



ARIZONA

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Office of Pest Management

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Ellis M. Jones
Acting Director

ADVISORY COMMITTEE MEETING

WEDNESDAY, June 24, 2009, 10:00 A.M.

Minutes

- I. **Call to order** *Vince Craig at 10:07 am*
- II. **Roll Call** **Advisory Committee present:** *Carmella Ruggiero (Chair), Ken Frederick, Kevin Etheridge, Nate Tamialis, Jack Latham*
- Advisory Committee absent:** *Doug Seeman*
- Staff present:** *Ellis Jones (remote), Vince Craig, Robert Tolton Jr., Alan Pugh, Dirk VandenBerg Sr., Charmayne Skow, Anthony Banks, Norman Maeser, Nancy Holmes*

Mr. Craig restated that a top priority of OPM is to maintain an "open door" policy with industry members; that Mr. Ellis Jones and he are always available to listen to industry members suggestions and concerns.

III. **Approval of the February 25, 2009 Minutes**

MOTION: To approve by Ken Frederick
Seconded by Nate Tamialis

VOTE: 4-0 carried

V. **Review, Discussion and Possible Action on New Matters**

d. **Funding Proposal**

Robert Tolton presented OPM's proposed fee structure change (Exhibit A) and referred to the handout. Mr. Tolton stated that the proposal was a basic draft; all companies that apply pesticides would complete and submit a usage form to OPM and pay the applicable fee - only pesticide applications would require a submitted form. *Discussion followed.*

Mr. Jones stated that he believed the fee structure would make an equitable burden “across the board” and that costs would be distributed evenly. Ellis further stated that once a concept is in place we will go out into the pest control community and get feedback. After that we will gather as a group to discuss the next step.

Keith Whitted (representing AzPPO) presented the Association’s plan (Exhibit B) to those present and referred to the handout. Mr. Whitted stated that it was AzPPO’s position that OPM’s proposal would result in increased personnel and doesn’t see it flying. The Association is proposing a \$25.00 per month per applicator fee based on “active” applicators; this would spread the responsibility throughout the industry. Mr. Whitted stated that AzPPO supports OPM but feels the association’s plan is more feasible and an updated version is to follow.

Discussion followed with a consensus that AzPPO’s proposal was more justifiable and spreads the burden across the board as well as easier tracking for OPM.

Again, Ellis repeated that we are in the initial discussion/concept stage and that once we get a consent we will take it to the Legislature. Right now any and all plans are welcome and that it is the Mission of the Advisory Committee to come up with the concept.

A dialogue on OPM’s budget was started by Bob Wagner who asked what the current budget is and the number of staff currently at the Office of Pest Management.

Charmayne Skow, Finance/Administration Director responded by saying that our budget is for 33 employees although we are currently staffed at 28 and will remain there until further notice. The OPM budget is currently at \$2,644,000 and will probably be cut more.

Nate Tamialis asked how much money licensing and TARFs generates. Lisa Gervase asked for a brief overview of the past six months – indicating that might help to understand OPM’s position.

Ellis informed all that the Legislature swept \$500,000 from OPM’s budget and unused automobiles have been turned in. The Legislature may sweep another \$100,000+ from our budget. The \$10 TARF proposal OPM asked for was rejected by OSPD; it was their feeling that OPM would not survive with an increase to \$10 so they increased the proposal to \$15. To date we have heard nothing on where it stands. We are now doing in-house fingerprinting, eTARFs and fee based Continuing Education classes to generate additional income. Rent on the building is due August 1st and if we don’t have money to meet our rent we’ll be out of business. Mr. Jones stated he is negotiating with ADOA to pay rent on a monthly basis. OPM have developed a number of in-house revenue changes. Mr. Jones reminded the attendees once again that at this time only one third of the Pest Control businesses support OPM financially. Again, we’re not locked into any specific plan at this time; we’re just trying to come up with a concept.

Jack McClure, representing those APMA members who signed the petition, said there is a number of industry members who have heard nothing about what is being discussed today; also a concern is that the Advisory Committee has not met since February. Jack said his group would like to share ideas with and have input with the Advisory Committee as well as with Mr. Jones. Mr. McClure is concerned with the OPM budget and he does not want to see The Office of Pest Management paralleled with SPCC in California where there is zero activity; where the public can now hire a pest control company without licenses or experience.

Ellis restated that he would like the agreed upon plans to be mailed to industry members prior to next month's meeting and agree or disagree line by line. Mr. Jones commented on the reason the Advisory Committee has not met as often as they should is because two members were not appointed; and we are still one member short.

Chair Ruggiero stated that the plan can be posted on OPM's web site so that it can be distributed to various members. Ms. Ruggiero also asked Attorney General Representative Keely Versteegen to explain the Open Meeting Laws.

IV Review, Discussion and Possible Action on New Matters

a. Tabled for more clarification

b. Ms. Versteegen provided the Advisory Committee members with a memorandum on the Open Meeting Laws. Ms. Versteegen stated that an open meeting has to be open to the public and that there are two parts to it: 1) Hear input and discussion and 2) Agenda and Notice have to be posted in at least 24 hours of the meeting. Discussion will be on those items *only* that are on the Agenda. "Call to the Public" can address the committee with comments but the committee cannot respond.

V. Review, Discussion and Possible Action on New Matters

a. Weed Management Exemption

As per the attached handout by Ellis (Exhibit C), the industry and the public have expressed confusion regarding the existing statute. Mr. Jones would like to create a code that gives definition to the statute. One objective of the OPM is to create an AZ Administrative Code that clarifies those points listed on the handout. Ellis is planning to form a focus group; ideas will be shared with members so that a consensus can be reached that is good for the public.

The Advisory Committee agreed to accept the proposed changes #1 thru #5 except the gallon usage in #1

MOTION: To approve by Kevin Etheridge
Seconded by Nate Tamialis

VOTE: 4-1 (Ken Frederick opposed)

b. Clarification of the B9 (Aquatic Pest Management) License category

It is requested that the Acting Director insert the word "adult" to the existing rule for clarification as per the attached handout (Exhibit D) by Frederick Amalfi

(Aquatic Consulting). Mr. Amalfi also stated that at some point in time the B9 category will have to include water issues regarding the use of chemicals.

c. New Construction Treatment

Alan Pugh, thru the attached handout (Exhibit E), informed the Advisory Committee of the use of Termidor on New Construction sites and welcomes any thoughts or observations

Mr. Craig reiterated OPM's willingness to work with industry members in any way necessary that will make it work. Schedule an appointment with either Vince or Ellis.

Nate Tamialis called for a vote on the Plan 2 fee structure plan and to look at any other feasible plans received prior to July 15, 2009

MOTION: To approve by Nate Tamialis
Seconded by Kevin Etheridge

VOTE: 5-0

f. Set Next Meeting Date

July 22, 2009 at 10:00 A.M.

Meeting adjourned at 12:05 P.M.