

**DEPARTMENT OF CONSUMER AFFAIRS  
TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS  
DIVISION 19.  
STRUCTURAL PEST CONTROL BOARD  
NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:  
Examinations**

**NOTICE IS HEREBY GIVEN** that the Structural Pest Control Board (Board) is proposing to take the action as described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Board has not scheduled a public hearing for this action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing and addressed to the individuals listed under “Contact Person” in this Notice.

**WRITTEN COMMENT PERIOD**

Written comments relevant to the action proposed, including those sent by mail or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than Monday May 18, 2026**, or must be received by the Board at the hearing, should one be scheduled.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Business and Professions Code (BPC) section 8525 and to implement, interpret, or make specific BPC sections 8560, 8561, 8563, 8564.5, 8565, 8565.5, 8566 and 8674, the Board is proposing to amend Title 16, California Code of Regulations (CCR) sections 1940, 1941, 1942, and adopt 1940.1.<sup>1</sup>

**INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW**

The Structural Pest Control Board (Board) is responsible for licensing and regulating pest control professionals in California pursuant to the provisions of BPC sections 8500 and following (commonly referred to as the Structural Pest Control Act (“Act”). The license types include applicator, field representative, and operator and fall into three branches in California: Branch 1 - fumigation, Branch 2 - general pest, and Branch 3 -

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<sup>1</sup> All CCR references are to Title 16 unless otherwise noted.

termite. The Board licenses an estimated 24,200 pest control professionals, including approximately 6,000 applicators, 14,000 field representatives, and 4,200 operators. Protection of the public is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions.

BPC section 8525 authorizes the Board, in accordance with the Administrative Procedure Act (APA) (Government Code sections 11340 et. seq.), to adopt, amend, repeal and enforce reasonably necessary rules and regulations relating to the practice of pest control and its various branches as established by BPC section 8560 and the administration of the Act. BPC section 8560 gives the Board authority to develop and administer examinations including to "make rules and regulations for the purpose of securing fair, impartial, and proper examinations." BPC section 8560(g) establishes that each examination shall be in each of the subjects specified in the branch or branches relating to the specific applications and that a license shall be granted to any applicant "who shall make a general average of not less than 70 percent on each of the subjects of the branch or branches." However, the Board does not currently have examination requirements specified in regulations.

The Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES) provides professional consulting services in examination validation and development to this Board and other DCA boards, bureaus, and committees, and provides recommendations based on regulations, professional guidelines, and technical standards related to licensure examinations. OPES guidance helps the Board implement department-wide examination validation policies in accordance with legislative requirements for examination validation set forth in BPC section 139. OPES has completed occupational analyses of the structural pest control professions regulated by this Board and developed examination plan outlines to specify content to ensure entry level competence in the specified structural pest control license and branch in California (see reports in Underlying Data). Based on the findings of these analyses, the Board seeks to formalize its examination requirements in regulations in compliance with BPC section 139. These changes are intended to better protect California consumers by ensuring examinations meet minimum standards for qualifying applicants for licensure.

The Board's current regulations do not address the examinations that the Board administers for its licensees. They do not reflect the current laws and procedures for examination application and administration. The current regulations also do not reflect minimum examination and certification standards required by the United States Environmental Protection Agency (U.S. EPA).

### *Alignment with Federal Core Competency and Examination Requirements and DPR Regulations*

In 1974, the U.S. EPA adopted 40 Code of Federal Regulations (CFR) Part 171 titled “Certification of Pesticide Applicators” to ensure state certification programs protect applicators, the public, and the environment from the risks associated with restricted use pesticides (RUPs). These are pesticides that the U.S. EPA has determined may cause unreasonable adverse effects to the environment and have the potential to cause injury to applicators or bystanders if not used properly and according to label instructions (see criteria for RUPs in 40 CFR § 152.170). To manage these risks, the U.S. EPA requires RUPs to be used only by **certified** applicators or individuals working under the direct supervision of a certified applicator. The criteria for RUPs are outlined in 40 CFR § 152.170.

Effective May 22, 2018, the U.S. EPA updated its regulations at 40 CFR Part 171 to enhance certification standards. These updates require state certifying agencies, such as the Board, to adopt or exceed federal “core standards” for commercial applicators as described in 40 CFR §171.103, and to ensure their examination procedures assess minimum competency. Furthermore, 40 CFR § 171.303(b)(2)(i) requires that state certification plans include a citation of the specific laws and/or regulations demonstrating adoption of these standards.

Due to California’s unique regulatory framework, the Board licenses and certifies applicators of California restricted materials, which include RUPs (as defined in California Code of Regulations, tit. 3, section 6400(a)), as well as applicators who perform pest control for hire regardless of whether they use RUPs. The Board coordinates and consults with the Department of Pesticide Regulation (DPR) to ensure California’s pesticide laws and regulations are being implemented consistent with the federal requirements and the State’s plan for complying with federal requirements (see Section 11 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA -- 7 U.S.C. §§ 136-136y)). DPR revised regulations related to the certification and training of pesticide applicators in Title 3, California Code of Regulations (3 CCR) Division 6 (see, 3 CCR section 6504 relating to exam content) to ensure State compliance. The regulations became effective on January 1, 2024.

These proposed regulations will align the Board’s regulations with federal requirements and DPR’s regulations. California law at Food and Agricultural Code (FAC) section 14015 restricts the use or possession of RUPs to the following:

Except as provided by regulation adopted by the director, a restricted material shall only be possessed or used by, or under the direct supervision of, a private applicator, who is certified pursuant to Section 14093, or a certified commercial applicator, as defined by Section 6000 of Title 3 of the California Code of Regulations.

In California, only **operators and field representatives** are considered certified applicators under federal law, since they apply RUPs as a “certified commercial applicator” in accordance with DPR’s regulations at 3 CCR § 6000 (which includes SPCB Operators and Field Representatives, but not Applicators). Therefore, the amended federal requirements apply only to these two license types—operators and field representatives—and their specified branches for this Board. Nevertheless, the Board needs to update its regulations to reflect that these requirements for core standards are met through its examinations for those license types considered certified commercial applicators (operator and field representative) to show compliance with the U.S. EPA and DPR regulations noted above.

### *Compliance with Examination Validation Requirements*

The Legislature has recognized that occupational analyses and examination validation studies are fundamental components of licensure programs. (BPC section 139, subd. (a).) DCA’s Departmental Licensure Examination Validation Policy (OPES 22-01) recognizes the same. Licensure examinations with substantial validity evidence are essential in preventing unqualified individuals from obtaining professional licenses. To that end, licensure examinations must be:

- Developed according to an examination outline that is based on a current occupational analysis,
- Regularly evaluated,
- Updated when tasks performed or prerequisite knowledge in a profession change, or to prevent overexposure of test questions, and
- Reported annually, in terms of validation activities, to the Legislature.

Although the Board’s existing licensing exams already meet federal standards covering the core standards set forth in 40 CFR § 171.103, the Board has not yet adopted regulations explicitly referencing the core standards as required by 40 CFR § 171.303(b)(2)(i). A comprehensive review conducted in partnership with OPES confirmed that the Board’s exams align with federal standards (see memo from Heidi Lincer, Chief of OPES, dated June 11, 2025, in the Initial Statement of Reasons’ Underlying Data). As discussed above, OPES has validated the Board’s examinations pursuant to the DCA policy noted above and, as a result, this proposal is necessary to implement and update the Board’s validated content and standards in regulation for its examinations.

The Board is proposing changes to CCR sections 1940, 1941, 1942, and adopting of CCR section 1940.1, to establish minimum standards and procedures for the applicator, field representative, and operator license examinations administered by the Board. Amendments to CCR section 1940 would also establish that upon passing an exam, applicants may submit an application for an applicator, field representative or operator

license, and would further provide a definition for “pass” or “passing” a Board examination. The changes to CCR section 1940 would generally specify the latest content areas, tasks, and associated knowledge statements for these exams by incorporating by reference the Board’s examination outlines for the professions regulated by the Board from OPES’ Occupational Analyses, as specified.

The Board also proposes to update its requirements for taking a board examination. This would include adopting standards for submission of a completed application for examination in proposed new CCR section 1940.1, amending requirements for submitting a re-examination application at CCR section 1942, and amending existing regulations relating to consequences for an applicant’s failure to appear for examination in CCR section 1941. These updates would include the following:

*Application for Examination (CCR section 1940.1):*

- Application submission criteria and requirements for submission of a fee, as specified,
- Disclosure of specified identifying and contact information,
- Disclosure regarding whether the applicant has previously applied for examination,
- Disclosure regarding whether the applicant is presently or was previously licensed with the Board,
- Disclosure regarding whether the applicant is requesting a reasonable accommodation and, if so, requiring medical documentation, as specified,
- A statement signed by the applicant under penalty of perjury that the information provided in the application for examination is true and correct,
- A copy of the applicant’s “acceptable government-issued photo identification,” as specified,
- For Branch 1, 2, or 3 operator licenses, submission of satisfactory proof of completing the applicable courses required by BPC section 8565.5, as specified, and,
- Setting the Board’s requirements for confirming the application for examination is complete and sending notice of written approval to the applicant and the examination vendor and specifying the contents of the notice and an applicant’s responsibilities.

*Failure to Appear for an Examination (CCR section 1941):*

- The title would be revised from “Failure to Appear for Operator or Field Representative’s Examinations” to “Failure to Appear for an Examination,”
- Existing references to “operator’s or filed representative’s” would be repealed and replaced with a general cross-reference to all examinations in CCR section 1940, and,
- The section would be amended to add a cross-reference to the new application requirements for examination proposed at CCR section 1940.1.

### *Application for Re-Examination (CCR section 1942):*

- Strike existing references to when an applicant “fails” an operator’s or field representative’s exam and replace it with “does not pass an examination” as specified in CCR section 1940,
- Strike existing references to a requirement that an applicant may take another examination only “within six months thereafter” (after taking a prior exam),
- Application submission criteria and requirements for submission of a fee, as specified,
- Disclosure of specified identifying and contact information,
- A statement signed by the applicant under penalty of perjury that the information provided in the application for examination is true and correct,
- Setting the Board’s requirements for confirming the application for examination is complete and sending notice of written approval to the applicant and the examination vendor, and specifying the contents of the notice and an applicant’s responsibilities, and,
- Providing a definition of “acceptable government-issued photo identification” required for presentation at the exam location prior to taking an exam consistent with the definition set forth in CCR section 1940.1.

### **Anticipated Benefits of Proposal**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the State’s environment. This proposed rulemaking will make the Board’s examination requirements consistent with current state and federal law, establish clear procedures for examination administration, incorporate minimum standards for exam validation and strengthen consumer protection.

The Board also anticipates that the updated regulations will be a more effective tool for the Board, examination applicants and licensees, and the public by confirming that examinations meet minimum competency standards for licensure and by ensuring consistency and fairness in the Board’s examination processes.

The proposed regulations will also benefit the health and welfare of California residents, certified commercial applicators, and the environment by aligning examination and certification standards with the federal framework governing the safe use of RUPs in this State. The proposal meets the minimum federal standards for examination and licensure of field representatives and operators who apply RUPs, reducing the likelihood of improper applications and accidental exposures. Certified commercial applicators (field representatives and operator “workers” who apply RUPs) will be better equipped to follow pesticide labeling and California laws by standardizing the exam content consistent with U.S. EPA regulations, ensuring safe and lawful use of RUPs.

## Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board conducted a search of any similar regulations relating to these topics and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

## INCORPORATION BY REFERENCE

1. "Attachment A: Examination Outline for the California Applicator Examination," which is published in the memorandum entitled "Occupational Analysis of the Applicator Profession" from the Chief of the Office of Professional Examination Services to the board's Executive Officer, dated March 9, 2023.
2. "Table 10 – Examination Outline for the Branch 1 Field Representative Profession," which is published in the document entitled "*Occupational Analysis of the Branch 1 Field Representative Profession*" by the Department of Consumer Affairs' Office of Professional Examination Services, dated August 2019.
3. "Table 14 – Branch 2 Field Representative Examination Outline 2025," which is published in the document entitled "*Occupational Analysis of the Branch 2 Field Representative Profession*" by the Department of Consumer Affairs' Office of Professional Examination Services, dated July 2025.
4. "Table 13 – Examination Content Outline: Branch 3 Field Representative," which is published in the document entitled "*Occupational Analysis of the Branch 3 Field Representative Profession*" by the Department of Consumer Affairs' Office of Professional Examination Services, dated January 2017.
5. "Table 10 – Examination Outline For Branch 1 Operator Profession," which is published in the document entitled "*Occupational Analysis of the Branch 1 Operator Profession*" by the Department of Consumer Affairs' Office of Professional Examination Services, dated August 2019.
6. "Table 14 – Branch 2 Operator Examination Outline 2025, which is published in the document entitled "*Occupational Analysis of the Branch 2 Operator Profession*" by the Department of Consumer Affairs' Office of Professional Examination Services, dated July 2025.
7. "Table 13 – Examination Outline For Branch 3 Operator Profession," which is published in the document entitled "*Occupational Analysis of the Branch 3 Operator Profession*" by the Department of Consumer Affairs' Office of Professional Examination Services, dated August 2017.
8. Code of Federal Regulations, Title 40, sections 171.103(c), 171.103(d)(7) and 171.103(d)(14), dated July 1, 2023.

## DISCLOSURES REGARDING THIS PROPOSED ACTION

### FISCAL IMPACT ESTIMATES

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs or Savings in Federal Funding to the State:** The Board estimates one-time costs of approximately \$2,600 to update the seven exams and post them on the Board's website. Any workload and costs will be absorbed within existing resources.

The regulations do not result in costs or savings in federal funding to the state.

**Non-Discretionary Costs or Savings to Local Agencies:** None

**Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement:** None

**Mandate Imposed on Local Agencies or School Districts:** None

**Significant Effect on Housing Costs:** None

## **BUSINESS IMPACT ESTIMATES**

The Board has made the initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

This Board already administers all examinations required for licensure. The proposed regulations do not establish new testing requirements or impose new obligations on businesses; rather, they codify existing examination practices, procedures, and standards into regulation for consistency and transparency. License applicants are already required to meet these examination requirements as a condition of licensure. Therefore, no additional costs or burdens will be incurred by businesses or licensees as a result of this rulemaking.

Based on the recent fiscal year data, the Board receives approximately 10,000 initial and reexamination applications annually. The examination standards and application requirements reflected in these regulations are consistent with the standards the Board has historically applied to all examination applicants. As a result, the proposed regulations do not impose any new or additional requirements beyond current practice and will have no change in business impact to applicants or the State.

Additionally, the amendments to these regulatory sections clarify existing procedures and policies rather than establish new standards. The Board already follows these procedures and communicates these requirements to applicants as part of its current examination and licensing process.

**Cost Impact on Representative Private Person or Business:** The Board is not aware of any additional cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## **RESULTS OF THE ECONOMIC IMPACT ASSESSMENT / ANALYSIS**

### **Impact on Jobs / Businesses**

The Board has determined that this regulatory proposal will not have any impact on the following:

- 1) the creation or elimination of jobs within the State,
- 2) the creation of new businesses or the elimination of existing businesses within the State, or,
- 3) the expansion of businesses currently doing business within the State.

This proposal would not have any of the above-referenced impacts as explained in the “Business Impact Estimates” section of this Notice.

### **Benefits of Regulation**

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the State’s environment:

The proposed regulations will benefit the health and welfare of California residents, certified commercial applicators, and the environment by ensuring examination and certification standards are consistent with the federal framework for the safe use of restricted-use pesticides (RUPs).

The proposal meets the minimum federal standards, helping reduce improper applications and accidental exposures. Certified commercial applicators (field representatives and operators) will be better prepared to follow pesticide labeling and California laws, ensuring safe and lawful use of RUPs.

Absent this proposal, California’s certification and examination requirements would not be fully aligned with the updated federal standards, potentially creating regulatory inconsistencies and undermining statewide compliance with 40 CFR Part 171.

The Board also anticipates that the updated regulations will serve as a more effective tool for the Board, examination applicants, licensees, and the public by providing a clear and comprehensive overview of the Board’s examinations and related procedures. These changes are designed to better protect California consumers by confirming that examinations meet minimum competency standards for licensure and by ensuring consistency and fairness in the Board’s examination processes.

## **Business Reporting Requirements**

The regulatory action does not require businesses to file a report with the Board.

## **Effect on Small Business**

The Board has determined that the proposed regulations will not affect small businesses. While the Board does not have, nor does it maintain, data to determine if any of its licensees are a “small business,” as defined in Government Code section 11342.610, the Board has made an initial determination that the proposed regulatory action will not affect small businesses for the reasons set forth in the “Business Impact Estimates” section of this Notice.

## **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815, during the written comment period, or at the hearing if one is scheduled or requested.

## **AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE**

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the Contact Persons named in this Notice.

## **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board office located at, 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815.

## **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After considering all timely and relevant comments received, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposed regulations substantially as described in this notice or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons (FSOR) once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

### **CONTACT PERSONS**

Inquiries or comments regarding the proposed rulemaking action may be addressed to:

Name: Sophia Azar  
Address: Structural Pest Control Board  
2005 Evergreen Street, Suite 1500  
Sacramento, CA 95815  
Telephone Number: 279-236-2502  
Email Address: [pestboard@dca.ca.gov](mailto:pestboard@dca.ca.gov)

The backup contact person is:

Name: Kristina Jackson-Duran  
Address: Structural Pest Control Board  
2005 Evergreen Street, Suite 1500  
Sacramento, CA 95815  
Telephone Number: 279-236-2501  
Email Address: [pestboard@dca.ca.gov](mailto:pestboard@dca.ca.gov)

### **AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at [https://www.pestboard.ca.gov/pestlaw/proposed\\_regulations.shtml](https://www.pestboard.ca.gov/pestlaw/proposed_regulations.shtml).