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Director

Gray Davis  
Governor  
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Secretary, California  
Environmental  
Protection Agency

## Structural Pest Control Device Program

### Overview

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**Date Established** January 31, 2001

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**Enforcement Letter** ENF 01-06

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**Distribution** County Agricultural Commissioners

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**Referrals** If you have any questions pertaining to structural pest control devices, please contact your Senior Pesticide Use Specialist liaison.

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### Approval

Roy Rutz, Acting Chief  
Pesticide Enforcement Branch  
(916) 324-4100

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**Background** Assembly Bill 1134, authored by Assembly Member Machado, was signed by Governor Davis in 1998 (Chapter 651, Statutes of 1998) creating the Structural Pest Control Device Program. This bill was sponsored by the Pest Control Operators of California, to address their concerns over efficacy of new pest control technologies.

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**Purpose of this document** The purpose of this document is to provide county agricultural commissioners with information on the Structural Pest Control Device Program. If you discover an unregistered pest control device during your routine inspection activities, follow the same procedures as if handling an unregistered pesticide.

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## Overview, Continued

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- What this bill provides**
- Establishes a pest control device registration program within the Department of Pesticide Regulation (DPR), in many respects, identical to the existing Pesticide Registration program.
  - Unlawful to possess, use, or sell unregistered devices in California after July 1, 2001.
  - Establishes the Structural Pest Control Device Fund within the State Treasury (Business and Professions Code 8674.5).
  - 95% of the fund is continuously appropriated to DPR, 5% administration fee to the Structural Pest Control Board (SPCB) for collection activities.
  - Fund source: \$0.25 fee for each structural fumigation reported by SPCB licensees.
  - Fund sunsets on January 1, 2002.
  - Provides enforcement authority to DPR (registration actions and civil penalties), the county agricultural commissioners (civil penalties), and the SPCB (violations are grounds for disciplinary action).
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- Current device technologies available**
- Electricity
  - Heat
  - Microwave
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**Device evaluation data** Preliminary device efficacy and safety data have been submitted by prospective registrants and is under evaluation in the Registration Branch.

One company (Thermal Pest Eradication) has submitted an application for registration of its device. The data is under review by the Registration Branch and the Worker Health and Safety Branch.

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**Device registration application form** The Structural Pest Control Device Registration Application form (DPR-032) is available on DPR's web site <[www.cdpr.ca.gov](http://www.cdpr.ca.gov)> and from DPR's Pesticide Registration Branch at (916) 445-4400.

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## Overview, Continued

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### Definitions

**Device** – “... any method, instrument, or contrivance intended to be used to prevent, eliminate, destroy, repel, attract, or mitigate any wood destroying pest, but does not include firearms, pesticides as defined in FAC 12753, or equipment used for the application of pesticides when sold separately from a pesticide.” (FAC [Food and Agricultural Code] section 15300)

**Wood Destroying Pest** – “... insects such as wood borers and termites. ‘Wood Destroying Pest’ does not include wood-decaying fungi, general household pests such as cockroaches, or vertebrate pests such as rats and mice.” (FAC section 15300)

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cc: Mr. Daniel J. Merkley, Agricultural Commissioner Liaison

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