

CALIFORNIA CODE OF REGULATIONS
Title 16. Professional and Vocational Regulations

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DIV. 19. STRUCTURAL PEST CONTROL BOARD

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§1953. Approval of Activities.

(g) No activity which focuses on the policies, procedures or products of a single firm, or which consists of meetings which are a normal part of in-house staff or employee training shall be approved.

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

Reference: Section 8593, Business and Professions Code.

HISTORY

1. Amendment of subsection (d)(4)(D) filed 11-10-86; effective thirtieth day thereafter (Register 86, No. 46).
2. Amendment of subsection (a) filed 3-24-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
3. Amendment filed 6-13-91; operative 7-13-91 (Register 91, No. 41).
4. New subsection (c), subsection redesignation and amendment of subsections (d) and (f)(3) filed 5-12-94; operative 6-13-94 (Register 94, No. 19).
5. Change without regulatory effect amending subsection (f)(3) filed 5-2-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 18).
6. Editorial correction adding form 43M-46, inadvertently omitted from Register 94, No. 19 (Register 2004, No. 29).
7. Amendment of subsection (a) and form 43M-18 filed 7-13-2004; operative 8-12-2004 (Register 2004, No. 29).
8. Amendment of subsection (f)(3), new subsections (f)(3)(A)-(E), amendment of subsections (f)(4)(C) and (g) and repealer and new Form 43M-39 filed 7-6-2205; operative 8-5-2005 (Register 2005, No. 27).
9. Amendment of subsection (D) filed 3-20-2009; operative 4-19-2009 (Register 2009, No. 12).

§ 1960. License Renewal Fingerprint Requirement.

All licensees applying for a license renewal must submit a set of fingerprints for the purpose of conducting a criminal history record check as a condition for license renewal. Applications for license renewal will be deemed incomplete and not eligible for renewal if a set of fingerprints is not included with the application. This section applies to licensees whose license expires on or after June 30, 2016. This section does not apply to licensees who already have submitted a set of fingerprints for the purpose of conducting a criminal history record check.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 144 and 8520.1, Business and Professions Code; and Section 11105(b)(10), Penal Code.

HISTORY

1. New section filed 2-29-2016; operative 2-29-2016 pursuant to Government Code section 11343.4(b)(3) (Register 2016, No. 10).

Article 4. Fumigation and Pesticide Use
Sections 1970-1983**§1970. Standards and Record Requirements.**

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 log for each fumigation job and for each 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.

Name and address of guard.

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

Date and hour police department was notified, where required by local ordinance.

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.

§1970.3. Securing Against Entry., continued

(c) An exterior doorway on a garage or an uninhabited structure which does not have a door shall have impassable barricades erected thereon prior to fumigation if it provides a path of access for persons to enter into a building which is inhabited by human beings or shows evidence of human habitation. This provision shall apply to side doorways on otherwise enclosed garages if the garage is being used for storage of personal property, or is part of inhabited property.

A garage without a car door or where the car door is missing shall be considered a carport and need not be barricaded unless there is evidence that the garage area is being used for habitation.

A barricade is considered to be plywood with a thickness of one-fourth inch or a material of equal or greater strength.

NOTE: Authority cited: Sections 8520 and 8525, Business and Professions Code.
Reference: Sections 8505.4 and 8505.7, Business and Professions Code.

HISTORY

1. Repealer and new section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 1-26-82; effective thirtieth day thereafter (Register 82, No. 5).
3. Editorial correction (Register 82, No. 16).
4. Amendment of NOTE filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
5. Amendment and new subsections (a)-(d) filed 1-13-93; operative 2-12-93 (Register 93, No. 3).
6. Amendment of first paragraph, repealer of subsection (a) and subsection relettering, and amendment of newly designated subsection (a) and last paragraph filed 3-13-96; operative 4-12-96 (Register 96, No. 11).

§1970.4. Pesticide Disclosure Requirement.

(a) The primary contractor for fumigation shall have in his or her possession and shall provide to any subcontractor for fumigation a form (See Form 43M-48 (Rev. 5/07) at the end of this section) signed by the occupants or designated agent of a structure. The primary contractor for fumigation and the subcontractor for fumigation shall retain a copy of the occupants fumigation notice for a period of at least three years. In case of multiple-family dwellings, the owner, manager or designated agent of the building may obtain signatures and/or verify the notification of the occupants.

The form shall 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 form shall 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 also indicate that the occupant has received the prime contractor's information regarding the procedures for leaving the structure.

§1970.4. Pesticide Disclosure Requirement., continued**(a)** continued

The properly signed form or a copy, written or electronic, thereof shall be in the possession of the licensed fumigator when the fumigant is released. Such form shall 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.

HISTORY

1. New section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 5-8-80; effective thirtieth day thereafter (Register 80, No. 19).
3. Amendment of subsection (a) filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).
4. Relettering of former subsection (d) to (e) and new subsection (d) filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).
5. Relettering of former subsection (e) to (f) and new subsection (e) filed 11-10-86; effective thirtieth day thereafter (Register 86, No. 46).

§1970.4. Pesticide Disclosure Requirement., continued

HISTORY

6. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).
7. Amendment of subsections (a), (d) and (e) filed 4-12-90; operative 5-12-90 (Register 90, No. 17).
8. Amendment of subsections (a), (c) and Note filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
9. Amendment of subsections (a), (c) and (d), amendment of Note, and new form 43M-48 filed 4-28-98; operative 5-28-98 (Register 98, No. 18).
10. Change without regulatory effect amending subsections (c) and (f) filed 3-26-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 13).
11. Amendment of subsection (a) and repealer and new form 43M-48 filed 12-30-2005; operative 1-29-2006 (Register 2005, No. 52).
12. Amendment of subsection (a) and repealer and new Form 43M-48 filed 4-29-2008; operative 5-29-2008 (Register 2008, No. 18).
13. Amendment of subsection (a) filed 3-22-2016; operative 7-1-2016 (Register 2016, No. 13).

§1970.5. Commencing Aeration.

The time ventilation is commenced: as used in section 8505.3 of the Code means the period of time beginning when the seal is broken and ending when all seals/tarps are removed. A licensed Branch 1 operator or field representative is required to be present during this entire period of time.

NOTE: Authority cited: Section 8525, Business and Professions Code.
Reference: Section 8505.3, Business and Professions Code.

HISTORY

1. New section filed 4-12-90; operative 5-12-90 (Register 90, No. 17).
2. Amendment of section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

§1970.6. Fumigation of Connecting Structures.

(a) Prior to the process of fumigation, all single units and rooms within the entire structure shall be vacated.

(b) When recommending a fumigation, the prime contractor for fumigation shall:

(1) inquire of the owner or designated agent about the presence of any construction elements, conduits, drains, or vacuum systems that could allow passage of the fumigant from the structure to be fumigated to any adjacent or adjoining structure(s), thereby connecting them;

(2) inspect the structure to be fumigated and all other adjacent or adjoining structures on the property to determine if there are construction elements, conduits, drains, or vacuum systems present that could allow passage of the fumigant from the structure to be fumigated to any adjacent or adjoining structure(s).

§1970.6. Fumigation of Connecting Structures. continued**(b) (2)** continued

When such conditions exist the prime contractor for fumigation shall notify in writing the licensee in charge of the fumigation of the conditions which could allow passage of the fumigant to adjacent or adjoining structures.

(c) Prior to introduction of the fumigant, the licensee in charge of the fumigation shall:

(1) conduct a thorough search for construction elements, conduits, drains, or vacuum systems that could allow passage of the fumigant from the structure to be fumigated to any adjacent or adjoining structure on the property;

(2) document his or her inspection findings on the fumigation log, identifying the type and location of the construction element(s), conduit(s), drain(s), or vacuum system(s) between connected structures and the methods used to prevent passage of the fumigant.

(d) Any adjacent or adjoining structure which is deemed connected to the structure to be fumigated must be vacated during the process of fumigation, unless it is separated from the structure to be fumigated by methods which prevent passage of the fumigant from entering the connected structure(s). When it is necessary to vacate any connected, adjacent or adjoining structure, that structure shall be considered as a fumigated structure, and all applicable rules, regulations and label instructions apply.

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

Reference: Section 8505.7, Business and Professions Code.

HISTORY

1. New section filed 8-12-96; operative 9-11-96 (Register 96, No. 33).

2. Amendment filed 10-23-2001; operative 11-22-2001 (Register 2001, No. 43).

§1971. Fumigation Safety Kit and Other Equipment.

(a) All fumigation crews shall be provided with and shall have in their possession on the job:

(1) A fumigation safety kit, in proper condition for use, containing at least the following:

(A) Statements of instructions published by the manufacturer of the fumigants being used.

(B) Two or more effective gas masks or other safety equipment approved by the National Institute of Occupational Safety and Health, for protection against the type of fumigant being used.

(C) A chart of instructions for artificial resuscitation.

(2) Proper testing equipment as required by the manufacturer's label instructions and all applicable laws and regulations.

(b) The crew shall be instructed in the use and care of kit and safety equipment and in first aid methods.

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

Reference: Sections 8505.4, 8505.8, 8505.15 and 8505.16, Business and Professions Code.