COUNTY OF LOS ANGELES

Department of
Agricultural Commissioner/
Weights and Measures

Kurt E. Floren
Agricultural Commissioner
Director of Weights and Measures

12300 Lower Azusa Road
Arcadia, California 91006-5872
http://acwm.lacounty.gov

Richard K. Iizuka
Chief Deputy

January 13, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

APPROVAL OF IMPLEMENTATION OF CALIFORNIA FOOD AND AGRICULTURAL CODE SECTIONS 15204 AND 15204.5 TO REQUIRE BRANCH 1, 2, AND 3 STRUCTURAL PEST CONTROL COMPANIES TO REGISTER WITH THE COUNTY AGRICULTURAL COMMISSIONER AND INCREASE FEES FOR BRANCH 1 OPERATORS CONDUCTING BUSINESS IN LOS ANGELES COUNTY.
(ALL DISTRICTS) (3-VOTES)

SUBJECT

New and revised statutes resulting from the chaptering of AB 1717 require all Branch 1 (fumigation), Branch 2 (general pest), and Branch 3 (non-fumigation termite) structural pest control companies to register annually with the County Agricultural Commissioner (CAC) in each county in which they operate. The statutes also require Branch 1 structural pest control licensees, including operators, field representatives, applicators and Structural Pest Control Board registered companies, to register annually with the CAC. The new provisions authorize the County Board of Supervisors to establish a registration fee of $10.00 for Branch 2 and Branch 3 operators and companies and an increase of the fee that may be charged for Branch 1 (fumigation) structural pest control company registrations from $10.00 to $25.00, or the actual cost of processing the registration, whichever is less.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the increase in the registration fee for Branch 1 structural pest control companies from $10.00 to $25.00 and authorize the Agricultural Commissioner/ Director of Weights and Measures (ACWM) to charge the amended fees, effective January 14, 2009.

2. Approve the registration fee of $10.00 for Branch 2 and 3 structural pest control companies and authorize the ACWM to charge the fees, effective January 14, 2009.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION:

AB 1717 (Chapter 338, Statutes of 2007), which amended California Food and Agricultural (F&A) Code Section 15204 and added F&A Code Section 15204.5, requires all Branch 1, 2, and 3 structural pest control companies to register annually with the County Agricultural Commissioner prior to conducting business in that county.

Prior to the chaptering of AB 1717, the maximum fee authorized under F&A 15204, provided only partial funding for the costs of registering structural pest control companies. The Legislature first granted counties the authority to collect such fees in 1982. These fees have not been increased since 1994. At current funding and staffing levels, the ACWM is able to recover only 45% ($9,180.00) of its annual cost of approximately $20,180.00. AB 1717 authorizes the ACWM to potentially recover up to 60% ($11,440.00) of its costs.

AB 1717 was signed into law by the Governor with an effective date of January 1, 2008. The bill reflected a consensus agreement between the California Agricultural Commissioners and Sealers Association (CACASA) and the California Department of Pesticide Regulation (DPR). Both CACASA and DPR registered support for AB 1717. The new law, in part, increases the maximum registration fees counties may charge.

Implementation of Strategic Plan Goals:

The annual registration of Branch 1 (fumigation) companies and the increase in registration fees support the County's Strategic Plan Goal No. 1: Provide the public with easy access to quality information and services that are both beneficial and responsive, and Goal No. 5: Improve the well-being of children and families in Los Angeles County.

In regards to Goal No. 1, the adoption of an annual registration program will provide a mandated database by which the public can access information regarding companies performing pest control work in Los Angeles County. AB 1717 requires Branch 1 (fumigation), Branch 2 (general pest), and Branch 3 (non-fumigation termite) pest control companies to register with each county in which they perform pest control activities. Companies that are not in compliance with all laws and regulations governing their work could have their registration revoked. Revocation of the registration of noncompliant companies would aid in protecting the well-being of children and their families (Goal No. 5) by preventing potentially hazardous pesticide use or applications.

FISCAL IMPACT/FINANCING:

Potential revenues derived from the annual registration fees may vary based on the total number of Branch 1, 2 and 3 structural pest control companies that register with the CAC. The increased funding achieved through implementation of the revised registration fees will provide additional revenues of approximately $2,260.00 per fiscal year.

FACTS AND PROVISIONAL/LEGAL REQUIREMENTS:

It is within the scope of the mission of ACWM to ensure proper use and application of fumigants and other structural pest control pesticides. Also, State law requires 24-hour notice to CAC prior to conducting fumigation operations by Branch 1 structural pest control companies, thus informing the CAC of the use of pesticides and providing an opportunity to monitor and inspect such activities.

IMPACT ON CURRENT SERVICES:

ACWM has sufficient staff and equipment to perform the services. The recommended Board action will help maintain the current level of service.

CONCLUSION:

Upon approval, it is requested the Executive Office/Clerk of the Board return to the Department an adopted copy of this Board Letter.

Respectfully submitted,

Kurt E. Floren
Agricultural Commissioner
Director of Weights & Measures

KEF:RKI:MMA:GDC:el

c: County Counsel
Auditor-Controller