



Arizona Department of Agriculture

Office of Pest Management

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

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:

Lin Evans, John Boelts, Phil Hemminghaus, Kirk Smith, Dave Burns, Ken Fredrick, and Will Rousseau

Absent:

Jimmy Fox

2. Current Status of the Office of Pest Management and coordination with the Department of Agriculture, including:

- Listserv Signup – <http://listsrv.azda.gov/> - Jack Peterson

Chairman Peterson explained that the Listserv is now online and is able to be used to sign up automatically. Everything that is sent to the Task Force goes on to the website as well.

3. Review and discussion of possible organizational configurations within the Department of Agriculture for structural pest management regulation, including:

- Review of current organizational structure of the Office of Pest Management and the Department of Agriculture's Environmental Services Division. – PowerPoint – Jack Peterson

The areas of over lap will be integrating with each other over time. Chairman Peterson indicated that the compliance division will remain separate for the 2 year trial period.

Chairman Peterson stated that there are several vacancies in both compliance and licensing and some vacancies will be filled but not all of them. The vacancies that were listed in the slide show have already been budgeted to be filled.

4. Personnel and funding issues relating to the administration of structural pest management regulation within the Department of Agriculture (consider licensing changes and impact on funding)

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

- Office of Pest Management staff recommendations on changes needed to OPM rules and laws

Chairman Peterson stated that the goal is to figure out how to change the laws and rules of the Office of Pest Management to fit under the Department of Agriculture's Regulatory Structure. He stated that things that do not currently fit, need to be determined if they are needed and how to modify them if they are to fit under the Department of Agriculture's current structure. He explained that as a state agency there needs to be a certain authorities to ensure that everyone does not question what is being done. Mr. Peterson stated that the law package that will be presented will be a modified version of the Department of Agriculture law. He explained that it would be difficult to open and change Arizona Department of Agriculture and modify the laws to make everything from the Office of Pest Management fit. He feels that the Department of Agriculture and Office of Pest Management need to have their separate rules packages but all under the Department of Agriculture. Mr. Cullings stated that he believes that the Task Force needs to submit a proposal to the senate, house, and governor stating how things

are envisioned to work. Mr. Burns stated that he believes that title 3 should not be opened and that the objective is to eliminate any laws for the Office of Pest Management that is addressed clearly in title 3.

Robert Shuler stated he feels that the Task Force needs to be very careful not to open title 3 rules. He explained that individuals in the structural pest control side will want to see where the rules are directly related to them. He then stated that he feels there should be both a statutory section and a regulatory section directly related to the Office of Pest Management individuals. He feels that the statutes and rules should be a different chapter in the same book.

i. Certification/Licensing requirements – including insurance needs

1. How do we reduce the burden on industry?

Ken Fredrick stated that he feels a small percentage of the Industry is paying for the majority of the TARF fees. Chairman Peterson stated that he feels there is a way to create revenue through TARFs by possibly charging a fee to the lenders and realtors to retrieve the information. Mr. Burns stated that from an Industry stand point he does not ever use the TARF system. He explained that it does not give a history of the property, but only gives generic information about the initial treatment on the property. He further explained that the companies aren't required to record and submit retreatments or additional uses of pesticide. Mr. Burns stated that he feels that the TARF reporting started due to issues on Pre-Treatments of homes and they wanted documentation of who did them to be able to follow up.

Henry Schniker, International Health Group stated that he has attempted to use the TARF data base many times on properties he knows have had a lot of work done and he stated that many times he found that the history was wrong. He explained that if a house is being sold you cannot rely on the TARF reports but that you need to have a brand new inspection done. John Boelts requested to have how other states handle this issue investigated. Mr. Scott Richardson stated that about 12 years ago the legislature passed an amendment to the statute that stated that all Termite treatments needed to be reported. However that amendment required that rules be passed in order for that amendment to take place, and the rules were never passed so the amendment to the statute went away. Chairman Peterson stated that the legislature is not only going to look at the recommendation from the industry stand point but also the consumer stand point. Mr. Kevin Etheridge briefly described the process for termite reporting in California. Mr. Burns explained the two separate termite license categories. Mr. Ernesto Magana stated that he feels everything needs to be blended together, and feels that there should be reports done for all pest control for homes. Will Rousseau stated that if an individual wanted to purchase a home and wanted inspections done for all different pests they could have that done before the close of the sale. Mr. Craig stated that his feeling on the consumer side of things is that he likes the idea of having all of the information that is on the TARFs in one designated area so that individuals can at least find out what company treated their home and when. Mr. Burns stated that he feels that the "good guys" following the rules and regulations are the only ones who will be affected by the change of legislation because the "bad guys" cannot be regulated, and it will only make doing business more difficult. Chairman Peterson suggested the possibility of just submitting one TARF for both the Pre-Treatment and the Final Grade Treatment of a structure at the same time.

Chairman Peterson wants to know why the Office of Pest Management is involved in the approval or denial of pest control company names. Mr. Burns stated that without the involvement of the Office of Pest Management someone could go and use the name Berns Pest Elimination because it would be able to be registered with the Corporation

Commission. He stated that if there is a single difference in the name it can be registered with the Corporation Commission and would be able to start doing business with that name without the process the business names currently go through. Mr. Tolton stated that if the company names are too similar and people can use any name able to be registered with the Corporation Commission that it could be potentially very confusing for the consumer.

Chairman Peterson opened discussion for Continuing Education and Initial License Training Classes. He stated that the Department of Agriculture Initial License Training Classes go through the University of Phoenix. Mr. Burns stated that he feels the agency should not be in the education business. Chairman Peterson stated that he was primarily concerned with continuing to have the ability to assess a fee for these classes. Michael Pfeiffer stated that he has been a Continuing Education Provider for 22 Years and does not want to compete with the agency for business. He stated that he cannot compete with the prices that the Office of Pest Management offers. Mr. Craig says he sees no issues with eliminating Initial License Training all together and only giving Continuing Education classes based on Rules and Regulations.

1. Does everyone need the same level of training/experience for certification?

2. Is a QP needed or do we just need a responsible individual?

Chairman Peterson stated that a separate meeting may need to be held just to discuss this particular issue.

ii. Criminal background checks – do we need them for everyone?

- Department of Agriculture's existing statutory framework and regulatory scheme related to pesticides

i. Review of powers and authority statutes - comparisons and rules that fit – handout

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

7. 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.

Kevin Etheridge stated because of the 2 year trial period between the Department of Agriculture and the Office of Pest Management he would encourage any changes that are made be put into a separate chapter even if it is a duplicate of what is already in statute for the Department of Agriculture. He stated that he feels this would be a good idea just in case things do not work out and the Department of Agriculture and the Office of Pest Management have to separate.

Phyllis Farenga briefly explained the different organizations she is a part of and stated that she feels that if a regulation does not protect the health, regulation, and security of the consumer then the agency needs to get rid of it. She explained that she feels the Office of Pest Management needs to get rid of TARFs. She feels

that the Task Force needs to consider the health and safety of the consumer when reviewing the regulations.

Michael Pfeiffer stated that he would like to see the categories of Turf and Ornamental and Weed combined into one category.

8. Set Next Meeting Date

October 18, 2011 at 10:00 AM

9. Adjourn

12:55 PM