Structural Pest Control Board

The primary role of the Structural Pest Control Board (SPCB) is to protect consumers by licensing and regulating practitioners of structural pest control and addressing consumer complaints through mediation and enforcement of the Structural Pest Control Act.

Until 1935, the state’s structural pest control industry was regulated by the Contractors State Licensing Board. In July 1935, the Legislature passed the nation’s first structural pest control act (Chapter 823, AB 2382). The legislation’s goal was “to regulate the practice of structural pest control; to create the Structural Pest Control Board; to provide for the registration and licensing of persons engaged in such practice, and for the protection of the public in the practice of structural pest control.”

The law decreed that the new structural board “shall determine by examination the qualifications of the applicant (for a pest control license). If the applicant proves to be sufficiently versed in the vocation of structural pest control, both as to theory and practice, or in the particular branch of the vocation in which he desires to qualify, there shall be issued to him a certificate permitting him to practice structural pest control.”

Legislation in 2009 (Chapter 181, Statutes of 2009-10 Fourth Extraordinary Session) transferred the SPCB from the Department of Consumer Affairs to the Department of Pesticide Regulation (DPR). Board licensing and enforcement operate separately from DPR’s other licensing and enforcement programs.

Structural Pest Control Defined

Structural pest control includes identification and eradication of structural pests such as cockroaches, ants and rodents. It also includes identifying and eradicating wood-destroying insects such as termites, wood-boring beetles and carpenter ants. Wood-destroying infections such as dry rot are also a condition identified and treated by structural pest control licensees.

Control of structural pests includes applying insecticides, rodenticides, fumigants, and other pesticides. Control can also be achieved through devices such as an electronic gun, microwaves, heat and freezing. Structural pest control also includes making structural repairs or replacing infested portions of a structure. Besides households, other structures such as railroad cars, ships, docks, trucks, airplanes or their contents are inspected and treated by structural pest control licensees.

Board Membership

The Structural Pest Control Board consists of seven members appointed to four-year terms. Four are public members (who cannot be board licensees) and three are members from the structural pest control industry. The Governor appoints two public members and the three industry members. The Senate Rules Committee and the Speaker of the Assembly each appoint a public member.

The board is required to meet yearly in October and for special meetings called by the board president or any three board members. The board typically meets quarterly.

1Appendix A lists this and other statutes noted in this chapter and shows the related code section it amended or added. Statutes and related code sections deleted or superseded by later legislation have been omitted.
Many pesticides are toxic to human beings and practically all are capable of causing some type of damage or injury if improperly handled.

— 1950 department annual report

Board members do not receive a salary but are paid per diem and travel expenses for each meeting.

Research

The board maintains a fund to pay for structural pest control research. The board determines what research is needed and invites proposals for the work nationally. Research reports are posted on the board’s Web site. Various topics are researched. For example, recent projects included strategies for bed bug control, developing baits for yellowjacket control, field evaluations of localized treatments for drywood termite infestations, and comparisons of baiting and perimeter spray programs for ant control.

Licensing

The SPCB exams and licenses structural pest control operators, field representatives and applicators in three specified areas of pest control. It also registers structural pest control companies and their branch offices. Licenses and registrations are issued for:

- **Branch 1: Fumigation** — Controls household and wood-destroying pests or organisms by fumigation of structures with poisonous or lethal gases.
- **Branch 2: General Household Pest** — Identifies and treats household pests such as spiders, rodents, cockroaches, weevils, ants and bees, carpenter ants, and carpenter bees. It excludes fumigation.
- **Branch 3: Wood-Destroying Pest and Organisms** — Performs inspections for wood-destroying pests (such as termites) and organisms, issues inspection reports and completion notices, conducts treatments, and performs repairs recommended on the inspection report. It excludes fumigation.

The applicator license is the entry-level license category issued in Branch 2 and 3 only. The applicator is licensed to apply pesticides to eliminate, exterminate, control or prevent infestations or infections. (Applicators cannot inject lethal gases used in fumigation.)

The field representative is licensed to make inspections, identify pests, submit bids and contract for work on behalf of a registered company.

The operator can perform the same duties as a field representative but must have between two and four years of experience to qualify for this license. Only a licensed operator may qualify a company for registration by assuming responsibility for the company and its employees as the company qualifying manager.

Continuing education has been required to renew an individual license since 1981. Continuing education requirements vary depending on the type of license and number of categories held by the licensee. The number of required hours varies from 16 to 24 hours in a three-year renewal period. The board conducts random audits every renewal period to ensure compliance with license renewal requirements.

In 2011, there were about 20,000 individual licenses and about 2,000 registered companies.

Structural pest control companies are required to register yearly with the county agricultural commissioner (CAC) before conducting business in that county. Also required to register with CACs are Branch 1 structural pest control operators, field representatives and applicators, and Branch 2 and Branch 3 structural pest control operators.

Exempt from board licensing are public utilities; agricultural pest control work; pest control work on one’s own property; governmental agencies; and educational institutions engaged in pest control research. Also exempt are individuals who capture and remove or exclude certain vertebrate pests, remove bees or wasps from structures provided they practice live capture and removal (or exclusion) and do not use pesticides. Vertebrate pests include bats, raccoons, skunks and squirrels but do not include mice, rats or pigeons.
Enforcement

The board’s enforcement program responds to complaints filed by consumers about services received from structural pest control companies. A wood-destroying pest and organism inspection is almost always required during a real estate transaction. Prospective buyers rely on that inspection report when making a purchase decision. If that report omits information about an infestation or infection, or when work to correct those conditions is performed in a substandard or grossly negligent manner, the consumer can suffer great financial harm.

Complaints within the Board’s jurisdiction include infections or infestations missed or not reported after an inspection; unlicensed activity; poor workmanship or repairs not performed according to trade standards; failure to complete work; and false or misleading advertising.

Although the main source of complaints received by the board are homeowners or their agents, anyone may file a complaint against a licensee, registered pest control company, or unlicensed individual performing or offering to perform structural pest control. This includes the public, various governmental agencies, professional groups, licensees and the board itself. The board tries to resolve disputes through mediation. If necessary, a board specialist will inspect the consumer’s home to decide responsibility. If a licensee is found to have made an error in identifying wood-destroying pests or organisms, the company can be compelled to treat or repair the structure at no added cost to the consumer. Should a licensee or registered company fail to respond or refuse to take corrective action, the case is referred to a board specialist for investigation and possible disciplinary action.

The board conducts routine inspections of office records, investigates unlicensed activity, and cooperates with CACs in investigation of pesticide use violations. Complaints involving unlicensed activity and false advertising allegations can often be resolved through letters of warning, cease-and-desist orders or educational letters. If the informal process is unsuccessful, the case may be referred to a board specialist for unlicensed activity, or a licensee may be issued a citation and fine.

CACs may also suspend the right of a licensee or registered company to work in a county for up to three days. CACs may also levy a civil penalty of up to $1,000 against a licensee, registered company, or an unlicensed individual acting as a licensee.

Under 2002 legislation (SB 1463, Chapter 584), as an alternative to a fine for certain violations, the board or CACs can require a pest control licensee to attend and pass an SPCB-approved course.

Violations of laws and regulations may result in a citation or charges against the licensee or registered company or could lead to suspension or revocation of the license or registration. Citations may contain civil penalties of up to $5,000 and/or orders of correction requiring the licensee or registered company to make repairs to the complainant’s property. If the violations are classified as serious, the board may take action to suspend or revoke a person’s license or a company’s registration.

Structural Fumigation Enforcement Program

The Structural Fumigation Enforcement Program was set up as a two-year pilot in Los Angeles County under 1993 legislation (AB 1053, Chapter 393). The program was sponsored by the pest control industry, SPCB and the Los Angeles CAC in response to a need for increased enforcement. Problems cited included operators who used the wrong fumigant, neglected to follow safety procedures, or improperly aerated a structure after fumigation.

Under the program, fumigators pay a $5 fee on each of the thousands of fumigations done yearly in the county. Funds can only be used to increase structural fumigation inspection, undercover surveillance and enforcement. These expanded activities are critical to gaining a higher level of compliance with pesticide laws and regulations that result from an increased presence of county inspectors in the field.
In 1996, legislation (SB 530, Chapter 71) extended the sunset date from 1997 to 2000, and added Orange and San Diego counties to the program. The bill also made compulsory a previously optional requirement that fumigators provide notice to local fire departments before a fumigation.

A series of bills since then added Santa Clara County to the program and changed the sunset date several times. The most recent bill (AB 1736, Chapter 238, Statutes of 2010) extended the program to January 1, 2014.

Related legislation in 2008 (AB 1717, Chapter 338) required that applicators give the CAC 24-hour advance notice of all structural fumigations. This assists CACs in locating fumigations to monitor and inspect.