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California State Fire Marshal Informational Bulletin

FUMIGATION

The Pest Control Operators of California, Inc., an organization which represents the pest control industry has asked this office to inform local fire authorizes of the applicable rules for fumigation, and in particular, of the fee exempt status for fumigators.

Although many local fire authorities adopt the *Fumigation and Thermal Insecticidal Fogging* provisions of the California Fire Code, this article conflicts with Section 8505.5 of the California Business and Professions Code. Therefore, the language in the Business and Professions prevails over that in the California Fire Code.

As such, local fire authorities may not assess a fee for this activity, unless the fee is to reimburse the fire department for costs associated with some types of emergency responses.

Business and Professions Code §8505.5 reads as follows:

"Notice of the date and place of fumigation, and chemicals to be used, shall be given by the fumigator to the fire department serving the area in which fumigation is to be performed not less than two hours prior to the time fumigation begins. The fire department shall not charge any fees for any service related to structural pest control activities except for the costs of an emergency response necessitated by illegal or negligent actions.

If requested by the county agricultural commissioner, notice of each fumigation to be performed shall be given to the commissioner in the county in which the job is to be performed. The notice, which may be mailed or given by telephone, at the option of the commissioner, shall be given at least 24 hours prior to the time fumigation begins, unless the commissioner determines that less time is sufficient. No fee shall be assessed for processing the notice, which may be requested by the commissioner."

If you should have further questions regarding this matter, please call Division Chief Randy Roxson at (916) 323-9637, or e-mail him at randy_roxson@fire.ca.gov.