

Section 3.4.1 Agricultural Pest Control Business (PCB)

Who needs the PCB license Any person who advertises, solicits, or operates as a pest control business (see discussion of “business” in Section 3.4.4). This includes the following FAC sections 11403 and 11701:

- Ground and aerial pest control operations, including individuals performing pest control for the accommodation of their neighbors.
- Management companies (e.g.: vineyard management or golf course management) when their services include pest control.
- Packinghouses, shippers, storage facilities, and other processors who treat agricultural commodities owned by another person or firm.
- Maintenance gardeners who engage in pest control for hire (more than incidental to that business’s activities).

Exception: Cooperatives are excluded; see discussions on “Business Defined” and “Packing Houses and Other Processors” in Section 3.4.4.

Exemptions to the PCB license

- Structural pest control activities conducted within the scope of, **and** pursuant to, a valid structural pest control business license. (FAC section 11531(a))
 - Preservation treatment of fabrics or structural materials. (FAC 11531(b))
 - Sanitation services for collection, disposal, and treatment of wastewater, refuse, or sewage. (FAC section 11531(c))
 - Seed treatment incidental to regular business. (FAC section 11531(d))
 - Live capture and removal, or exclusion, of vertebrate pests, bees, or wasps without the use of pesticides. (FAC section 11531(e))
 - Pool cleaning services, unless the person is selling, applying, using, or distributing a restricted material. (FAC section 11531(f))
 - Tree surgery involving the removal of diseased or infested tissues or applying disinfectants to wound cavities incidental to tree surgery. (FAC section 11710)
 - Gardeners and landscape maintenance service companies, if no pest control work is included as part of their services.
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Agricultural Pest Control Business (PCB), Continued

**What's
required to
obtain a PCB
license**

An applicant for a PCB or Maintenance Gardener(MG) PCB license must:

1. Complete the *Pest Control Business License Application* (DPR-LIC-042) for each principal and branch location **or** the *Pest Control Business License Application, Maintenance Gardener Only* (DPR-PML-004)³ location and submit it and all required fees to DPR.
 2. Identify an individual who is responsible for the operation of the pest control business for each location listed on the application.
 3. Fulfill financial responsibility requirements. (FAC section 11702(c)(2) and 3 CCR section 6524)
 4. Submit a Fictitious Business Name Statement from the County Clerk's Office, if applicable⁴. (FAC section 11702(a))
 5. For a corporation, submit a Certificate of Good Standing from the Secretary of State. (FAC section 11702(a))
 6. Submit the initial license fees for the PCB's principal location and for each branch location **or** the initial license fee for a MG PCB license.
 7. Submit the *Supplemental Application Information for Maintenance Gardener Pest Control Business License* (DPR-PML-143) if applicable.
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**Requirements
once licensed**

Once licensed, each principal and branch PCB and MG PCB must:

- Register with the CAC in each county where business is conducted. (FAC section 11732)
- Retain agricultural pest control application completion notice records for two years. (3 CCR section 6619)
- Retain pesticide use records for two years. (3 CCR section 6624)
- Submit pesticide use reports (PURs) to the CAC. In addition, school and daycare PURs must be submitted to DPR annually. See Chapter 4 Section 3. (3 CCR sections 6625, 6626(b), 6627 and 6628)
- Have a copy of the restricted materials permit during the application.* (3 CCR section 6632)
- Retain written recommendations and work orders for one year.*(FAC section 12004)
- If the business performs pest control using an aircraft, have an individual who holds a valid Journeyman PCAPC (FAC section 11901).

* Obtaining permits and retaining work orders/recommendations do not apply to MG PCBs

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³ MG PCBs *by default* do not have branch locations.

⁴ See *Pest Control Dealer* in Section 3.3 for information on the Fictitious Business Name Statement

Pest Control Business Interpretation Scenarios, Continued

Maintenance gardeners and landscape services, (continued)

If maintenance gardeners or landscape maintenance companies engage in pest control work separate from the maintenance gardening or landscape maintenance activities, they must be licensed as “full” PCBs. This includes “occasional” pest control work with a small hand-sprayer or hose-end sprayer and the use of snail bait or pesticides provided by a homeowner if done as part of the service.

Whether or not an itemized charge is made for the pest control work has no bearing on the licensing requirement. A maintenance gardener who maintains a supply of pesticides shows evidence of offering pest control as part of their service.

Post-harvest applications at packing houses and other processors

Processors (packing houses, hullers, driers, etc.) applying pesticides (such as fungicides or fumigants to fruits, nuts, grains, or vegetables) must be licensed as PCB if, at the time of treatment, the commodity is owned by the other party and pest control is part of the service provided for compensation. This also includes fungicides or insecticides applied to seeds if it is more than incidental to the regular business (i.e. a company who is in the business of treating seed).

A cooperative is owned by its members and if it handles only commodities from members a license would not be required.

Swimming pool service companies

Interprets FAC section 11531(f)

Persons engaged in the business of servicing swimming pools with a pesticide are exempt from the licensing requirement and are not required to obtain a PCB license unless the business is applying or using a restricted material. Pesticide labeling and worker safety requirements must still be followed. Additionally, the company must still follow the requirements of the local health department relative to the safe use of chlorine in the swimming pool.

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Pest Control Business Interpretation Scenarios, Continued

Vertebrate pest control **Interprets FAC section 11531(e)**

The intent with this subsection is to exempt from licensure persons who practice live capture and removal, or exclusion, of vertebrate pests, bees, or wasps, without the use of pesticides. Vertebrate pests include bats, raccoons, skunks, squirrels, mice, rats, and pigeons.

Examples of exempted persons include trappers engaged in the business of live capture and removal of vertebrate pests without the use of pesticides, or falconers using trained raptors to scare off (exclude) nuisance birds from a desired area without killing them. FAC section 11531(e) does not exempt a person from the provisions of Chapter 1.5, Division 3, of the California Fish and Game Code.

Woodcutting: incidental pest control **Interprets FAC section 11701 and 11710**

FAC section 11710 provides a PCB licensing exemption to those regularly engaged in the business of tree surgery. The licensing exemption only applies to removal of diseased or infested tissues and application of disinfectants to wounds or cavities incidental to tree surgery. All other pest control activities for hire including those done by woodcutters, loggers, tree surgeons, or arborists require a PCB license from the Department, even if such pest control is incidental to their main woodcutting, logging, tree surgery, or arborist activities.

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Pest Control Business Interpretation Scenarios, Continued

**Wood,
in-ground pole,
railroad tie
treaters, wood
treatment and
wood
preservative**

Interprets FAC sections 11531 and 11701

The service of treating utility poles, fence poles, railroad ties, or wood with pesticides to control or prevent wood destroying pests is considered pest control and requires a pest control business license.

A business that applies preservative pesticides to wood in a permanent treatment plant is exempt from the pest control business license. (FAC section 11531(b)) Such treatments include the use of pesticides in the manufacture of utility poles, fence posts, stakes, etc. If the pesticide requires supervision of a certified applicator a QAL or QAC is still required.

Any treatment to existing structures is considered structural pest control.

See also Section 3.3.1 *Pest Control Dealer Interpretation Scenarios*.

**Work orders
vs.
recommenda-
tions**

See Section 3.2.2 *Interpretation of agricultural PCA scenarios*.

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Pest Control Business Interpretation Scenarios, Continued

Pest Control Equipment Rental

Basic principles **Interprets FAC section 11701 and 3 CCR section 6000**

A company that only sells, leases, or rents pest control equipment is not required to be licensed as a PCB. It may do initial setup and calibration of the equipment. Maintenance or repairs (changing oil, fueling, replacing spark plugs, fixing a flat tire, etc.) required to keep the equipment running and are not related to pest control may also be performed. Any further calibration or “in-field” adjusting would require a PCB license.

Note: If an employee maintains, services, repairs, cleans, or handles equipment used to apply pesticides or potentially contaminated with pesticides, the employee must be trained as a handler and the employer must follow the requirements of 3 CCR section 6744.

A PCB license is required of all persons who lease, rent, or provide pest control equipment **and** who mix and dilute the pesticide concentrate, or clean, calibrate, or otherwise service the equipment on the renter's property. When this service is provided as part of a lease or rental agreement, the service is covered by a part of the fee.

If the only service provided is mechanical repair and initial calibration performed on the property of the person who owns the equipment, a PCB license is not required.

If the spray equipment is loaned and the above-described services are provided at no cost, a PCB license is not required.

Occasionally, an equipment owner will provide an operator (applicator) along with the equipment. If the equipment owner pays the operator's salary and worker's compensation, the owner would have to be a licensed PCB. The equipment owner is not required to be licensed if the renter of the equipment pays the operator's salary and compensation.

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