

**State of California
Office of Administrative Law**

In re:
Structural Pest Control Board

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections:

Amend sections: 1970

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

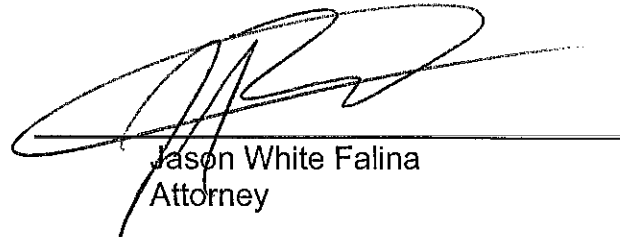
OAL Matter Number: 2024-0725-01

OAL Matter Type: Regular (S)

This rulemaking action by the Structural Pest Control Board amends the existing Standards and Recording Requirements regulation under California Code of Regulations Title 16 section 1970 by relocating the required information for Fumigation Logs into a new Standard Structural Fumigation Log (Form number 43M-47, Rev. 6/2023) which is incorporated by reference. Additionally, this action amends the required structural pest control application report information to align with the minimum federal standards set forth in 40 C.F.R. 171.303(b)(7)(vi).

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2024.

Date: August 21, 2024



Jason White Falina
Attorney

For: Kenneth J. Pogue
Director

Original: Susan Saylor, Executive Officer
Copy: Sophia Azar

NOTICE PUBLICATION/REGULATIONS

REGULAR (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-0318-01	REGULATORY ACTION NUMBER 2024-0725-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

OFFICE OF ADMINISTRATIVE LAW

Electronic Submission

RECEIVED DATE 3/18/2024	PUBLICATION DATE 3/29/2024
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OFFICE OF ADMIN. LAW
2024 JUL 25 AM 10:54

FILED
in the office of the Secretary of State
of the State of California

AUG 21 2024

By Jeff Kade
Deputy Secretary of State

AGENCY WITH RULEMAKING AUTHORITY Structural Pest Control Board	REGULATIONS	AGENCY FILE NUMBER (If any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Fumigation & Pesticide Stds. & Record Reqmts	TITLE(S) 16	FIRST SECTION AFFECTED 1970	2. REQUESTED PUBLICATION DATE March 29, 2024
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Sophia Azar	TELEPHONE NUMBER (279) 236-2502	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2024, 14-2	PUBLICATION DATE 3/29/2024	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Fumigation & Pesticide Standards & Record Requirements	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 1970
TITLE(S) 16	REPEAL

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State §100 Changes Without Regulatory Effect Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs

7. CONTACT PERSON Sophia Azar	TELEPHONE NUMBER (279) 236-2502	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) sophia.azar@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <u>Sophia Azar</u>	DATE Jul 16, 2024
TYPED NAME AND TITLE OF SIGNATORY Sophia Azar, Executive Officer, Structural Pest Control Board	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 21 2024

Office of Administrative Law

**California Code of Regulations
Title 16. Professional and Vocational Regulations
Division 19. Structural Pest Control Board**

ORDER OF ADOPTION

Amend section 1970 of Division 19 of Title 16 of the California Code of Regulations to read as follows:

§ 1970. Standards and Record Requirements.

(a) For the purpose of maintaining proper standards of safety and the establishment of responsibility in handling the dangerous gases used in fumigation and the pesticides used in other pest control operations, a registered company shall compile and retain for a period of at least three years, a Standard Structural Fumigation Log (Form number 43M-47, Rev. 6/2023), hereby incorporated by reference, ~~log~~ for each fumigation job and a report, as defined in subsection (b), for each structural pest control application ~~pesticide control operation~~ in which a pesticide is used by the registered company or the registered company's employee. If the fumigation is to be performed by a fumigation subcontractor, the subcontractor shall complete the fumigation log and forward a copy of the log to the primary contractor within ten business days.

~~(a) The log (See Form 43M-47 (Rev. 5/07) at the end of this section) for each fumigation job shall contain the following information:~~

~~Name, address and company registration certificate number of prime contractor.~~

~~Name, address and company registration certificate number of subcontractor, if any.~~

~~Address of property.~~

~~Date of fumigation.~~

~~Name and address of owner or his or her agent.~~

~~Date and hour fire department was notified pursuant to Business and Professions Code section 8505.5.~~

~~Date and hour county agricultural commissioner was notified and method of notification, where required.~~

~~Property description including type of structure as to details of roofing, walls, and the presence of construction elements, conduits, drains, air ducts, or vacuum systems that could allow the passage of fumigant from the structure to be fumigated to any adjacent or adjoining structure(s), thereby connecting them, and method(s) used to prevent passage of the fumigant.~~

~~Cubic feet fumigated.~~

~~Target pest(s).~~

~~Kind of fumigant(s) used.
United States Environmental Protection Agency registration number(s) of fumigant(s).
Name of warning agent and amount used.
Type of sealing method used.
Weather conditions as to temperature and wind.
Date and hour fumigant introduced.
Cylinder number of each fumigant used.
Weight of each fumigant cylinder before introduction of gas.
Pounds of fumigant used from each cylinder.
Total pounds of fumigant used.
List of any extraordinary safety precautions taken.
Name, signature and license number of operator or field representative releasing fumigant.
First name and surname of crew when fumigant was released, when aeration commenced and when the property was released for occupancy.
Indication of whether or not safety equipment was available at the fumigation site at the time the fumigant was introduced, when ventilation commenced and when the property was released for occupancy.
Date and hour aeration commenced.
Conditions of tarp and seal.
Name, signature and license number of operator or field representative commencing ventilation.
Type of device(s) used to test for re-entry.
Date and hour ready for occupancy.
Name, signature and license number of operator or field representative releasing property for occupancy.
Method used to calculate amount of fumigant used.
Factors used in calculation of fumigant.
Special notes or comments pertinent to fumigation.~~

(b) The report for each structural pest control operation application, other than fumigation, in which a pesticide is used shall contain the following information:

- (1) Date and time of application treatment.
- (2) Name of owner or his or her their agent.
- (3) Address of property.
- (4) Description of area(s) treated.
- (5) Target pest(s).
- (6) Pesticide product name, including U.S. Environmental Protection Agency or CA registration number on the pesticide label and amount used.

(7) Identity and license number of the certified commercial applicator(s) person or persons who applied or supervised the application(s) of restricted material(s) by the noncertified commercial applicator(s), and, if applicable, the identity and license number of the noncertified commercial applicator(s) who applied the pesticide(s).

(c) The term "fraudulent act" as used in Section 8642 includes but is not limited to the falsification of any records pertaining to fumigation jobs or other pest control operations in which a pesticide other than a fumigant is used.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8505.5, 8505.7, 8505.13, ~~8505.15~~, 8505.16, 8516, 8642, 8646 and 8652, Business and Professions Code.

STANDARD STRUCTURAL FUMIGATION LOG

ADOPT

ADDRESS OF PROPERTY		CITY	DATE OF FUMIGATION
PRIME CONTRACTOR NAME AND ADDRESS		SUBCONTRACTOR NAME AND ADDRESS (if applicable)	
PR# / BR#		PR# / BR#	
OWNER/AGENT NAME AND ADDRESS		FIRE DEPT. NOTIFIED (DATE) (HOUR)	
PROPERTY DESCRIPTION		C.A.C. NOTIFIED (METHOD)(DATE)(HOUR)	
NOTES / COMMENTS			
SECTION 1 – FUMIGANT RELEASED			
TARGET PEST	WARNING AGENT	CUBIC FEET	OUNCES USED
FUMIGANT / E.P.A. REGISTRATION NO.	SEALING METHOD	DATE/TIME GAS INTRODUCED	
	CYLINDER SERIAL NO.	WT. BEFORE INTRO.	POUNDS APPLIED
WIND M.P.H. AIR TEMP	CYLINDER SERIAL NO.	WT. BEFORE INTRO.	POUNDS APPLIED
	CYLINDER SERIAL NO.	WT. BEFORE INTRO.	POUNDS APPLIED
EXTRAORDINARY PRECAUTIONS			TOTAL POUNDS
<input type="checkbox"/> FUMIGUIDE B <input type="checkbox"/> FUMIGUIDE Y <input type="checkbox"/> VIKANE CALCULATOR <input type="checkbox"/> FUMICALC CALCULATOR <input type="checkbox"/> OTHER _____			
DOSAGE FACTOR	_____	UNDER SEAL	_____
TARP CONDITION	_____	TEMPERATURE	_____
SEAL CONDITION	_____	HOURS EXPOSURE	_____
WIND (MPH)	_____	MONITOR JOB (YES / NO)	_____
VOLUME	_____		
CREW MEMBER(S) FULL NAME(S):			

WAS REQUIRED SAFETY EQUIP. PROVIDED? YES () NO ()		LICENSEE RELEASING FUMIGANT SIGNATURE	LICENSE NO.
SECTION 2 – VENTILATION COMMENCED			
AERATION COMMENCED:		TARP / SEAL CONDITION	
DATE	TIME		
CREW MEMBER(S) FULL NAME(S):			

WAS REQUIRED SAFETY EQUIP. PROVIDED? YES () NO ()		LICENSEE COMMENCING VENTILATION SIGNATURE	LICENSE NO.
SECTION 3 – RELEASED FOR OCCUPANCY			
TESTING DEVICE USED:		PROPERTY CERTIFIED SAFE FOR RE-ENTRY:	
		DATE	TIME
CREW MEMBER(S) FULL NAME(S):			

WAS REQUIRED SAFETY EQUIP. PROVIDED? YES () NO ()		LICENSEE RELEASING PROPERTY FOR OCCUPANCY SIGNATURE	LICENSE NO.