



A FIGHT TO PROTECT THE CONSTITUTIONAL RIGHTS OF WILDLIFE CONTROL OPERATORS

February 6, 2004

Dear Friends of Wildlife Control Operators,

The State of California has created, and is now actively enforcing, Section 8555(g) of the Business and Professions Code. This law requires a person to possess a Branch 2 Structural Pest Control License when controlling, or offering to control, rats, mice or pigeons inside, on, or under homes, buildings or other structures.

The California NWCO Association believes that the State's enactment and enforcement of this law has violated its WCO members' Due Process and the Equal Protection rights guaranteed under the Fourteenth Amendment of the United States Constitution. CNWCOA has therefore joined with Urban Wildlife Management, Inc. and Alan Merrifield, as plaintiffs in this case, to have the law declared unconstitutional and unenforceable.

These plaintiffs believe Section 8555(g) to be unfair and thus has initiated this legal action for the following reasons:

There is no rational justification for requiring a person to be licensed in the application of pesticides when that person only employs non-pesticide methods in dealing with wildlife control problems.

There is no clear and present danger justifying the restriction of rat, mice and pigeon exclusion work to Structural Pest Control Operators when there are available Wildlife Control Operators, Animal Damage and Bird Control Operators and others who have and can successfully exclude birds and rodents of any kind.

The Legislature created the Structural Pest Control Board to protect California consumers against unscrupulous and incompetent providers of pest control services. It did not create the SPCB to protect the income of its licensees by eliminating their competition. Instead of trying to improve the quality and lower the cost of rat, mouse and pigeon control services, by fostering competition among service providers, the State prohibits outsiders from competing with PCOs in the open marketplace.

The law puts the public's health and safety at risk when it grants incompetent, untrained, untested and inexperienced persons exclusive authority to provide services in controlling rats, mice and pigeons in buildings.

In granting PCOs the exclusive right to control rats, mice and pigeons, the State in effect, endorses their use of poison chemicals to kill vertebrate pests in homes and other buildings. We believe consumers should be allowed to hire providers using non-chemical means as well.

Allowing rats, mice, pigeons and other disease-spreading vermin to invade our homes, restaurants and markets is an affront that no one should have to endure. There simply can't be too many service providers offering to exclude or remove these vermin from the places we inhabit.

The California Nuisance Wildlife Control Operators Association was established as a California corporation in 1998. "The specific purpose of this corporation is to represent and develop the professional, economic and political interested of Nuisance Wildlife Control Operators working within the state of California". It is therefore the right and obligation of CNWCOA to bring this action to court on behalf of its Wildlife Control Operator members.

Named as Defendants in the federal complaint are: the Governor of California; the California State Legislature; the California Structural Pest Control Board; the California Department of Pesticide Regulation; the Department of General Services and the Department of Transportation (CalTrans). The lawsuit demands that the trial be heard by jury and asks the court to find in favor of the plaintiffs' claim that Section 8555(g) is unconstitutional. It asks the court to issue a permanent injunction tp prevent the State from attempting to enforce the unconstitutional wildlife control statute.

The California NWCO Association's Board of Directors and I invite you to read the complete text of this federal lawsuit filed today against the State of California. This legal action may turn out to be a landmark case in many respects as we proceed to establish our Association's standing in court and legal right to stand in for, and stand up for, the interests of our WCO members and the interests of the public we serve.

As this may become a long and costly battle, we are calling upon our friends and the supporters of Wildlife Control Operators throughout the country, to help us wage and win this important legal battle to preserve our constitutional rights.

Please send your contribution to:

"California NWCO Association - Legal Expense Fund"
P.O. Box 90, Burlingame, CA 94011

Sincerely,



Alan Merrifield