



Arizona Department of Agriculture

Office of Pest Management

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Notice of Meeting and Agenda for the Task Force on the Regulation of Structural Pest Management

The agenda for the meeting is as follows:

1. Roll Call – Jack Peterson, Chairman & OPM Acting Director

In Attendance: John Boelts, Dave Burns, Ken Fredrick, Lin Evans, Jimmy Fox, Phil Hemminghaus, Will Rousseau, and Kirk Smith

Absent: None.

2. Task Force Introductions

Phil Hemminghaus – General Manager for Golf Ventures West, a turf and chemical supplier. Mr. Hemminghaus stated that he is a native Arizonan and he attended and graduated from Arizona State University. He explained that he is also chairman of the Department of Agriculture Advisory Council.

Jimmy Fox – President of Evergreen Turf. He stated that he sits on the Arizona Nursery Association Board, Golf Course Superintendant Board. He explained that he has been in the fertilizer, seed, and chemical business since he was 21.

John Boelts – Owner of Boelts farms in Yuma. He stated that he is a member of the Iceberg Lettuce Research Council and has been on the board of the Yuma Fresh Vegetable Association.

Lin Evans – PCA in Maricopa County and is on the Arizona Crop Protection Association Board.

Kirk Smith – Works with Maricopa County Environmental Services. He stated that he has been involved in most aspects Pest Control at one point in time or another since 1987.

Dave Burns – General Manager and Qualifying Party of Burns Pest Elimination. He stated that he treated all stages of structural pests. He explained that he has been involved in the structural pest industry since the early 80's.

Ken Fredrick – Owner of Conquistador Pest and Termite in Tucson. He has been in the pest control industry since 1979. He stated that he was the past president of AZPPO and has been involved with AZPPO for 6 years.

Will Rousseau – Owner of Rousseau Farming Company. He stated that he is the past chairman of the Department of Agriculture Advisory Council and is active with Western Growers Association.

3. Approval of the practice of Task Force members participating in public Task Force meetings by telephone

MOTION

Will Rousseau moves to allow Task Force members to participate by Telephone.

John Boelts seconds motion

4. Review of Task Force Legislation – Casey Cullings, Assistant Attorney General

Mr. Cullings stated that the Task Force is a public body and subject to open meeting law under legislation. He explained that there is to be no inadvertent meetings outside of the properly noticed meetings and they are required to stick to what is on the agenda.

He explained that the task is to study the regulation of structural pest management and turn in a report of findings and recommendations by December 15, 2012. The report must include four topics: Review of Laws and Regulations regarding pest management, Review of possible organizational configurations within the Department of Agriculture for the Office of Pest Management, Review of Personnel and funding issues, Statutory changes necessary to accomplish the future program.

Kirk Smith asked Mr. Cullings if the statute changes would include rules as well. Mr. Cullings replied that all laws and regulations would be reported on.

5. Current Status of the Office of Pest Management and coordination with the Arizona Department of Agriculture
Chairman Peterson stated that the move of the Office of Pest Management to the Department of Agriculture is complete. He explained that the move cost about \$29,000 and payment ended up being split 80% Office of Pest Management and 20% Department of Agriculture.

He explained that the integration of OPMs revenue system into ADA's Revenue Tracking System was almost complete. He added that OPM compliance division has adopted the use of citations. Chairman Peterson explained that there are many vacant positions that are in the process of trying to be filled. Chairman Peterson stated that there are 3 main divisions within the Department of Agriculture. These divisions are: Animal Services, Plant Services and Environmental Services. Animal Services

6. Direction of Future Meetings

a. What do we want to cover in the meetings

Mr. Evans asked what the Office of Pest Management regulates. Chairman Peterson stated that it's the individuals who apply pesticides as well as using devices to eliminate pests. He stated that companies that perform water management, in which they clear the trash from ponds and other bodies of water, are regulated by the Office of Pest Management. Mr. Craig added that golf courses are regulated by the Office of Pest Management. He stated that all non agricultural is regulated by the Office of Pest Management.

b. What process do we want to follow

Chairman Peterson stated that next meeting he wanted a package put together looking at how the Office of Pest Management would best fit into the Department of Agriculture.

c. What is or should be the role of the Office of Pest Management (OPM)

d. Other issues dealing with the regulation of structural pest management

Chairman Peterson gave a brief over view of the difference between the Regulation of Department of Agriculture Pesticide and Pest Management Pesticide Regulation. He stated that the Department of Agriculture regulates pesticide use and the Office of Pest Management regulates the structural pest management which does not necessarily include the use of pesticides.

Chairman Peterson stated that he wants to move away from current rules and regulations. He explained that he wants the Task Force to be able to think broadly about them and not to be boxed in by the regulations and laws that are currently in place.

Mr. Peterson stated that under FIFRA there will always be a regulatory agency for Structural Pest. He stated that there are some things that are able to be over lapped between the two agencies but there are areas that will remain separate.

Mr. Fox wants to know what the priorities are to make things come together more seamlessly. Mr. Peterson responded that the goal is that there will be some level of cross training between the like functions.

Chairman Peterson stated that many companies have stated that they would like to see TARFs gotten rid of. He stated that he would like to see a way to make funding from TARFs become more uniform because currently there are a small number of companies funding a large part of the OPM. He stated that the information that the TARF provides is valuable as banks and realtors seek out this information and perhaps could be a funding source.

Chairman Peterson stated that he feels that there needs to be differences in categories as far as qualifications to obtain a Qualifying Party license. He stated that he feels that the 3000 hours is too much and feels that it is a bad deal.

Mr. Craig stated that the laws that were considered “broken” when previously reviewed were reported to AZPPO.

Mr. Burns stated that the Task Force needed to start by looking at current ADA authorities and see how the OPM Laws and Regulations fit in.

Chairman Peterson stated that next meeting he will bring a package put together looking at how the Office of Pest Management would best fit into the Department of Agriculture.

Phyllis Farenga – (Pest Tech Pest Control) (It’s Our Turn) – request that the It’s Our Turn 10 FAQs be added to a future agenda. Requested a explanation of the Rule Making Process.

Casey Cullings explains rule making process and touches on the Governor’s Rule Making moratorium.

7. Possible organizational configurations within the Arizona Department of Agriculture for structural pest management regulation

Kirk Smith and John Boelts both stated that they felt it would be beneficial to see the structure of both the Department of Agriculture and the Office of Pest Management.

Mr. Peterson stated that only 2 states have a separate structural pest management agency.

As requested by several members on the Task Force Mr. Peterson gave a brief over view of the structure of the Department of Agriculture and Mr. Craig gave an overview of the structure of the Office of Pest Management.

Mr. Peterson requested that a list of the rules that were deemed as issues should be given to the Task Force for review. Mr. Rousseau requested an organizational chart of the OPM and the ADA be put together for the review of the Task Force as well.

8. Personnel and funding issues relating to the administration of structural pest management regulation within the Arizona Department of Agriculture

John Boelts wants to see the Structure of OPM. He stated he would like to know who people are and what people do.

Chairman Peterson stated that the Task Force needs to look into the overlap of the Department of Agriculture and the Office of Pest Management to see if the laws in those areas within the Department of Agriculture could be used for the Office of Pest Management as well with very small changes.

9. Review of all laws and regulations governing structural pest management in Arizona and changes necessary to accomplish the future structural pest management program

Mr. Burns stated that there are many good laws already in place. He stated that many laws as written are very hard to work through. He feels that the Task Force needs to look at simplifying the law and dealing more with the rules so that things are able to be adjusted in the future as things change.

10. Instruction for Listserv Signup – Jack Peterson

e-mail: (jcrawford@azda.gov) Join OPM Task Force

Henry Schneiker requested that all documentation be posted on the listserv.

11. Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3) on any matter listed on the agenda

12. Call to the Public (2 minute limit per speaker)

This is the time for the public to comment. Members of the Task Force may not discuss items that are not specifically identified on the agenda. Therefore, in response to public comments made on issues that are not listed on the agenda, the Task Force is limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

Joe Sigg stated that in response to a comment that Phil Hemminghaus made he would like BE WILLING to provide a list of the research the Farm Bureau did about how things are structured in other states.

Phyllis Farenga urged people to look at her website which provides background information on how OPM got to this point.

13. Set Next Meeting Date

Next meeting date set for September 14, 2011 at 10 AM

14. Adjourn

2:42 PM