



# Department of Pesticide Regulation



Mary-Ann Warmerdam  
Director

Arnold Schwarzenegger  
Governor

December 3, 2007

TO: Structural Pest Control Businesses and Structural Pest Control Licensees

SUBJECT: Structural Pest Control County Registration

Governor Arnold Schwarzenegger signed AB 1717 (Chapter 338, Statutes of 2007) into law that establishes new county registration and fumigation notification requirements for the structural pest control industry. Enclosed is a guidance document titled "Implementing AB 1717 - Structural Pest Control" to assist you in understanding and complying with the new law.

Effective January 1, 2008, structural pest control businesses and certain structural pest control licensees must register with each county agricultural commissioner (CAC) before conducting business in that county. The new law adds Food and Agricultural Code (FAC) section 15204.5 and amends FAC section 15204 which establish county registration requirements in lieu of the existing county notification program. The law also allows CACs to charge registration fees. Each County Board of Supervisors must establish its fees through their county administrative process.

Late 2007 through 2008 will be a transition period as the CACs coordinate their county administrative procedures and processes. The CACs may allow registration to occur during the remainder of 2007 for calendar year 2008. Many CACs may not have registration fees established prior to January 1, 2008, or may opt not to charge registration fees for calendar year 2008.

**Fees and registration methods will vary from county to county.** Please contact each CAC directly regarding its registration procedure and fees. County contact information is available at: [http://www.cdpr.ca.gov/exec/county/county\\_contacts.html](http://www.cdpr.ca.gov/exec/county/county_contacts.html)

Sincerely,

*Original Signature by:*

Nan Gorder, Ph.D.  
Branch Chief, Enforcement  
(916) 324-4100

Enclosure: Implementing AB 1717 – Structural Pest Control

cc: Ms. Kelli Okuma, Structural Pest Control Board Registrar (w/Enclosure)  
Mr. James Shattuck, Agricultural Commissioner Liaison (w/Enclosure)  
County Agricultural Commissioners



# Implementing AB 1717 - Structural Pest Control

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**Purpose** This document provides guidance on the implementation by the Department of Pesticide Regulation (DPR) and the county agricultural commissioners (CAC) of Assembly Bill (AB) 1717 (Chapter 338, Statutes of 2007) provisions relating to structural pest control.

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**Sections interpreted**

- CA. Food and Agriculture Code (FAC) sections 15204 and 15204.5
- CA. Business and Professions Code (B&P) section 8506.1

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**Effective date** This law becomes effective January 1, 2008.

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**Introduction** AB 1717 was passed to broaden regulatory tools necessary to keep pace with emerging issues and concerns associated with increasing structural pesticide use. Importantly, new county registration and fumigation notification requirements provide CACs a greater awareness of all persons/companies engaging in structural pest control operations within the county.

- Amendments to FAC section 15204 are specific to Branch 2 and 3 structural pest control.
  - The addition of FAC section 15204.5 is specific to Branch 1 fumigation structural pest control.
  - Amendments to FAC section 13000 increase the statute of limitations from two years to four years for violations regarding adulterated or misbranded pesticides. This provision applies to DPR authority only and is not discussed in this guidance.
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# Implementing AB 1717 - Structural Pest Control, Continued

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## Bill Summary

As it relates to structural pest control, this law (AB 1717):

1. Requires structural pest control businesses and certain structural pest control licensees to register with each county prior to conducting business in that county. Registration requirements vary depending on the type of structural license and branch of practice. Registration methods (in-person, mail, fax) may vary from county to county.
  2. Allows CACs to charge a registration fee for both structural pest control businesses **and** certain structural pest control licensees. Registration fees and payment dates may vary from county to county.
  3. Provides CACs with authority to levy a civil penalty against a company or licensee that violates provisions of amended and new statutes.
  4. Requires a structural pest control business to notify the CAC at least 24 hours prior to commencing a structural fumigation.
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## Definitions

The following terms are used throughout the bill:

- Pest Controller: This term is not defined in law or regulation. DPR interprets “pest controller” to be a general term used to cover all persons licensed in structural pest control by the California Structural Pest Control Board (SPCB).
  - Qualifying Managers (QM): The licensed operator(s) designated by a registered structural pest control business to supervise the daily business of the company and to be available to supervise and assist the company’s employees (B&P Code section 8506.2).
  - Satellite Office: This term is not defined in law or regulation. DPR interprets “satellite office” to mean branch offices [fixed places of business, i.e., location(s)] including DBAs (B&P Code section 8509).
  - Structural Pest Control Applicator: Any individual who is licensed by the SPCB to apply a pesticide in Branch 2 or 3 of a SPCB registered company. Applicators are **not** licensed to perform Branch 1 activities (B&P Code section 8507.1).
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## Civil penalty authority extended

AB 1717 provides CACs with authority to levy a civil penalty against any person who violates the provisions in FAC sections 15204-15204.5 in accordance with procedures in FAC section 12999.5.

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# Implementing AB 1717 - Structural Pest Control, Continued

**County notification no longer allowed**

Previously, structural pest control businesses provided annual “notification” to CACs prior to conducting business in the county. AB 1717 nullifies the “notification” requirement and instead establishes a county “registration” requirement effective January 1, 2008.

Notification by structural pest control businesses and payment of the \$10 notification fee in November/December 2007 in lieu of county registration for calendar year 2008 will **not** be allowed.

**Registration requirements**

Entities Required to Register	Branch Requirement	Registration Time frame	Registration Method
Structural Pest Control Business (PCB)	Branch 1 Branch 2 Branch 3	Calendar Year	CAC to determine
Structural Pest Control Operator (OPR)	Branch 1	Calendar Year	CAC to determine
Field Representative (FR)	Branch 1	Calendar Year	CAC to determine
Qualified Manager (QM)	Branch 2 Branch 3	Calendar Year	CAC to determine

1. Registration is required in each county prior to operating in that county.
2. A Branch 1 PCB must register that business separately from its Branch 2 or Branch 3 business, listing each satellite or branch office (location) on the registration form.
3. A Branch 2 and Branch 3 PCB may register that business as one entity, listing each satellite or branch office (location) on the form.
4. The statute requires “in person” registration; however, due to staff and resource constraints, each CAC may require only one responsible party working out of each satellite or branch office (location) conducting fumigation to appear in person. Others may mail or fax as determined by the CAC.

**NOTE:** The new law refers to “applicators” in the Branch 1 registration requirements. This term was used generically. Applicators are not licensed to perform Branch 1 fumigation work and county registration is not required.

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# Implementing AB 1717 - Structural Pest Control, Continued

**Registration fees**

CACs may elect to charge a registration fee for each of the entities listed below. Registration fees must be set by the Board of Supervisors in each county before they can be implemented. The fee shall reflect the actual cost of the registration or the amount specified below, whichever is less. Registration fees may vary from county to county.

<b>Initial County Registration</b>	<b>Fee</b>	<b>Payment Due</b>
Structural Pest Control Business - Branch 1 <ul style="list-style-type: none"> <li>• Operators (OPR)</li> <li>• Field Representatives (FR)</li> </ul>	\$25.00 Inclusive	At time of registration or date set by CAC
Structural Pest Control Business - Branch 2 and/or Branch 3 <ul style="list-style-type: none"> <li>• Qualifying Manager (QM)</li> </ul>	\$10.00 Inclusive	
<b>Amendment(s) to County Registrations</b>		
Structural Pest Control Business - Branch 1 <ul style="list-style-type: none"> <li>• Operators</li> <li>• Field Representatives</li> </ul>	\$10.00 Inclusive	At time of registration or date set by CAC
Structural Pest Control Business -Branch 2 and/or Branch 3 <ul style="list-style-type: none"> <li>• Qualifying Manager</li> </ul>	\$10.00 Inclusive	

1. The registration fee covers the business and all persons (operators, field representatives, and qualifying managers) identified on the registration form.
2. A \$10.00 fee is required for each amendment during the calendar year to add new operators, field representatives, and qualifying managers to a county registration.

**2008 registration fees**

CACs may elect to allow county registration prior to January 1, 2008.

For registrations that occur prior to the Board of Supervisors approving the registration fee, it will be up to the County Board of Supervisors, county legal counsel, and the CAC as to whether to collect those fees retroactively.

**Registration forms**

New registration forms are under development. Your DPR Enforcement Branch Liaison will provide you with these forms as soon as they are available.

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## Implementing AB 1717 - Structural Pest Control, Continued

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**Notification of pending fumigations**

Each SPCB registered company shall notify the CAC at least 24 hours prior to commencing Branch 1 fumigation unless approved on a case-by-case basis by the commissioner. The notice shall include:

- Name and address of registered company or operator
  - Address of the area(s) to be fumigated
  - Pesticide to be applied (both active ingredient and trade name)
  - Date of intended application
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