

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

PROPOSED LANGUAGE

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend 16 CCR section 1970.4 to read:

§ 1970.4. Pesticide Structural Fumigation Disclosure Requirement.

(a) The ~~primary~~ contractor for fumigation ~~shall have in his or her~~ must possession and ~~shall provide to any subcontractor for fumigation an~~ Occupant Fumigation Notice and Pesticide Disclosure form (See Form number 43M-48, revised 10/2022, which is hereby incorporated by reference (Rev. 5/07) at the end of this section) signed by the occupants, ~~if any,~~ or ~~designated~~ owner or owner's agent of a structure. The prime contractor for fumigation must provide to any subcontractor for fumigation a signed copy of the Occupant Fumigation Notice and Pesticide Disclosure form. The ~~primary~~ contractor for fumigation and the subcontractor for fumigation ~~shall~~ must retain a signed copy of the ~~each~~ occupants fumigation notice Occupant Fumigation Notice and Pesticide Disclosure form 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 structure may obtain signatures and/or verify the notification of the occupants on behalf of the prime contractor.

The Occupant Fumigation Notice and Pesticide Disclosure form ~~shall~~ must state the name of the pest to be controlled, the ~~pesticide(s)/fumigant(s)~~ proposed to be used, the active ingredient(s) and the health cautionary statement as required under section 8538 of the code. The Occupant Fumigation Notice and Pesticide Disclosure form ~~shall~~ must 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~~ must 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.

~~(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.

OCCUPANTS FUMIGATION NOTICE AND PESTICIDE DISCLOSURE

JOB ADDRESS _____ CITY _____

Single Family Dwelling _____ Multi Family Dwelling _____ Other _____

Owner/Agent
Tel. No. () _____ Emergency No. () _____

Occupant
Tel. No. () _____ Emergency No. () _____

~~Prime~~ Contractor _____ Emergency No. () _____
Fumigation Contractor _____ Emergency No. () _____

Target Pest(s): ~~Subterranean~~ Termites Beetles Other(s) _____
Fumigants proposed to be used: Methyl Bromide Sulfuryl Fluoride _____ (Product Name)
Other(s) _____

Are you aware of any conduits, pipes, common drains, air ducts, central vacuum systems or any other construction elements that would allow the passage of a fumigant from the structure to be fumigated to any other adjacent or adjoining structure?
YES () NO ()

CHLOROPICRIN WILL BE USED AS WARNING AGENT WITH EITHER FUMIGANT

Dates of fumigation: _____ Date changes/Alternative date: _____
Initials _____ |

IMPORTANT READ CAREFULLY

THIS BUILDING WILL BE FUMIGATED WITH LETHAL GASES ON THE DATE(S) INDICATED ABOVE. ALL PERSONS AND ANIMALS MUST VACATE THE PREMISES ON OR BEFORE ARRIVAL OF THE FUMIGATION CREW. UNDER NO CIRCUMSTANCES CAN ANYONE ENTER THE BUILDING UNTIL THE FUMIGATION COMPANY'S NOTICE IS POSTED GIVING THE TIME AND DATE FOR SAFE RE ENTRY.

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 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, 800/737-8168, 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815.

FOR HEALTH QUESTIONS:

COUNTY HEALTH DEPARTMENT	COUNTY AGRICULTURAL COMMISSIONER	POISON CONTROL CENTER	STRUCTURAL PEST CONTROL BOARD
PHONE # _____	PHONE # _____	PHONE # _____	PHONE # _____

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

I hereby acknowledge receipt of a copy of this document as well as a list that includes the instructions for the necessary preparations for the fumigation, procedures for leaving the structure, and the following documents:

We suggest that you notify nearby neighbors of the date of fumigation and to keep pets away during the fumigation. Close off any open access to the subarea to prevent pets from entering.

() Owner/Agent (signature) _____ Date _____
() Occupants(s) (signature) _____

Add 16 CCR section 1970.41:

§ 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, common areas, including the on-site manager’s office or unit, all multi-unit mailboxes, in all laundry rooms and community rooms for all exterior pest control services.

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

Add 16 CCR section 1970.42:

§ 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 pesticide notice in compliance with subdivision (b) immediately after the service visit as follows:

(1) When applied around or to the exterior of any structure, the post-application pesticide notice must be provided in writing personally to the occupant, owners, or owners’ agent, or by first-class mail. Alternatively, the post-application pesticide notice may be provided via electronic mail if the occupant, owners, or owners’ agent has authorized such communication method via contract or other written confirmation of such agreement.

(2) When applied to the interior of a unit within a multi-unit residential structure the post-application pesticide notice must be provided in writing and left on the door of the unit, or within the unit in an area next to the door of the unit.

(3) When applied to the interior of a commercial, industrial, or single-unit residential structure, the notice must be provided in a manner as described in subdivision (a)(1).

(b) The post-application pesticide notice specified in (a) may be a door hanger, invoice, billing statement or other similar written 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 structural pest control company which applies any pesticide within,

around or to any structure must provide to any person, within 24 hours after request therefore, the common, generic or chemical name of each pesticide applied. This requirement applies to all requests made within 3 years of the pesticide application.

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

Add 16 CCR section 1970.43:

§ 1970.43 Reporting Death or Serious Injury.

Any death or serious injury relating to a structural fumigation or 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 upon learning of the serious injury or death by telephone to both the Structural Pest Control Board office and the County Agricultural Commissioner's office in the county where the structural fumigation or pesticide application or use occurred.

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