



Arizona Department of Agriculture

Office of Pest Management

1688 W. Adams Street, Phoenix, Arizona 85007
(602) 255-3664 FAX (602) 542-0466

www.azda.gov

NOTICE OF PEST MANAGEMENT ADVISORY COMMITTEE MEETING

Thursday, January 24, 2013, 1:00 P.M.

Arizona Department of Agriculture
1688 W. Adams Street, Phoenix, AZ 85007
Room 206

MINUTES

The following minutes are for the meeting held on January 24, 2013 in Room 206 at 1688 West Adams Street, Phoenix, AZ 85007 (the Department of Agriculture Building)

I. 1:04 P.M.: Call to Order (Chairperson)

a) Committee Roll Call (Ms. Howarth) –

Present:

Chairperson Kevin Etheridge, Ken Fredrick, Carmella Ruggiero, Robert Wagner, Jack Latham, Andrew Witcher (arrived at 1:13 PM), Doug Seemann (arrived at 1:31 PM), Staff Members, and Audience/Industry Members

Absent:

None

II. Approval of Minutes

Chairperson Etheridge abstained from participating in the approval of minutes due to his absence at the previous meeting.

a) October 17, 2012

MOTION:

To accept and approve the minutes by Jack Latham

Second by Carmella Ruggiero

VOTE:

4-0

III. OPM Updates and Reports

a) Budget (Ms. Houseworth)

1. Current Financial Report (handout)

Ms. Houseworth projected fund balance is almost 1.7 million. She stated the budget started with a projection of 1.5 million and it was increased due to all the back fee TARF

revenue the OPM has collected. She noted revenues increased and the expenditures decreased, due in part to open inspector positions Mr. Jack Peterson has chosen not to fill for the time being. Mr. Fredrick asked how many inspectors there currently were and if those vacant inspector positions will be filled anytime in the near future. Mr. Peterson informed the committee there are currently 6 inspectors. Mr. Peterson stated he met with Mr. Vince Craig and they determined more inspection staff was not necessary at this time. Mr. Etheridge stated according to the Home Builder's Association of Central Arizona, building permits were up 65% in Maricopa County this last calendar year as compared to the prior calendar year; this possibly lead to a visible increase in TARF revenue, presuming that pretreatments were being done. Discussion was held, at length, about TARF revenue steaming from the collection of back fees collected and new building permits. Mr. Peterson noted although the number of permits increase, pretreatments may not increase because actual building is not occurring as yet.

Ms. Houseworth stated revenue for the months coming was projected from last year, in an effort to remain conservative in those projections.

Ms. Houseworth informed the committee the expenditures, through December, are all related to the prior Federal Grant. She noted the activity starting in January will be drawn from the new Federal Grant and the first drawdown of the new Federal Grant was just received and the current expenditures will be under the new grant. Ms. Houseworth stated the Federal Grant extends 3 months into the next fiscal year (July, August and September) and the total amount of the grant is \$113,500. Mr. Fredrick asked for what the federal grant funds were used. Mr. Peterson stated it helped with travel, supplies, and parts of salary for 2 inspectors.

b) Compliance (Mr. Craig)

1. Questions on Snapshot

Mr. Vince Craig discussed the Snapshot, which indicates the number of inspections for each month. He informed the committee the number of Outreach/Compliance Assistance classes held can be found on the second column of each page. Mr. Craig stated the number of Continuing Education applications processed is also noted.

Mr. Craig noted compliance assistance allows individuals to take CE courses in relation to the compliance issue instead of any other corrective action. According to Mr. Craig, in October 2012, 2 classes were given to pest control companies for compliance assistance.

Mr. Craig described the Laws – Helena Chemical item on this month's Snapshot. He explained, typically, when chemical suppliers are going to have a large CE course, they will invite compliance to speak on a subject.

Mr. Peterson called attention to the fact of any compliance assistance classes do not count towards the attendees' continuing education credits.

a) October 2012 (handout)

b) November 2012 (handout)

c) December 2012 (handout)

2. Industry Correspondence

a) 2012 Inspections by Company

Mr. Craig informed the group of several requests for information regarding the number of Use Inspections performed on companies and the number of inspections for each company that have been received by compliance.

Mr. Craig defined Signed Use Inspections as inspections occurring when compliance has direct contact with the industry member. He explained that most Use Inspections are scheduled appointments. The industry member is met to monitor them perform a treatment. Mr. Craig then said after the treatment, a review of the label instruction is conducted with the member of industry and then the member signs the document.

Mr. Craig went on to define Unsigned Use Inspections as inspections occurring when compliance visits treated facilities (hospital, school, restaurants... etc) and ascertains what company has been doing treatments at these facilities, whether or not the individual is licensed, and whether or not the chemical on the treatment record is appropriate to treat such sites. He then stated the only time contact with the industry member is made occurs when compliance finds something in error with these particular treatments. He also noted Unsigned Use Inspections also include consumer protection monitors or compliance tag monitors.

Mr. Craig informed the committee Compliance was also asked to provide a list of companies who provided pretreatments for 2012. He indicated the companies who performed the most pretreatments according to the TARF data base were listed from greatest to least on the hand out.

Mr. Fredrick asked if all signed Use Inspections were scheduled or if they might sometimes be surprise visits. Mr. Craig stated it is not always scheduled. He explained the consumer may call to have inspectors monitor a treatment at their location, or if an inspector were to see a treatment being preformed they may stop to perform a random inspection. Mr. Craig noted the industry member would not be aware of a consumer call for an inspection this until they actually arrive to perform the treatment.

Mr. Etheridge asked about tag monitors and whether on site monitoring of applications, covertly or overtly, was being done. Mr. Craig stated it depends on the amount of the bid; in the event of an extremely low cost per square foot rate, monitoring would, more than likely, occur.

Mr. Etheridge encouraged Compliance to move from tag monitoring to more onsite application monitoring. He stated his concern is with tag monitoring an honest person who performs the proper procedures prior to applying who made an honest mistake and tags incorrect. Mr. Craig stated this is why the inquiry process is in place and anyone who has made a mistake but did not make an inappropriate application is not punished. Mr. Etheridge stated he believes there needs to be people out to monitor what is physically coming out of the hose when an application is being done. Mr. Craig stated the inspectors are doing all they can with only 6 of them. Mr. Peterson stated the emphasis is being placed on use, itself. Use is "what we need to be looking at, that's the most important thing". Mr. Etheridge stated tag monitors should be used only as a backup.

c) Licensing (Mr. Tolton)

1. Questions on Snapshot

Mr. Robert Tolton provided Snapshots to the committee. He stated November and December numbers are large due to Business and Qualifying Party renewals; they are

included in the number of applications which have come in during the respective months. He stated those numbers are not separated out.

Mr. Tolton stated valid licensed applicators on record in December 2012 are at a high. He noted this high number is typically only seen towards the end of the fiscal year; given this number is high now, it alludes to the fact of the pest control business being very active and growing.

According to Mr. Tolton, there are, currently, 49 Qualifying Parties and 23 Business Licensees who have not yet renewed. He went on to note a response to 93.7% of the renewals have been received. He stated out of the renewals that have been received 91.9% of the Qualifying Party License renewals were processed online, and 76.7% of the Business License renewals were processed online. He informed the committee these were all-time high numbers for online submissions.

Mr. Tolton stated late letters were sent out as reminders and 93% of those letters were sent out via email, to save postage.

Mr. Tolton noted late renewals which had come in since Tuesday, January 22nd, 2013 included 23 Business License renewals, 29 active Qualifying Party renewals and 20 Inactive Qualifying Party renewals. To compare the current numbers to last year, Mr. Tolton informed the committee in 2012 there were 23 Business License renewals submitted late, 26 Active Qualifying Party renewals submitted late and 11 Inactive Qualifying Party renewals submitted late. He noted only 3 of the current, late Business License renewals were on the late renewal list last year.

- a) **October 2012 (handout)**
- b) **November 2012 (handout)**
- c) **December 2012 (handout)**

2. Industry Correspondence

a) No longer mailing Applicator and Qualifying Party Hard Copy Licenses –

Mr. Tolton informed the committee beginning this renewal period, Licensing will not be printing and mailing out licenses for renewed licensees, as the ability to print these licenses off the internet from the “My Account” site is offered. He did note business and branch offices would continue to receive a printed license in the mail.

Ms. Carmella Ruggiero asked if Qualifying Party licensees and Applicator licensees were aware they were not going to be receiving a printed copy of their license. Mr. Tolton informed the group it is noted on the renewal form as well as on the RenewEZ site, where you are prompted to print your own license.

3. Business Licenses issued during October 2012

Business Name	City	Business Licensee	Qualifying Party
PEORIA PINES GOLF & RESTAURANT	PEORIA	PPGC, INC.	MARK LYMAN
SCHENDEL PEST SERVICES	TOPEKA	THE TERMINIX INTERNATIONAL CO., LP	TIMOTHY POWELL KEITH WHITTED
SOUTHWEST EXTERMINATING, LLC.	RIO RICO	SOUTHWEST EXTERMINATING, LLC.	DAVID POPLIN
UNITED BIRD & BAT CONTROL OF ARIZONA	SCOTTSDALE	SUN DEVIL PEST & TERMITE CONTROL, LLC.	DIANE RAINES

4. Business Licenses issued during November 2012

Business Name	City	Business Licensee	Qualifying Party
ARIZONA CITY PEST CONTROL	ARIZONA CITY	MATTHEW H. TERRY	TOBY ADAMS
ARIZONA HEAT PEST SERVICES	PHOENIX	AMERICAN SERVICES UNLIMITED, LLC.	STERLING MILLER
AZTECA PEST CONTROL, LLC	PHOENIX	AZTECA PEST CONTROL, LLC.	DOUGLAS PINNECKER
COMMUNITY LANDSCAPE MANAGEMENT	MESA	COMMUNITY LANDSCAPE MANAGEMENT, LLC.	DARIN WHEAT

5. Business Licenses issued during December 2012

Business Name	City	Business Licensee	Qualifying Party
ALL ABOUT PEST CONTROL, LLC	PHOENIX	ALLABOUT PEST CONTROL, LLC.	RICHARD ROSS
BEETECH BEE CONTROL, LLC	SAN TAN VALLEY	BEETECH BEE CONTROL, LLC.	JARRAD HALL
ESCALANTE DOVE MOUNTAIN LLC	LITTLETON, CO	ESCALANTE DOVE MOUNTAIN, LLC.	MICHAEL MEFFORD
GENESIS LANDSCAPE SOLUTIONS	MESA	GENESIS LANDSCAPE SOLUTIONS, LLC.	WARREN WHEAT
GOLF INTERNATIONAL, INC	FOUNTAIN HILLS	GOLF INTERNATIONAL, INC.	DONALD HICKMAN, JR.
STRATEGIC PEST SOLUTIONS, LLC	GLENDALE	STRATEGIC PEST SOLUTIONS, LLC.	JOSHUA O'CONNOR
WESTERN EXTERMINATOR COMPANY	ANAHIEM, CA	J.C. ERLICH COMPANY, INC.	DANIEL BUSSEY & DONALD SALINE

d) Activities (Mr. Peterson)

a. Status of Legislation pertaining to Task Force recommendations

Mr. Peterson stated legislation has been drafted. He noted some changes were made to the bill and an email was sent out earlier in the week giving an update with any changes which have been made between what the Task Force had recommended and what had been changed. Mr. Peterson stated one of the changes that had been made is all of the fees had been removed from law and added to the rules. He explained there are not enough legislators who will vote on a bill that has a fee associated with it. He noted the bill has not been dropped.

Mr. Peterson stated a third item has the potential to be changed as well. Mr. Peterson noted one of the proposed exemptions for applying pesticides states "persons applying nonrestricted use pesticides on residential property that they occupy or that they own which is unoccupied" are exempt from licensure. He stated opposition from the Multi-Tenant Association regarding this new proposed exemption has been voiced. He stated The Multi-Tenant Association wants the law to state "own AND occupy". Mr. Peterson noted the PMAC feels it should not be "own and occupy" it should just be "occupy".

b. Unlicensed Activity Priorities

Mr. Peterson stated 50% of time is spent dealing with unlicensed activity. He noted a Business License, insurance, and a Qualifying Party are all required in order to do business. Mr. Peterson asked the committee to comment on the order of importance of each business requirement in order to ascertain what the committee feels is of lesser or greater

importance. Mr. Seemann stated applicators doing side jobs and holding only an applicator license is the worse thing. Mr. Fredrick stated not having any of the required components is bad. He indicated if he is required to be licensed then everyone else should be required to do the same. Mr. Latham agreed and Mr. Witcher agreed as well. Mr. Etheridge agreed and stated all should be required and are of equal importance.

e) License requirements for trapping and relocating vs. trapping and exterminating (Mr. Peterson)

Mr. Peterson stated he was finally able to get a hold of the individuals at the Department Game and Fish. He stated with most pest control dealing with rodents and other general pests, there will be no need to deal with Game and Fish. Mr. Peterson noted, however, if you are trapping specific animals such as small game, fur-bearing and predatory animals, you do have to be licensed by the Department of Game and Fish and take a trapping class as well as report the animals trapped. Mr. Latham asked if skunk would be considered fur bearing. Mr. Peterson stated he believed it would be. Mr. Peterson stated he would forward the information from Game and Fish. Mr. Seemann stated he believed it should be information included in the core manual and test questions should pertain to it. Mr. Tolton stated it would be put on the website. Mr. Peterson stated he would send the information out to the Listserv as well.

Mr. Peterson, segueing from the mention of posting information on the Office of Pest Management's website, informed the committee the OPM is working on moving the website away from the "sb" name and into the "azda" name. He stated because of the need for a comprehensive transition, the change will not be occurring in a rushed manner; the change, however, will be occurring this year.

f) Testing Contract – No training and testing on the same day. (Mr. Etheridge)

Mr. Etheridge asked it to be put on the agenda because he was absent. Mr. Peterson stated the question posed was why can't individuals go take training and test on the same day? He noted the purpose of training is so people retain the information and are actually learning the material. Mr. Peterson added this was put into contract this year. Mr. Wagner asked when the new standard national exam was going to happen. Mr. Peterson stated once the old books are gone then the new books will be used.

g) Shear Wall/ Depth of Footer with regard to pretreatments. (Mr. Etheridge)

Mr. Etheridge asked this to be put on the agenda because he was out training an employee of his on Sunday and he ran into a situation where there was a custom home being built on a hillside.

Mr. Etheridge recounted the following story;

- *There is sheer wall construction on the home being built on a hillside. A concrete sheer wall was built to support the concrete floor. There was back fill. Often times, there is a drain system installed when buildings are built on a hillside so moisture is diverted away from the foundation. Given the construction and location specific to this site, applying the label-required amount of termiticide would cause a spillover down onto the golf course and other areas below the hill. It occurred to him the only way subterranean termites could enter, based on this type of construction, is to travel through the treated zone located below the slab.*

Because of this observation, Mr. Etheridge stated he believes the site should be treated only at a depth of 1(one) foot per every 10 (ten) linear feet.

Mr. Peterson asked if he is asking the question does the law or rule need to be changed to specifically address this. Mr. Peterson then asked Mr. Craig if R4-29-305(3)(b) addressed it. Mr. Craig stated it did as well as R4-29-305(3)(a). Mr. Craig noted given the treatment site meets any one of the exceptions in subsection R4-29-305(D)(3), then R4-29-305(D)(4) applies. Mr. Craig said this section speaks to applying less than the label requires if an off-site application or environmental contamination will occur. Mr. Etheridge stated the label said footing or stem wall and does not mention sheer wall, and given he did not want to create a termiticide spill, he applied the required amount of chemical; however, he did not apply it near the edge of the site. Mr. Peterson indicated, as he understood it, Mr. Etheridge is asking if there is any way this type of situation can be addressed in rule so as to define sheer wall construction applications and treatments in order the taking of pictures and obtaining of letters from contractors and subcontractors is not necessary when application occurs which is below the label requirement. Mr. Craig stated because of this specific construction site, the exceptions in this rule are applicable and do “insert that common sense” notion and provide for not applying the chemical as the label states because of the danger of spillover. Mr. Craig stated the way the rule is currently written, it has checks and balances. Mr. Fredrick stated he had a conversation with Mr. Kennedy about a similar situation and they came to an agreement; the best way to do it was just to do it as safely as possible.

h) Internet Domain for the Office of Pest Management and Arizona Department of Agriculture (Mr. Peterson)

As previously addressed - Mr. Peterson, segueing from the mention of posting information on the Office of Pest Management’s website, informed the committee the OPM is working on moving the website away from the “sb” name and into the “azda” name. He stated because of the need for a comprehensive transition, the change will not be occurring in a rushed manner; the change, however, will be occurring this year.

IV. Call to the Public (Chairperson) - Each speaker is limited to five minutes. This is the time for the public to comment. Pursuant to A.R.S. Section 38-431.01(H), action (if any) taken as a result of public comment will be limited to recommending the Acting Director study the matter, responding to any criticism, or recommend scheduling the matter for further consideration at a later date. Pursuant to A.R.S. § 38-431.02(H), the Committee may discuss, consider or make decisions only on matters listed on the Agenda...

Mr. Peterson stated the OPM will no longer be charging for ILT and CEU classes. Mr. Etheridge requested the subject of the ILT and CEU classes be placed on the next meeting’s agenda.

V. Communication with Advisory Committee Members (Chairperson) – Each member may disclose any communication with the Public or Industry on issues that they may want to add to a future agenda.

VI. Scheduling of Future Meetings (Chairperson/Acting Director)

April 10, 2013 at 11:00am

VII. Adjournment – 2:19 P.M.