
BRANCHING OUT

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Santa Clara County Division of Agriculture

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Structural Fumigation Inspections in Santa Clara County

Joining the Fumigation Enforcement Program

Our office has been meeting with members of the Northern PCOC Fumigator's Group to discuss joining the Structural Fumigation Enforcement Program. Approximately 10 years ago, Los Angeles and Orange Counties worked with their local PCOC representatives to implement a \$5.00 NOI fee to supplement their inspection efforts. We recently met with PCOC and legislation has been submitted proposing Santa Clara County be added to the NOI fee program. With the additional funds, we plan to double our current rate of inspection.

Fiscal Year	Number of Applications	Number of Inspections	Inspection Rate
07-08**	8000	200	2.5%
06-07*	8000	100	1.2%
05-06	8092	100	1.2%
04-05	8987	68	.7%
03-04	9294	48	.5%
02-03	8068	68	.8%

* Projected

** Projected Numbers assumes program is augmented with a \$5.00 NOI Fee

We are currently reviewing the costs associated with our increased inspection numbers to give the PCOC an estimate of the amount of time we can commit to announced and unannounced inspections with a \$5.00 NOI fee.

Implementing the NOI Fee

When will the legislation be approved? What can companies expect?

The NOI fee legislation was introduced on January 11, 2007. It is likely this NOI fee will not take effect until at least January 2008. The Bill Number is AB 126 and if you would like to read the bill, visit this website: <http://www.leginfo.ca.gov/>

Once established, the Structural Pest Control Board will alert all structural companies about the change.

Fumigator Meetings

In addition to the increased inspection rate, another aspect of the NOI fee program is structural fumigation meetings. Los Angeles and Orange Counties hold quarterly meetings with DPR, the Structural Board, county staff, registrants, PCOC, and industry representatives to discuss current inspection numbers, trends, problems, and any questions or concerns from industry. Once our County has entered the program, the meetings will possibly rotate between Santa Clara County and Southern California.

On December 12, 2006, our office held a meeting with the local PCOC fumigation planning group. The purpose of the meeting was to discuss the NOI fee program, coordinate with the Southern PCOC group in regards to legislative changes, and start setting up the structure for future meetings.

Because only a small number of local companies attend these planning meetings, we intend to share the inspection findings and discussion points discussed with all the fumigators registered in this County. If you should have a question or concern you would like addressed, give us a call or send us an e-mail and we will address your question or comment at the next meeting.

Topics of Discussion

Topics discussed during the Dec 12th meeting:

Fumigation Signs and Winter Rains

What happens when the County arrives at the fumigation site and all the signs have fallen off a tarped structure due to a winter storm? If the company had signs up, but the rain soaked them and caused them to fall, will the County mark that as a non-compliance?

The answer to that question is “YES!” - Especially this time of year. It is no surprise that we are experiencing rainy weather right now and we expect companies to take measures to keep those signs up on the structure. As long as they stay attached to the structure, there’s no problem, but if they fall off due to the weather, that’s a noncompliance. We have seen companies use Nylofume bags, laminated signs, and zip-lock bags to keep signs dry and clipped to a structure.

Now, if a company were to have signs hanging on a structure in the middle of July and we get a freak rain storm when we normally wouldn’t expect rain, and all the signs were knocked to the ground, we would take that special circumstance into consideration.

Fumigation Warning Signs and Red Ink

A topic of discussion at a recent meeting in Los Angeles was the subject of fumigation signs and the color of the lettering. A company in attendance explained that they received a noncompliance during an inspection for not having their company name and the date and time of the fumigation in red ink.

The Business and Professions Code, Section 8505.10 does require fumigation signs to be printed in red on a white background. However, Los Angeles County stated that they would not mark a noncompliance for a sign whose only non-compliance is the company name and the time and date of the fumigation is written in black ink. Santa Clara County concurs with Los Angeles and will not mark a company for using black ink for their company name and the time and date the fumigant was shot.

Stewardship Program & Restricted Material Permits

The fumigation industry, PCOC, and many counties are worried about the lack of a stewardship program for the new sulfuryl fluoride product being offered for sale in California. Dow Agro Sciences’ Stewardship Program augmented the pesticide laws and regulations controlling the use of their product Vikane. To remain competitive in the market, Dow may discontinue their Stewardship Program. Without this additional oversight from registrants, we find ourselves having to look to other enforcement-based options.

One option being considered is requiring companies to acquire a Restricted Materials Permit to use sulfuryl fluoride. Structural companies are currently exempt from acquiring Restricted Material Permits.

Restricted Material Permits

Many years ago, structural companies were required to obtain a restricted materials permit to use restricted pesticides. The Structural Board lobbied for legislation to exempt structural operators from obtaining these permits and the exemption was granted.

The State is currently looking at reinstating a permit requirement for fumigants. This would require structural fumigators to obtain a permit from each county in order to purchase and use sulfuryl fluoride in that county.

Restricted materials permits are obtained from the local agricultural commissioner. Currently, there is no fee to obtain a restricted material permit.

Conditions can be placed on a permit and if the county finds major non-compliances, permits can be revoked, which would be the equivalent to a stop gas sale. (A company is entitled to Due Process before a permit is revoked.)



Non-Compliances in Santa Clara County

Fiscal Year 2005-2006

The following table lists all of the noncompliances found during fumigation inspections in Santa Clara County last fiscal year:

Code Section	Description	Number of Noncompliances
6726	Medical Posting	1
6734	Soap, Water, Towels	1
8505.7	Secondary Locks	4
1974	Warning Signs	1
8505.10	Info. On Warning Signs	3
8505.15	2 SCBA's Available	1
8538	Written Notice	3
1970.4	Pesticide Disclosure	7
6602	Label at the use site	1
12973	Label- site /rate /other	6
12973	Label –aeration reentry	1
12973	Label – Bagging, etc	2
12973	Label – PPE	1
6600	Suitable methods	3
6614	Protection of People, Animals, etc	2

Field Representatives

Santa Clara County Inspection Records

In addition to company files, Santa Clara County maintains a file for each field representative. We found field representatives sometimes move back and forth between companies and we wanted to be able to track compliance for these individuals.

If you are considering hiring a field representative and would like to know their compliance history, you can call our office and ask to review their file.

San Jose Office hours are from 1:00 p.m. – 5:00 p.m. (408) 918-4600.

Fumigation Notice of Intent

Submitting your 24 hour NOI's

If you choose to fax your fumigation notice of intent (NOI), please use this fax number: **(408) 298-8397**. If this line should go down for some reason, please call us. We will fix the problem immediately and give you an alternate fax number in the interim. This fax line feeds directly into a special computer instead of a fax machine.

Thank you!

Do you have any questions or comments?
Please feel free to write or call:

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