



State of California

**Volume 2**

**Pesticide  
Use  
Enforcement  
Program  
Standards  
Compendium**

**Regulations**

**16CCR**

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**California  
Code of  
Regulations**

**Title 16.  
Professional  
and  
Vocational Regulations**

**Division 19.  
Structural Pest Control Board**



STRUCTURAL PEST CONTROL BOARD

**Regulations  
Relating to the Practice  
of  
Structural Pest Control**

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Article 3. Licensing  
Sections 1934-1948

1934. Board-Approved Operator's License Course.

Board-approved or Board-developed courses required by Section 8565.5 of the Business and Professions Code must have been successfully completed within three years prior to the applicant taking the operator's licensing examination.

NOTE: Authority cited: Section 8525, Business and Professions Code.  
Reference: Section 8565.5, Business and Professions Code.

HISTORY:

1. New section filed 8-13-98; operative 9-12-98 (Register 98, No. 33).

1935. Examination Procedure. [Repealed]

HISTORY:

1. Repealer filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).

1936. Form and Date for Filing Application for License.

(a) An application for an initial operator's or field representative's license shall be:

(1) Filed at the principal office of the board on Form 43L-1 (Rev. 7/20) or Form 43L-14 (Rev. 7/20), which are hereby incorporated by reference, and shall comply with every requirement shown thereon.

(2) Accompanied by the required fee.

(b) All documents filed in support of any application shall be retained by the board; provided, however, that the board may, at its discretion, permit such documents to be withdrawn upon substitution of a true copy.

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

Reference: Sections 114.5, 115.5, 480, 8560-8566 and 8674, Business and Professions Code; and Sections 11361.5 and 11361.7, Health and Safety Code.

HISTORY:

1. Amendment of subsection (b) filed 1-2-68; effective thirtieth day thereafter (Register 68, No. 1).
2. Amendment of subsections (c) and (d) filed 3-15-79; effective thirtieth day thereafter (Register 79, No. 11).
3. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
4. Amendment of subsection (a)(1) and new Form 43L-14 filed 6-22-92; operative 7-22-92 (Register 92, No. 26).
5. Amendment of subsection (a)(1) and relocation and amendment of Form 43L-1 from Section 1936.1 filed 8-25-2006; operative 9-24-2006 (Register 2006, No. 34).
6. Amendment of subsections (a)(1)-(2), repealer of Forms 43L-1 and 43L-14, adoption and incorporation by reference of new Forms 43L-1 and 43L-14 and amendment of NOTE filed 10-12-2016; operative 1-1-2017 (Register 2016, No. 42).

1936. continued

HISTORY: continued

7. Amendment of subsections (a)(1) and (b) filed 12-23-2020; operative 12-23-2020 pursuant to Government Code Section 11343.4(b)(3) (Register 2020, No. 52). Filing deadline specified in Government Code Section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

1936.1. Form and Date for Filing Application for Company Registration Certificate.

(a) An application for a company registration certificate shall be:

(1) Filed at the principal office of the board on Form 43L-26 (Rev. 7/20), which is hereby incorporated by reference, and shall comply with every requirement shown thereon.

(2) Accompanied by the required company registration fee.

(b) All documents filed in support of any application shall be retained by the board; provided, however, that the board may, at its discretion, permit such documents to be withdrawn upon substitution of a true copy.

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

Reference: Sections 114.5, 115.5, 480, 8610 and 8674, Business and Professions Code; and Sections 11361.5 and 11361.7, Health and Safety Code.

HISTORY:

1. New section filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

2. Change without regulatory effect amending subsection (a)(1) filed pursuant to Section 100, Title 1, California Code of Regulations (Register 92, No. 30).

3. Relocation and amendment of Form 43L-1 to Section 1936 and editorial correction of page order of Form 43L-14 filed 8-25-2006; operative 9-24-2006 (Register 2006, No. 34).

4. Amendment of subsection (a)(1), repealer of Form 43L-26, adoption and incorporation by reference of new Form 43L-26 and amendment of NOTE filed 10-12-2016; operative 1-1-2017 (Register 2016, No. 42).

5. Amendment of subsections (a)(1) and (b) filed 12-23-2020; operative 12-23-2020 pursuant to Government Code Section 11343.4(b)(3) (Register 2020, No. 52). Filing deadline specified in Government Code Section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

1936.2. Form for Filing Application for Applicator's License.

(a) An application for an initial applicator's license shall be:

(1) Filed at the principal office of the board on Form 43L-21 (Rev. 7/20), which is hereby incorporated by reference, and shall comply with every requirement shown thereon.

(2) Accompanied by the required fee.

(b) All documents filed in support of any application shall be retained by the board.

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

Reference: Sections 114.5, 115.5, 480, 8564.5 and 8564.6, Business and Professions Code; and Sections 11361.5 and 11361.7, Health and Safety Code.

HISTORY:

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

2. Amendment of subsections (a)(1)-(2), repealer of Form 43E-21, adoption and incorporation by reference of new Form 43L-21 and amendment of NOTE filed 10-12-2016; operative 1-1-2017 (Register 2016, No. 42).

3. Amendment of subsections (a)(1) and (b) filed 12-23-2020; operative 12-23-2020 pursuant to Government Code Section 11343.4(b)(3) (Register 2020, No. 52). Filing deadline specified in Government Code Section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

**1937. Qualification of Applicant.**

(a) "Experience" and "in the employ of," as used in Section 8562(b) of the code and "training and experience" as used in Section 8564 of the code means actual field work.

(b) A qualifying manager of a registered company or licensed operator designated by a company shall provide written certification of an employee's or former employee's experience and time accurately and promptly upon written request by the employee. The qualifying manager or designated licensed operator must be licensed in the branch or branches for which he/she is certifying experience and time.

(c) Specific minimum requirements of training and experience are accorded to the branch or branches for which the applicant is applying, as follows:

Branch 1: A minimum of one hundred hours of training and experience in preparation, fumigation, ventilation, and certification required.

Branch 2: A minimum of forty hours of training and experience, twenty hours of which are actual field work, required. The minimum hour requirement must include training and experience in Integrated Pest Management as defined in Section 1984, and the impact of structural pest control services on water quality.

Branch 3: A minimum of one hundred hours of training and experience, eighty hours of which are actual field work, required. The minimum hour requirement must include training and experience in Integrated Pest Management, and the impact of structural pest control services on water quality.

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

Reference: Sections 8560, 8562 and 8564, Business and Professions Code.

**HISTORY:**

1. New subsection (d) filed 3-15-79; effective thirtieth day thereafter (Register 79, No. 11).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment of subsection (b) filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).
4. Amendment filed 6-21-89; operative 7-21-89 (Register 89, No. 25).
5. Editorial correction restoring HISTORY 4. and correct text (Register 91, No. 45).
6. Amendment of subsection (a) and new subsection (c) filed 8-13-98; operative 9-12-98 (Register 98, No. 33).
7. Amendment of subsection (c) filed 3-20-2009; operative 4-19-2009 (Register 2009, No. 12).

## 1937.1. Substantial Relation Criteria.

(a) For the purposes of denial, suspension or revocation of a license or company registration pursuant to Section 141, Division 1.5 (commencing with Section 475), Section 8623, Section 8649, or Section 8655 of the code, a crime, professional misconduct, or act shall be considered to be substantially related to the qualifications, functions or duties of a licensee or registered company under Chapter 14 of Division 3 of the code if, to a substantial degree, it evidences present or potential unfitness of such licensee or registered company to perform the functions authorized by the license or company registration in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

(b) In making the substantial relationship criteria determination required under subdivision (a) for a crime, the board shall consider all of the following criteria:

- (1) The nature and gravity of the offense.
- (2) The number of years elapsed since the date of the offense.
- (3) The nature of duties of the structural pest control license or registration being sought, or held, by the person.

(c) For the purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

- (1) Any violation of the provisions of Chapter 14 of Division 3 of the code.
- (2) Commission of any of the following in connection with the practice of structural pest control:

- (A) Fiscal dishonesty
- (B) Fraud
- (C) Theft
- (D) Violations relating to the misuse of pesticides.

NOTE: Authority cited: Sections 481 and 8525, Business and Professions Code.

Reference: Sections 141, 475, 480, 481, 490, 493, 8525, 8568, 8620, 8623, 8646, 8649 and 8655, Business and Professions Code.

## HISTORY:

1. Repealer and new section filed 3-14-75; effective thirtieth day thereafter (Register 75, No. 11). For history of former section, see Register 73, No. 14.
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment of first paragraph only filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).
4. Amendment of section and NOTE filed 12-23-2020; operative 12-23-2020 pursuant to Government Code Section 11343.4(b)(3) (Register 2020, No. 52). Filing deadline specified in Government Code Section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

## 1937.2. Criteria for Rehabilitation.

## (a) Denial of a license.

(1) When considering the denial of a structural pest control license or company registration under Section 480 of the Business and Professions Code, on the ground that the applicant has been convicted of a crime, the board shall consider whether the applicant made a showing of rehabilitation, if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the applicant did not make the showing of rehabilitation based on the criteria in subsection (a)(1), the denial is based on professional misconduct, or the denial is based on one or more grounds specified in Section 8623 of the code, the board shall apply the following criteria in evaluating an applicant's rehabilitation:

(A) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (A) or (B).

(D) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(E) The criteria in subdivision (a)(1)(A through E), as applicable.

(F) Evidence, if any, of rehabilitation submitted by the applicant.

## (b) Suspension or revocation of a license.

(1) When considering the suspension or revocation of a structural pest control license or company registration under Section 490 of the code on the grounds that the licensee or registered company has been convicted of a crime, the board shall consider whether the licensee or registered company made a showing of rehabilitation if the licensee or registered company completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board shall consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the licensee or company's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for the modification.



1937.2. continued

(b) continued

(2) If the licensee or company has not completed the criminal sentence at issue without a violation of parole or probation, the board determines that the licensee or company did not make the showing of rehabilitation based on the criteria in subsection (b)(1), the suspension or revocation is based on a disciplinary action as described in Section 141 of the code, or the suspension or revocation is based on one or more of the grounds specified in Section 8623 of the code, the board shall apply the following criteria in evaluating a licensee's rehabilitation:

(A) Nature and gravity of the act(s), disciplinary action(s), or crime(s).

(B) Total criminal record.

(C) The time that has elapsed since commission of the act(s), disciplinary action(s), or crime(s).

(D) Whether the licensee or registered company has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee or registered company.

(E) The criteria in subdivision (b)(1)(A through E), as applicable.

(F) If applicable, evidence of dismissal proceedings pursuant to Section 1203.4 of the Penal Code.

(G) Evidence, if any of rehabilitation submitted by the licensee or registered company.

(c) When considering a petition for reinstatement of a structural pest control license or company registration, the board shall evaluate evidence of rehabilitation submitted by the petitioner, considering those criteria specified in subsection (b).

NOTE: Authority cited: Sections 481, 482 and 8525, Business and Professions Code.

Reference: Sections 141, 475, 480, 481, 482, 490, 493, 8525 and 8623, Business and Professions Code.

#### HISTORY:

1. Repealer and new section filed 3-14-75; effective thirtieth day thereafter (Register 75, No. 11). For history of former section, see Register 73, No. 14.

2. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

3. Amendment of section and NOTE filed 12-23-2020; operative 12-23-2020 pursuant to Government Code Section 11343.4(b)(3) (Register 2020, No. 52). Filing deadline specified in Government Code Section 11349.3(a) extended 60 calendar days pursuant to Executive Order N-40-20 and an additional 60 calendar days pursuant to Executive Order N-71-20.

## 1937.11. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the board shall consider the disciplinary guidelines entitled "A Manual of Disciplinary Guidelines and Model Disciplinary Orders" [Rev. 2016] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board and/or administrative law judges in its/his or her discretion determines that the facts of the particular case warrant such a deviation - for example: the presence of mitigating factors; the age of the case; evidentiary problems.

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

Reference: Sections 11425.50(e) and 11519, Government Code; and Sections 125.3, 8620, 8635, 8636, 8637, 8638, 8639, 8640, 8641, 8642, 8643, 8644, 8645, 8646, 8646.5, 8647, 8648, 8649, 8650, 8651, 8652, 8653, 8654, 8655, 8657 and 8666, Business and Professions Code.

## HISTORY:

1. New section filed 4-14-97; operative 5-14-97 (Register 97, No. 16).
2. Amendment of "A Manual of Disciplinary Guidelines and Model Disciplinary Orders" (incorporated by reference) and amendment of section filed 8-8-2013; operative 10-1-2013 (Register 2013, No. 32).
3. Amendment of "A Manual of Disciplinary Guidelines and Model Disciplinary Orders" (incorporated by reference) and amendment of section and NOTE filed 1-3-2018; operative 4-1-2018 (Register 2018, No. 1).

## 1937.12. Conditions of Probation.

(a) Whenever a proposed decision places a licensee or registered company on probation as a condition of staying a revocation or staying all or any portion of a suspension, the order granting such probation shall include at least the following conditions:

- (1) That the licensee or registered company shall file quarterly reports with the board during the period of probation;
- (2) Such other terms and conditions as may be appropriate in light of the number and nature of the violations proven.

(b) Nothing in this regulation shall deprive the board of its authority to modify or delete any term or condition of probation contained in a proposed decision submitted by an administrative law judge.

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

Reference: Section 8620, Business and Professions Code.

## HISTORY:

1. New section filed 7-3-80; effective thirtieth day thereafter (Register 80, No. 27).
2. Amendment of subsection (a) filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).

**1996.3. Requirements for Reporting Property Addresses.**

(a) The address of each property inspected and/or upon which work was completed shall be reported on a form prescribed by the Board and designated as the WDO Inspection and Completion Activity Report Form (see Form No. 43M-52 Rev. 5/09) at the end of this section. This form shall be prepared by each registered company and shall comply with all of the requirements pursuant to Section 8516(b) and 8518.

(b) The form shall contain the following information for each property inspected and/or upon which work was completed.

- (1) Company Name
- (2) Company registration number
- (3) Branch office registration number (when a branch office issues an inspection report or notice of work completed)
- (4) Date of Activity
- (5) Address of property inspected or upon which work was completed, including zip code
- (6) Activity Code
- (7) License number of licensee performing the inspection

(c) Failure of a registered company to report and file with the Board the address of any property inspected or upon which work was completed pursuant to Section 8516(b) or 8518 are grounds for disciplinary action and subject to a fine of not more than two thousand five hundred dollars (\$2,500).

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

Reference: Sections 8516 and 8518, Business and Professions Code.

**HISTORY:**

1. New section and new Form 43M-52 filed 7-13-2004; operative 8-12-2004 (Register 2004, No. 29).

2. Amendment of section and Form 43M-52 filed 5-20-2010; operative 7-1-2010 (Register 2010, No. 21).

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) The Activity Reporting fee per Property Address is \$4.00.

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).
12. Amendment filed 5-20-2010; operative 7-1-2010 (Register 2010, No. 21).
13. Amendment of subsection (1) filed 5-7-2019; operative 7-1-2019 (Register 2019, No. 19).
14. Amendment of subsection (1) filed 8-22-2019 as an emergency; operative 8-22-2019 (Register 2019, No. 34). A Certificate of Compliance must be transmitted to OAL by 2-18-2020 or emergency language will be repealed by operation of law on the following day.
15. Amendment of subsection (1) filed 2-4-2020 as an emergency; operative 2-19-2020 (Register 2020, No. 6). A Certificate of Compliance must be transmitted to OAL by 5-19-2020 or emergency language will be repealed by operation of law on the following day.
16. Emergency filed 2-4-2020 extended 60 days (Executive Order N-40-20) (Register 2020, No. 20). A Certificate of Compliance must be transmitted to OAL by 7-20-2020 or emergency language will be repealed by operation of law on the following day.
17. Emergency filed 2-4-2020 and extended 60 days pursuant to Executive Order N-40-20 extended an additional 60 days (Executive Order N-66-20). A Certificate of Compliance must be transmitted to OAL by 9-21-2020 or emergency language will be repealed by operation of law on the following day.
18. Certificate of Compliance as to 2-4-2020 order transmitted to OAL 7-16-2020 and filed 9-14-2020 (Register 2020, No. 38). Filing deadline specified in Government Code Section 11349.3(a) extended 60 days pursuant to Executive Order N-40-20.