



ARIZONA

Janice K. Brewer
Governor

Office of Pest Management
9535 E. Doubletree Ranch Road, Scottsdale, Arizona 85258-5514
(602) 255-3664 - (602) 255-1281 fax
<http://www.sb.state.az.us>

Ellis M. Jones
Acting Director

ADVISORY COMMITTEE MEETING

WEDNESDAY, August 26, 2009, 10:00 A.M.

Minutes

- I. **Call to order** 10:00 am (Chairman Kevin Etheridge), **Committee Member Roll Call**

Committee Members present: *Ken Fredrick, Kevin Etheridge, Nate Tamialis and Doug Seemann*

Committee Members absent: *Carmella Ruggiero, Jack Latham*

Staff present: *Ellis Jones, Vince Craig, Robert Tolton, Charmayne Skow and Nancy Holmes*

II. Approval of Minutes

- a. **June 24, 2009 Minutes**
- b. **July 22, 2009 Minutes**

MOTION: To approve the minutes by Doug Seemann

Seconded by Nate Tamialis

VOTE: 4-0 Motion Carried

III. Committee Updates and Reports

a. Budget Updates

Mr. Jones stated that the Budget Reconciliation Bill (BRB) is currently at the Governor's Office and that she has until September 5th to make a decision. The emergency rule change remains at the Attorney General's Office with some changes made since last discussion with industry members i.e. eTARF fees to remain at \$8.00, paper TARFs at \$16.00 (with a phase-out period) and

a late fee of \$16.00. Mr. Jones reiterated that the BRB has more flexibility than the emergency rule but the cap can only increase to a maximum additional income of \$875,000. The agency's annual rent is due in September; Mr. Jones negotiated with ADOA and OPM is now authorized to make 4 quarterly payments which will alleviate some of the stress. Mr. Jones stated that the Applicator Service Fee is low on our totem pole and may become nonexistent if things work out; and that registration of employees may be in the future and not necessarily connected to a fee. Mr. Frederick asked for an explanation and Mr. Jones said the most recent proposal called for a monthly fee. Mr. Jones further stated that he will be implementing a document entitled "Snapshot in Time" that will be uploaded monthly to our web site. Mr. Jones did an overview of the "Snapshot" for the month of July (for further details please refer to Attachment III a). Mr. Frederick asked about applicator licenses and renewals specifically about the number of applicators who have not completed the renewal process and how it relates to the total number of applicators licensed with OPM. Mr. Jones said that only completed renewals are counted in the "Number of Applicator Licensees".

Mr. Jones asked Robert Tolton to give a brief explanation again on HB2306 stating the bill negates the requirement as it relates to the ongoing Statement of Citizenship requirement. Mr. Tolton stated that he is still awaiting clarification from the Attorney General's office on this issue and will hopefully be able to report on it at the next PMAC meeting.

Lisa Gervase asked Mr. Jones if the agency will implement the Applicator Fee and no fee for eTARFS if the BRB gets approved and Mr. Jones responded by saying that at the moment he is working on registration of employees instead of the Applicator Fee; that he wants to make it as painless as possible and once approval has been granted OPM will look at options then.

Mr. Fredrick asked if the July Snapshot "Cease and Desist Orders" were for those companies that were practicing without an OPM license and Mr. Jones replied they were. Mr. Tolton clarified that the number of eTARFs listed on the Snapshot included all submissions.

b. July 2009 Investigative Summary

Mr. Craig informed the attendees of the proposed investigative summary that will be implemented shortly and available for viewing on the OPM website. Mr. Craig asked industry members to become involved in the process by recommending how little or how much information should be offered without overloading the consumer. Mr. Craig stated that a draft would be uploaded to the website within 24 hours. Doug Seemann conveyed that for the most part the data would be used by potential customers evaluating pest control companies; therefore, it must be in plain language so that they can understand it. Mr. Seemann also said the information needs to serve the consumer so they can make an educated decision on what companies they want to hire; Mr. Seemann gets inquiries constantly from consumers who get confused with the process. Mr. Fredrick expressed his concern about the amount of staff's time that would be necessary for this project. Lisa Gervase

asked exactly what information would be available on the website and gave input as to the material she felt should be included in the format. Mr. Craig stated that the only complaints that would be on the website are those that have been adjudicated and that the information seen would be specific to the rules and statutes to which the company has agreed they are in violation of. The agency has made a commitment to the Auditor General's Office to create a complaint database and it will mirror somewhat the Better Business Bureau. Chairman Etheridge asked if there was a rule or statute requiring/barring us from posting cases. Mr. Craig asked attendees to contact other industry members and share their thoughts and then send him an email on their ideas as to the recommended content. Jack McClure and Judy Gausman stated they could not respond within 24 hours. It was agreed that at the next meeting a format would be presented to let all know the direction OPM will be going in.

c. Business Licenses issued between August 2008 and July 2009

Mr. Tolton presented a list of those businesses that received licenses with OPM between August 2008 and June 2009. Mr. Seemann asked if the Business Licenses report could include one more column that would list the licensee and also what the value of the list was and Mr. Tolton responded by stating it is meant to provide the Advisory Committee with a brief overview of the number of businesses licensed over this period of time. Lisa Gervase stated that it would be nice to see the principles that comprise the corporations listed as it would be a truer picture.

d. 2009 Saguaro Continuing Education Conference and Expo

Mr. Tolton gave an update on next month's SCECE Conference informing those present that there are 120 confirmed attendees as of this date and that more exhibitors are welcome. Mr. Fredrick asked if it were possible to grant CE's to out of state attendees and Mr. Tolton said it was. Mr. Fredrick also asked if the EXPO has been promoted in any other states and Mr. Tolton said he didn't believe so.

IV. Review, Discussion and Possible Action on:

a. National Pesticide Applicator Certification Core Manual and potential reciprocity program

Mr. Jones discussed the possibility of going to the national core manual rather than the one OPM is currently using. Mr. Jones said that the book is comprehensive and goes hand in hand with the test; we could offer reciprocity to those who tested in the states that use the national core manual. Mr. Jones also stated that OPM's core manual needs to be updated and considering a change to the national manual would be a logical one. Dr. Michael Pfeiffer said the national manual is downloadable free of charge from the web site. Both Chairman Etheridge and Mr. Frederick said they would be in favor of the change and Mr. Seemann asked if OPM should appeal to surrounding states for their feedback and to see if they would be willing to

participate in a reciprocity program. Mr. Fredrick asked that we get feedback from industry members to see how they feel about this type of change. Mr. Jones stated he was meeting with AzPPO next week and would solicit their comments. Robert Tolton added that a separate section dealing with Arizona rules and regulations would continue to be maintained.

Mr. Jones brought up the issue of labeling chemicals on industry vehicles. He asked if labels should be on trucks that carry chemicals in the event of an accident: Mr. Seemann said the law says that if a vehicle is carrying a reportable quantity of chemicals then a placard must be visible; this has already been addressed by the Arizona Department of Transportation (ADOT). Jack McClure stated that there are clear regulations already under ADOT that have already been addressed and that most of the industry members carry chemicals that are below the quantities required to be posted by ADOT. He further stated that the fact that we have chemical storage on board should be enough. Mr. Seemann said a vehicle could have 15 to 20 different compounds aboard and asked how the chemicals would be listed. Mr. Seemann did say that first responders need to be educated in this area. Staff informed Mr. Jones that the matter was not on the Agenda and therefore cannot be discussed. At this point it was agreed to terminate this discussion and put it on the agenda for next month.

b. Continuing Education for PMAC Meeting Attendees

Mr. Craig followed up on last month's recommendation to consider giving CEU's to those attending the Advisory Committee meetings. Mr. Craig could find no place in the statutes that would allow this to transpire; Mr. Craig stated that there are designated topics (see Attachment IV b) that must be abided by; however, a call has been put in to the Attorney General's office to see if the rule can be bent a bit. Previously, licensees were allowed one hour per year of CE for attending a complete Commission Meeting. Mr. Craig said that we may be able to include a component at the PMAC meetings to include CE subject matter. Chairman Etheridge stated his disagreement and feels that if industry members are good enough to attend the meetings they should get credit; maybe limiting the number of hours per year is necessary but that anyone who attends the meeting should get credit.

c. Home Inspection Companies that advertise for termite inspections

Chairman Etheridge addressed the concern that home inspectors were going outside their boundaries and soliciting pest control companies for a finder's fee (for further information please refer Attachment IV c). Mr. Etheridge said there are a number of companies licensed with OPM that also hold a Board of Technical Registration (BTR) license and provide home inspections as well as termite inspections and is fine with it. There are also a number of home inspection companies that are *not licensed* in termite inspection with OPM but that advertise for termite inspection and this is misleading to consumers. There is, potentially, some unlicensed activity going on; if the termite inspection work is being subcontracted out it should have to be disclosed; Mr. Frederick said it needs to be addressed immediately. Chairman Etheridge

would like a consensus to give staff direction. Mr. Seemann said unless OPM is aware of a problem the agency cannot do anything about it. It is up to the home inspection industry to call OPM with violations. Dave Swartz, a representative from the home inspectors, was in attendance. Mr. Swartz said that communication among the Arizona Chapter of the American Society of home Inspectors is not very good and it will be difficult in getting the word out but he will try to convey OPM's concerns to BTR members. Mr. Swartz further stated that very often at the time of the home inspection a sub-contractor will provide the termite inspection. This is an arrangement made mutually between the home inspection company and the termite inspection company. Mr. Seemann stated that under current real estate laws the home inspection company is required to disclose this agreement to the buyer and seller. Furthermore, the home buyer should have input as to the selection of the termite inspection company. Also, it is required that the advertisement disclose the license number of the company doing the termite inspection. Mr. Seemann said we should advise the home inspection industry of our findings and concerns and let it go from there; maybe the BTR can post it on their website. Chairman Etheridge said that staff may be able to make some inquiries on this matter. Mr. Craig said that OPM will handle it. Mr. Jones said that OPM is linked to BTR and will give clarity to this issue at their next meeting.

V. Call to the Public

T.J. Hammer addressed the attendees and stated that she is a broker with West USA Realty who specializes in the buying and selling of pest control companies and will have a booth at the upcoming SCECE Conference.

Vince Craig said he has received a number of concerns from industry members who are uninformed of the duties and responsibilities of the Compliance and Enforcement Department. Members of his staff will be happy to go to your office and explain how to use the new WDIIR form, the posting requirements or anything else you may have a concern about. Give Mr. Craig a call and arrange a time for one of the OPM inspector's to be at your facility to discuss your needs and requirements.

VI. Communication with Advisory Committee Members

None

Mr. Seemann asked that the topic of CE classes be put on the agenda for next month. He mentioned the possibility of charging a fee of \$100.00 or more for CE's - new and renewals. State vs. independent companies offering CE's and the impact it may have.

VII. Schedule of Future Meetings

September 23, 2009

VIII. Adjournment - Meeting adjourned at 11:22 A.M.