



timelines to the objectives; the Board is expected to approve the report at its June meeting, and make the report available to the public soon thereafter.

Also at its February meeting, the Board voted to indefinitely postpone implementation of its new grading policy with respect to the grammar and punctuation requirements of the transcript portion of the licensing exam. The new policy has made grading of the exams difficult and impractical, and has caused concern among exam takers. The Board also postponed discussion of new proposals to tighten security during the exam, including requiring a passport photo to take the exam and disallowing late entrances or exam time changes.

At its May meeting in Burlingame, the Board expressed concern about AB 585 (Knight), which would abolish CSRB (*see* LEGISLATION). Some members believe that if the regulation of CSRs is subsumed under DCA, public input would be diminished because public members would no longer be involved in the process, the regulation of CSRs would become political, and the individual autonomy of the Board would be lost.

## ■ FUTURE MEETINGS

November 11 in Los Angeles.

## STRUCTURAL PEST CONTROL BOARD

*Registrar: Mary Lynn Ferreira  
(916) 263-2540*

The Structural Pest Control Board (SPCB) is a seven-member board functioning within the Department of Consumer Affairs. SPCB's enabling statute is Business and Professions Code section 8500 *et seq.*; its regulations are codified in Division 19, Title 16 of the California Code of Regulations (CCR).

SPCB licenses structural pest control operators and their field representatives. Field representatives are allowed to work only for licensed operators and are limited to soliciting business for that operator. Each structural pest control firm is required to have at least one licensed operator, regardless of the number of branches the firm operates. A licensed field representative may also hold an operator's license.

Licensees are classified as: (1) Branch 1, Fumigation, the control of household and wood-destroying pests by fumigants (tenting); (2) Branch 2, General Pest, the control of general pests without fumi-

gants; (3) Branch 3, Termite, the control of wood-destroying organisms with insecticides, but not with the use of fumigants, and including authority to perform structural repairs and corrections; and (4) Branch 4, Wood Roof Cleaning and Treatment, the application of wood preservatives to roofs by roof restorers. Effective July 1, 1993, all Branch 4 licensees must be licensed contractors. An operator may be licensed in all four branches, but will usually specialize in one branch and subcontract out to other firms.

SPCB also issues applicator certificates. These otherwise unlicensed individuals, employed by licensees, are required to take a written exam on pesticide equipment, formulation, application, and label directions if they apply pesticides. Such certificates are not transferable from one company to another.

SPCB is comprised of four public and three industry members. Industry members are required to be licensed pest control operators and to have practiced in the field at least five years preceding their appointment. Public members may not be licensed operators. All Board members are appointed for four-year terms. The Governor appoints the three industry representatives and two of the public members. The Senate Rules Committee and the Speaker of the Assembly each appoint one of the remaining two public members.

## ■ MAJOR PROJECTS

**Update on SPCB's Rescission of Specific Notices.** At its November 6 meeting, SPCB decided to rescind all twenty of its "Specific Notices" then in effect and to analyze all of its notices to decide which should be adopted as regulations, which should be rewritten as informational bulletins, and which should be withdrawn altogether. [13:1 CRLR 70] These Specific Notices, approved by the Board over the course of the past decade, represent SPCB policies and interpretations of various statutes and regulations, and are intended to guide the conduct of licensees. SPCB's unusual action came as a result of an October 26 petition for rulemaking filed by Center for Public Interest Law intern Lisa Werries pursuant to Government Code section 11347.

At its May 6-7 meeting, the Board voted unanimously to appoint a committee to develop proposed language which would incorporate the content of particular Specific Notices into regulations. The committee will follow the suggested language and recommendations of Department of Consumer Affairs (DCA) legal counsel Don Chang. The Board will also rewrite as necessary and reissue as infor-

mational bulletins the following Specific Notices: III-1-92 (Insulation on Foundations in Subarea); I-2-89 (Owner/Occupant Pesticide Notice); and III-1-84 (Mobile Homes). Other Specific Notices not being adopted as regulations will be reissued as informational bulletins without revision.

**Board Considers Regulation Regarding Preconstruction Application of Termiticide.** At its May 6-7 meeting, SPCB considered a regulatory proposal which would require that a preconstruction application of termiticide for protection from subterranean termites shall not be made at less than the manufacturer's label specifications. Apparently, the major trade association (Pest Control Operators of California) has recently adopted similar language as an industry standard and would like SPCB to adopt a comparable regulation. The Board agreed to pursue this amendment and tentatively scheduled a public hearing on the proposed action in August.

**Board Proposes to Clarify Reinspection Language.** Also at its May meeting, the Board considered pursuing regulatory changes to clarify several issues regarding reinspections. Specifically, the proposed changes would require that a reinspection be performed if it is requested by the person who ordered the original inspection, provide that the request for reinspection must be made within four months of the original inspection, and require that the reinspection be performed within ten working days of the request for a fee not more than the original fee. The Board agreed to pursue this change, and tentatively scheduled a public hearing regarding the proposed language in August.

**Inspection Report Definitions and Requirements.** At its May meeting, SPCB unanimously agreed to refer proposed amendments to section 1993, Title 16 of the CCR, concerning inspection reports, to the Technical Advisory Committee for review. The proposed amendments would provide the following:

-An original inspection report is the report of the first inspection conducted on a structure in accordance with the requirements of Business and Professions Code section 8516. This report is either a complete or limited inspection.

-A complete report is the report of an inspection of all visible and accessible portions of a structure in accordance with the requirements of Business and Professions Code section 8516(b).

-A limited report is a report on only part of a structure. Such a report shall include a diagram of the area inspected and shall specifically indicate which por-



tions of the structure were inspected and the name of the person or agency requesting a limited report, and shall otherwise comply with the requirements of Business and Professions Code section 8516 with respect to the area inspected.

—A supplemental report is a report on an inspection performed on inaccessible areas that have been made accessible as recommended in an original report. Such report shall indicate the absence or presence of wood-destroying pests or organisms or conditions conducive thereto, and shall be on the form prescribed by SPCB and filed with stamps affixed. A licensee shall refer to the original report in such a manner to identify it clearly.

—A reinspection report is a report on the inspection of item(s) completed as recommended on an original report or subsequent reports(s). The areas reinspected can be limited to the items requested by the person ordering the original inspection report. Such report shall be on the form prescribed by SPCB and filed with stamps affixed. A licensee shall refer to the original report in such a manner to identify it clearly.

#### Board Adopts Rulemaking Package.

On January 8, SPCB published notice of its intent to amend sections 1950, 1950.5, 1953, 1990, and 1991(a)(8)(C)(3), and adopt new sections 1970.6 and 1990.1, Title 16 of the CCR. Specifically, the package includes the following proposals:

- SPCB's proposed changes to sections 1950, 1950.5, and 1953 would decrease the number of continuing education (CE) hours required to renew a license; delete the maximum number of CE hours which may be gained by participation in approved in-house training activities; amend the regulation to comply with AB 3327 (Chapter 274, Statutes of 1992), which changes Branch 4 of pest control to a license category called Wood Roof Cleaning and Treatment; specify the number of CE hours required for licenses issued in Wood Roof Cleaning and Treatment and the other three branches of pest control; amend the number of hours needed in specified areas of training; eliminate activity requirements for the renewal of a license; require an examination for specific CE activities; and require course providers to submit a course roster to SPCB for each course instructed. [13:1 CRLR 71]

- Proposed amendments to section 1990 would define a "separated report" and include the definition on SPCB's structural pest control inspection report. Specifically, new section 1990(e) would require that the following language appear just prior to the first finding or recommendation on each separated report: "This is a separated report which is defined as Section I/Section II conditions evident on the

date of the inspection. Section I contains items where there is evidence of active infestation, infection or conditions that have resulted in or from infestation or infection. Section II items are conditions deemed likely to lead to infestation or infection but where no visible evidence of such was found. Further inspection items are defined as recommendations to inspect area(s) which during the original inspection did not allow the inspector access to complete the inspection and cannot be defined as Section I or Section II."

- Existing section 1991(a)(8)(C)(3) requires, in part, that when a complete structural inspection is performed, a recommendation shall be made to remove or cover all accessible evidence of wood-destroying pests, for example, pellets, frass, and beetle holes. Proposed amendments to this section would provide that when an inspection is performed, a recommendation shall be made to remove or cover all accessible pellets and frass of wood-destroying pests, eliminating the requirement to cover all accessible beetle holes. [13:1 CRLR 71]

- Proposed amendments to section 1996 would establish a format for the completion of the structural pest control inspection report. [13:1 CRLR 70]

- The Board's proposed new section 1990.1 was subsequently renumbered as section 1990.5, since section 1990.1 already exists. Proposed new section 1990.5 would specify a procedure for reporting the inspection of a common interest project. [13:1 CRLR 72]

- Proposed new section 1970.6 would provide that, prior to sealing a structure, a SPCB licensee must post fumigation warning signs indicating the date of fumigation on or near all entrances and each side of the structure; the signs must be kept at those locations until the structure is declared safe for reoccupancy. [13:1 CRLR 71]

On February 26, SPCB conducted a public hearing on these proposals. Following the hearing, the Board made minor changes to some of the provisions, and adopted the entire rulemaking package. At this writing, the changes await review and approval by the Department of Consumer Affairs and the Office of Administrative Law (OAL).

**Update on Other Proposed Regulatory Changes.** The following is a status update on other SPCB rulemaking proposals reported in detail in previous issues of the *Reporter*:

- **Limited Reports Required for Structures that Touch or Connect.** SPCB is no longer pursuing its proposed amendments to section 1990(c), Title 16 of the CCR,

which would have required the inspection of any wood structure that touches or connects to the structure being inspected. [13:1 CRLR 71]

- **Barricading Doorways Without Doors.** On January 13, OAL approved SPCB's amendments to section 1970.3, Title 16 of the CCR, regarding procedures for barricading doorways without doors. [13:1 CRLR 72]

- **Use of the Term "Fungicide."** SPCB has indefinitely postponed action on its proposed amendments to sections 1970.4 and 1983, which would have added the term "fungicide" to numerous provisions which currently relate to the use of pesticides. [13:1 CRLR 72]

- **Registered Companies.** SPCB has decided not to pursue its proposed amendment to section 1937.16, which would subject Branch 4 registrants to the provision which requires Branch 1 and Branch 3 companies to use a "Notice of Owner" form, as specified by the Board. [13:1 CRLR 72]

## LEGISLATION

**SB 1193 (Boatwright)**, as introduced March 5, would allow a registered company or licensee to enter into and maintain a control service agreement respecting work applicable to wood-destroying pests or organisms, subject to specified requirements. The bill would define a control service agreement as any agreement, including extended warranties, to have a licensee conduct over a period of time regular inspections and other activities related to the control or eradication of wood-destroying pests and organisms. [13:1 CRLR 70-71; 11:4 CRLR 114]

Existing law requires every company, as specified, that engages in the practice of structural pest control to register with SPCB. This bill would prohibit the registration of companies that have an officer, director, qualifying manager, responsible managing employee, or an individual who otherwise exercises dominion or control over the company, who either (1) has a license or registration that is revoked or suspended at the time of the application because of disciplinary action, or (2) owns or has owned in the past more than a 10% interest in another sole proprietorship, partnership, corporation, or other organization whose license or registration revoked or suspended at the time of the application because of disciplinary action. [A. CPGE&ED]

**SB 1083 (Calderon).** Existing law provides for SPCB licensure of persons as structural pest control operators and as field representatives, and provides for the regulation of those activities; under exist-



ing law, a license expires after three years. As amended April 12, this bill would authorize an individual licensed as both an operator and a field representative to request that both licenses expire on the same date.

Existing law provides for disciplinary action against operators who violate various provisions. This bill would authorize SPCB or a county agricultural commissioner to levy a fine against a registered structural pest control company acting as a prime contractor for work conducted under a Branch 1 license for certain major violations by subcontractors, which would be paid into the Education and Enforcement Account in the Structural Pest Control Education and Enforcement Fund. [A. CPGE&ED]

**SB 991 (Kelley).** Existing law provides a comprehensive scheme for the regulation of structural pest control operators. Exempt from those provisions are, among others, authorized representatives of any educational institution or state agency engaged in research or study of pest control. As amended April 12, this bill would enlarge the scope of that exemption to apply to authorized representatives of any educational institution or state or federal agency engaged in research or study of pest control, or engaged in investigation or preparation for expert opinion or testimony as a representative of any educational institution or state or federal agency, as specified.

Existing law provides for the deposit of funds derived from certain pesticide use report fees collected from structural pest control operators in the Structural Pest Control Research Fund. This bill would authorize the fee to be deposited in an account designated by SPCB's Research Advisory Panel or into the Structural Pest Control Research Fund, as determined by the Panel. [A. CPGE&ED]

**AB 1851 (Connolly).** Under existing law, fumigation shall be performed only under the direct and personal supervision of a licensed individual. Existing law provides a list of lethal fumigants, including methyl bromide, and a list of simple asphyxiants. As amended May 17, this bill would require SPCB to publish the list of simple asphyxiants and to make it available to the public. This bill would also remove methyl bromide from the list of lethal fumigants, and require SPCB to prohibit the use of methyl bromide as a fumigant for structural pest control purposes, commencing January 1, 1996. [A. W&M]

**AB 520 (Knight),** as introduced February 18, would repeal the Structural Pest Control Act and its provisions creating the Board. [A. CPGE&ED]

**AB 1807 (Bronshvag),** as amended May 3, would authorize SPCB to issue a citation if, upon investigation, it has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services without being properly licensed, and to require the violator to cease the unlawful advertising. [A. W&M]

**SB 842 (Presley),** as amended April 13, would permit SPCB to issue interim orders of suspension and other license restrictions, as specified, against its licensees. [A. CPGE&ED]

## RECENT MEETINGS

At its May 6-7 meeting, SPCB unanimously voted to ask the Technical Advisory Committee to research the issue of cardboard spacers installed under the grade beam; apparently, there is some question as to whether or not cardboard spacers are to be considered cellulose debris by termite inspectors upon inspection.

## FUTURE MEETINGS

October 21-22 in San Diego.

## TAX PREPARER PROGRAM

*Administrator:*  
*Jacqueline Bradford*  
*(916) 324-4977*

Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers approximately 19,000 commercial tax preparers and 6,000 tax interviewers in California, pursuant to Business and Professions Code section 9891 *et seq.* The Program's regulations are codified in Division 32, Title 16 of the California Code of Regulations (CCR). An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act.

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have completed sixty hours of instruction in basic personal income tax law, theory, and practice within the previous eighteen months, or have at least two years' experience equivalent to that instruction. Twenty hours of continuing education are required each year.

Prior to registration, tax preparers must deposit a bond or cash in the amount of \$2,000 with the Department of Consumer Affairs. Registration must be renewed annually, and a tax preparer who does not

renew his/her registration within three years after expiration must obtain a new registration. The Program's initial registration fee is \$50; the renewal fee is \$50; and the registration fee for a branch office is \$25.

Members of the State Bar of California, accountants regulated by the state or federal government, and those authorized to practice before the Internal Revenue Service are exempt from registration.

## MAJOR PROJECTS

**LAO Proposes To Eliminate Program.** In its *Analysis of the 1993-94 Budget Bill*, one of the recommendations made by the Legislative Analyst's Office (LAO) for streamlining state government proposed that the legislature eliminate the state's regulatory role in thirteen currently-regulated areas. Particularly relevant to the Tax Preparer Program is LAO's recommendation that the state stop regulating several consumer-related business activities. In determining whether the state should continue to regulate a particular area, LAO recommended that the state consider whether the board or bureau protects the public from a potential health or safety risk that could result in death or serious injury; whether the board or bureau protects the consumer from severe financial harm; and whether there are federal mandates that require the state to regulate certain activities. Based on these criteria, LAO recommended that the state remove its regulatory authority over activities currently regulated by the Program, among other bureaus and agencies. At this writing, LAO's recommendations have not been amended into any pending legislation.

## LEGISLATION

**SB 574 (Boatwright),** as amended May 17, would delete the category of tax interviewer from tax preparer registration provisions, and would repeal provisions relating to the Tax Preparer Advisory Committee, which was eliminated by ABX 66 (Vasconcellos) (Chapter 21X, Statutes of 1992). [12:4 CRLR 130] [A. CPGE&ED]

## BOARD OF EXAMINERS IN VETERINARY MEDICINE

*Executive Officer: Gary K. Hill*  
*(916) 263-2610*

Pursuant to Business and Professions Code section 4800 *et seq.*, the Board of Examiners in Veterinary Medicine (BEVM) licenses all veterinarians, veter-