

STRUCTURAL REGULATORY PROGRAM OVERVIEW



2019 Structural Regulatory Training
October 1-3, 2019
Irvine

Kathleen Boyle
Structural Pest Control Board

Regulatory “Hierarchy”

FEDERAL: U.S. EPA



FIFRA

STATE:



PESTICIDES

Protects:
Environment
Human Health

STATE:



LICENSING

Protects:
Consumers



CACs

LOCAL: County Ag. Commissioners

Regulatory “Authority”



BPC § 8616:
Designates DPR as “Agent” for SPCB



CACs



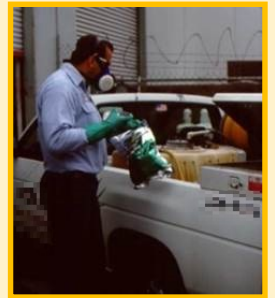
BPC § 8616.4: Designates “DPR
Representatives” to be County Ag.
Commissioners

BPC §§ 8616.5, 8616.7, 8617:
Designates CACs as “Lead Agency” for
“Structural” Pesticide Use Enforcement

Structural Regulatory Training

Training required by § BPC 8616:

- SPCB/DPR to jointly develop training program
- Various aspects of Structural Pest Control
- CACs & other personnel involved in
- Structural Enforcement & Investigations



Education & Enforcement Fund

Training Fund established: § BPC 8505.17

- “Education & Enforcement Fund”



Fund Income Sources:

- MSPUR “filing fee”- aka “Structural Stamp / #”
 - \$6: \$4 to Ed & ENF Fund
\$2 to Research Fund
- Structural Civil Penalty (SCP) fines

4567890

FILE NO: SCP-XXX-17/18-XX

LICENSE #: PR 0123

NOTICE OF PROPOSED ACTION,
GROUNDS THEREFORE, AND
OPPORTUNITY TO BE HEARD

Education & Enforcement Fund

Fund Expenses: §§ BPC 8606.17(a), 8616.5(c)

CAC Structural Regulatory Training

- 1-2 locations statewide / year:
- SoCal &/or NorCal



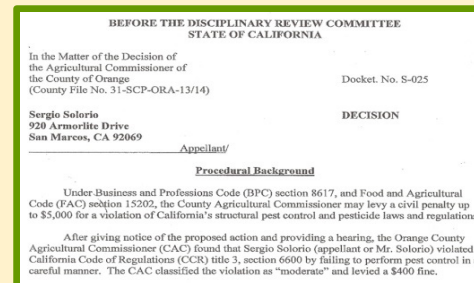
Reimbursement to CACs for: SCPs

- See ENF 2019-11 for details



Disciplinary Review Committee (DRC):

- SCP Appeals



Structural Pest Control Board

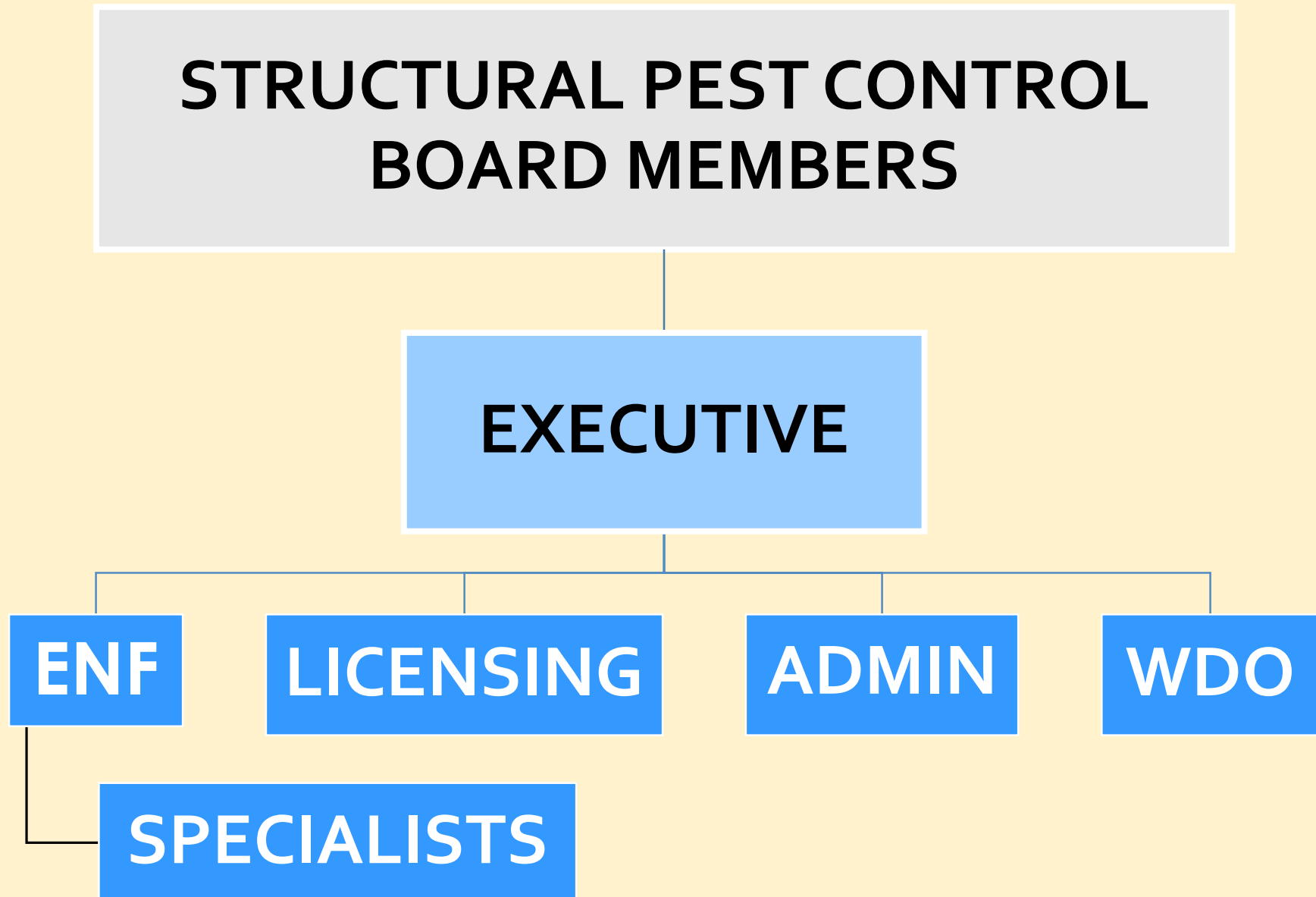
- Created in 1935 to regulate the ...
- “Practice of Structural Pest Control”

Governor Appointees
2 Public Members
3 Industry Members

State Legislature
Appointees
2 Public Members

- Member Terms: 4 years / Term (2 terms)
- Non-salaried; Meet Quarterly
- Approve Legislative / Regulatory Changes
- Licensing Decisions; Direct Executive Officer

SPCB – Work Units



Structural Pest Control Board So Cal Specialists



- Steve Winfrey
- Steven Smith
- Greg Adams
- Donald Graves
- Ron Moss

Specialists:

- Worked in Industry
- Board licensees
 - License(s) "Inactive"

Definition: Structural Pest Control

Engaging in, offering to engage in, advertising for, soliciting, or the performance of pest control:

- Identifying infestations or infections
- Making of:
 - Inspection reports, recommendations, estimates
 - Contracts, submitting bids
 - Repairs or replacements
 - Use of pesticides / Use of mechanical devices

For the purpose of:

- Eliminating, exterminating, controlling, preventing infestations or infections

Definitions:

Household Pests:

Those pests, other than wood destroying pests or organisms, which may invade households or other structures including but not limited to rodents, vermin & insects

Structures Include:

Railroad cars, ships, docks, trucks, planes, or the contents thereof

CACs – Lead Agency for ...

Pesticide Use Enforcement of: § 8616.5(a)

- SPCB registered Companies
- SPCB licensed Individuals
- Companies & Individuals not:
 - Registered or Licensed

By means of:

- Inspections
- Investigation
- Administrative Actions § 8616.5(c)



CAC – Structural Inspections

STATE OF CALIFORNIA
DEPARTMENT OF PESTICIDE REGULATION
**STRUCTURAL FUMIGATION USE
MONITORING INSPECTION REPORT**

COMPLETE
 PARTIAL
 FOLLOW-UP INSPECTION

107-00-17-WD00-02

ORIGINAL INSP. # _____ INSPECTING COUNTY _____

PESTICIDE NAME / MANUFACTURER	LABEL REGISTRATION NUMBER	SIGNAL WORD	FORMULATION	RATE
VIKANE DOUGLAS PRODUCTS AND PACKAGING COMPANY	1015-78-AA	POISON/DANGER	PRESSURIZED GAS	
VIKANE GAS FUMIGANT DOW AGROSCIENCES LLC	82710-4-AA	POISON/DANGER	PRESSURIZED GAS	

Application

REQUIREMENTS	SECTION
1. Registered In County	15204.5(a)
2. County Notified 24 Hours Prior	15204.5(d)
3. Written Notice to Occupant	8538
4. Pesticide Disclosure Signed / Available	1970.4
5. Registered Label Available at Use Site	6602
6. Labeling - Site / Rate / Concentration / Other	12973
8. Labeling - Bagging, Pets Removed, Etc.	12973
9. Labeling - PPE	12973
10. Regulations - PPE	6738
11. Respiratory Protection	6739
12. Handler(s) Trained	6724
13. Emergency Medical Care, Posting	6726
14. Decont. Facility, Site "Warning/Danger"	6734
15. SCBA Worn / Cont. Monitoring / CAP Used	6780(b)
16. Accident Response Plan at Worksite	6780(d)
17. 2 Trained Employees - Application & Aeration	6782(a)
18. Fume of Enclosed Spaces/Proper Entry	6782(e)
19. Proper Management of Treated Area	6782(g)
20. Connecting Structures	1970.6
21. Accurate Measurement	6604
22. Protection of Persons / Animals / Property	6614
23. Structure Vacated / Secured Against Reentry	8505.7
24. Equipment in Good Repair and Safe	6742
25. 2 SCBA / CPR Chart / Mfg. Instructions	1971(a)(1)
28. Direct Supervision	8505.2
29. Warning Signs on All Sides of Structure	1974
30. Required Information on Warning Signs	8505.10
32. Warning Agent Used	8505.12
33. Equipment Properly Identified	6630
34. Containers Labeled / Closures	6676
35. Proper Pesticide Transport	6682
36. Pesticide Handling / Use / Storage	1983

Aeration

REQUIREMENTS	SECTION
1. Registered In County	15204.5(a)
2. County Notified 24 Hours Prior	15204.5(d)
3. Labeling - Aeration / Certification	12973
4. Handler(s) Trained	6724
5. Emergency Medical Care, Posting	6726
6. SCBA Worn / Cont. Monitoring / CAP Used	6780(b)
7. 2 Trained Employees - Application & Aeration	6782(a)
8. Fume of Enclosed Spaces/Proper Entry	6782(d)
9. Proper Management of Treated Area	6782(f)
10. Connecting Structures	1970.6
11. Structure Vacated / Secured Against Reentry	8505.7
12. 2 SCBA / CPR Chart / Mfg. Instructions	1971(a)(1)
13. Direct Supervision	8505.2
14. Warning Signs on All Sides of Structure	1974
15. Required Information on Warning Signs	8505.10

Certification

REQUIREMENTS	SECTION
1. Registered In County	15204.5(a)
2. County Notified 24 Hours Prior	15204.5(d)
3. Labeling - Aeration / Certification	12973
4. Labeling - Bagging, Pets Removed, Etc.	12973
5. SCBA Worn / Cont. Monitoring / CAP Used	6780(b)
6. Fume of Enclosed Spaces/Proper Entry	6782(d)
7. Proper Management of Treated Area	6782(f)
8. Connecting Structures	1970.6
9. Structure Vacated / Secured Against Reentry	8505.7
10. Test Equipment	1971(a)(2)
11. Re-entry Requirements	1973
12. Direct Supervision	8505.2
13. Warning Signs on All Sides of Structure	1974
14. Required Information on Warning Signs	8505.10
15. Signs - Attic / Under-area	8505.11

CAC - Investigations

STATE OF CALIFORNIA
PESTICIDE EPISODE INVESTIGATION REPORT
 PR-ENF-127 (REV. 8/07) PAGE 1 OF 1

DEPARTMENT OF PESTICIDE REGULATION
 ENFORCEMENT BRANCH

Page _____ of _____

A. GENERAL INFORMATION

RECEIVED BY _____ RECEIVED FROM _____ REPRESENTING _____ DATE/TIME RECEIVED AM PM PERSON NOTIFIED _____ DATE _____
 TYPE OF EPISODE HUMAN EFFECTS # _____ ENVIRONMENTAL EFFECTS PRIORITY INVESTIGATION YES # _____ NO _____
 PROPERTY LOSS # _____ OTHER _____
 OTHER ID. NO. _____ COUNTY OF OCCURRENCE _____ DATE OF OCCURRENCE MO _____ DAY _____ YR _____ TIME AM PM
 EPISODE LOCATION _____
 EPA CAC OTHER _____

B. INJURED/COMPLAINANT INFORMATION

COMPLAINANT SIGNED _____ DOCTOR VISITED _____ EXTENT OF INJURY/ILLNESS FATAL SYMPTOMS MISC./LOADER FIELD WORKER* OTHER*
 YES NO NA YES NO NA SERIOUS EXPOSED ONLY APPLICATOR PUBLIC CULPIN
 NAME _____ AGE _____ SEX _____ WWS NUMBER _____ WORKDAYS LOST _____
 ADDRESS (Number and Street, City, State, ZIP Code) _____ PHONE _____
 MEDICAL FACILITY NAME _____ TREATMENT PROVIDED HOSPITALIZED YES NO DATE/TIME ADMITTED _____ DATE/TIME DISCHARGED _____
 OBSERVATION ONLY
 PHYSICIAN _____ ADDRESS (Number and Street, City, State, ZIP Code) _____ PHONE _____
 SIGNS/SYMPTOMS EXPERIENCED _____

EMPLOYER _____ ADDRESS (Number and Street, City, State, ZIP Code) _____ PHONE _____

PROTECTIVE MEASURES USED

EYES Safety Glasses Goggles Faceshield Eye/Sun Glasses None
HANDS Cloth/Leather Gloves Chemical Resistant Gloves Other None
INHALATION Dual Mask 1/2 Face Respirator Full Face Respirator SCBA None
OTHER Work Clothes Coveralls Chemical Resistant Clothes Chemical Resistant Boots Head Covering Other _____
ENGINEERING CONTROLS Closed System Enclosed Cab Enclosed Cab w/Air Purification Other _____

C. ENVIRONMENTAL OR PROPERTY DAMAGE

DESCRIPTION OF DAMAGE _____ AMOUNT/VALUE _____
 OWNER _____ ADDRESS (Number and Street, City, State, ZIP Code) _____ PHONE _____

D. ALLEGED RESPONDENT(S) PCA DEALER PILOT GROWER AGENCY OTHER

NAME _____ PHONE _____ LICENSE/PERMIT NUMBER _____ RECOMMENDATION MADE YES # _____ NO _____
 ADDRESS (Number and Street) _____ EMPLOYER'S NAME _____ PHONE _____
 City, State, ZIP Code _____ EMPLOYER'S ADDRESS (Number and Street) _____
 City, State, ZIP Code _____

*EXPLAIN _____

PESTICIDE NAME/MANUFACTURER	EPA REGISTRATION NUMBER	CATEGORY	DOSE/DILUTION/VOLUME	TREATMENT DATE	COMMODITY/SITE TREATED

EQUIPMENT TYPE/MAKE/MODEL/DESCRIPTION _____

SUMMARIZE THE EPISODE INCLUDING A DETAILED DESCRIPTION OF EVIDENCE TAKEN (Use Pesticide Episode Investigation Supplemental Report form PR-ENF-127A if additional space is needed)

REPORT PREPARED BY (NAME/TITLE) _____ DATE PREPARED _____ REPORT REVIEWED/APPROVED BY (NAME/TITLE) _____ DATE APPROVED _____

STATE OF CALIFORNIA
 DEPARTMENT OF PESTICIDE REGULATION
VIOLATION NOTICE
 PR-ENF-131 (REV. 6/12) Page 1 of 1

101-

A. Person / Firm Information

FIRM/PERSON NOTIFIED: _____ TELEPHONE NUMBER _____ COUNTY NAME _____
 MAILING ADDRESS _____ PESTICIDE/CRAFTER ID NUMBER _____ VIOLATION NOTICE NUMBER _____
 CITY _____ STATE _____ ZIP CODE _____ VIOLATION DATE/TIME _____

B. License Information

Agricultural Pest Control Advisor SPG Business Negotiation Qualified Applicator License LICENSE / CERTIFICATE # _____
 Pest Control Business Structural Pest Control Operator Maintenance Sanitation
 Pest Control Aircraft Pilot Field Representative Private Applicator
 Pest Control Dealer Qualified Applicator Certificate Labor Contractor Other APPLICATOR Unlicensed Not Required

C. Violation Location

TENANT/PROPERTY LOCATION _____ CITY _____

D. Section(s) Violated

Food and Agricultural Code (FAC): _____
 California Code of Regulations (CCR) TITLE 3 (3CCR) - 6600 & 6700 series / TITLE 16 (16CCR) - 1900 series
 Business and Professions Code (BPC): _____

Violation Notice
 "Routine Investigations"
 Pesticide misuse incidents

Pesticide Episode
 Investigation Report



Citeable Sections

Code	Section	Description	Enforcement Option(s)
FAC	15204(a)	Branch 2, 3, PCO, and qualifying manager must register with commissioner before operating.	ACP
3CCR	6780	General fumigation. Safe use requirements.	ACP; SCP
BPC	8505.16	Fumigation. Fumigators able to perform CPR.	SCP
16CCR	1970.4(f)	Pesticide disclosure. Requirement after request for information.	SCP
16CCR	1970.5	Commencing aeration.	SCP
16CCR	1970.6(a)	Fumigation of connecting structures. All units and rooms must be vacated.	SCP
16CCR	1970.6(b)	Fumigation of connecting structures. Contractor inquiry requirements.	SCP
16CCR	1970.6(c)	Fumigation of connecting structures. Thorough search of construction elements.	SCP
16CCR	1970.6(d)	Fumigation of connecting structures. Adjacent and adjoining structures vacant.	SCP
16CCR	1971	Fumigation safety kit requirements.	SCP
16CCR	1971(a)	Fumigation safety kit. In possession of crew.	SCP
16CCR	1971(b)	Fumigation safety kit. Use instructions.	SCP
16CCR	1973(a)	Fumigation safety kit requirements. Testing after aeration.	SCP

CAC – Administrative Actions

“Notice of Proposed Action” (NOPA)

County Ag. Commissioners may: § BPC 8617(n)

- Levy an administrative fine
- Suspend licensee or registered company-3 days
- Direct licensee to attend/pass a SPCB-approved course of instruction
- Action shall commence within 2 years of the occurrence of the violation



CAC – Administrative Actions

Structural Civil Penalty: 16CCR§ 1922; 1922.3

	\$ Fine Range	Outcome
Serious	750 - 5,000	Actual Health/Enviro Hazard Repeat of Moderate Violations
Moderate	250 - 1,000	Possibility Health/Enviro Effect Repeat of Minor Violations
Minor	50 - 400	No Health or Enviro Effect

Structural Civil Penalty

Structural Civil Penalty (SCP):

- SPCB issues list of fines paid (SCPs) to CACs (~monthly)
- SPCB can withhold license renewal for unpaid CAC fines
- CACs can seek “case reimbursement”
 - for closed SCPs within the 2-year statute of limitations

Check SCP Patterns:

- SPCB can take statewide action against PR/BR, licensee
 - Based upon # Vios / CAC; or Vios / multiple CACs
 - Must receive a CAC “referral”
 - SPCB can use different code sections to avoid conflict

Structural Civil Penalty

DATE:

FILE NO. (County abbreviation, fiscal year, case #)

NOTICE OF PROPOSED ACTION, NATURE OF VIOLATION, AND RIGHT TO REQUEST HEARING

TO: Respondent Name (company or individual-1/notice)

License Number (if applicable)

Attn:(individual's name if 1st line is a company)

NOTE: Qualifying Manager – if a company

Address:

City, State, Zip Code

Structural Civil Penalty

SCP NOPA Template Guide

EXAMPLE

At 8:00 a.m. on September 1, 2017, [*Respondent*] commenced aeration of a residential structure located at 123 City Road (“fumigation site”) after fumigating the site using Fumex (EPA Registration No. 1234-56-AA). At 4:00 p.m. on September 1, 2017, County Inspector Smith performed an aeration inspection of the fumigation site and observed that the seam between two adjacent tarpaulins positioned on the north edge of the structure was not completely sealed, resulting in an opening that measured approximately 30 inches.

Revised Written Notice of Proposed Action Template
for Structural Civil Penalty Actions
DPR ENFORCEMENT LETTER 18-06

Structural Civil Penalty “Appeals”

Disciplinary Review Committee (DRC):

- Provides for Structural Company or Licensee to appeal a CAC Structural Civil Penalty (SCP) Decision
- BPC §§ 8617(f), 8660-DRC info / 8662-Appeal
- Members: DPR Legal; Board rep; Industry rep
- Decisions: Posted to DPR’s website:
 - 07-20-2018: [ENF 2018-12](#) Docket #S-033; (Kaiser Asuega, Mega Fume, Inc.)
 - 07-20-2018: [ENF 2018-13](#) Docket #S-034; (Mega Fume, Inc.)
 - 04-16-2019: [ENF 2019-05](#) Docket #S-035; (Mega Fume, Inc.)
 - 06-12-2019: [ENF 2019-07](#) Docket #S-036; (Juan Gutierrez, Mega Fume, Inc.)

Monthly Summary Pesticide Use Report

STATE OF CALIFORNIA MONTHLY SUMMARY PESTICIDE USE REPORT DPR-PML-060 (REV. 8/15) PAGE 1 OF 2		DEPARTMENT OF PESTICIDE REGULATION PEST MANAGEMENT AND LICENSING BRANCH 4567890				
INSTRUCTIONS FOR COMPLETING THIS FORM ARE INDICATED BELOW AND ON THE REVERSE SIDE						
OPERATOR (FIRM NAME)		ADDRESS	CITY	ZIP CODE	PHONE NUMBER	
OPERATOR ID/PERMIT NUMBER	LICENSE NUMBER	COUNTY WHERE APPLIED	COUNTY NUMBER	MONTH/YEAR OF USE	TOTAL NUMBER OF APPLICATIONS	
<p>1. Complete Columns A, B, C, and D for All Users</p> <p>2. Complete Column E by using one of the following codes:</p> <p>Code 10 - Structural Pest Control.....includes any pest control work performed within or on buildings and other structures.</p> <p>Code 30 - Landscape Maintenance Pest Control.....includes any pest control work performed on landscape plantings around residences or other buildings, golf courses, parks, cemeteries, etc.</p> <p>Code 40 - Right-of-Way Pest Control.....includes any pest control work performed along roadsides, power lines, median strips, ditch banks, and similar sites.</p> <p>Code 50 - Public Health Pest Control.....includes any pest control work performed by or under contract with State or local public health or vector control agencies.</p> <p>Code 70 - Marijuana.....includes any pest control for work performed on or around marijuana.</p> <p>Code 80 - Vertebrate Pest Control.....includes any vertebrate pest control work performed by public agencies or work under the supervision of the State or county agricultural commissioner.</p> <p>Code 91 - Commodity Fumigation (Nonfood/Nonfeed).....includes fumigation of nonfood/nonfeed commodities such as pallets, dunnage, furniture, burlap bags, etc.</p> <p>Code 100 - Regulatory Pest Control.....includes any pest control work performed by public employees or contractors in the control of regulated pests.</p> <p>3. Complete Columns F and G, if use <u>does not</u> fit one of the above codes</p>						
A	B	C	D	E	F	G
MANUFACTURER AND NAME OF PRODUCT APPLIED	EPA/CALIFORNIA REGISTRATION NUMBER FROM LABEL INCLUDE ALPHA CODE	TOTAL PRODUCT USED (Check One Unit of Measure)	NUMBER OF APPLICATIONS	CODE	COMMODITY OR SITE TREATED	ACRES/UNITS TREATED
		<input type="checkbox"/> LB <input type="checkbox"/> OZ <input type="checkbox"/> PT <input type="checkbox"/> QT <input type="checkbox"/> GA	N/A	10	N/A	N/A
		<input type="checkbox"/> LB <input type="checkbox"/> OZ <input type="checkbox"/> PT <input type="checkbox"/> QT <input type="checkbox"/> GA				

Branch 2: Rodent Control
 “Attic Cleanup” w/
 Antimicrobials
 Likely not being reported

Structural Companies: Keep records for 3 years;

- Must file with each CAC; stamp required (from SPCB)
 - If no pesticides used; file “negative” report; no stamp
 - FIFRA 25(b) pesticides; No EPA #-no report or negative

Monthly Summary Pesticide Use Report



T.A.P.[®]

Thermal, Acoustical, & Pest Control Insulation

U.S. Patent No 6,578,782 EPA REG. NO. 89140-1

Distributed by Pest Control Insulation, LLC

5285 Mountain Center Plaza, Lula, GA 30554 1-866-BUG-PCIS

3 - Insulations - in - 1 MADE FROM RECYCLED PAPER

ACTIVE INGREDIENT:

ORTHOBORIC ACID	12.5%
OTHER INGREDIENTS	87.5%
TOTAL	100.0%

PERSONAL PROTECTIVE EQUIPMENT (PPE) Applicators, mixers, and other handlers must wear:

- Long-sleeved shirt
- Long pants
- Socks, shoes
- Chemical resistant gloves
- Dust mask or protective respirator
- Dust goggles

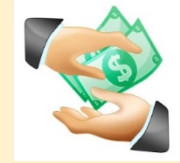
READY-TO-USE T.A.P.[®] Thermal, Acoustical and Pest Control Insulation is an insect/arthropod control insulation. This product is toxic to listed insects and other arthropods and is intended to prevent their infestations in those building voids (attic, wall, between floors, crawlspace) where the product is applied. Its toxic effect begins only after insect/arthropod contact with product.

KILLS: Cockroaches, Termites (including Formosan Termites), Ants, Silverfish, Earwigs, Crickets, Sow bugs, Darkling Beetles, Millipedes, Centipedes, and Booklice.

This insulation contains material toxic to these insects/arthropods and is intended to prevent new infestations in walls and attics where the product is applied. Control of insects/arthropods is limited to contact with insulation.

NOTE: “Rats, rodents” are not listed!

Structural Fume Enforcement Program



Fumigators agreed to a fee assessed for:

- Increased fume, inspection & enforcement activities
- Pay \$8 / “completed” fume (vs #NOIs submitted)
- Fees paid to CACs: LA, Orange, San Diego, Santa Clara
- 4 CACs meet quarterly with Industry to:
 - Discuss current events / enforcement actions / scenarios
 - Review quarterly accomplishments
- Program sunsets 1/1/2023



SPCB Collaboration with CACs

Board shall not:

- Renew a licensee's license
 - Until SCP fine has been paid § 8617(i)
 - Repayment to CAC; ~3 years (renewal cycle)
- Sell stamps to registered companies
 - Until SCP fine has been paid § 8617(j)



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Board will:

- Take fine / licensing action, upon CAC's referral
- Conduct parallel investigation w/CACs on major incidents



Questions



www.pestboard.ca.gov

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