

Implementing AB 1717 - Structural Pest Control

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.

Sections interpreted

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

Effective date This law becomes effective January 1, 2008.

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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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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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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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.

Initial County Registration	Fee	Payment Due
Structural Pest Control Business - Branch 1 <ul style="list-style-type: none"> • Operators (OPR) • Field Representatives (FR) 	\$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"> • Qualifying Manager (QM) 	\$10.00 Inclusive	
Amendment(s) to County Registrations		
Structural Pest Control Business - Branch 1 <ul style="list-style-type: none"> • Operators • Field Representatives 	\$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"> • Qualifying Manager 	\$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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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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