

**§1991. Report Requirements Under Section 8516(b)10., continued****(a) (8) continued**

(A) enclose the structure for an all encompassing treatment utilizing materials listed in Section 8505.1 of the code, or

(B) use another all encompassing method of treatment which exterminates the infestation of the structure, or

(C) locally treat by any or all of the following:

1. exposing the infested area(s) for local treatment,

2. removing the infested wood,

3. using another method of treatment which exterminates the infestation. (If any recommendation is made for local treatment, the report must contain the following statement: "Local treatment is not intended to be an entire structure treatment method. If infestations of wood-destroying pests extend or exist beyond the area(s) of local treatment, they may not be exterminated.")

When a complete inspection is performed, a recommendation shall be made to remove or cover all accessible pellets and frass of wood-destroying pests.

When a limited inspection is performed, the inspection report shall state that the inspection is limited to the area(s) described and diagrammed. A recommendation shall be made to remove or cover all accessible pellets and frass of wood-destroying pests in the limited areas. The limited inspection report shall include a recommendation for further inspection of the entire structure and that all accessible evidence of wood-destroying pests be removed or covered.

(9) For the extermination of subterranean termite infestations, treat an infested area under the structure when subterranean termite tubes are found connected to the ground or when active infestations are found in the ground. Subterranean termite tubes shall be removed where accessible, except where a licensee is using an above ground termite bait station that requires the use of termite tubes to be effective, subterranean termite tubes can remain in place for the duration of the licensees' use of the termite bait stations. At the conclusion of the treatment, the subterranean termite tubes shall be removed.

(10) Comply with the provisions of section 2516(c)(2) of Title 24 of the California Code of Regulations.

(11) Correct any excessive moisture condition that is commonly controllable. When there is reasonable evidence to believe a fungus infection exists in a concealed wall or area, recommendations shall be made to open the wall or area.

(12) Repair a stall shower if it is found to leak when water tested for a minimum of fifteen (15) minutes after the shower drain has been plugged and the base filled to within one (1) inch of the top of the shower dam. Stall showers with no dam or less than two (2) inches to the top of the dam are to be water tested by running water on the unplugged shower base for a minimum of five (5) minutes. Showers over finished ceilings must be inspected but need not be water tested. If water stains are evident on the ceiling, recommendations shall be made for further inspection and testing.

(13) Restore any members of wooden decks, wooden stairs or wooden landings in exterior exposure to a condition where they are able to carry out their intended function.

**§1991. Report Requirements Under Section 8516(b)10., continued****(a)** (13) continued

Recommendations for corrective measures will depend upon the extent of adverse exposure and existing degree of deterioration and may include any of the following:

(A) Refasten any wood members which are considered structurally functional but have become loose because of wood deterioration.

(B) Remove and/or replace structurally weakened portions of any wood member.

(C) Remove and replace all wood members if full function and safety cannot be restored by partial replacement and repair as in (B) above, remove and replace entire wood member.

**(b)** Preconstruction application of termiticide for protection from subterranean termites shall not be made at less than the manufacturer's label specifications.

**(c)** If in the opinion of the inspector a building permit is required, it must be noted on the wood destroying pests and organisms inspection report (Form No. 43M-41 as specified in section 1996 of the California Code of Regulations).

NOTE: Authority cited: Section 8525, Business and Professions Code.

Reference: Section 8516, Business and Professions Code.

**HISTORY**

1. Amendment filed 9-16-59; effective thirtieth day thereafter (Register 59, No. 16).
2. Amendment filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
3. Amendment of subsections (a)(3), (9) and new (b) filed 1-2-68; effective thirtieth day thereafter (Register 68, No. 1).
4. Amendment filed 12-27-73; designated effective 3-1-74 (Register 73, No. 52).
5. Amendment of subsection (a) filed 5-8-80; effective thirtieth day thereafter (Register 80, No. 19).
6. Amendment filed 7-3-80; effective thirtieth day thereafter (Register 80, No. 27).
7. Editorial correction of subsection (a)(12)(Register 80, No. 36).
8. Amendment of subsection (a)(12) filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
9. Amendment of subsection (a)(8) filed 2-13-87; effective thirtieth day thereafter (Register 87, No. 8).
10. Amendment of subsections (a) and (a)(9) and repealer and adoption of subsections (a)(1), (a)(4), (a)(6), (a)(7), and (a)(10) filed 11-15-91; operative 12-16-91 (Register 92, No. 8).
11. Repealer of subsection (a)(8) and new subsections (a)(8)(A)-(C) filed 3-30-92; operative 4-29-92 (Register 92, No. 15).
12. Amendment of subsections (a)(2) and (a)(8), repealer of subsection (b) and new subsection (b) filed 3-13-96; operative 4-12-96 (Register 96, No. 11).
13. Amendment of subsection (a)(5) filed 4-3-96; operative 5-3-96 (Register 96, No. 14).
14. New subsections (a)(13)-(a)(13)(C) and (c) filed 4-28-98; operative 5-28-98 (Register 98, No. 18).

**§1991. Report Requirements Under Section 8516(b)10., continued**

HISTORY, continued

15. Change without regulatory effect amending section heading and subsection a filed 5-15-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 20).
16. Amendment of subsection (a)(8)(C)3 filed 6-26-2003; operative 7-26-2003 (Register 2003, No. 26).
17. Amendment of subsection (a) (9) filed 12-30-2005; operative 1-29-2006 (Register 2005, No. 52).

**§1991.1. Report Requirements Under Section 8516.1(c)(8).**

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Sections 8510 and 8516.1, Business and Professions Code.

HISTORY

1. New section filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
2. Change without regulatory effect repealing section filed 3-26-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 13).

**§1992. Secondary Recommendations.**

In addition to the recommendations required in section 1991, the report may suggest secondary recommendations. When secondary recommendations are made, they shall be labeled as secondary recommendations and included as part of the inspection report with a full explanation of why they are made, with the notation that they are below standard measures. If secondary recommendations are performed, any letter of completion, billing or other document referring to the work completed, must state specifically which recommendations were secondary and below standard and specify the name of the person or agency requesting completion of the secondary recommendations.

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Section 8516, Business and Professions Code.

HISTORY

1. New sections filed 9-16-59; effective thirtieth day thereafter (Register 59, No. 16).
2. Amendment filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
3. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No.39).
4. Amendment filed 9-20-90; operative 10-20-90 (Register 90, No. 44).
5. Amendment filed 12-7-92; operative 1-19-93 (Register 92, No. 51).

**§1993. Inspection Reports.**

All of the following reports must be in compliance with the requirements of Section 8516 of the code. All reports must be on the form prescribed by the board and filed with the board with stamps affixed.

**(a)** An original inspection report is the report of the first inspection conducted on a structure at the request of a specified party or for a specified purpose. Subsequent inspections conducted on a structure at the request of a different party, for a different purpose than a previous inspection, or a different transaction relating to the same structure shall be deemed to be new inspections for which an original inspection report shall be required. An original inspection report may be either a complete or limited inspection.

**(b)** A complete report is the report of an inspection of all visible and accessible portions of a structure.

**(c)** A limited report is the report on only part of a structure. Such a report shall have a diagram of the area inspected and shall specifically indicate which portions of the structure were inspected with recommendation for further inspection of the entire structure and the name of the person or agency requesting a limited report.

**(d)** A supplemental report is the report on the inspection performed on inaccessible areas that have been made accessible as recommended on a previous report. Such report shall indicate the absence or presence of wood-destroying pests or organisms or conditions conducive thereto. This report can also be used to correct, add, or modify information in a previous report. A licensed operator or field representative shall refer to the original report in such a manner to identify it clearly.

**(e)** A reinspection report is the report on the inspections of item(s) completed as recommended on an original report or subsequent report(s). The areas reinspected can be limited to the items requested by the person ordering the original inspection report. A licensed operator or field representative shall refer to the original report in such a manner to identify it clearly.

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Section 8516, Business and Professions Code.

**HISTORY**

1. New section filed 9-16-59; effective thirtieth day thereafter (Register 59, No. 16).
2. Amendment filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
3. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
4. Amendment of section heading and section filed 3-13-96; operative 4-12-96 (Register 96, No. 11).
5. Amendment of subsections (d) and (e) and new form filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

**§1993.1. Reinspection Language.**

The following statement must appear on any wood destroying pests and organisms inspection report when an estimate or bid for making repairs is given with the original inspection report, or thereafter:

“This company will reinspect repairs done by others within four months of the original inspection. A charge, if any, can be no greater than the original inspection fee for each reinspection. The reinspection must be done within ten (10) working days of request. The reinspection is a visual inspection and if inspection of concealed areas is desired, inspection of work in progress will be necessary. Any guarantees must be received from parties performing repairs.”

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Section 8516, Business and Professions Code.

**HISTORY**

1. New section filed 7-26-2005; operative 8-5-2005 (Register 2005, No. 27).

**§1993.2. Termite Bait Station.**

(a) For the purposes of this section and section 1993.3, “termite bait station” shall include:

(1) an “above-ground bait station” which shall mean any device containing pesticide bait used for the eradication of wood destroying pests that is attached to the structure, or

(2) an “in-ground bait station” which shall mean any device containing a material to attract and or monitor wood destroying pests, or containing a pesticide bait to eradicate wood destroying pests, that is placed in the ground.

(3) an “in-ground termite monitoring system” is a device placed in the ground to determine the presence or absence of subterranean termites through scheduled periodic inspections.

(b) Prior to installation of any termite system, a full or limited inspection of the structure shall be made.

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Section 8514, Business and Professions Code.

**HISTORY**

1. New section filed 6-26-2003; operative 7-26-2003 (Register 2003, No. 26).

**§1993.3. In-Ground Termite Bait Stations:**

Use of in-ground termite monitoring and/or baiting systems shall be considered a control service agreement as defined by section 8516 of the code.

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Section 8516, Business and Professions Code.

**§1994. Limited Inspection Reports.**

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Sections 8516, 8516.1, Business and Professions Code.

## HISTORY

1. New section filed 9-16-59; effective thirtieth day thereafter (Register 59, No. 16).
2. Amendment filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
3. Repealer filed 3-13-96; operative 4-12-96 (Register 96, No. 11).

**§1995. Limitation of Report.**

## HISTORY

1. New section filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
2. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

**§1996. Requirements for Reporting All Inspections Under Section 8516(b).**

(a) A written inspection report conforming to section 8516(b) of the code (See Form No. 43M-41 (Rev. 10/01, required use effective July 1, 2003) at the end of this section) shall be prepared and delivered to the person requesting the inspection, or to the person's designated agent regardless of whether the registered company has offered to perform the inspection without charge. The granting of permission to make an inspection shall be deemed a request to make an inspection.

(b) The failure or refusal of the person ordering the inspection or of his or her designated agent to pay for such inspection or report shall not excuse a registered company which has commenced an inspection from preparing and delivering a report to the person requesting the inspection or the person's designated agent.

(c) The failure or refusal of the person ordering the inspection or of his or her designated agent to pay for such inspection or report shall not excuse a registered company which has commenced an inspection from preparing and delivering a report and filing a copy thereof with the board.

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Section 8516, Business and Professions Code.

## HISTORY

1. New section filed 5-19-64; designated effective 9-1-64 (Register 64, No. 11).
2. Amendment of subsection (b) filed 12-27-73; designated effective 3-1-74 (Register 73, No. 52).
3. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
4. Amendment filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
5. Amendment of subsection (a) filed 7-13-90; operative 8-12-90 (Register 90, No. 34).
6. Amendment of subsection (a) filed 12-28-90; operative 1-27-91 (Register 91, No. 6).

**§1996. Requirements for Reporting All Inspections Under Section 8516(b),**  
continued

## HISTORY

7. Change without regulatory effect amending subsection (a) and form filed 9-16-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 38).
8. Change without regulatory effect amending section and Form 43M-41 filed 3-2-93 pursuant to section 100, title 1, California Code of Regulations (Register 93, No. 10).
9. Editorial correction of Form 43M-41 and History 8 (Register 95, No. 16).
10. Amendment of subsection (a) and Form 43M-41 filed 8-13-98; operative 9-12-98 (Register 98, No. 33).
11. Amendment of subsection (a) and repealer and new form 43M-41 filed 12-16-02; operative 1-15-2003 (Register 2002, No. 51).
12. Amendment filed 12-30-2005; operative 1-29-2006 (Register 2005, No. 52).

**§1996.1. Inspection and Completion Tags.**

(a) An inspection tag shall be posted in the attic or sub-area, or in the garage whenever an inspection for wood-destroying pests or organisms is made. The inspection tag shall be not less than 3" by 5" and shall contain the firm's name, date of inspection and the following statement: "Do not remove--Structural Pest Control Board Regulation 1996.1."

(b) If the registered company completes any work with respect to wood-destroying pests or organisms, it shall post a completion tag next to the inspection tag. The completion tag shall be not less than 3" by 5" and shall contain the firm's name, date of completion and name of any chemical used.

(c) The inspection report shall indicate the location of the inspection tag. The inspection report must also indicate the presence of any other inspection or fumigation tag that is less than two years old and any similar completion tag. A registered company shall not remove any tag.

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Sections 8516-8519, 8614, 8615 and 8644, Business and Professions Code.

## HISTORY

1. New section filed 7-17-79; designated effective 10-1-79 (Register 79, No. 29).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment of subsections (b) and (c) filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).

**§1996.2. Standard Notice of Work Completed and Not Completed.**

A written standard notice of work completed and not completed form conforming to section 8518 of the code and Form No. 43M-44 (Rev. 10/01, required use effective July 1, 2003) found at the end of this section shall be prepared and filed with the board.

**§1996.2. Standard Notice of Work Completed and Not Completed.,** continued

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Section 8518, Business and Professions Code.

**HISTORY**

1. New section and form filed 11-19-92; operative 12-21-92 (Register 92, No. 47).
2. Change without regulatory effect amending section and Form 43M-44 filed 3-2-93 pursuant to section 100, title 1, California Code of Regulations (Register 93, No. 10).
3. Editorial correction moving Note and History to follow Form 43M-44 (Register 95, No. 16).
4. Amendment of subsection (a) and Form 43M-44 filed 8-13-98; operative 9-12-98 (Register 98, No. 33).
5. Amendment of section and repealer and new form 43M-44 filed 12-16-2002; operative 1-15-2003 (Register 2002, No. 51).

**§1997. WDO Inspection and Completion Activity Fee.**

Pursuant to the provisions of section 8674 of the Business and Professions Code, the following fee is determined, set and established:

- |                                                 |        |
|-------------------------------------------------|--------|
| (1) Activity Reporting fee per Property Address | \$1.50 |
|-------------------------------------------------|--------|

NOTE: Authority cited: Sections 8525 and 8674, Business and Professions Code.  
Reference: Sections 8518 and 8674, Business and Professions Code.

**HISTORY**

1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12).  
For prior history, see Register 68, No. 6.
2. Amendment filed 2-22-80; effective thirtieth day thereafter (Register 80, No. 8).
3. Amendment filed 6-9-82; effective thirtieth day thereafter (Register 82, No. 24).
4. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
5. Amendment filed 9-7-84; effective thirtieth day thereafter (Register 84, No. 36).
6. Amendment filed 2-13-87; effective thirtieth day thereafter (Register 87, No. 8).
7. Amendment filed 9-19-88; operative 10-19-88 (Register 88, No. 39).
8. Amendment filed 9-19-90; operative 10-19-90 (Register 90, No. 44).
9. Amendment filed 7-21-92; operative 8-20-92 (Register 92, No. 30).
10. Amendment filed 10-15-96; operative 11-14-96 (Register 96, No. 42).
11. Change without regulatory effect amending section heading, section and Note filed 1-28-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 4).

**§1998. Reporting Requirements Under Section 8516(h)(4).**

If an inspection report is required to be filed pursuant to code section 8516(h)(4), a notice of work completed shall be filed with the Board for any work recommended and performed pursuant to such report.

**§1998. Reporting Requirements Under Section 8516(h)(4).**, continued

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Sections 8516 and 8518, Business and Professions Code.

**HISTORY**

1. New section filed 10-29-70; designated effective 11-30-70 (Register 70, No. 44).
2. New NOTE filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
4. Amendment of section heading, repealer of first paragraph and subsections (a)-(e), and amendment of subsection (f), including repealer of subsection (f) designator, filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

NOTE: Authority cited: Sections 8525 and 8620, Business and Professions Code.  
Reference: Sections 8632 and 8652, Business and Professions Code .

**§1999.1. Suspension Period for Branch 3 Licenses.****HISTORY**

1. New section filed 8-1-79; effective thirtieth day thereafter (Register 79, No. 31).
2. Repealer filed 3-6-95; operative 4-5-95 (Register 95, No. 10).

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**Article 6. Enforcement**  
**Section 1999.5**

**§1999.5. False and Misleading Advertising.**

(a) It is unlawful for any licensee, or any employee thereof, directly or indirectly to make, disseminate, represent, claim, state, or advertise, or cause to be made, disseminated, represented, claimed, stated or advertised by any manner or means whatever, any statement or representation concerning structural pest control, as defined in Business and Professions Code section 8505, which is unfair, deceptive, untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be unfair, deceptive, untrue or misleading.

(b) As used in this section, the terms “make,” “disseminate,” “represent,” “claim,” “state,” or “advertise” and any of their variants include, but are not limited to any print communications (for example, telephone directories, newspapers, magazines or other publications or books, notices, circulars, pamphlets, letters, handbills, posters, bills, signs, placards, cards, labels, tags, vehicle or equipment signage, window displays, or store signs), electronic communication (for example, radio, television, audio or video tape, telephone, or the Internet), demonstration, direct person-to-person contact, or other means or methods now or hereafter employed to bring structural pest control services, methods, products, pesticides, or devices to the attention of the public.

(c) As used in this section “the exercise of reasonable care” includes a duty to investigate the basis of any statement or representation to assure that the statement or representation is not unfair, deceptive, untrue or misleading. The making of a statement or representation without knowledge of its truthfulness breaches the duty to investigate.

(d) Violation of this section occurs at the time an unfair, deceptive, untrue or misleading statement or representation is made. Once a violation occurs, subsequent disclosures, caveats, disclaimers, or waivers cannot eliminate it.

(e) The remedies or penalties provided by this section are cumulative to each other and to the remedies or penalties available under all other laws and regulations of this State.

(f) Examples of direct or indirect statements or representations which are unfair, deceptive, untrue or misleading include, but are not limited to, the following:

(1) any advertising in violation of Business and Professions Code sections 17200, and 17500;

(2) any statement or representation that misrepresents or fails to disclose an important or necessary fact about a pest control service, method, product, pesticide or device;

(3) any unfair, deceptive, untrue or misleading statement or representation about the effects of a pest control service, method, product or device;

(4) any expressed or implied statement or representation that one or a combination of pest control services, methods, products, pesticides, or devices is an alternative or substitute for, is comparable to, or is better than any other pest control service, method, product, pesticide, device, or combination thereof, if what is being compared provides different treatment coverage of a structure, including but not limited

**§1999.5. False and Misleading Advertising.,** continued**(f)** (4), continued

to differences in the extent that accessible and inaccessible areas can reasonable treated, unless said differences in treatment coverage are clearly and conspicuously stated;

(5) any representation that a service, method, product, pesticide, or device, or combination thereof, that is not designed to treat all potentially infested wood in a structure, both accessible and inaccessible, will be used to treat an entire structure for target pests;

(6) any statement or representation that a pest control service, product, pesticide, or device offers a general environmental protection or benefit, or that the pest control products, pesticides, or devices the licensee uses, the applications of such products, pesticides, or devices, or any of them, are “among the least toxic chemicals known,” “relatively non-toxic,” “pollution approved,” “environmentally aware,” “environmentally sensitive,” “environmentally preferable,” “environmentally benign,” or “contains all natural ingredients”;

(7) any unfair, deceptive, untrue or misleading statement concerning the composition of a pest control service, method, product, pesticide or device;

(8) any unfair, deceptive, untrue or misleading statement concerning the effectiveness of a pest control service, method, product, pesticide or device;

(9) any unfair, deceptive, untrue or misleading statement about the value of a pest control product for purposes other than as a pesticide or pest control device;

(10) any unfair, deceptive, untrue or misleading comparison of pest control services, methods, products, pesticides or devices;

(11) any statement or representation that a pesticide or device is certified, sponsored, recommended, endorsed, or approved by any agency of the Federal Government or the State of California, including but not limited to, “tested by the Department of the Interior,” “EPA approved,” “EPA registered,” “approved by the Structural Pest Control Board,” or “recommended by the Structural Pest Control Board”;

(12) a statement which is literally true but is used in such a way as to give an unfair, deceptive, untrue or misleading impression to the consumer;

(13) claims as to the safety of a pesticide application, a pesticide or pesticide ingredients, including statements such as “safe,” “nonpoisonous,” “non-injurious,” “harmless” or “nontoxic to humans and pest” with or without such a qualifying phrase as “when used as directed”;

(14) claims that the pesticides and other substances the licensee applies, the application of such pesticides, or any other use of them are comparatively safe or free from risk or harm;

(15) claims regarding services and products for which the licensee does not have substantiation in the form of tests, analysis, research, studies, or other evidence that was conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted by others in the profession or science to yield accurate and reliable results; and

**§1999.5. False and Misleading Advertising., (f) continued**

(16) any statement or representation concerning structural pest control that is conditioned or subject to any requirement, condition, limitation, disclaimer or waiver, that is not immediately followed by a clear and conspicuous statement of said requirement, condition, limitation, disclaimer or waiver.

NOTE: Authority cited: Section 8525, Business and Professions Code.

Reference: Sections 8648, 17200 et seq. and 17500 et seq., Business and Professions Code.

**HISTORY**

1. New article 6 (section 1999.5) and section filed 10-23-2001; operative 11-22-2001 (Register 2001, No. 43).
2. Change without regulatory effect amending subsection (f)(1) filed 9-24-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 39).