

**TITLE 16. STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS**

FINAL STATEMENT OF REASONS

HEARING DATE: October 13, 2016

SUBJECT MATTER OF PROPOSED REGULATION: Termite Stations

SECTION ADDED: California Code of Regulations, Title 16, Division 19, section 1993.4

SECTION AMENDED: California Code of Regulations, Title 16, Division 19, section 1993.2

SECTION REPEALED: California Code of Regulations, Title 16, Division 19, section 1993.3

INITIAL STATEMENT OF REASONS UPDATED INFORMATION: The Initial Statement of Reasons is included in the rulemaking file. There are updates to the information contained therein as follows.

The following technical and non-substantive changes were made:

CCR Section 1993.2

In subsection (a)(1) the term “wood destroying pests” was replaced by the word “termites” in order to accurately describe the applicable devices and to provide consistency throughout the section.

In subsection (b) “termite baiting system” was changed to “termite bait station” in order to provide consistency and also to make clear that the provisions of the section apply to all bait stations regardless if there is one, or multiple stations that have been installed.

In subsection (c) “termite baiting system” was changed to “termite bait station” in order to provide consistency and also to make clear that the provisions of the section apply to all bait stations regardless if there is one, or multiple stations that have been installed.

CCR Section 1993.4

The title of this section was changed from “Termite Monitoring Devices” to “Termite Monitoring Device”. This change was made to make clear that the provisions of the section apply to all monitoring devices regardless if there is one, or multiple devices that have been installed.

Subsections (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5) were added to more clearly outline the criteria that must be present for a device to be classified as a termite monitoring device. The information contained in these subsections was previously present in paragraph form.

In subsection (b) “termite monitoring devices” was changed to “termite monitoring device” to make clear that the provisions of the section apply to all monitoring devices regardless if there is one, or multiple devices that have been installed.

In subsection (c) the phrase “by either written or electronic means” was removed and replaced by the words “in writing”. This change was made to clarify that the disclosure language must be provided in writing.

In the disclosure language portion of subsection (c) the words “by company name” were removed in order to make clear to consumers that they are under no obligation to have an inspection performed by the same company that installed the monitoring device, or devices.

SMALL BUSINESS IMPACT: No proposed alternative would lessen the economic impact on small businesses. The Board made this determination because it is not aware of any economic impact to small businesses that will result from the proposed regulation.

LOCAL MANDATE DETERMINATION: The proposed regulation does not impose any mandate on local agencies or school districts.

CONSIDERATION OF ALTERNATIVES: The Board has determined that no proposed or considered alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board made this determination because the existing regulations related to termite baiting and monitoring stations do not allow them to be used in the manner most beneficial to consumers. No alternative that the Board is aware of would address this issue.

OBJECTIONS OR RECOMMENDATIONS / RESPONSES: The Board received no comments, objections, or recommendations specifically directed at the proposed regulatory change during the initial notice period.

The following comments were made at the October 13, 2016 Public Hearing:

Board Member Darren Van Steenwyk expressed concern about the proposed language in CCR Section 1993.4 which states that termite monitoring devices solely provide an indication of the possible presence or absence of termites. Mr. Van Steenwyk stated that the inclusion of the word absence could be misleading because the lack of an indication in a termite monitoring device does not necessarily mean termites are not present elsewhere.

Mike Katz, Structural Pest Control Board Act Review Committee, stated that the presence of termites is always a possibility and that the proposed language makes it clear that the

placement of termite monitoring devices does not eliminate the need for a full inspection to be performed.

Robert Lucas, Assistant Executive Officer, Structural Pest Control Board, stated that the proposed language in CCR Section 1993.4 is consistent with the language that is used in statute.

The Board made no changes to the initial proposal as a result of these comments. Ultimately, the Board agreed with Mr. Katz and Mr. Lucas and felt that the originally proposed language adequately addressed the concerns expressed by Mr. Van Steenwyk.

COMMENTS RECEIVED (15 DAY NOTICE OF MODIFIED TEXT): The Board received no comments, objections, or recommendations during the 15 Day Notice of Modified Text comment period.