

# STRUCTURAL FUMIGATION ENFORCEMENT PROGRAM



SAN DIEGO COUNTY  
DEPARTMENT OF AGRICULTURE,  
WEIGHTS & MEASURES

# AGENDA



- History of Structural Fumigation Enforcement Program (Program)
- San Diego County's participation and services
- Pest Control Operators of California (PCOC) concerns
- Program analysis
- Registered fumigation companies' input

# STRUCTURAL FUME ENFORCEMENT PROGRAM HISTORY



- 1993 – 2-year SFEP pilot program launched in LA County.
  - \$5 fume fee created to fund additional inspection and enforcement activities
- 2007 – Los Angeles, Orange, and Santa Clara counties
- 2009 – San Diego County joined
- 2014 – Los Angeles, Orange, Santa Clara, and San Diego counties
  - Fume fee increased from \$5 to \$8
- 2018 – Los Angeles, Orange, Santa Clara, and San Diego counties

# FUMIGATIONS IN SAN DIEGO COUNTY



## Five fiscal-year average:

- 36% of the total number of inspections (1,250) the program conducts
  - 412 complete inspections
  - 38 undercover inspections per year
- 5,600 inspector hours for structural fumigation activities
- Equivalent to 3.2 full time inspector positions
- 17 inspection positions- licensed and trained required

# FUMIGATIONS IN SAN DIEGO COUNTY



## Fiscal Year 20/21

- 37 structural fumigation companies registered in county
  - 17 structural companies headquartered here
- 5 registered companies conducted 10,175 or 55% of total fumigations
  - On average, 37 inspections conducted per company
- \$150,000 collected from fume fees
- Total actual program cost \$702,000
  - 14% of Pesticide Regulation Program budget

# SUNSET AND PCOC CONCERNS



- Current law sunsets December 31, 2022
- February 2022, Pest Control Operators of California (PCOC)
- Three concerns:
  - Enforcement approach
  - Compliance rate
  - Inspection numbers

## CONCERN #1 – ENFORCEMENT APPROACH

- An inspector conducts an inspection, determines, and documents a violation.
- Classification determined – minor, moderate, and serious
- Determines who is responsible – company, licensee, or both
- Company ultimately responsible
- History of company/licensee considered
- Compliance action or enforcement action taken
- Possible compliance and enforcement actions
  - re-inspection, warning letter, fine, and other actions as needed.
- Due process
- PRA request

# CONCERN #1 - ENFORCEMENT APPROACH



## Laws, Regulations, and CDPR guidance

- How the violation is classified and the fine amount
  - Title 16 of the California Code of Regulations 1922
- Who the violation should go to
  - Business and Professions Code Sections 8616.9 and 8617
  - Title 3 of the California Code of Regulations Sections 6131 and 6702
  - CDPR Enforcement Letter 07-24





# INPUT AND QUESTIONS ON ENFORCEMENT APPROACH

# CONCERN #2 – COMPLIANCE RATE



## Factors supporting high compliance rate

- San Diego compliance rate has increased from 96.5% (FY 16/17) to 98.4% (FY 20/21)
  - Annual record inspections
    - Industry concerns, compliance assistance
  - Undercover inspection program
  - Compliance assistance inspections
  - Documented compliance interviews
  - Attend industry meetings
  - Host industry meetings

## CONCERN #2 – COMPLIANCE RATE



### Contributing factors to high compliance rate

- AWM inspectors are licensed, trained, experienced for structural fumigation activities
  - Trained by CDPR and SPCB
  - CDPR liaison oversight
  - AWM supervisor oversight
- CDPR “Effective” ratings – last 5 years



# INPUT AND QUESTIONS ON COMPLIANCE RATE





## CONCERN #3 – INCREASE INSPECTION NUMBERS

Fiscal Year 20-21 actual data: 3% of total completed fumigations

- Total # of completed fumigations: 18,603
- Total 37 companies registered
- 17 companies are headquartered
- Inspect a minimum of 3% for each registered company
- Five local companies performed 10,175 fumigations (55% of total)
  - One inspection per week per company on average
- Total 555 inspections: only complete & undercovers = 3.0 inspectors
  - Not counted in 3%: partial inspections and records inspections



## INCREASE INSPECTION NUMBER FROM 3% TO 4%

- Increased in inspections (185 inspections)
  - 635 structural fumigations annually
  - Equivalent to 51% of inspections of total number in the Pesticide Regulation Program
- 33% increase in inspections for each company
  - 1,000 fumigations = 10 more inspections
  - 3,500 fumigations = 35 more inspections
- The five companies who do 55% of the work would see 10 to 35 more inspections per year
- 1,700 additional staff hours = 1 full-time inspector = \$145,000
- Same level of funding: \$8 fee has not increased since 2014



# INPUT AND QUESTIONS ON INSPECTION NUMBER