Structural Pest Control Board

LICENSING & INVESTIGATION

Structural Regulatory Training
October 1-3, 2019
Irvine

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pestboard.ca.gov
Did You Know?
Same Terms, Different Meanings

Register: Structural Pest Control Company (SPCC)
CAC: “Registers” to obtain information / collect $
SPCB: “Registers” to issue licensure (PR or BR)

Branch: refers to either ...
• A “category” of licenses: Branch 1, 2, or 3
• A...business “in addition to” principle office

Subs: “Structural Act” allows “subcontracting”
Sub: A subcontractor (e.g. a fumigator)
sub: Abbreviation for “subterranean” termite
A Play on Terms ... Can You Follow?

A Principle Office can have Branch Offices
  • Yet a Branch Office must have branch(es)?

A Licensee can work in a Branch Office
  • Yet a Licensee must have branch(es)?

A Fumigation company is a Sub
  • Yet a fumigation won’t kill a sub?

A SPCC is registered with the Board
  • Yet it must register with the CAC?

Bonus: A Fumigator fuming a ...
  • Commodity w/SF needs a permit
  • Structure w/SF does not need a permit?
Licensing: Categories

Branch 1: Fumigation / To control:
Wood-Destroying Pests & Organisms (WDOs) & Household Pests (HHPs)

Branch 2: General Pest Control
To control: Household Pests
Definition of HHPs: BPC 8505(b)

Branch 3: Termite Control
To control: Wood-Destroying Pests & Organisms (termites, beetles, decay fungi, carpenter ants/bees)
By: Use of pesticides, or structural repairs
Licensing: Categories

Branch 1: Fumigation of: WDOs & HHPs

Branch 2: General Pest

Branch 3: WDOs

Household Pests
Licensing: Companies

SPCCs are “Registered” / Individuals are “Licensed”

Principle (e.g. Primary) Office:
Principle Registration (PR)
May have 1 to 3 “branches”
Requires: Qualifying Manager (QM)
PR: May have many BRs w/branch(es)

Branch Office(s):
Branch Registration (BR)
May have 1 to 3 “branches”
Requires: Branch Supervisor (BS)
Principle Registration (PR)

Key Elements:

• **Primary physical** location of the business
• Required to: Maintain records (3 years)
  • Monthly Summary Pesticide Use Reports (stamps)
  • “Applicator” Pesticide Safety Training records
• Display PR registration/QM license(s)

Key Designation:

• Qualifying Manager: Supervises PR/employees
  • CAC can issue NOPA to QM for PR violations
  • QM can “Qualify” 2 PRs w/same “branch(es)”
Branch Registration (BR)

Key Elements:

• Fixed place of business **away from** the PR
  • Records kept; Mail received; Calls received/made
  • Statements rendered; Money collected
  • Display BR registration & BS license(s)

Key Designation:

• Branch Supervisor (BS):
  • Supervises business & assist employees
    • Under QM’s supervision
COUNTY AGRICULTURAL COMMISSIONER
REGISTRATION FOR
BRANCH 1 - STRUCTURAL FUMIGATION

Date Submitted: ___________________ For Year: ______________

COMPANY INFORMATION:
Company Name: ___________________ Registration No. __________
Mailing Address: ___________________ Zip: __________
Telephone: ( ) Fax: ( ) E-mail: ___________________
Physical Address:
(if different than above) Zip: __________
OPR: ___________________ License: __________ Exp: __________

SUPERVISION: Qualifying Manager (QM) and Branch Supervisor (BS) (Responsible Person)
QM: ___________________ License: __________ Exp: __________
BS: ___________________ License: __________ Exp: __________

REGISTRATION INFORMATION / FEES:
(Submit all pages with appropriate fees, and signatures)
Total Fees Submitted: $ __________ Make check payable to: ________________

Print Name: ___________________ Date: __________ Signature: __________ Title: __________

I certify that the information provided is TRUE and CORRECT

THIS REGISTRATION WILL NOT BE VALID IF IT IS NOT ACCOMPANYED BY THE REQUIRED FEE
(if applicable). Food and Agricultural Code section 15204.5(a) requires each licensed structural pest control operator field representative and (SPCB) registered company to register with the commissioner prior to conducting fumigations in any county. The registration shall cover a calendar year. A fee may also be required at the time of registration. The fee shall be set by the county Board of Supervisors, except that in no case shall the fee exceed the actual cost of processing the registration or twenty-five dollars ($25), whichever is less. Registrations may be amended to add operators, field representatives and locations during the year for a fee not to exceed ten dollars ($10).

COUNTY AGRICULTURAL COMMISSIONER
STRUCTURAL PEST CONTROL BUSINESS / QUALIFYING MANAGER REGISTRATION
BRANCH 2 & 3

Date Submitted: ______________ For Year: ______________

COMPANY INFORMATION: Performing work in:  □ Branch 2 &/or  □ Branch 3
Company Name: ___________________ Registration No. __________
Mailing Address: ___________________ Zip: __________
Telephone: ( ) Fax: ( ) E-mail: ___________________
Physical Address:
(if different than above) Zip: __________
OPR: ___________________ Lic: __________ Exp: __________

SUPERVISION: Qualifying Manager (QM) and Branch Supervisor (BS) (Responsible Person)
QM: ___________________ Lic: __________ Exp: __________
BS: ___________________ Lic: __________ Exp: __________

REGISTRATION INFORMATION / FEES:
(Submit all pages with appropriate fees, and signatures)
Total Fees Submitted: $ __________ Make check payable to: ________________

Print Name: ___________________ Date: __________ Signature: __________ Title: __________

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(if applicable). Food and Agricultural Code section 15204.5(a) requires each licensed Branch 2 and Branch 3 structural pest control operator qualifying manager and (SPCB) registered company to register with the commissioner prior to operating a structural pest control business in the county. The registration shall cover a calendar year. A fee may also be required at the time of registration. The fee shall be set by the county Board of Supervisors, except that in no case shall the fee exceed the actual cost of processing the registration or ten dollars ($10), whichever is less. Registrations may be amended to add or change operator qualifying manager and/or branch location(s) during the year for a fee not to exceed ten dollars ($10).
Licensing: General Information

Licensing Levels:
- Entry: Structural Pest Control Applicator (APP)
- Mid: Field Representative (FR)
- High: Operator (OPR)

Licensing Renewal Cycle:
- Companies: “Lifetime” Registration; No renewal
- Individuals: Every 3 years; Expires 6/30/xxxx

Licensing Employment Status:
- Individuals: Must be employed by a PR or BR
  - License “inactivated” if not employed
Licensees: Who Can Do What?

Advertise-Solicit-Contract-Recommend-ID

Inspect-Submit Bids-Write Reports-Perform Work
Applicator (APP)

Applicators (in Branches 2 & 3) may:

- Apply pesticides
  - After Branch 2 or 3 inspection by FR or OPR
  - Including preventative treatments
- Do other work under supervision of FR or OPR

May not:

- Identify pests
- Contract for work
- Apply restricted materials
  - Without supervision (by FR or OPR)
Field Representative (FR)

Field Representatives may:
- Own a company (must employ a QM)
- Manage as a Branch Supervisor
- Negotiate / sign contracts
- Apply pesticides (including fumigants)
- Inspect / Identify pests

May not:
- Qualify a Company
- Contract on his/her own behalf
Operators may:

- Qualify a company
- Negotiate contracts
- Sign contracts
- Inspect & ID pests
- Apply pesticides
  - Including Fumigants
- Work for a company
“Unlicensed” Employees

Employed by a registered company may:

• Apply pesticides:
  • During **first 90 days of hire** (no extension)
  • Under **Direct supervision** (in presence of) FR or OPR

• Perform:
  • Structural repairs, alterations, corrections
  • Non-chemical control measures using devices (e.g. Exclusion work)
  • Physical work that **does not** require a license (e.g. Dewebbing)
Branch 1: Fumigation

Sulfuryl Fluoride is used to control:

- Rodents
- Vermin
- Bed Bugs

Drywood Termites

Wood-boring Beetles
Branch 2: General Pest Control

Typical pests:

- Ants, Cockroaches, Spiders
- Fleas & Noxious Pests
  - Bed Bugs
- Stored Product / Fabric Pests
- Bees (location dependent)
- Structural Vertebrate Pests
Branch 2

Mechanical Control

Trapping

Bed Bug Sniffing Dog

Pesticide Applications
Branch 2: General Pest Control

Settings include:
• Industrial, Institutional, Residential
• Indoor & Outdoor

Activities include:
• Inspections / Bed Bug Sniffing Dogs
• IPM: Cultural, Mechanical, Exclusion, Monitoring
• Bait stations / Trapping
• RMs used for: Rodent control / Bird control
Branch 3: Termite Control

Inspection of:

Residential / Commercial Structures for:

• Wood-Destroying Pests and Organisms
  • Real Estate Transactions
  • Occupants: See damage, pellets, swarmers

• Inspector’s recommendations may include:
  • Remove, or repair damaged wood
  • Local Treat: termiticides, fungicides
  • Whole House Treatment
    • Fumigation w/sulfuryl fluoride (Vikane, Zythor)
    • Heat Treatment
Branch 3: Termite / WDO Control

Typical Pests:
- Drywood Termites
- Subterranean Termites
- Wood Boring Insects
- Decay Fungi

Other:
- Carpenter Bees
- Carpenter Ants
- Poria Incrassata
Western Drywood
Branch 3: Pre-Treatments

Wood Preservative

Borate Product

Other: Termite Bait Station

Soil Treatments
Structural Pest Control Devices for Wood-Destroying Pests:

- Definitions: FAC 15300
  - Wood-Decaying Fungi – not included
- Must be registered with DPR (& US EPA)
- Device Types:
  - Electrical, Microwave, Heat

Devices used for “Other” pests
- Such as: Bed Bugs
- Not required to be registered
Structural Devices

Structural Pest Control Devices:
• CACs role – Check the following:
  • Licensing status: company/licensee
  • CAC registration
  • Device Registration if used for listed pests
• BPC 8616.5.(a)
  CAC shall be the lead agency for inspections & routine investigations of pesticide use by SPCB licensees & reg’d companies, and persons engaged in unlicensed structural pest control...
Structural Devices: Electricity

Electro Gun

DPR reg’d 3/28/06
Structural Devices: Microwave

The Exterminator 4.0
DPR reg’d 11-13-12

The Zapper
DPR reg’d 2-9-11
Structural Devices: Heat

Dewey Heat
DPR reg’d 7/20/10

Safe Heat Model 500
DPR reg’d 4/27/10
Licensing Tool: DCA licensing tool
https://search.dca.ca.gov/
### Guidance in Determining Business License Type Required -- Structural or Agricultural Pest Control

#### Structural Pesticide Use

**Quick Reference Charts, Continued**

<table>
<thead>
<tr>
<th>Site / Situation</th>
<th>License Required</th>
<th>Section Cited</th>
<th>Description of Pest Control Conducted</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Structures or its contents</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Branches 1, 2, or 3 | B&PC §§ 8550 & 8555 |               | The intent of the application is the primary determinant:  
  a. When treating *structures*, incidental treatment of any contents (commodities) is okay and is strictly structural pest control  
  b. Direct treatment of *non-food or non-feed commodities* (e.g., dunnage, furniture), can be done under *either* license  
  c. Direct treatment of postharvest or stored *agricultural commodities* is agricultural pest control |
| QAL Cat A          | FAC § 11701       |               |                                      |
| **Servicing devices** |                   |               |                                      |
| Branch 2           | B&PC § 8505       |               | Servicing spray devices in:  
  a. Structures such as warehouses, restaurants, office buildings is *structural pest control*  
  b. Structures located on a farm (such as stables and barns) are an agricultural use but can be done under *either* license. |
| QAL Cat I          | FAC § 11701       |               |                                      |
Branch 3: WDO Reports

Relevance to CACs

- Pesticide Written Notice
  - BPC 8538
- Pest/Pesticides/Placement
- Pesticide Disclosure
  - 16CCR 1970.4
- When/How/What
- Records
  - 16CCR 1970(b)
Branches 3 & 2: Reports

Relevance to CACs: 8538, 1970(b), 1970.4

"State law requires that you be given the following information: CAUTION-PESTICIDES ARE TOXIC CHEMICALS. Structural Pest Control Companies are registered and regulated by the Structural Pest Control Board, and apply pesticides which are registered and approved for use by the California Department of Pesticide Regulation and the United States Environmental Protection Agency. Registration is granted when the state finds that based on existing scientific evidence, there are no appreciable risks if proper use conditions are followed or that risks are outweighed by the benefits. The degree of risk depends upon the degree of exposure, so exposure should be minimized.

"If within 24 hours following application you experience symptoms similar to common seasonal illness comparable to the flu, contact your physician or poison control center at: (800) 222-1222 and your pest control company immediately."

(Health Questions) County Health Department.
Orange County (714) 834-7700
Los Angeles County (213) 250-8055
San Bernardino County (800) 782-4264
Riverside County (951) 358-5000

(Application Info.) County Agriculture Commission
Orange County (714) 955-0100
Los Angeles County (626) 575-5471
San Bernardino County (909) 387-2105
Riverside County (951) 955-3045

TERMITE AND FUNGUS CONTROL CHEMICALS:
* MasterLineBifenthrin (EPA Reg. No. 279-3206-73748
Active Ingredient: Bifenthrin* 7.9%
BORA-CARE- Disodium Octaborate Tetrahydrate (CAS No. 12280-03-4..40%
TAUROUS SD-(EPA Reg. No. 5388-279
Active Ingredient: Fipronil 9.1%
Zythor (EPA Reg. No. 81824-1
Active Ingredient: Sulfuryl Fluoride 99.3%
Vikane (EPA Reg. No. 1015-78
(Note: Chloropicrin is used as a warning agent on all structural fumigations.)
Completion Notice

Relevance to CACs

For Info Only

• Issued within 10 days of work completed
• Separate from 1970 & 1970.4
“Subcontracting” a Fume Branch 3 to Branch 1

Most common practice:
WDO report(s) recommends a “fumigation”
  • Consumer chooses the Branch 3 (ID the pest)
  • Branch 3: “Prime Contractor” (bids the job)
  • “Subcontracts” fume to Branch 1 (“Sub”)
    • Prime provides OFN, SF Fact Sheet to consumer
    • Sub provides Fume Log & Fume Certification to Prime
“Subcontracting” a Fume Branch 3 to Branch 1

2. DRYWOOD TERMITES

ITEM NO. 2A

FINDING:
Evidence of DRYWOOD TERMITES as indicated by 2A on the diagram. Evidence noted in or near: AT ATTIC, EAVES, SIDING, TRIM, WINDOW TRIM AND ENTRY WAY HEADERS.

RECOMMENDATION: 2A
Fumigate the structure with a fumigant lethal to DRYWOOD TERMITES. See the occupants fumigation notice for further details. This company is not responsible for delays or schedule changes due to inclement weather or other agencies, nor is

<table>
<thead>
<tr>
<th>Owner/Agent</th>
<th>Tel. No. (   )</th>
<th>Emergency No. (   )</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupant</td>
<td>Tel. No. (   )</td>
<td>Emergency No. (   )</td>
</tr>
<tr>
<td>Prime Contractor</td>
<td></td>
<td>Emergency No. (   )</td>
</tr>
<tr>
<td>Fumigation Contractor</td>
<td></td>
<td>Emergency No. (   )</td>
</tr>
</tbody>
</table>

Target Pest(s):  
- [ ] Drywood Termites  
- [ ] Beetles  
- [ ] Other(s)

Fumigants proposed to be used:  
- [ ] Methyl Bromide  
- [ ] Sulfuryl Fluoride  
- [ ] Other(s) (Product Name)  
- [ ] Other(s)
Specialist In Action

It’s a Dirty Job, but Somebody has to do it!

The “Crawl” - Subarea, Attic ...
SPCB Investigators’ Roles

Board Specialists:
• Interview complainants / other parties
• Inspect property; Issue “Corrective Findings”
• Submit Investigation w/ENF recommendation
• Conduct Office inspections
• Expert Witness / Court - Licensing cases
• Monitor probationers
• Set-up stings for unlicensed activity
Investigative Findings

Evidence of drywood termite damage to patio support post

Evidence of Poor Workmanship
Negligent WDO Inspections:

- Fungus damage under shower
- Improper repairs
- Not all damaged wood removed
Investigative Findings

Unannounced Office Inspection

- Pesticides: Not Locked / Attended
- Concentrates, Baits, Aerosols
- PPE not separated
Investigative Findings

- Destroy rhizomorphs / Correct faulty grades
- Use pressure treated wood / Remove infected wood
- Break earth to wood contacts

Poria Incrassata

House Eating Fungus

1” of wood / day