1970.41, 1970.42 – Pesticide Disclosure Requirements**

Darren Van Steenwyk, Chairman, Pesticide Application Notice Committee (PANC), presented the recommended amendments to CCR sections 1970.4, 1970.41, and 1970.42 to the SPCB.

Mr. Good stated that the proposed amendments allow for electronic notification in some situations which will be beneficial to consumers and industry.

Mr. Van Steenwyk stated that the PANC focused on the Branch 2 and 3 portion of 1970.4 while the Fumigation Notice Committee focused on the Branch 1 portion.

Ms. Knight stated that when the Branch 1 amendments are completed the language will be presented for approval together with the Branch 2 and 3 amendments so it can be sent as one rulemaking file.

Mr. Van Steenwyk thanked the SPCB for the opportunity to chair the PANC and expressed appreciation for the contributions of the committee members. Mr. Van Steenwyk further stated that the expectation is for the final recommendations to be presented at the March 2021 SPCB meeting.

### **CCR, Title 16, Section 1997 - WDO Emergency Fee Increase Certificate of Compliance**

Ms. Saylor stated that the certificate of compliance making the SPCB's emergency wood destroying organism fee increase permanent was filed with the Secretary of State of September 14, 2020.

Mr. Good asked Ms. Saylor to explain why the fee increase was necessary.

Ms. Saylor stated that the SPCB's enforcement costs rose dramatically due to rate increases from the Office of the Attorney General and Office of Administrative Hearings.

Mr. Tamayo thanked Ms. Saylor for addressing the budget issue ahead of time and ensuring the SPCB continued to perform its mission. Mr. Tamayo added that the fee increase was supported by the Pest Control Operators of California (PCOC).

Mr. Finley asked Ms. Saylor to explain how the funds are used.

Ms. Saylor stated that the wood destroying organism fee goes directly into the SPCB's support fund. Ms. Saylor added that the support fund bolsters everything the SPCB does and the wood destroying organism fee comprises about 80% of the SPCB's funding.

### **CCR, Title 16, Section 1936, 1936.1, 1936.2, 1937.1, 1937.2 – Rulemaking to Implement AB 2138**

Mr. Skelton stated that rulemaking file to implement the necessary changes for AB 2138 compliance is currently being reviewed at the Office of Administrative Law (OAL) and is expected to be approved once the Department of Finance (DOF) approves the fiscal analysis.

Ms. Knight stated that she would compile a fact sheet on AB 2138 and its associated regulations to assist SPCB members in determining its applicability.

### **LEGISLATION UPDATE AND POSSIBLE ACTION**

#### **Assembly Bill 1788 (Bloom) – Pesticides: Use of Anti-Coagulants**

Mr. Van Steenwyk stated that AB 1788 was signed by Governor Newsom in November and the industry is currently waiting on enforcement guidance from DPR.

Mr. Good asked what the anticipated impact on consumers will be.

Mr. Van Steenwyk stated that AB 1788 severely limits the ability of the industry to use second generation anti-coagulants which are widely used specifically for their benefits. Mr. Van Steenwyk



stated that the exact impact on structural pest control is difficult to gauge but production agriculture, waterways, food distribution and warehousing, and hospitals were exempted from the provisions of AB 1788.

Mr. Good asked what alternatives the industry has at its disposal for rodent control without second generation anti-coagulants.

Mr. Van Steenwyk stated that the industry will have to use different classes of chemistry, including acutes, but the concern is that there is no antidote if there is unintended exposure to those products.

Mr. Good asked if PCOC is working on anything to address these concerns.

Mr. Van Steenwyk stated that at this point, the industry is waiting on enforcement guidelines from DPR because AB 1788 goes into effect January 1, 2021.

Mr. Good asked if there is any indication for when DPR's evaluation of second-generation anti-coagulants will be complete.

Mr. Van Steenwyk stated that DPR is working on the evaluation and is aware the moratorium extends until it is complete.

Mr. Good asked if there were any other studies currently underway.

Mr. Van Steenwyk stated that Dr. Niamh Quinn is currently studying the impact of second-generation anti-coagulants on wildlife and that she is also developing best practices for rodent control which will be included in the mitigation portion of DPR's evaluation.

Mr. Good stated that the SPCB has previously taken an oppose position on AB 1788 he continues to have great concerns about the public health impact of AB 1788.

Ms. Knight suggested adding this as a topic to a future agenda and possible recommending legislation to exempt SPCB licensees from the provisions of AB 1788.

### **Assembly Bill 2028 (Aguir-Curry) – State Agencies: Meetings**

Ms. Saylor stated that AB 2028 failed to pass but would have required the SPCB to post all meeting materials on its website 10 days prior to the meeting.

### **Senate Bill 878 (Jones) – License Application Processing Timeframes**

Ms. Saylor stated that SB 878 requires the SPCB, beginning July 1, 2021, to post its license application processing times on its website.

Mr. Finley asked if the SPCB has a position on SB 878.

Ms. Saylor stated that she was not opposed to SB 878 as the SPCB performs very well in license application processing times.

### **ANNUAL ELECTION OF BOARD PRESIDENT AND VICE PRESIDENT**

Mr. Tamayo stated that his term is expiring in June, 2021 so it would be better if he were not elected to serve as one of the officers.

Mr. Tamayo moved and Mr. Finley seconded to nominate Mr. Good to serve as President of the SPCB. Passed unanimously.

(AYES: Good, Tamayo, Devermont, Finley, Thrasher. NOES: None. ABSTENTIONS: None.)

Mr. Tamayo moved and Mr. Good seconded to nominate Mr. Devermont to serve as Vice President of the SPCB. Passed unanimously.

(AYES: Good, Tamayo, Devermont, Finley, Thrasher. NOES: None. ABSTENTIONS: None.)

### **FUTURE AGENDA ITEMS**

The following were identified as future agenda items:

The Environmental Protection Agency's certification and training guidelines for pesticide applicators and the associated regulatory amendments for SPCB compliance.

Pesticide Application Notice Committee and Fumigation Notice Committee update.

An update on AB 1788 (Bloom) and the SPCB's impact mitigation strategy.

An update on the SPCB's regulatory amendments for AB 2138 (Chiu) compliance.

### **BOARD CALENDAR**

The SPCB's upcoming meetings were scheduled as follows:

March 9 & 10, 2021 via WebEx

July 20 & 21, 2021 via WebEx

October 19 & 20, 2021 via WebEx

**ADJOURNMENT**

The meeting was adjourned at 11:23 A.M.

---

Curtis Good, President Date

DRAFT

**MINUTES OF THE MEETING OF THE  
STRUCTURAL PEST CONTROL BOARD**

January 11, 2021

The meeting was held January 11, 2021 via teleconference

**Board Members Present:**

Curtis Good, President

Kyle Finley

Janet Thrasher

Dave Tamayo

**Board Members Absent**

Derek Devermont (Vice President)

Ronna Brand

**Board Staff Present:**

Susan Saylor, Executive Officer

David Skelton, Administrative Analyst

**Departmental Staff Present:**

Sabina Knight, Legal Counsel

**ROLL CALL / ESTABLISHMENT OF QUORUM**

Mr. Good called the meeting to order at 9:00 A.M. and Ms. Saylor called roll.

Board members Good, Finley, Thrasher, and Tamayo were present.

Board members Devermont and Brand were absent.

A quorum of the Structural Pest Control Board (SPCB) was established.

**PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

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

### **CLOSED SESSION**

Pursuant to subdivision (c)(3) of section 11126 of the Government Code the SPCB met in closed session to consider proposed disciplinary actions, and stipulated settlements.

### **FUTURE MEETING DATES**

The following 3 SPCB meetings were previously scheduled as follows:

March 9 & 10, 2021 via Webex

July 20 & 21, 2021 via Webex

October 19 & 20, 2021 via Webex

### **ADJOURNMENT**

The meeting was adjourned at 9:44 A.M.

---

Curtis Good, President

---

Date

| STRUCTURAL PEST CONTROL BOARD<br>STATISTICS FOR JANUARY 2021      Page 1 of 2 | FISCAL YEAR<br>2020/2021 |                 | FISCAL YEAR<br>2019/2020 |                 |
|---|--------------------------|-----------------|--------------------------|-----------------|
|   | Monthly                  | Year<br>To Date | Monthly                  | Year<br>To Date |
| <b>EXAMINATION</b>  |                          |                 |                          |                 |
| Field Representatives Scheduled   | 276                      | 2,423           | 686                      | 3,283           |
| Field Representatives Examined  | 228                      | 1,844           | 341                      | 2,385           |
| Field Representatives Passed  | 126                      | 1,094           | 207                      | 1,256           |
| Field Representatives Failed  | 102                      | 750             | 134                      | 1,129           |
|   |                          |                 |                          |                 |
| Operators Scheduled   | 40                       | 228             | 50                       | 308             |
| Operators Examined  | 28                       | 237             | 53                       | 278             |
| Operators Passed  | 21                       | 199             | 23                       | 136             |
| Operators Failed  | 7                        | 38              | 30                       | 142             |
|   |                          |                 |                          |                 |
| Applicators Scheduled   | 160                      | 1,692           | 201                      | 1,667           |
| Applicators Examined  | 162                      | 1,316           | 158                      | 1,346           |
| Applicators Passed  | 69                       | 833             | 104                      | 876             |
| Applicators Failed  | 93                       | 483             | 54                       | 470             |
|   |                          |                 |                          |                 |
| Field Representatives Passing Rate  | 55%                      | 59%             | 61%                      | 53%             |
| Operator Passing Rate   | 75%                      | 84%             | 43%                      | 49%             |
| Applicators Passing Rate  | 43%                      | 63%             | 66%                      | 65%             |
|   |                          |                 |                          |                 |
| <b>LICENSING</b>  |                          |                 |                          |                 |
| Field Representative Licenses Issued  | 100                      | 867             | 138                      | 850             |
| Operator Licenses Issued  | 20                       | 128             | 11                       | 80              |
| Company Registrations Issued  | 26                       | 124             | 17                       | 125             |
| Branch Office Registrations Issued  | 6                        | 27              | 3                        | 29              |
| Change of Registered Company Officers   | 3                        | 16              | 2                        | 23              |
| Change Of Qualifying Manager  | 10                       | 62              | 4                        | 46              |
| Applicator Licenses Issued  | 79                       | 775             | 96                       | 855             |
| Duplicate Licenses Issued   | 80                       | 729             | 49                       | 378             |
| Upgrade Present License   | 12                       | 136             | 23                       | 138             |
| Change of Status Processed  | 21                       | 139             | 53                       | 251             |
| Address Change  | 120                      | 824             | 67                       | 664             |
| Address Change (Principal Office)   | 27                       | 156             | 4                        | 122             |
| Address Change (Branch Office)  | 1                        | 6               | 1                        | 2               |
| Transfer of Employment Processed  | 147                      | 1,107           | 95                       | 814             |
| Change of Name  | 1                        | 16              | 0                        | 15              |
| Change of Registered Company Name   | 2                        | 4               | 0                        | 8               |
| License Histories Prepared  | 3                        | 71              | 4                        | 78              |
| Down Grade Present License  | 63                       | 406             | 64                       | 415             |
|   |                          |                 |                          |                 |
| <b>LICENSES/REGISTRATIONS IN EFFECT</b>                                       |                          |                 |                          |                 |
| Field Representative  |                          | 13,651          |                          | 13,303          |
| Operator  |                          | 4,293           |                          | 4,189           |
| Company Registration  |                          | 3,188           |                          | 3,167           |
| Branch Office   |                          | 452             |                          | 448             |
| Licensed Applicator   |                          | 6,600           |                          | 6,650           |
|   |                          |                 |                          |                 |
| <b>LICENSES/REGISTRATIONS ON PROBATION</b>                                    |                          |                 |                          |                 |
| Companies   |                          | 27              |                          | 29              |
| Licensees   |                          | 127             |                          | 111             |

| STRUCTURAL PEST CONTROL BOARD<br>STATISTICS FOR JANUARY 2021      Page 2 of 2 | FISCAL YEAR<br>2020/2021 |                 | FISCAL YEAR<br>2019/2020 |                 |
|---|--------------------------|-----------------|--------------------------|-----------------|
|   | Monthly                  | Year<br>To Date | Monthly                  | Year<br>To Date |
| <b>LICENSES RENEWED</b>   |                          |                 |                          |                 |
| Operator  | 0                        | 340             | 0                        | 298             |
| Field Representative  | 0                        | 1,083           | 0                        | 872             |
| Applicator  | 0                        | 418             | 0                        | 341             |
|   |                          |                 |                          |                 |
| <b>LICENSES/ REGISTRATIONS CANCELLED</b>                                      |                          |                 |                          |                 |
| Operator  | 1                        | 9               | 3                        | 9               |
| Field Representative  | 10                       | 93              | 10                       | 55              |
| Company Registration  | 16                       | 92              | 18                       | 96              |
| Branch Office   | 1                        | 18              | 6                        | 19              |
| Applicator  | 4                        | 52              | 9                        | 69              |
|   |                          |                 |                          |                 |
| <b>LICENSES DENIED</b>  |                          |                 |                          |                 |
| Licenses  | 3                        | 23              | 1                        | 24              |
|   |                          |                 |                          |                 |
| <b>INVESTIGATIVE FINES PROCESSED</b>  |                          |                 |                          |                 |
| Specialist Fines  | \$6,510                  | \$68,514        | \$6,800                  | \$51,840        |
| Civil Penalties   | \$106                    | \$1,215         | \$50                     | \$50            |
| County Fines  | \$3,150                  | \$64,927        | \$2,975                  | \$62,470        |
|   |                          |                 |                          |                 |
| <b>STAMPS SOLD</b>  |                          |                 |                          |                 |
| Pesticide   | 6,340                    | 48,021          | 6,310                    | 45,610          |
|   |                          |                 |                          |                 |
| <b>SEARCHES MADE</b>  |                          |                 |                          |                 |
| Public  | 42                       | 364             | 48                       | 497             |
| Complaints  | 8                        | 58              | 8                        | 58              |
|   |                          |                 |                          |                 |
| <b>BOND &amp; INSURANCE</b>   |                          |                 |                          |                 |
| Bonds Processed   | 7                        | 67              | 12                       | 76              |
| Insurance Processed   | 241                      | 1,302           | 214                      | 1559            |
| Restoration Bonds Processed   | 0                        | 0               | 1                        | 3               |
| Suspension Orders   | 97                       | 146             | 32                       | 232             |
| Cancellations Processed   | 21                       | 132             | 9                        | 143             |
| Change of Bond/Insurance  | 39                       | 132             | 0                        | 68              |
|   |                          |                 |                          |                 |

## LICENSING UNIT SURVEY RESULTS

March 9, 2021 – SPCB Meeting  
October 9, 2020 – February 24, 2021

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. Two hundred nine survey cards were mailed during this reporting period. Nine responses were received.

|   | Question   | Yes     | No  | N/A |
|---|--|---------|-----|-----|
| 1 | Was staff courteous?   | 100%    | 0%  | 0%  |
| 2 | Did staff understand your question?                                  | 100%    | 0%  | 0%  |
| 3 | Did staff clearly answer your question?                              | 78%     | 11% | 11% |
| 4 | Did staff promptly return your telephone call?                       | 56%     | 11% | 33% |
| 5 | Did staff efficiently and promptly handle your transaction?          | 89%     | 11% | 0%  |
| 6 | How long did it take to complete its action on your file?* (Average) | 25 days |     |     |

\*There were 2 responses to question 6.

**Company Registration:** N/A (0 responses)

**Operator License:** 30 (1 response)

**Field Representative License:** N/A (0 responses)

**Applicator License:** N/A (0 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:** N/A (0 responses)

**Examination:** 20 (1 response)

Comments:

- Complicated file: Frank Munoz was excellent and was beyond professional.
- Never received reply to last email sent. Procedures/policies are ancient, extremely slow, and easily remedied – if anyone cared to. Paperwork/instructions are unclear in places, causing further delays. Literally everyone I've spoken to is extremely dissatisfied with the way things are run.



- Frank Munoz helped with our licensing and did an amazing job.
- I wish I could have a cup of water next to me when taking the exam.

## WDO ACTIVITIES FILED

|                  | 2016/17          | 2017/18          | 2018/19          | 2019/20          | 2020/2021      | Monthly Average<br>FY16/17 to FY19/20 |
|------------------|------------------|------------------|------------------|------------------|----------------|---------------------------------------|
| <b>July</b>      | 111,086          | 124,000          | 117,000          | 125,000          | 118,800        | <b>119,177</b>                        |
| <b>August</b>    | 121,000          | 128,400          | 128,000          | 124,400          | 115,200        | <b>123,400</b>                        |
| <b>September</b> | 119,089          | 119,000          | 110,445          | 119,300          | 122,500        | <b>118,067</b>                        |
| <b>October</b>   | 125,804          | 124,100          | 127,700          | 123,200          | 135,500        | <b>127,261</b>                        |
| <b>November</b>  | 118,121          | 117,000          | 105,000          | 110,500          | 114,100        | <b>112,944</b>                        |
| <b>December</b>  | 106,000          | 96,100           | 93,600           | 89,000           | 100,500        | <b>97,040</b>                         |
| <b>January</b>   | 96,000           | 94,900           | 90,000           | 95,000           | 93,000         | <b>93,780</b>                         |
| <b>February</b>  | 95,000           | 96,900           | 93,000           | 99,000           |                | <b>95,975</b>                         |
| <b>March</b>     | 127,300          | 115,000          | 116,000          | 116,000          |                | <b>118,575</b>                        |
| <b>April</b>     | 122,120          | 115,000          | 127,600          | 92,000           |                | <b>114,180</b>                        |
| <b>May</b>       | 132,900          | 123,000          | 133,100          | 99,500           |                | <b>122,125</b>                        |
| <b>June</b>      | 135,000          | 127,000          | 137,600          | 106,500          |                | <b>126,525</b>                        |
| <b>FY Total</b>  | <b>1,409,420</b> | <b>1,380,400</b> | <b>1,379,045</b> | <b>1,299,400</b> | <b>799,600</b> | <b>1,253,573</b>                      |
| AVG PER MO.      | 117,452          | 115,033          | 114,920          | 108,283          | 114,229        |                                       |

# Decontamination Sites for Employees Handling Pesticides

*EMMA R. COLSON, MS, CIH*

---

SENIOR INDUSTRIAL HYGIENIST

WORKER HEALTH AND SAFETY BRANCH

DEPARTMENT OF PESTICIDE REGULATION



# Objectives

---

Review of current regulations

Problems identified

Goals of proposed changes



# Current regulation: (3 CCR, Section 6734)

---

## ***“Handler Decontamination Facilities”***

Specifies decontamination requirements for employers to provide to employees

Different requirements for each group

- (a) All uses, including production agricultural and uses other than production agriculture (“other” or “non-ag” uses)
- (b) Only production agricultural pesticide uses
- (c) Only “other” (“non-ag”) pesticide uses

# #1 Problem Identified – Eyewash Stations

---

Currently, eyewash stations are **not** required to be American National Standards Institute (ANSI) Z358.1 compliant



# #1 Problem Identified – Eyewash Stations

---

Currently, eyewash stations are **only** required for production agriculture use



# #2 Problem Identified – “Other” Uses Decontamination Sites

Currently, only required if using “DANGER” or “WARNING” signal words

|  |     |
|--|-----|
| <b>Pesticide Name</b><br>EPA Registration No.  |     |
| Active Ingredients   | xx% |
| Inert Ingredients  | x%  |
| First Aid<br>Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur.                  |     |
| Precautionary Statements<br>Hazards to Humans<br>Personal Protective Equipment<br>Environment Hazards                                |     |
| Agricultural Use Requirements<br>Em ipsum dolor sit amet, consectetur in voluptate velit esse cillum dolore eu fu                    |     |
| Directions for Use<br>Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum. |     |

|  |     |
|--|-----|
| <b>Pesticide Name</b><br>EPA Registration No.  |     |
| Active Ingredients   | xx% |
| Inert Ingredients  | x%  |
| First Aid<br>Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur.                  |     |
| Precautionary Statements<br>Hazards to Humans<br>Personal Protective Equipment<br>Environment Hazards                                |     |
| Agricultural Use Requirements<br>Em ipsum dolor sit amet, consectetur in voluptate velit esse cillum dolore eu fu                    |     |
| Directions for Use<br>Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum. |     |

|  |     |
|--|-----|
| <b>Pesticide Name</b><br>EPA Registration No.  |     |
| Active Ingredients   | xx% |
| Inert Ingredients  | x%  |
| First Aid<br>Duis aute irure dolor in reprehenderit in voluptate velit esse cillum dolore eu fugiat nulla pariatur.                  |     |
| Precautionary Statements<br>Hazards to Humans<br>Personal Protective Equipment<br>Environment Hazards                                |     |
| Agricultural Use Requirements<br>Em ipsum dolor sit amet, consectetur in voluptate velit esse cillum dolore eu fu                    |     |
| Directions for Use<br>Excepteur sint occaecat cupidatat non proident, sunt in culpa qui officia deserunt mollit anim id est laborum. |     |





# Problems Identified

---

## 1. EYEWASH STATIONS

Not ANSI compliant  
Required for production  
agriculture use only

## 2. "OTHER" USE ("NON-AG") DECONTAMINATION

Only for pesticides with signal  
words DANGER and WARNING  
100 foot distance from mix/load  
site

# ANSI Z358.1-2014

---

Sets minimum performance and use requirements

Uniform requirements for:

- Installation
- Test procedures
- Maintenance
- Training

ANSI/ISEA

Z358.1-2014

American National Standard  
for Emergency Eyewash and  
Shower Equipment

# Current Text vs. ANSI

---

Similar requirements with key differences

Flow rate of 0.4 gal/min for 15 min

Functioning without the use of operator's hands (ANSI only)

Definition of what fluid will be delivered to the eyes

# Proposed Eyewash Changes

---

Require an ANSI-certified eyewash station when certain criteria are met

Expand requirements for production agriculture and “other” use (“non-ag”) mixers/loaders



# Expanding Eyewash Requirements

---

Currently only required  
for production agriculture  
mixers/loaders

Proposal includes  
mixers/loaders other than  
production agriculture



# Triggers for an Eyewash Station

---

Immediate access to eyewash station when mixing/loading pesticides with the following triggers:

- Product labeling requires protective eyewear
- Mixing/loading using a closed system
- Product bears the term “corrosive”

# DANGER

# PELIGRO

**Corrosive** • Causes Irreversible Eye Damage • Harmful If Swallowed Or Absorbed Through Skin • Prolonged Or Frequently Repeated Skin Contact May Cause Allergic Reactions In Some Individuals.

Do not get in eyes, on skin, or on clothing. Wash thoroughly with soap and water after handling. Remove contaminated clothing and wash clothing before reuse.

## Personal Protective Equipment (PPE)

Applicators and other handlers must wear:

- Long-sleeved shirt and long pants
- Shoes plus socks
- Protective eyewear
- Chemical resistant gloves ( $\geq 14$  mils) such as butyl rubber, natural rubber, neoprene rubber or nitrile rubber

# Problems Identified

---

## 1. EYEWASH

Not ANSI compliant

Prescriptive standard

Specifics outlined for production agriculture use only

## 2. "OTHER" USE DECONTAMINATION

Only for pesticides with signal words DANGER and WARNING

100 foot distance from mix/load site



# Proposed Decontamination Changes

---

Make “other” (“non-ag”) use requirements the same as production agriculture requirements

Eliminate signal word restriction to include pesticides with the signal word CAUTION and those without a signal word



# Summary

---

Decontamination improvements will better protect worker health

Adhere to national standard for eyewash

Expand to align production agriculture and “other” use requirements



# Acknowledgements

---



Lauren Otani

Nathan Desjarlais

Harvard Fong, CIH

Lucy Graham, Ph.D.

Kimberly Steinmann, Ph.D.



**OEHHA**  
California Office of Environmental  
Health Hazard Assessment

Catherine Caraway

Ouahiba Laribi, Ph.D.

**WORKER SAFETY REGULATION  
WORK GROUP  
(WSRWG)**



# Contact Information

---

***Emma R. Colson, MS, CIH***

**[emma.colson@cdpr.ca.gov](mailto:emma.colson@cdpr.ca.gov)**

Senior Industrial Hygienist

Department of Pesticide Regulation

Worker Health and Safety Branch

3077 Fite Circle, Sacramento, CA 95827

Ph: 916-603-7816



# EXTRA SLIDES

---

# Current Text:

---

## ***3 CCR, Section 6734(b)(6)***

At the mixing/loading site there is immediate employee access to at least one system capable of delivering gently running water at a rate of least 0.4 gallons per minute for at least 15 minutes, or at least six gallons of water in containers suitable for providing a gentle eye-flush for about 15 minutes for emergency eye-flushing, if the product labeling requires protective eyewear or a closed mixing system is used.

# Current Text:

---

## ***3 CCR, Section 6734(c)***

The decontamination site for employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity shall be within 100 feet of the mixing/loading site when they are handling pesticides with the signal word "DANGER" or "WARNING" on the label.

# ANSI Z358.1 Eyewash Stations

---

Required by the California Department of Industrial Relations  
(DIR/Cal-OSHA)

Title 8 CCR, Section 5162:

“...at all work areas where, during routine operations or foreseeable emergencies, the eyes of an employee may come into contact with a substance which can cause corrosion, severe irritation or permanent tissue damage or which is toxic by absorption”



Current regulation: (3 CCR, Section 6771)

---

***“Requirements for Early Entry Employees”***

Requirements for what employers need to provide to employees who enter treated fields under restricted entry

6771(f) includes decontamination requirements for early entry workers



# Pesticide Decontamination

---

## PRODUCTION AGRICULTURE USE

Must have a decontamination site **at** the mixing/loading site

Does not specify based on signal word

## “OTHER” USE

Must have decontamination site **within 100 feet** from mixing/loading site

Only if using pesticides with **DANGER** or **WARNING** signal word

# Triggers for an Eyewash Station



# Decontamination

---

OSHA definition:

*“...the removal of hazardous substances from employees and their equipment to the extent necessary to preclude the occurrence of foreseeable adverse health effects.”*



## SPCB RESEARCH TRACKING

| RESEARCHER   | TRACKING   | CONTRACT BALANCE     |
|--|--|----------------------|
| <p><b>Dr. Dong-Hwan Choe</b><br/>University of California, Riverside<br/>Agreement No. 26710<br/>“Improving Urban Pest Ants Management by Low-Impact IPM Strategies”<br/><br/>Term Dates: 10/22/18 - <del>12/31/19</del> <b>8/31/20</b></p>                        | <p>10/23/18 – UC Riverside notified of contract approval effective 10/22/18.<br/>1/28/19 – received invoice #80105-001 for \$689.61<br/>4/30/19 – Received April 2019 Progress Report<br/>5/11/19 – received invoice #80105-002 for \$2,645.77<br/>7/17/19 – received invoice #80105-003 for \$3,468.85<br/>10/17/19 – received invoice #80105-004 for \$29,042.96<br/>1/24/20 – received invoice #80105-005 for \$17,532.01<br/>**Pending no cost extension. Extends current contract from December 31, 2019 to <del>June 30, 2020</del> <b>August 31, 2020</b>.<br/>4/3/20 – Contract amended to reflect new extension date<br/>4/28/20 – received invoice #80105-006R for \$16,748.06<br/>7/17/20 – received invoice #80105-007 for \$6,713.11<br/>9/4/20 – emailed Dr. Choe requesting final report due beginning of December 2020. Asked Dr. Choe to prepare a presentation for March 2021 board meeting.<br/>10/21/20 – received final report<br/>11/4/20 – received invoice #80105-008 for \$468.63</p> <p><b>Total Expenditures: \$77,309.00</b></p> | <p><b>\$0.00</b></p> |
| <p><b>Dr. Michael Rust</b><br/>University of California, Riverside<br/>Agreement No. 26732<br/>“Development and Evaluation of Baiting Strategies for Control of Pest Yellowjackets in California”<br/><br/>Term Dates: 10/23/18 - 12/31/<del>20</del><b>21</b></p> | <p>10/23/18 – UC Riverside notified of contract approval effective 10/23/18.<br/>1/11/19 – received invoice #80108-001 for \$141.99<br/>4/18/19 – received April 2019 Progress Report<br/>5/11/19 – received invoice #80108-002 for \$6,093.28<br/>7/17/19 – received invoice #80108-003 for \$21,870.43<br/>10/16/19 -received invoice #80108-004 for \$12,361.04<br/>1/14/20 – received invoice #80108-005 for \$18,431.65<br/>4/6/20 – received invoice #80108-006 for \$20,484.70<br/>7/17/2 – received invoice #801808-007 for \$16,767.87<br/>9/5/20 – requested progress report, progress report extended to 10/4/20 to allow a more informative report.<br/>10/14/20 – received progress report<br/>11/5/20 – received invoice #80108-008 for \$28,328.52</p>  |                      |

|   |  |                            |
|---|--|----------------------------|
| <p><b>Total Contract: \$280,017.00</b></p>  | <p>11/20/20 - *Pending no cost extension from December 31, 2020 to December 31, 2021.<br/>2/4/21 – received invoice #80108-009 for \$32,369.60</p> <p><b>Total Expenditures: \$156,852.08</b></p>  | <p><b>\$123,164.92</b></p> |
| <p><b>Dr. Niamh Quinn</b><br/>University of California, Agriculture and Natural Resources<br/>Agreement Number: 26727<br/>“Investigation of Rodenticide Pathways in an Urban System Through the Use of Isotopically Labelled Bait”<br/>Term Dates: 10/16/18 - <del>12/31/20</del> 06/30/2022</p> <p><b>Total Contract: \$329,749.00</b></p> | <p>10/16/18 – UCANR notified of contract approval effective 10/16/18.<br/>4/30/19 – Received April 2019 Progress Report<br/>1/27/20 – received invoice #56318501 for \$11,947.50<br/>7/28/20 – received invoice 76c59-02 for \$0.00<br/>9/15/20 – received progress report<br/>11/20/20 – received invoice #59174298 for \$27,877.50<br/>1/27/21 – No cost extension approved to change term date from 12/31/20 to 06/30/22.</p> <p><b>Total Expenditures: \$39,825.00</b></p>   | <p><b>\$289,924.00</b></p> |
| <p><b>Neil Tsutsui</b><br/>University of California, Berkeley<br/>Agreement Number: 26735<br/>“Diet and Colony Structure of Two Emerging Invasive Pest Ants”<br/>Term Dates: 10/18/18 - 08/31/21</p>  | <p>10/18/18 – UC Berkeley notified of contract approval effective 10/18/18.<br/>1/3/19 – received invoice #GM00159910 for \$6,079.05<br/>1/29/19 – received invoice #GM00162310 for \$7,011.98<br/>2/25/19 – received invoice #GM00166580 for \$2,000.00<br/>4/7/19 – received April 2019 Progress Report<br/>5/29/19 – received invoice #GM00175634 for \$681.23<br/>7/2/19 – received invoice #GM00178838 for \$1,220.99<br/>8/9/19 – received invoice #GM00184114 for \$22,099.22<br/>8/19/19 - received invoice #GM00186274 for \$764.23<br/>9/19/19 – received invoice #GM00188490 for \$10,290.87<br/>10/19/19 – received invoice #GM00190757 for \$517.02<br/>11/19/19 – received invoice #GM00193312 for \$827.24<br/>12/19/19 – received invoice #GM00196412 for \$2,849.02<br/>1/20/20 – received invoice #GM00197182 for \$1,259.45<br/>2/19/20 – received invoice #GM00200261 for \$174.19<br/>3/19/20 – received invoice #GM00204264 for \$239.20<br/>4/20/20 – received invoice #GM00208324 for \$2,696.44<br/>5/19/20 – received invoice #GM00212124 for \$7,394.14<br/>6/19/20 – received invoice #GM00215027 for \$16,451.16<br/>8/6/20 – received invoice #GM00218961 for \$6,644.52</p> |                            |

|  |  |                            |
|--|--|----------------------------|
| <p><b>Total Contract: \$146,325.00</b></p>   | <p>8/19/20 – received invoice #GM00221330 for \$6,499.04<br/> 10/12/20 – received October 2020 Progress Report<br/> 10/29/20 – received invoice #GM00228610 for \$11,816.46</p> <p><b>Total Expenditures: \$107,515.44</b></p>   | <p><b>\$38,809.56</b></p>  |
| <p><b>Dr. Andrew Sutherland</b><br/> University of California, Agriculture and Natural Resources<br/> Agreement Number: 26730<br/> “Evaluation of bait station system efficacy for reduced-risk subterranean termite management in California”<br/> Term Dates: 10/10/18-08/31/<del>21</del>-22</p> <p><b>Total Contract: \$190,425.00</b></p> | <p>10/10/18 – UCANR notified of contract approval effective 10/10/18.<br/> 12/11/18 – received invoice #51140867 for \$270.67<br/> 12/19/18 – received invoice #51464298 for \$1,075.53<br/> 3/4/19 – received invoice #52326394 for \$3, 671.22<br/> 4/2/19 – received invoice #52526107 for \$2,617.68<br/> 4/26/19 – received April 2019 Progress Report<br/> 5/1/19 – received invoice #52892570 for \$4,179.03<br/> 5/30/19 – received invoice #5330024 for \$3,220.42<br/> 7/26/19 – received invoice #54113894 for \$4,040.68<br/> 10/3/19 – received invoice #54886547 for \$272.95<br/> 11/13/19 – no cost extension approved by BSO to extend contract term from August 31, 2021 to <b>August 31, 2022.</b><br/> 1/21/20 – received invoice #56314886 for \$1,475.42<br/> 3/26/20 – received invoice #57095974 for \$12,702.80<br/> 5/4/20 – received invoice #57413857 for \$6,097.63<br/> 5/14/20 – received invoice #57647938 for \$2,383.03<br/> 6/19/20 – received invoice #57984215 for \$22,324.44<br/> 7/23/20 – received invoice #58296943 for \$4,581.79<br/> 9/5/20 – requested progress report<br/> 9/14/20 – received September progress report<br/> 10/21/20 – received invoice #59172744 for \$6,091.16</p> <p><b>Total Expenditures: \$75,004.45</b></p> | <p><b>\$115,420.55</b></p> |

2/24/2021



# Improving Urban Pest Ant Management by Low-Impact IPM Strategies



Dong-Hwan Choe

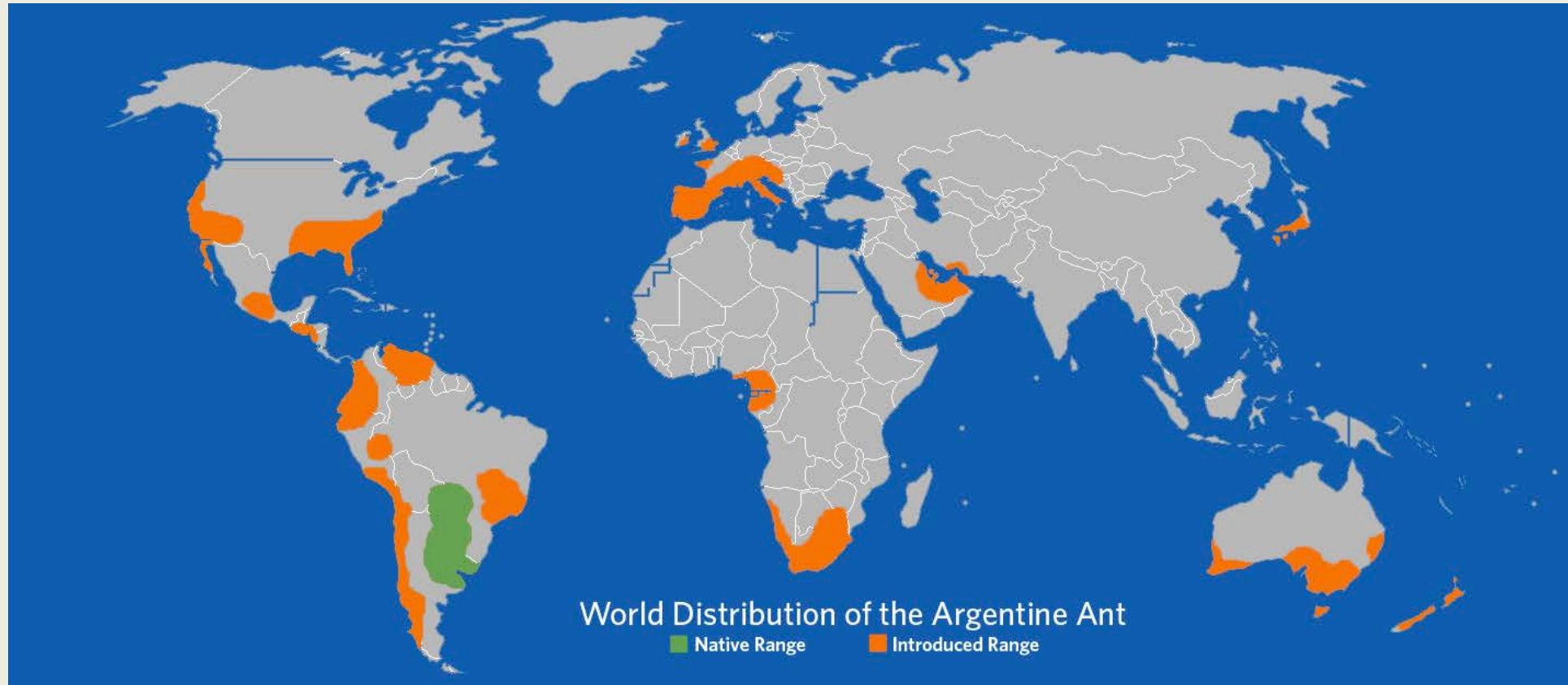
Department of Entomology

University of California, Riverside

# Argentine ant



# Argentine ants are introduced in many areas



In California, Argentine ants are often among the top reasons for public calling professional pest management companies for their service.

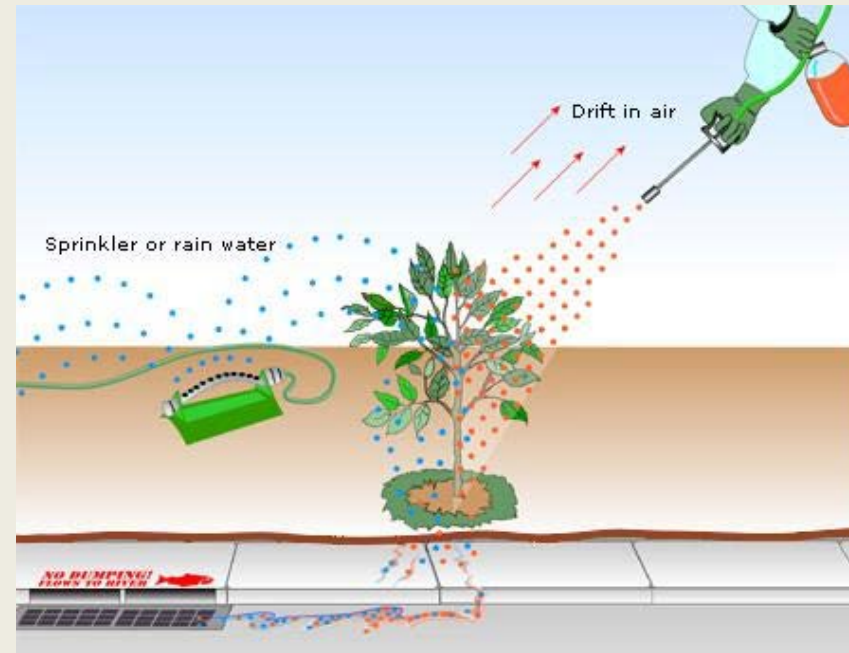
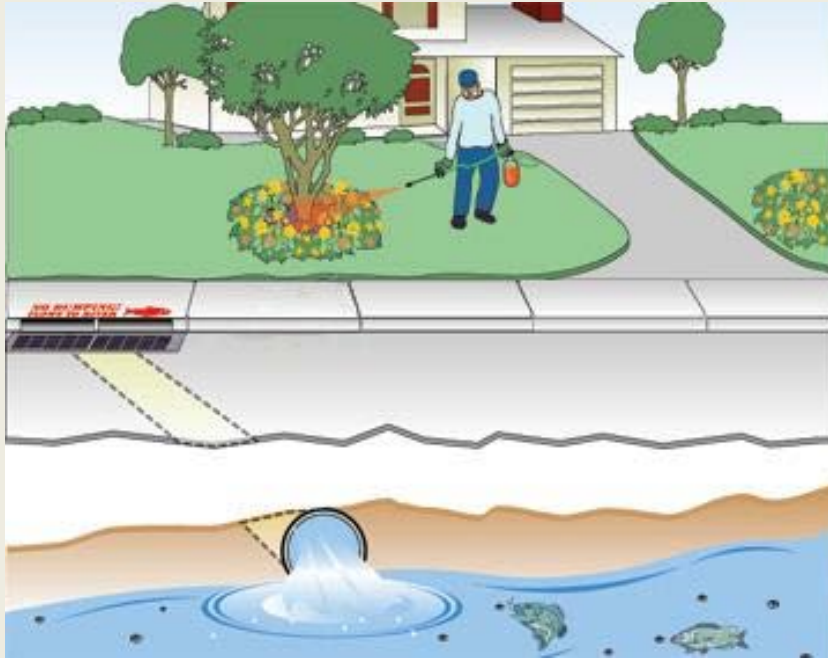


# Use of insecticide sprays for urban ant management

- Residual perimeter treatment is widely used by professionals
- Various pyrethroids and fipronil (*mostly work as contact toxicants*)



# Potential off-site movement



In many California cities, the runoff flows through pipes, leading directly to creeks, rivers, and ocean

# Water runoff from lawns



(Photo by Les Greenberg)

# Runoff at driveways



(Photo by Les Greenberg)



# Several approaches

1. What to use  
(which formulation, what actives)
2. How to use  
(where to treat, application rates)
3. Improve  
(adjuvants)

# Termidor label

## Additional California Specific Use Restrictions

- **DO NOT** apply to garage doors, driveway, vertical surfaces above the driveway or garage door, or to cracks and crevices leading or adjacent to the driveway such as the expansion joint between garage and driveway.
- **Only** use of the 0.03% **Termidor SC** finished dilution is permitted.
- **DO NOT** apply more than 4 times per year.
- **DO NOT** re-apply at intervals less than 60 days.
- For foundation exterior perimeter treatments, apply **Termidor SC** finished dilution as a low-pressure (25 PSI or less at the nozzle) coarse general surface spray along the foundation exterior perimeter to an area six inches up and six inches out from where the ground meets the foundation.

## Additional California Specific Use Restrictions *(continued)*

- **DO NOT** apply spray bandwidth at greater than 6 inches out or up from where the foundation meets the ground.
- **DO NOT** make application on any date between November 1 and February 28.

# Several approaches

1. What to use

(which formulation, what actives)

3. Improve

(adjuvants)

# 2019 UCR summer ant project

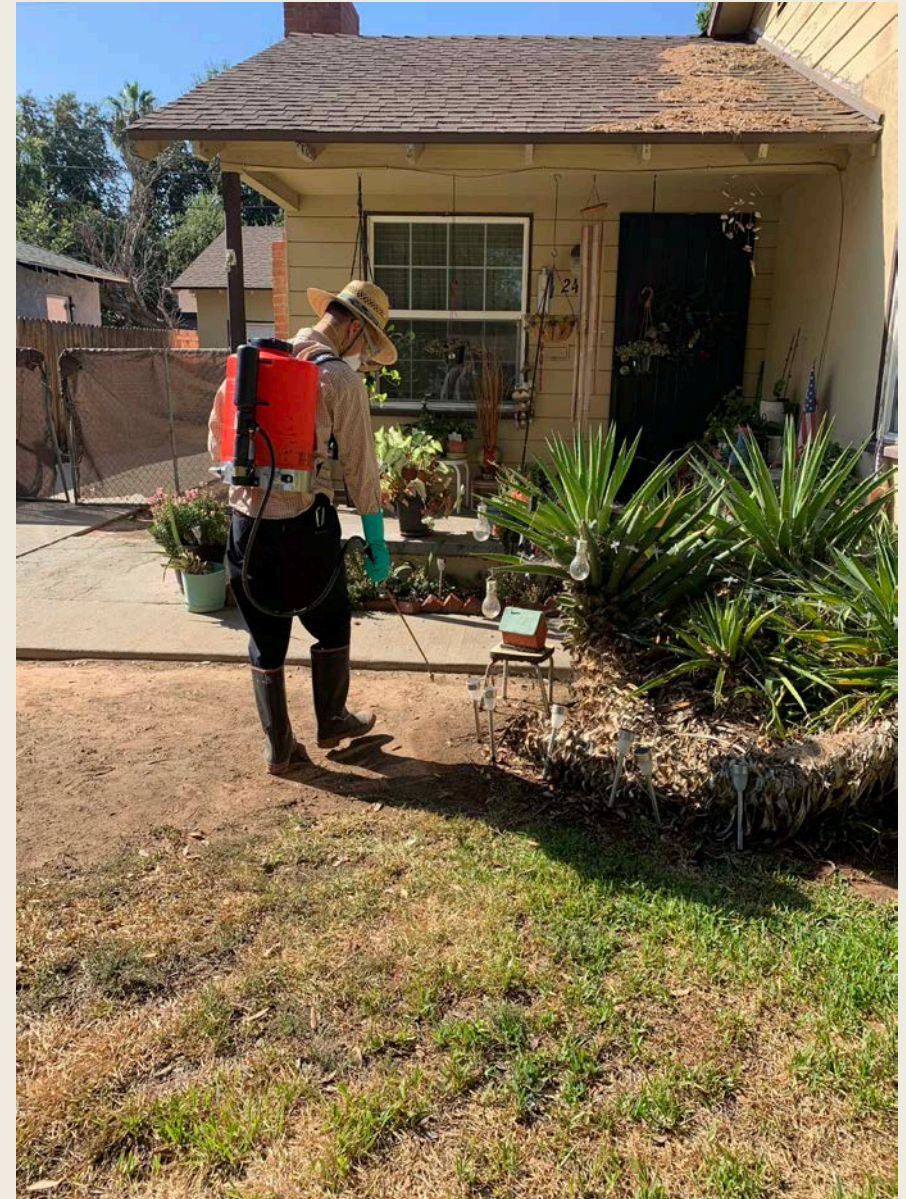
- One “reduced-risk IPM” protocol
  - Fipronil spray at a label rate (perimeter)
  - Follow-up treatment with boric acid (1%) hydrogel bait
  - With a pheromone adjuvant
- Two “conventional” protocols
  - Fipronil spray at a label rate (perimeter)
  - Follow-up treatment with pyrethroid or botanical sprays
- Five houses (replication) per protocol

| Treatment protocol                        | Conventional #1   | Conventional #2   | Reduced-risk IPM  |
|---|---|---|---|
| Initial perimeter treatment               | 0.03% fipronil<br>Perimeter (6 in up and 6 in out)<br>0.25 gal / 160 linear ft of diluted spray |   | 0.03% fipronil<br>+<br>pheromone adjuvant   |
| Follow-up maintenance treatment (1 month) | 0.06% bifenthrin<br>1 gal / 1,000 ft <sup>2</sup> of diluted spray                              | 4 ounces (118 ml) of Essentria IC3 per 1 gal of water<br>2 gal / 1,000 ft <sup>2</sup> of diluted spray | Biodegradable hydrogel bait (1% boric acid) + pheromone adjuvant (1-2 gal / 1,000 ft <sup>2</sup> ) |

# Perimeter spray (fipronil)



Follow-up treatment  
(bifenthrin or botanical)



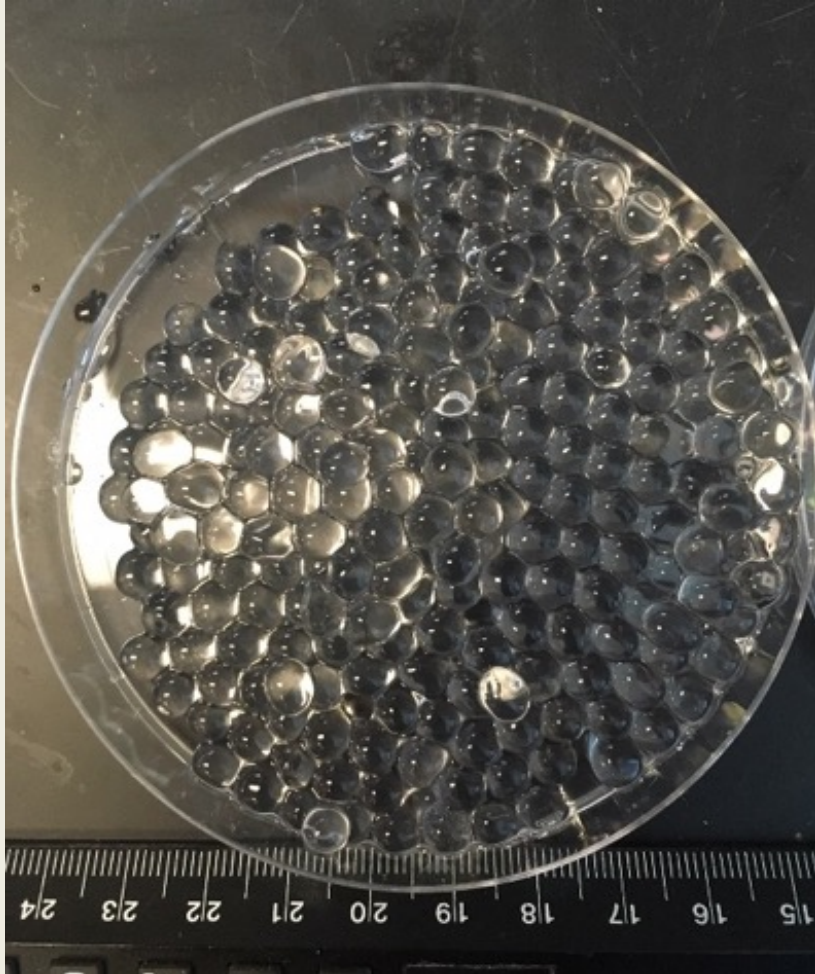
# Biodegradable hydrogel bait (1% boric acid)







# Biodegradable hydrogel bait (1% boric acid)



# Monitoring ant foraging activity

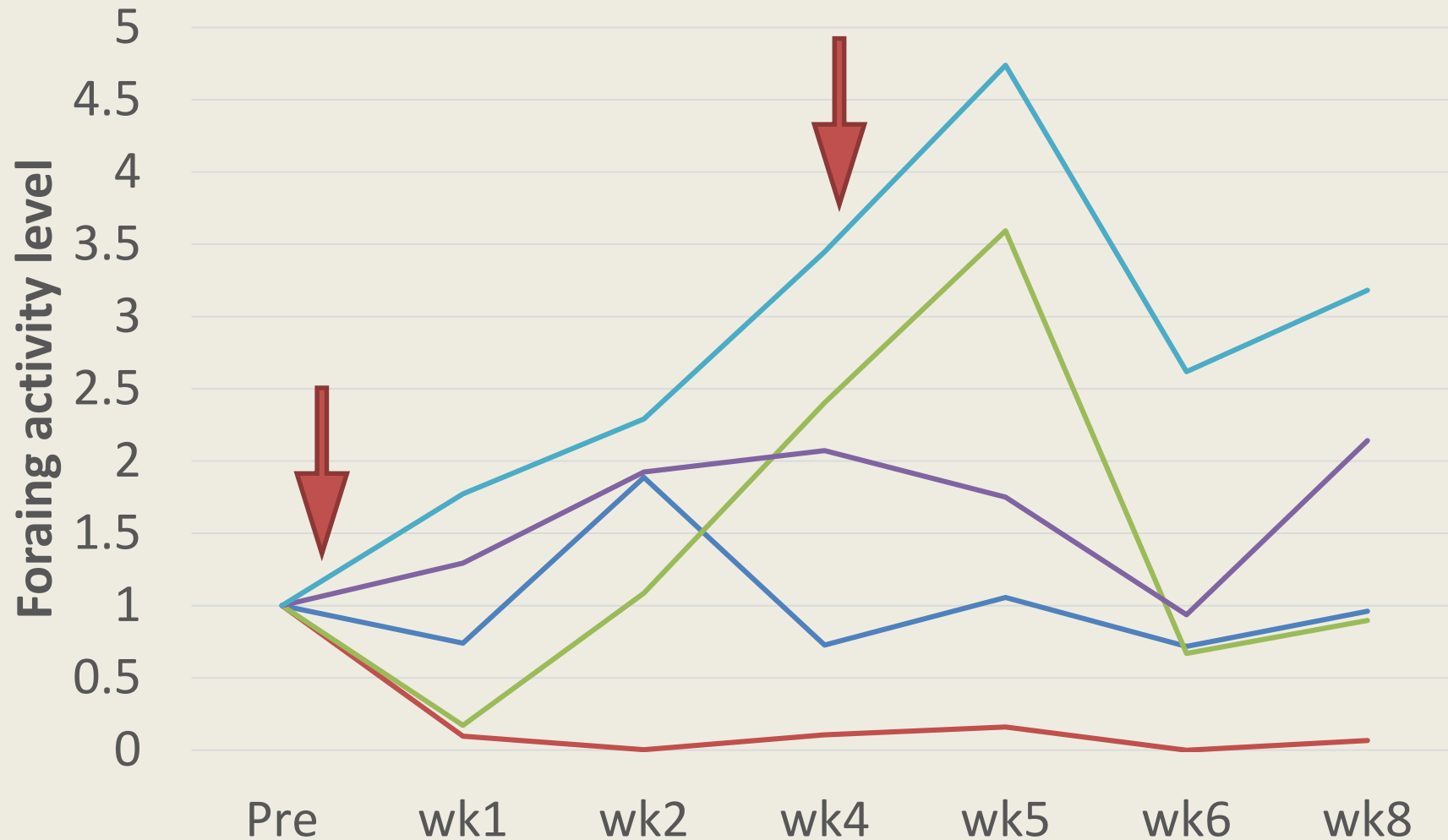
# Results

# Pesticide use amount and the time required to treat each house

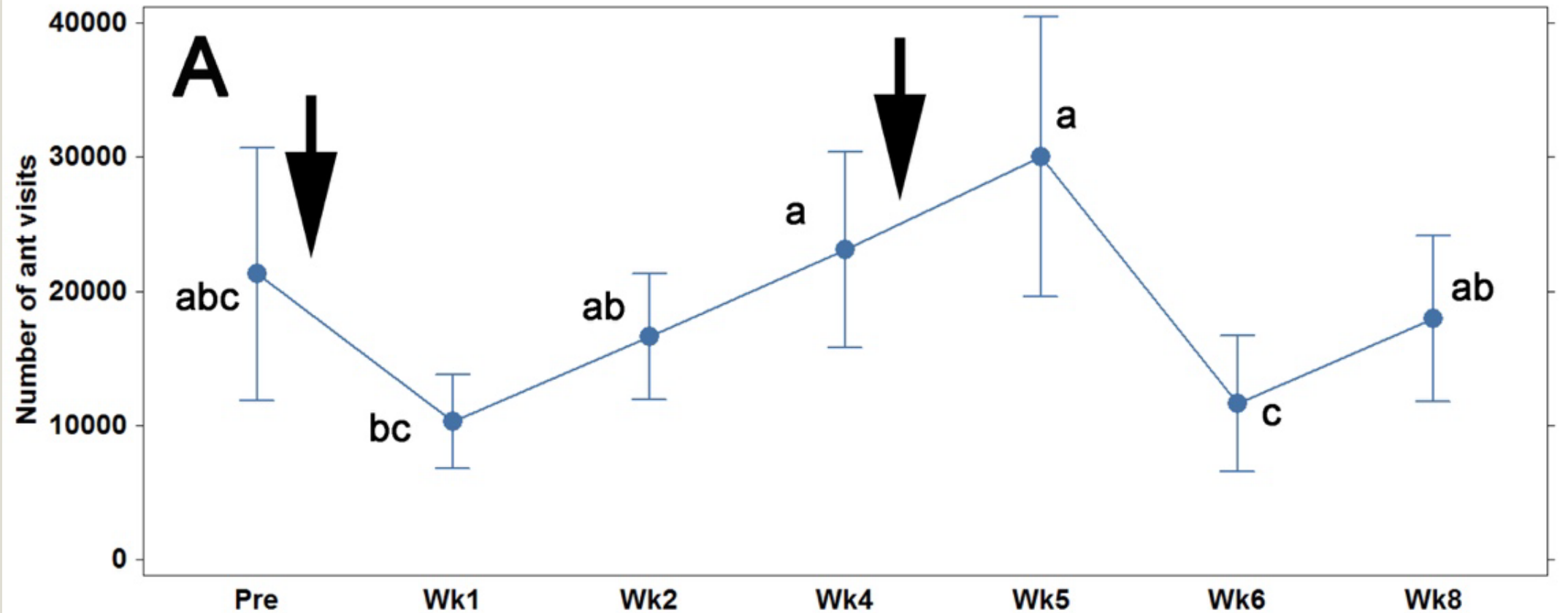
| Treatment protocol              | Conventional #1    | Conventional #2   | Reduced-risk IPM    |
|---------------------------------|--------------------|-------------------|---------------------|
| Initial perimeter treatment     | 0.31 gal<br>8 min  | 0.23 gal<br>5 min | 0.25 gal<br>7 min   |
| Follow-up maintenance treatment | 0.26 gal<br>10 min | 1 gal<br>10.8 min | 1.48 gal<br>7.4 min |

(average value from five houses)

# Conventional #1 (fipronil + bifenthrin)

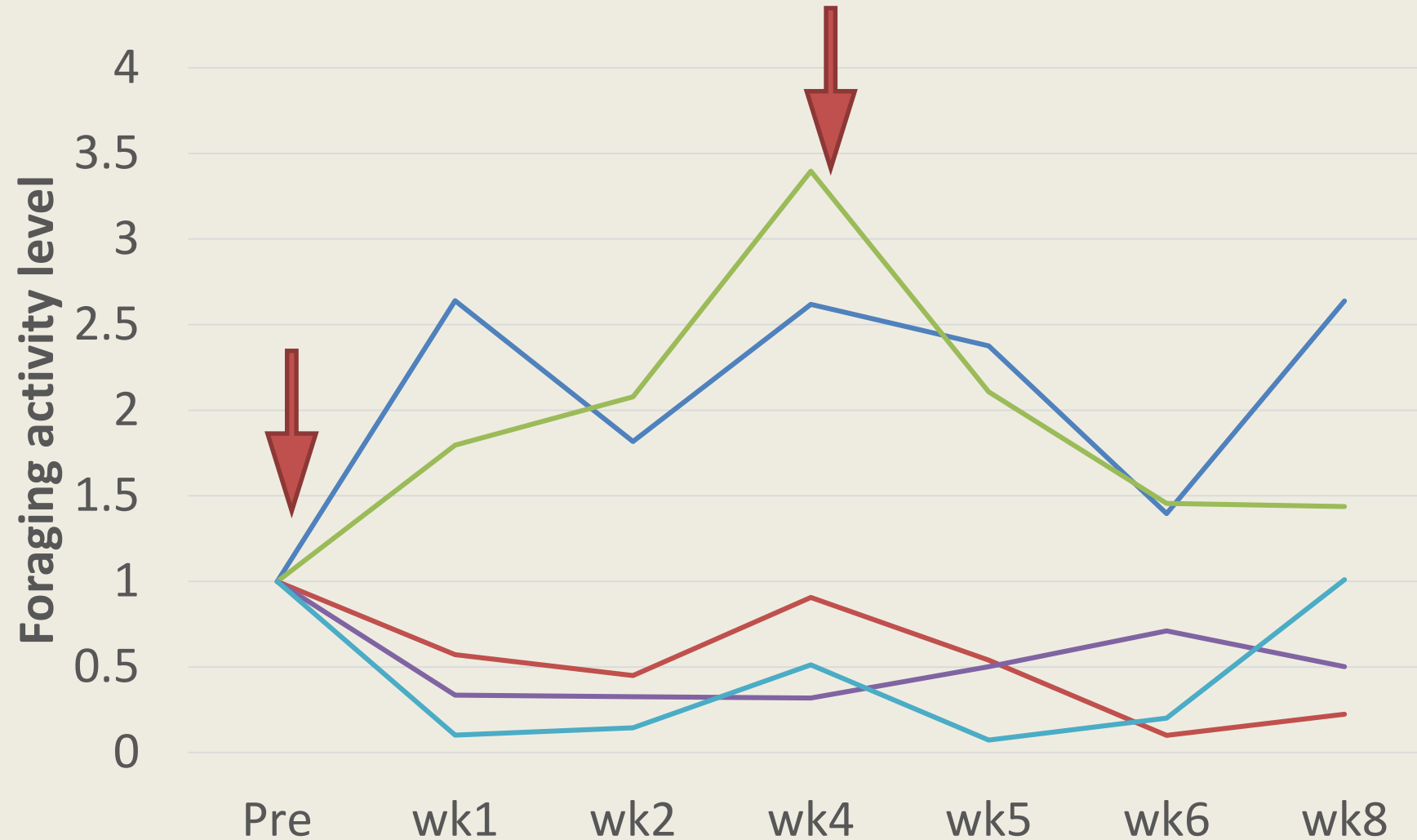


# Conventional #1



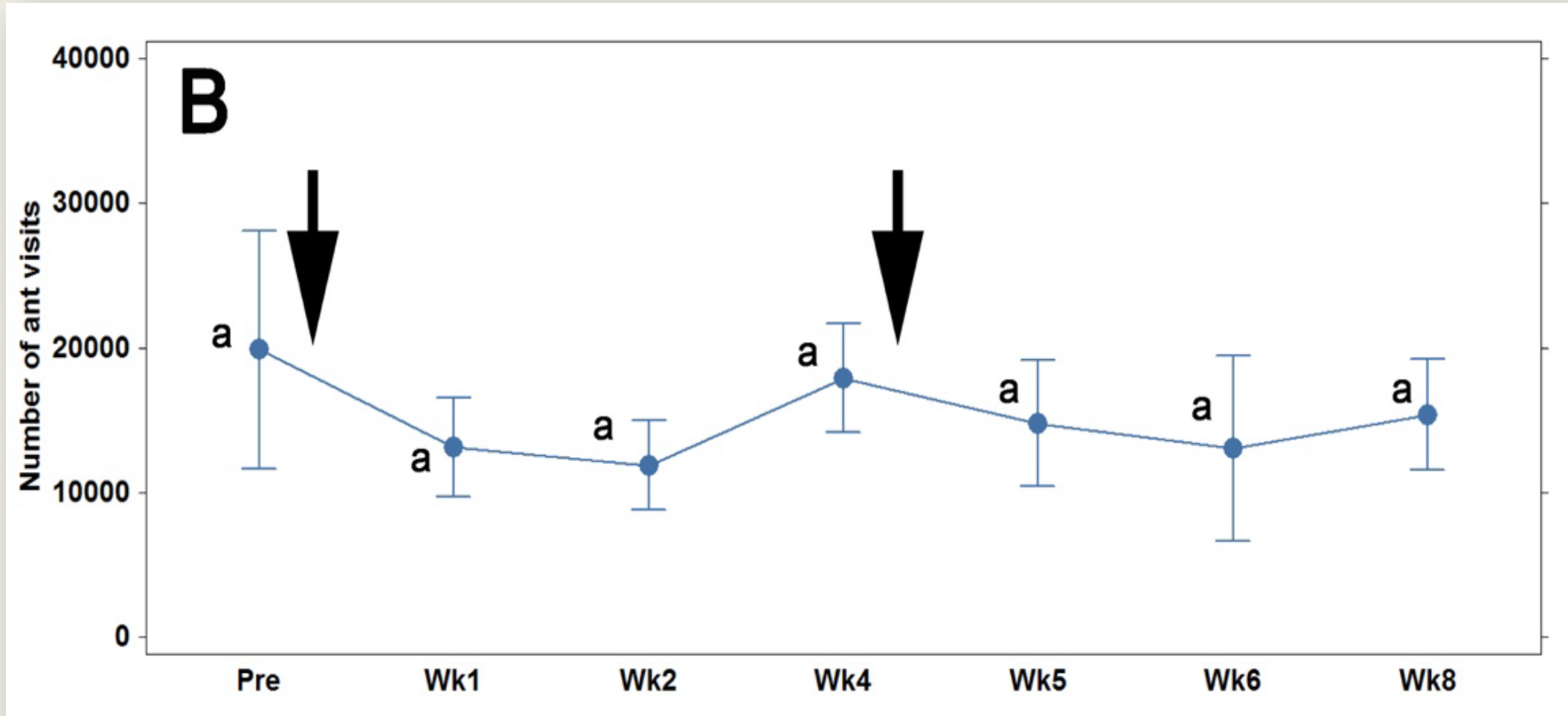
Data with different letters within a treatment are significantly different (Conover's all pairwise comparison test followed by Friedman's test:  $\alpha = 0.05$ ). Pre: pre-treatment; Wk: week post-treatment.

# Conventional #2 (fipronil + botanical)



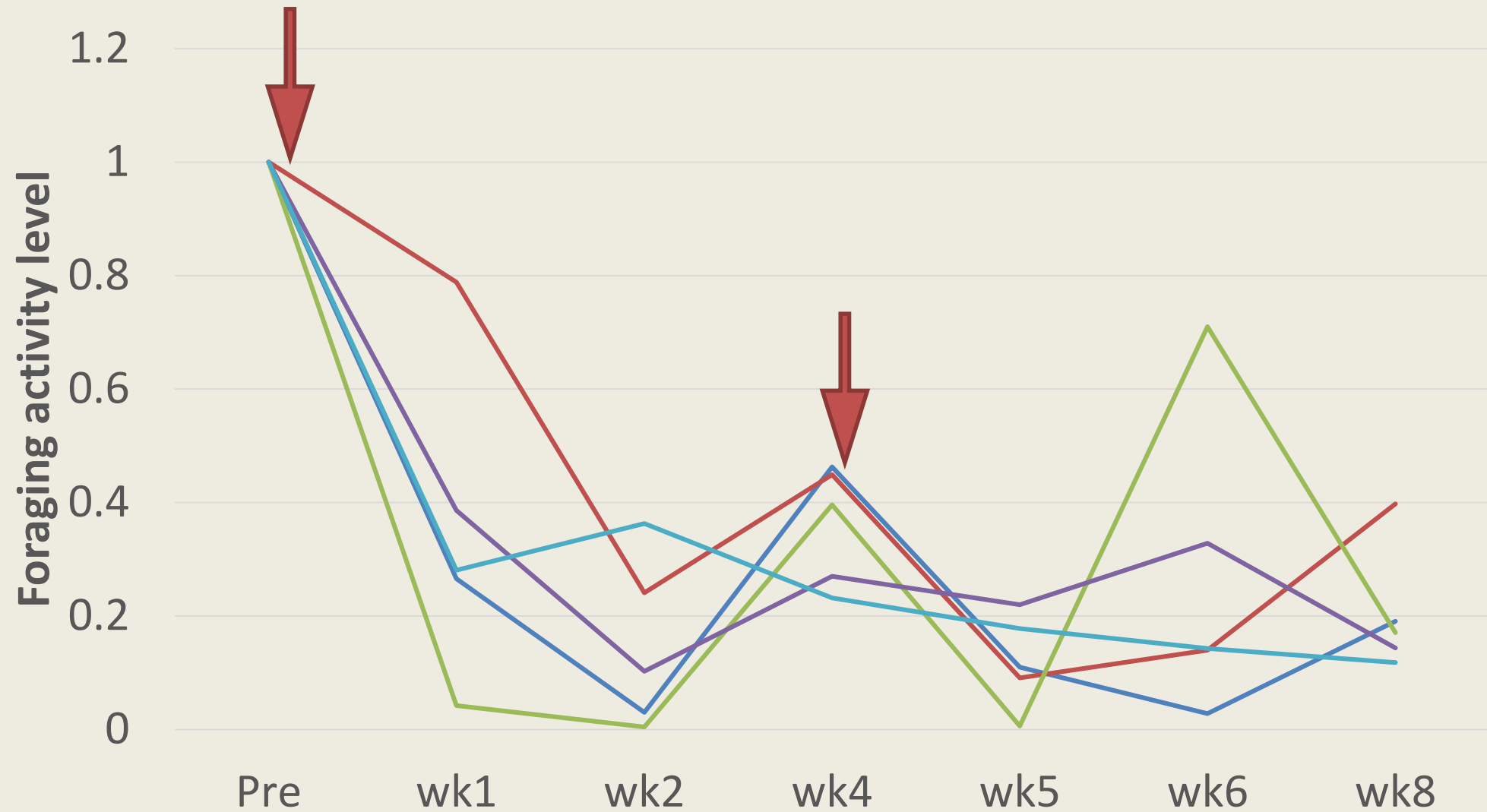


# Conventional #2

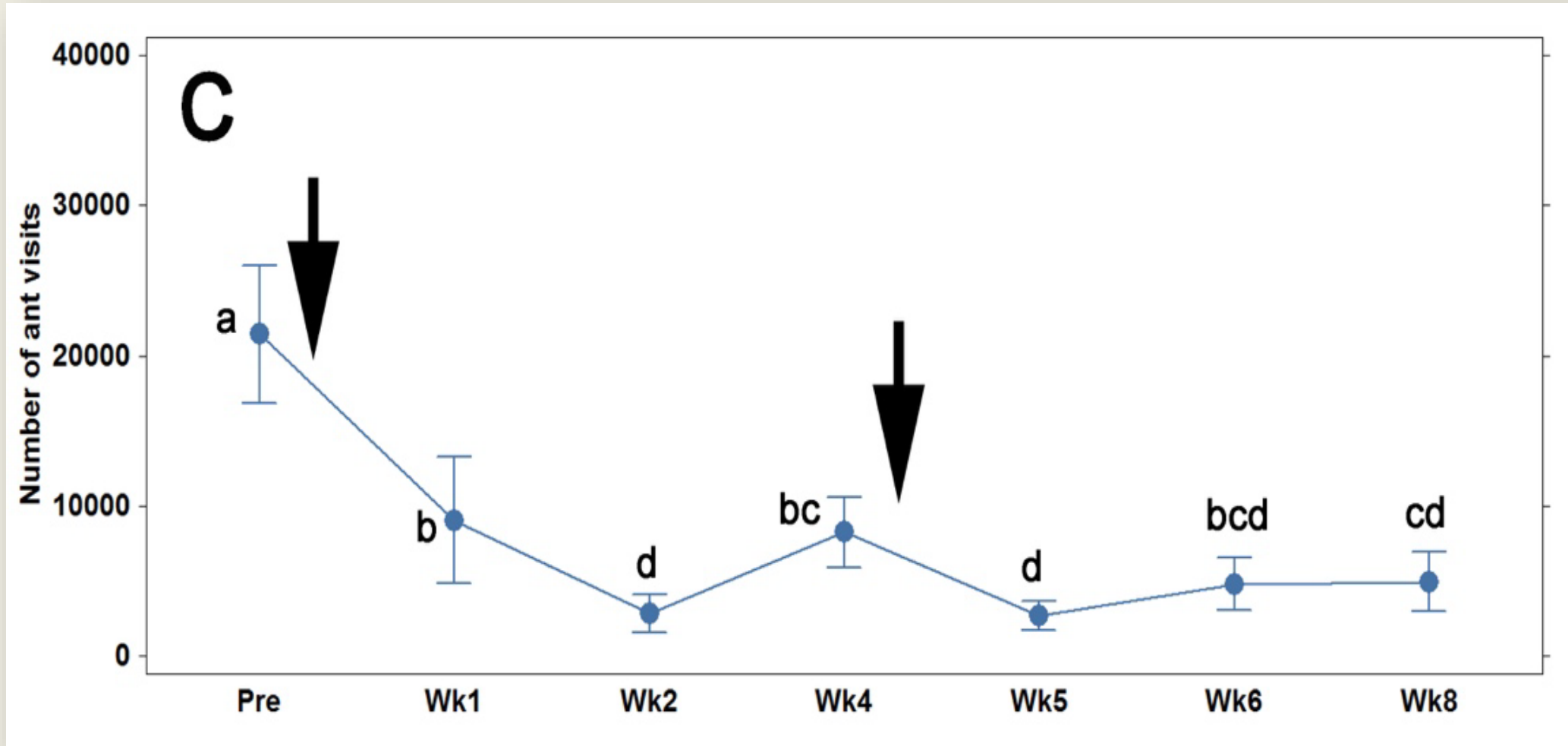


Data with different letters within a treatment are significantly different (Conover's all pairwise comparison test followed by Friedman's test:  $\alpha = 0.05$ ). Pre: pre-treatment; Wk: week post-treatment.

# Reduced-risk IPM (adjuvant, hydrogel bait)



# Reduced-risk IPM



Data with different letters within a treatment are significantly different (Conover's all pairwise comparison test followed by Friedman's test:  $\alpha = 0.05$ ). Pre: pre-treatment; Wk: week post-treatment.

# Discussions

- Use of 0.03% fipronil alone for perimeter treatment failed to provide 4-weeks control of Argentine ants (large amount of variation)
- Pheromone adjuvant reduced this large variation among different houses, improving the efficacy of 0.03% fipronil spray (65 and 85% reduction at week 1 and 2, respectively)

# Discussions

- Follow-up treatment with the bifenthrin spray or botanical insecticide spray alone did not provide any significant control in ant foraging activity
- In contrast, 1% boric acid bait in biodegradable hydrogels provided a consistent efficacy across all houses tested, keeping the ant activity levels low at week 5 (88% reduction)

# Estimated cost to treat one house

| Treatment protocol              | Conventional #1 | Conventional #2 | Reduced-risk IPM |
|---------------------------------|-----------------|-----------------|------------------|
| Initial perimeter treatment     | \$8.37          | \$5.28          | \$8.12           |
| Follow-up maintenance treatment | \$10.31         | \$15.05         | \$13.56          |
| <b>Total</b>                    | <b>\$18.68</b>  | <b>\$20.33</b>  | <b>\$21.68</b>   |

Initial perimeter spray cost is based on the price of Termidor SC (20 oz) - \$70  
Pheromone adjuvant cost is based on estimated price \$0.1 for 1 ml  
Labor cost is based on estimated hourly rate \$60  
Bifenthrin follow-up treatment cost is based on the price of Talstar P Professional (32 oz) - \$40  
Botanical follow-up treatment cost is based on the price of Essentria IC3 (32 oz) - \$34  
Boric acid hydrogel bait cost is based on estimate price \$1 for 1 L

# Implications

- Protocol developed was effective in providing a season-long control for Argentine ants
- Perimeter treatment will be useful in providing the initial quick control
- With its relatively low toxicity profile on non-targets, boric acid baiting might be an important tool for the follow-up maintenance services

# Acknowledgment

- Kathleen Campbell
- Hoeun Park
- Benning Le
- Maddux Le
- Qian Yue Lu
- Les Greenberg
- Michael Rust
- CA Department of Consumer Affairs, Structural Pest Control Board (Research Grant 2018, agreement #26710)



#### **§ 1970.4. Pesticide Disclosure Requirement.**

(a) The primary contractor for fumigation ~~shall have in his or her~~ must possession and ~~shall provide to any subcontractor for fumigation a~~ an Occupants Fumigation Notice and Pesticide Disclosure form ~~{[See Form 43M-48 (Rev. 5/0710/20) at the end of this section]}~~ signed by the occupants or ~~designated~~ owner or owner's agent of a structure. The primary contractor for fumigation must provide to any subcontractor for fumigation a signed copy of Form 43M-48 (Rev. 10/20). The primary contractor for fumigation and the subcontractor for fumigation ~~shall~~ must retain a signed copy of the each occupants fumigation notice Form 43M-48 (Rev. 10/20) for a period of at least three years. In the case of multiple-family dwellings multi-unit structures, the owner, or owner's agent, manager or designated agent of the building may obtain signatures and/or verify the notification of the occupants on behalf of the prime contractor.

(b) In addition to the statements and information as required under section 8538(a)(1-3) of the code, a completed Form 43M-48 (Rev. 10/20) must include: The form shall state

1. ~~†~~The name of the pest to be controlled,

2. ~~†~~The brand name and active ingredient(s) of the pesticide(s)/fumigant(s) proposed to be used,

3. The street address, city, and ZIP code of the structure to be fumigated.

4. The name, principal registration number, and emergency contact information for the prime contractor, and the subcontractor.

5. The date(s) of intended fumigation.

6. The following statements, printed in capital letters:

(A) "THIS STRUCTURE WILL BE FUMIGATED WITH A LETHAL GAS ON THE DATE(S) INDICATED ABOVE. ALL PERSONS AND ANIMALS MUST VACATE THE STRUCTURE PRIOR TO THE COMMENCEMENT OF FUMIGATION."

(B) "IT IS UNSAFE TO ENTER THE STRUCTURE PRIOR TO THE TIME AND DATE LISTED ON THE CERTIFICATION NOTICE FOR RE-ENTRY POSTED BY THE LICENSED FUMIGATOR."

7. The following printed statement regarding conduits:

"IF YOU ARE AWARE OF ANY CONDUITS, PIPES, COMMON DRAINS, CENTRAL VACUUM SYSTEMS, AIR DUCTS, OR ANY OTHER CONSTRUCTION ELEMENTS THAT WOULD ALLOW FOR THE PASSAGE OF A FUMIGANT FROM THE STRUCTURE TO BE FUMIGATED TO ANY OTHER ADJACENT OR ADJOINING STRUCTURES THAT ARE NOT TO BE FUMIGATED, PLEASE DESCRIBE IN DETAIL:"

8. The printed statement: "We suggest you notify your neighbors of the date(s) of fumigation and to keep pets away during the fumigation. Close off any access to the subarea to prevent pets from entering.

9. A signed and dated acknowledgment by the occupant, or owner, or owner's agent, of receipt of the Occupant's Fumigation Notice (Form 43M-48 Rev 10/20) and the information contained therein, the fumigation dates, receipt of the prime contractor's instructions for fumigation preparation, procedures for leaving the structure, and the fact sheet for the intended fumigant. the active ingredient(s) and the health-cautionary statement as required under section 8538 of the code. The form shall also state that a lethal gas (poison) will be used in the building on indicated dates and that it is unsafe to return to the building until a certification notice for

reentry is posted by the licensed fumigator. The form shall also indicate that the occupant has received the prime contractor's information regarding the procedures for leaving the structure. The properly signed form or a copy, written or electronic, thereof shall must be in the possession of the licensed fumigator, at the fumigation site, when the fumigant is released. Such form shall must be attached to and become a permanent part of the fumigation log upon completion of the fumigation.

~~(c) A registered company which applies any pesticide within, around or to any structure shall provide to any person, within 24 hours after request therefore, the common, generic or chemical name of each pesticide applied.~~

~~(b) Any death or serious injury relating to pesticide application or use, whether to a worker or member of the public, shall be reported to the nearest Structural Pest Control Board office immediately.~~

~~(c) Whenever a licensee employed by a branch 2 or branch 3 registered company applies a pesticide within, around or to any structure such person shall leave in a conspicuous location a written notice identifying the common, generic or chemical name of each pesticide applied. In case of a multiple family structure, such notice may be given to the designated agent or the owner. Such pesticide identification notice may be a door hanger, invoice, billing statement or other similar written document which contains the registered company's name, address, and telephone number.~~

~~(d) All pest control operators, field representatives, applicators and employees in all branches shall comply in every respect with the requirements of section 8538 of the code. Failure to comply with section 8538 of the code is a misdemeanor and shall constitute grounds for discipline.~~

~~(e) Where notification is required under section 8538 of the code, and the premises on which the work is to be performed is a multiple family dwelling consisting of more than 4 units, the owner/owner's agent shall receive notification and other notices shall be posted in heavily frequented, highly visible areas including, but not limited to, all mailboxes, manager's apartment, in all laundry rooms, and community rooms on all external pest control servicing. Complexes with fewer than 5 units will have each affected unit notified. Any pest control servicing done within a tenant's apartment requires that the tenant be notified according to section 8538 of the code.~~

~~(f) A registered company which applies any pesticide within, around or to any structure shall provide to any person, within 24 hours after request therefore, the common, generic or chemical name of each pesticide applied.~~

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8505.7, 8505.13 and 8538, Business and Professions Code.

### **§ 1970.41 Pesticide Pre-Application Notice**

In the pre-application pesticide notice, "conspicuous place" as it is used in section 8538 of the code, means heavily frequented areas, including, but not limited to: the on-site manager's office or unit, and all multi-unit or cluster mailboxes, laundry rooms, and community rooms.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8525 and 8538, Business and Professions Code.

### **§ 1970.42 Pesticide Post-Application Notice Requirements,**

(a) In addition to notification required by section 8538 of the code, whenever a licensee employed by a registered Branch 2 or Branch 3 company has applied or used a pesticide the licensee must provide a post-application notice immediately after the service visit as follows:

(1) When applied around or to the exterior of any structure, the post-application notice must be provided in writing or electronically to the owner or owner's agent.

(2) When applied to the interior of a unit within a multi-unit residential structure the post-application notice must be provided in writing and left in a visible location on the door of the unit, or within the unit in a location that is visible to the occupant immediately upon entry.

(3) When applied to the interior of a commercial, industrial, or single-family residential structure, the notice must be provided in writing or electronically to the owner or owner's agent.

(b) The post-application notice specified in (a) may be a door hanger, invoice, billing statement or other similar document and must include:

(1) The common, generic or chemical name of each pesticide applied;

(2) The date of service; and

(3) The registered company's name, address, and telephone number.

(c) A registered company which applies any pesticide within, around or to any structure shall provide to any person, within 24 hours after request therefore, the common, generic or chemical name of each pesticide applied.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8525 and 8538, Business and Professions Code.

### **§ 1970.43 Reporting Death or Serious Injury.**

Any death or serious injury relating to a pesticide application or use, whether to the owner, an employee of the registered structural pest control company, or a member of the public, must be reported immediately to both the Structural Pest Control Board office and the County Agricultural Commissioner's office in the county where the pesticide application occurred.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8525 and 8538, Business and Professions Code.

**OCCUPANTS FUMIGATION NOTICE & PESTICIDE DISCLOSURE**

Address of Structure to be Fumigated: \_\_\_\_\_ City: \_\_\_\_\_ ZIP: \_\_\_\_\_

Single-Unit Structure Owner/Agent: \_\_\_\_\_  
 Multi-Unit Structure Contact Number(s): \_\_\_\_\_  
 Other: \_\_\_\_\_ Occupant: \_\_\_\_\_  
 Contact Number(s): \_\_\_\_\_

Prime Contractor: \_\_\_\_\_ PR #: \_\_\_\_\_ Emergency Number: \_\_\_\_\_  
 Fumigation Contractor: \_\_\_\_\_ PR #: \_\_\_\_\_ Emergency Number: \_\_\_\_\_  
 Target Pest(s): \_\_\_\_\_ Fumigant Brand Name: \_\_\_\_\_  
 Active Ingredient: \_\_\_\_\_

IF YOU ARE AWARE OF ANY CONDUITS, PIPES, COMMON DRAINS, CENTRAL VACUUM SYSTEMS, AIR DUCTS, OR ANY OTHER CONSTRUCTION ELEMENTS THAT WOULD ALLOW FOR THE PASSAGE OF A FUMIGANT FROM THE STRUCTURE TO BE FUMIGATED TO ANY OTHER ADJACENT OR ADJOINING STRUCTURES THAT ARE NOT TO BE FUMIGATED, PLEASE DESCRIBE IN DETAIL:

\_\_\_\_\_  
 \_\_\_\_\_

CHLOROPICRIN WILL BE USED AS A WARNING AGENT

Dates of Fumigation: \_\_\_\_\_ Date Changes/Alternative Dates: \_\_\_\_\_

Initials: \_\_\_\_\_

IMPORTANT READ CAREFULLY

THIS STRUCTURE WILL BE FUMIGATED WITH A LETHAL GAS ON THE DATE(S) INDICATED ABOVE. ALL PERSONS AND ANIMALS MUST VACATE THE STRUCTURE PRIOR TO THE COMMENCEMENT OF FUMIGATION.

IT IS UNSAFE TO ENTER THE STRUCTURE PRIOR TO THE TIME AND DATE LISTED ON THE CERTIFICATION NOTICE FOR RE-ENTRY POSTED BY THE LICENSED FUMIGATOR.

State law requires that you be given the following information: CAUTION – PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board, and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the State finds that, based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that the risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized."

If within 24 hours following application you experience symptoms of dizziness, headache, nausea, reduced awareness, slowed movement, garbled speech, or difficulty in breathing, leave the structure immediately and seek medical attention by contacting your physician or Poison Control Center (\_\_\_\_\_) and notify your pest control company. The warning agent chloropicrin can cause symptoms of tearing, respiratory distress, and vomiting. Entry into the space during fumigation can be fatal.

For further information, contact any of the following: (\_\_\_\_); for Health Questions the County Health Department (\_\_\_\_); for Application Information the County Agricultural Commissioner (\_\_\_\_) and for Regulatory Information the Structural Pest Control Board 916-561-8700, 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815.

| County Health Department<br>Phone Number | County Agricultural Commissioner<br>Phone Number | Poison Control Center<br>Phone Number | Structural Pest Control Board<br>Phone Number |
|--|--|---------------------------------------|---|
|  |  |                                       |   |

(This section may be modified to include the information of geographical area served by the licensee)

WE SUGGEST YOU NOTIFY YOUR NEIGHBORS OF THE DATE(S) OF FUMIGATION AND TO KEEP PETS AWAY DURING THE FUMIGATION. CLOSE OFF ANY ACCESS TO THE SUBAREA TO PREVENT PETS FROM ENTERING.

I hereby acknowledge receipt of a copy of this document and the information contained herein, a list that includes the instructions for the necessary preparations for the fumigation, procedures for leaving the structure, the fact sheet for the fumigant to be used, and the documents listed below, if any.

\_\_\_\_\_  
 \_\_\_\_\_

Owner/Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Occupants Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ASSEMBLY BILL**

**No. 29**

---

---

**Introduced by Assembly Member Cooper  
(Coauthor: Assembly Member Blanca Rubio)**

December 7, 2020

---

---

An act to amend Section 11125 of the Government Code, relating to public meetings.

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as introduced, Cooper. State bodies: meetings.

Existing law, the Bagley-Keene Open Meeting Act, requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Existing law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting.

This bill would require that notice to include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject to discussion or consideration at the meeting. The bill would require those writings or materials to be made available on the state body's internet website, and to any person who requests the writings or materials in writing, on the same day as the dissemination of the writings and materials to members of the state body or at least 72 hours in advance of the meeting, whichever is earlier. The bill would prohibit a state body from discussing those writings or materials, or from taking action on an item to which

those writings or materials pertain, at a meeting of the state body unless the state body has complied with these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11125 of the Government Code is  
2 amended to read:

3 11125. (a) The state body shall provide notice of its meeting  
4 to any person who requests that notice in writing. Notice shall be  
5 given and also made available on the ~~Internet~~ *state body's internet*  
6 *website* at least 10 days in advance of the ~~meeting~~, *meeting* and  
7 shall include the name, address, and telephone number of any  
8 person who can provide further information ~~prior to~~ *before* the  
9 ~~meeting~~, *meeting* but need not include a list of witnesses expected  
10 to appear at the meeting. The written notice shall additionally  
11 include the address of the ~~Internet site~~ *internet website* where  
12 notices required by this article are made available.

13 (b) The notice of a meeting of a body that is a state body shall  
14 include a specific agenda for the meeting, containing a brief  
15 description of the items of business to be transacted or discussed  
16 in either open or closed session. A brief general description of an  
17 item generally need not exceed 20 words. A description of an item  
18 to be transacted or discussed in closed session shall include a  
19 citation of the specific statutory authority under which a closed  
20 session is being held. No item shall be added to the agenda  
21 subsequent to the provision of this notice, unless otherwise  
22 permitted by this article.

23 (c) (1) *A notice provided pursuant to subdivision (a) shall*  
24 *include all writings or materials provided for the noticed meeting*  
25 *to a member of the state body by the staff of a state agency, board,*  
26 *or commission, or another member of the state body that are in*  
27 *connection with a matter subject to discussion or consideration*  
28 *at the meeting.*

29 (2) *The writings or materials described in paragraph (1) shall*  
30 *be made available on the state body's internet website, and to any*  
31 *person who requests the writings or materials in writing, on the*  
32 *same day as the dissemination of the writings and materials to*

1 *members of the state body or at least 72 hours in advance of the*  
2 *meeting, whichever is earlier.*

3 *(3) A state body may not distribute or discuss writings or*  
4 *materials described in paragraph (1), or take action on an item*  
5 *to which those writings or materials pertain, at a meeting of the*  
6 *state body unless the state body has complied with this subdivision.*

7 ~~(e)~~

8 *(d) Notice of a meeting of a state body that complies with this*  
9 *section shall also constitute notice of a meeting of an advisory*  
10 *body of that state body, provided that the business to be discussed*  
11 *by the advisory body is covered by the notice of the meeting of*  
12 *the state body, provided that the specific time and place of the*  
13 *advisory body's meeting is announced during the open and public*  
14 *state body's meeting, and provided that the advisory body's*  
15 *meeting is conducted within a reasonable time of, and nearby, the*  
16 *meeting of the state body.*

17 ~~(d)~~

18 *(e) A person may request, and shall be provided, notice pursuant*  
19 *to subdivision (a) for all meetings of a state body or for a specific*  
20 *meeting or meetings. In addition, at the state body's discretion, a*  
21 *person may request, and may be provided, notice of only those*  
22 *meetings of a state body at which a particular subject or subjects*  
23 *specified in the request will be discussed.*

24 ~~(e)~~

25 *(f) A request for notice of more than one meeting of a state body*  
26 *shall be subject to the provisions of Section 14911.*

27 ~~(f)~~

28 *(g) The notice shall be made available in appropriate alternative*  
29 *formats, as required by Section 202 of the Americans with*  
30 *Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal*  
31 *rules and regulations adopted in implementation thereof, upon*  
32 *request by any person with a disability. The notice shall include*  
33 *information regarding how, to whom, and by when a request for*  
34 *any disability-related modification or accommodation, including*  
35 *auxiliary aids or services may be made by a person with a disability*  
36 *who requires these aids or services in order to participate in the*  
37 *public meeting.*

**ASSEMBLY BILL**

**No. 646**

---

---

**Introduced by Assembly Member Low**  
(Coauthor: Senator Roth)

February 12, 2021

---

---

An act to add Section 493.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 646, as introduced, Low. Department of Consumer Affairs: boards: expunged convictions.

Existing law establishes the Department of Consumer Affairs, which is composed of various boards, and authorizes a board to suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law, the Medical Practice Act, provides for the licensure and regulation of the practice of medicine by the Medical Board of California and requires the board to post certain historical information on current and former licensees, including felony and certain misdemeanor convictions. Existing law also requires the Medical Board of California, upon receipt of a certified copy of an expungement order from a current or former licensee, to post notification of the expungement order and the date thereof on its internet website.

This bill would require a board within the department that has posted on its internet website that a person's license was revoked because the person was convicted of a crime, within 90 days of receiving an expungement order for the underlying offense from the person, if the person reapplies for licensure or is relicensed, to post notification of



the expungement order and the date thereof on the board's internet website. The bill would require the board, on receiving an expungement order, if the person is not currently licensed and does not reapply for licensure, to remove within the same period the initial posting on its internet website that the person's license was revoked and information previously posted regarding arrests, charges, and convictions. The bill would require a person in either case to pay a \$50 fee to the board, unless another amount is determined by the board to be necessary to cover the cost of administering the bill's provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 493.5 is added to the Business and  
2 Professions Code, to read:  
3 493.5. (a) A board within the department that has posted on  
4 its internet website that a person's license was revoked because  
5 the person was convicted of a crime, upon receiving from the  
6 person a certified copy of an expungement order granted pursuant  
7 to Section 1203.4 of the Penal Code for the underlying offense,  
8 shall, within 90 days of receiving the expungement order, unless  
9 it is otherwise prohibited by law, or by other terms or conditions,  
10 do either of the following:  
11 (1) If the person reapplies for licensure or has been relicensed,  
12 post notification of the expungement order and the date thereof on  
13 its internet website.  
14 (2) If the person is not currently licensed and does not reapply  
15 for licensure, remove the initial posting on its internet website that  
16 the person's license was revoked and information previously posted  
17 regarding arrests, charges, and convictions.  
18 (b) A person described in subdivision (a) shall pay to the board  
19 a fee in the amount of fifty dollars (\$50), unless another amount  
20 is determined by the board to be necessary to cover the  
21 administrative cost, ensuring that the amount does not exceed the  
22 reasonable cost of administering this section. The fee shall be  
23 deposited by the board into the appropriate fund and shall be  
24 available only upon appropriation by the Legislature.  
25 (c) For purposes of this section, "board" means an entity listed  
26 in Section 101.

- 1 (d) If any provision in this section conflicts with Section 2027,
- 2 Section 2027 shall prevail.

O

## Department of Pesticide Regulation



**Val Dolcini**  
Director



**Gavin Newsom**  
Governor

**Jared Blumenfeld**  
Secretary for Environmental Protection

December 29, 2020  
ENF 20-20

To: County Agricultural Commissioners

### **Subject: NEW SECOND GENERATION ANTICOAGULANT RODENTICIDE PROHIBITIONS AND ALLOWED USES – QUESTIONS AND ANSWERS**

On September 29, 2020, Governor Newsom signed Assembly Bill (AB) 1788 (Chapter 250, Statutes of 2020) to prohibit uses of second-generation anticoagulant rodenticides (SGARs) due to their threat to mountain lions and other wildlife. Effective January 1, 2021, Food and Agricultural Code (FAC) section 12978.7 is amended and expanded to prohibit use of four SGARs—brodifacoum, bromadiolone, difenacoum, and difethialone—in California, with some exemptions, until the Department of Pesticide Regulation (DPR) completes its SGAR reevaluation and adopts any additional necessary restrictions. Until DPR certifies that all of the conditions in the law are met, **most uses of SGARs will be prohibited in California.**

The Legislature's findings and text of the amended FAC section 12978.7 can be found at [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB1788](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB1788)

## **Prohibited Uses**

Under the amended law, prohibited uses include residential or home uses and most industrial and institutional uses. For example, prohibited uses include, use in and around restaurants (that do not have an attached brewery or winery), grocery stores, airports, offices, construction sites, transport vehicles (e.g. ships, trains, aircraft), ports and terminal buildings, shipyards, timber yards, schools, shopping malls, sewers, and sewage treatment plants. Many non-production agricultural uses are also prohibited (such as use around man-made structures at cemeteries, golf courses, and parks).

A violation of this amended law is subject to the standard enforcement response procedures under Title 3, California Code of Regulations (3 CCR) section 6128, and can include taking an administrative civil penalty under either FAC section 12999.5 or Business and Professions Code section 8617 or referring the case to either DPR or the Structural Pest Control Board for a statewide licensing action.

## Allowed Uses

The amended law does not apply to certain specified uses and users, which are set forth in FAC section 12978.7, subsections (e) and (f). For those allowed uses and users, current pesticide laws and regulations (including product labeling, permit conditions, licensing and certification requirements, and 3 CCR section 6471) must continue to be followed. If an allowed use requires a restricted material permit, the permit can still be issued.

## Questions and Answers

To help ensure statewide consistency with the implementation of these new requirements, DPR prepared the following questions and answers.

### General

1. **Q: How many SGAR products are currently registered in California and subject to this newly amended law?**

A: As of June 30, 2020, there were 69 DPR-registered SGAR products.

NOTE: As of May 2019, there were no longer any difenacoum products registered for use in California, however there may still be difenacoum products in the channels of trade. The requirements in 3 CCR section 6301(b) apply to these products, and would apply to any voluntarily canceled SGAR products in the future. Products not registered with DPR can no longer be sold by the registrant, but licensed dealers may sell their inventory for two years after the date of last registration. Product acquired by end users while the product was legally registered or from a licensed dealer during the two years after the product was last registered with DPR can be used until the product is exhausted provided the use is consistent with California's pesticide laws and regulations including the product labeling, any restricted material permit conditions, FAC section 12978.7, and 3 CCR section 6471.

2. **Q: What SGAR uses are still allowed by exemptions in the newly amended law?**

A: The law prohibits use of SGARs with limited exemptions allowing use for certain users and certain uses of SGARs, when allowed by the label.

*User exemptions:*

- o Persons who are certified Vector Control Technicians employed by a vector control district or other government agency;

- Government agency employees protecting water supply infrastructure and facilities (e.g. wells, surface-water intakes, dams, reservoirs, storage tanks, drinking-water facilities, pipes, and aqueducts);

*Use exemptions:*

- For eradication of nonnative invasive species on offshore islands;
- To control an actual or potential infestation associated with an urgent, non-routine public health need declared by the State Public Health Officer or a local public health officer;
- For research authorized by DPR to provide information for DPR's reevaluation of SGARs;
- At medical waste generators as defined in Health and Safety Code section 117705, such as the following examples:
  - Medical, dental, and veterinary offices, clinics, hospitals, surgery centers, etc.;
  - Pet shops; and
  - Trauma scene waste management practitioners;
- At FDA-registered and inspected facilities involved in commercial manufacture, preparation, compounding, etc., of drugs;
- On agricultural sites producing any horticultural, viticultural, aquacultural, forestry, dairy, livestock, poultry, bee, or farm product; and
- At other noted sites, specifically:
  - A warehouse used to store foods for human or animal consumption;
  - A food manufacturing or processing plant, such as a slaughterhouse or cannery;
  - A factory, brewery, or winery;
  - On-farm water storage and conveyance (e.g., tanks and pipes); and
  - On-farm storage housing rights-of-way and other transportation infrastructure materials.

**3. Q: Does the newly amended law provide any other exemption to federal or State laws and regulations?**

A: No, federal and State law and regulation requirements for the allowed uses must continue to be followed. This includes:

- Requirements found on product labeling,
- Restricted material permit conditions,
- Licensing and certification by DPR or the Structural Pest Control Board, and
- 3 CCR section 6471.

## **Structural Uses**

**4. Q: How does this law affect structural pest control Branch 2 SGAR uses?**

A: Registered Branch 2 companies practicing structural pest control are prohibited from using SGARs with certain limited exemptions allowed under the law (such as medical waste generators, slaughterhouses, factories, and certain warehouses) provided the use

site is listed on the product labeling. As noted above, all other SGAR uses (like residential uses) are prohibited starting January 1, 2021.

5. **Q: Currently, some agencies may contract with a DPR- or a Board-licensed pest control business to conduct rodent control with SGARs. Will this practice still be allowed?**

A: As discussed above, most SGAR uses will be prohibited statewide starting January 1, 2021. The law provides specific exemptions to government agency employees using SGARs in specific circumstances: for protecting water supply infrastructure and facilities or for applications by vector control districts. The law does not provide for these applications to be conducted by professional pest control services under contract with a government agency. As these services would not be conducted by agency employees, these persons would be in violation of FAC section 12978.7.

6. **Q: What is a factory under this law?**

A: In FAC section 12978.7, the word "factory" is used in context with winery and brewery and thus is interpreted to be facilities related to the manufacture of food products.

In the context of this law, a factory is a facility that processes foods or engages in agricultural activities as defined in FAC section 564. Processes occurring at these food processing sites include canning, freezing, cooking, pasteurization or homogenization, irradiation, milling, grinding, chopping, slicing, cutting, or peeling food.

7. **Q: The law exempts use of SGARs in "warehouse[s] used to store foods for human or animal consumption" Are distribution centers that contain food considered "warehouses"?**

A: Distribution centers are not covered by the exemptions in the law and SGAR use in and around them is prohibited. The law exempts warehouses that are used to store foods for human or animal consumption. Warehouse is defined by Merriam-Webster as "a structure or room for the storage of merchandise or commodities." Warehouses tend to store food products for longer periods of time and usually don't serve consumers as they tend to be more focused on the retail supply chain.

While somewhat similar, distribution centers serve a different purpose than a warehouse. Distribution centers store products other than just food products and typically only for a short time. Flow of products through a distribution center is much greater and these facilities also offer other value-added services such as product mixing, order fulfillment, packaging, etc. Distribution centers can serve many different types of customers, including retailers and consumers.

8. **Q: What if a building where use is exempt is within 50 feet of a building where use is prohibited?**

A: Regardless of the buildings, facilities, or sites within 50 feet of an exempt use site, use of SGARs in or around any exempt site (e.g. the brewery) likely meets the exemption in the amended law. The use must follow the product labeling and all other current pesticide laws and regulations.

## **Other Uses and Permitting**

**9. Q: How does this law affect farmers, ranchers, or growers?**

A: As noted above, all current pesticide laws and regulations continue to apply. Provided the use site is listed on the label, use of SGARs within 50 feet of agricultural buildings or agricultural man-made structures on a farm producing agricultural products, such as a poultry or cattle barn or an on-farm grain or hay storage structure, is unaffected.

However, there may be cases where a farmer or rancher has a grazing or agricultural lease in a wildlife habitat area (defined in the law as "any state park, state wildlife refuge, or state conservancy"). Most SGAR use is broadly prohibited in those state areas, except as provided in FAC section 12978.7 subsection (e).

**10. Q. What about public health uses?**

A: As noted above, there are two exemptions for public health. One is for applications by Vector Control Technicians employed by vector control or pest abatement districts or agencies using SGARs for public health activities.

The law also provides a narrow exemption if the State Public Health Officer or a local public health officer declares a public health need where there is an urgent, non-routine situation posing a significant risk to human health and where it is documented that other rodent control alternatives, including nonchemical alternatives, are inadequate to control the rodent infestation. Under this narrow exemption, a pest control business could potentially conduct some limited SGAR applications within the scope and duration of the declaration. In the event of a declared local health emergency involving SGAR use for a public health need, as defined in FAC section 12978.7, please consult with your local public health officer.

**11. Q: Who will notify the CACs when DPR authorizes SGAR use for research purposes?**

A: In order to generate data for the reevaluation of SGARs, DPR may approve specific applications of SGARs in California. These research programs must be reviewed by DPR scientific staff involved in the reevaluation of SGARs and will receive approval from the director. As a courtesy, DPR will provide the local CAC with a copy of the approval. This is separate from the research authorization program detailed in 3 CCR 6260-6272.

**12. Q: If the CAC previously issued a multi-year permit for a now prohibited use, what should be done?**

A: Every restricted materials permit issued is automatically conditioned upon compliance with FAC Divisions 6 and 7, which includes the amended FAC section 12978.7 when it takes effect January 1, 2021. For an existing valid multi-year SGAR permit, the CAC should take appropriate measures to inform permittees of the requirements of this law and make them aware of the following:

- Notices of Intent for uses which do not comply with the law will be denied,
- Under FAC section 14008, failure to comply with the law is grounds for revoking the current permit as well as refusing future permits, and

- Individual certified applicator licenses or certificates can be revoked or suspended for failure to comply with the law.

When renewing SGAR permits, the CAC should discuss with permittees whether they have SGAR product in storage and whether their uses will comply with the law. If they no longer have any SGARs in storage or cannot legally use the product, the CAC should consider removing the pesticide from the permit.

**13. Q: What can end users do with SGAR product they have in storage, which they can no longer use?**

A: For all end users including structural pest control businesses, if the container is unopened the end user can consider contacting the dealer or registrant to ask about returning it. Alternatively, end users may contact their state or local hazardous waste disposal program to find out how to dispose of SGAR products appropriately.

For uses requiring a restricted material permit, under 3 CCR section 6412(b) the permittee is allowed to retain possession, except for sale, of any restricted material listed on the permit after the permit expires.

**14. Q: Does this law affect SGAR applications on federal property?**

A: Other than certain "pollution control standards," federal agencies and their employees are not subject to California pesticide laws and regulations. The amended law instructs state agencies to encourage federal agencies to comply with the law's requirements. However, pest control businesses licensed by DPR or registered with the Structural Pest Control Board conducting pest control on federal property are still subject to California laws and regulations.

If you have any questions about implementing these requirements please contact the Enforcement Branch Liaison assigned to your county.

Sincerely,

***Original signature by:***

Joseph Damiano  
Chief, Enforcement Headquarters Branch  
916-324-4100  
Donna Marciano  
Chief, Enforcement Regional Office Branch  
916-603-7700

cc: Mr. Joe Marade, DPR County/State Liaison  
Enforcement Branch Liaisons



# July 2021

| Sunday | Monday | Tuesday                       | Wednesday                     | Thursday | Friday | Saturday |
|--------|--------|-------------------------------|-------------------------------|----------|--------|----------|
|        |        |                               |                               | 1        | 2      | 3        |
| 4      | 5      | 6                             | 7                             | 8        | 9      | 10       |
| 11     | 12     | 13                            | 14                            | 15       | 16     | 17       |
| 18     | 19     | 20<br>SPCB Meeting<br>(WebEx) | 21<br>SPCB Meeting<br>(WebEx) | 22       | 23     | 24       |
| 25     | 26     | 27                            | 28                            | 29       | 30     | 31       |
|        |        |                               |                               |          |        |          |

# October 2021

| Sunday | Monday | Tuesday                       | Wednesday                     | Thursday | Friday | Saturday |
|--------|--------|-------------------------------|-------------------------------|----------|--------|----------|
|        |        |                               |                               |          | 1      | 2        |
| 3      | 4      | 5                             | 6                             | 7        | 8      | 9        |
| 10     | 11     | 12                            | 13                            | 14       | 15     | 16       |
| 17     | 18     | 19<br>SPCB Meeting<br>(WebEx) | 20<br>SPCB Meeting<br>(WebEx) | 21       | 22     | 23       |
| 24     | 25     | 26                            | 27                            | 28       | 29     | 30       |
| 31     |        |                               |                               |          |        |          |

# March 2022

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--------|--------|---------|-----------|----------|--------|----------|
|        |        | 1       | 2         | 3        | 4      | 5        |
| 6      | 7      | 8       | 9         | 10       | 11     | 12       |
| 13     | 14     | 15      | 16        | 17       | 18     | 19       |
| 20     | 21     | 22      | 23        | 24       | 25     | 26       |
| 27     | 28     | 29      | 30        | 31       |        |          |
|        |        |         |           |          |        |          |