

October 31, 2011

Will Rousseau,

I would like to address your comments from the October 18, 2011 OPM Task Force meeting. For your convenience, you will find a video of the meeting at:

<http://its-our-turn.com/>

under the OPM Task Force button and I will reference the time stamps in the video so you can conveniently go back and listen to everything that was said.

Will, at 2:07:35 you said you would like to hear more from "industry". You mention the dynamic that before you thought "industry" wanted less regulation and now you are hearing that "industry" wants the same or maybe even more regulation - based on the comments made during the meeting.

So allow me to start by addressing this issue. You primarily heard status quo arguments from 3 people. They were Dave Burns, Kevin Ethridge and Bob Wagner. Here are some interesting facts behind these three individuals:

1) Dave Burns is a member of AzPPO (Arizona Pest Professional Organization) and Dave Burns is a member of the OPM Task Force. Dave runs Burns Pest Elimination - one of the larger pest control companies in Arizona.

2) Kevin Ethridge is a member of AzPPO Board of Directors, Member of the AzPPO Legislative Affairs Committee and a member of the OPM Advisory Committee. Kevin also tried to silence Its-Our-Turn.com - see the OPM Advisory Committee minutes from 9/23/09, 11/18/09 and 1/20/10. Kevin runs Contractors - one of the larger termite pretreat companies in Arizona.

3) Bob Wagner is a member of AzPPO.

A fourth person of interest is Ken Fredrick, another OPM Task Force member - who said very little during this meeting. Ken is the immediate past president of AzPPO, member of AzPPO Board of Directors, member of the AzPPO Legislative Affairs Committee and a member of the OPM Advisory Committee.

Are you beginning to see a trend?

Who is AzPPO? AzPPO is a well funded "industry" group with 70 members and another 40 affiliate members - and represents less than 1% of the structural pest control companies. Although they may have started with good intentions, AzPPO has been hijacked by individuals and companies who have a vested interest in keeping the status quo. They are well organized and well funded. They have sufficient resources to have their own lobbyist and public relations consultant. The talks you

saw during the meeting were part of a well orchestrated dog and pony show. And AzPPO will continue to parade members before you who will ask you to keep all of the legislated advantages the current laws provide. AzPPO has 2 of its members on each of the OPM Task Force committee and the OPM Advisory Committee. Do you think it is strange that AzPPO has been given so much representation when they represent so little of the industry? Other well qualified independent people have applied for those same positions and were refused representation. You cannot tell me this is appropriate representation.

Make no mistake about it, most of the pest control companies in the structural pest control industry want the old laws abolished.

Will, at 1:54:00 you said "This is still America and there shouldn't be a huge barrier to entry in getting into business". Then please act on that statement and get rid the barriers to entry. At 2:10:50 you said that if small business don't show up, they will be ignored. This flies in the face of your earlier statement. I and others will work hard to get other members of industry - the small family-run independent businesses - to make an appearance or at least write you letters. Remember, a small business can loose \$300 to \$600 for taking the time off to talk to the OPM Task Force.

Let me ask you a question. How would you like to run your agricultural business under the structural pest control laws? How would the agricultural industry feel about toiling under such oppressive laws?

Near the end of the meeting at 2:11:10 when David Burns offered to hold meetings to represent the OPM Task Force, all I could imagine was the fox being put in charge of the hen house. I would like to point out that David Burns was a member of the infamous SPCC (Structural Pest Control Commission) Board from 2006 to 2008. I would also like to note that the current chairman of the OPM Task Force sat on the SPCC Board from 2002 to 2006.

At 1:38:10 I talk about wanting to "hire an applicator" without starting a pest control company. At 1:41:20 Dave Burns tries to say there is a problem with using a licensed applicator to deal with common issues. If a licensed applicator cannot deal with application issues, who can?

At 1:54.55 Dave Burns said that Roundup will kill you. As with many common chemical formulations found around the home or in any grocery store, if you deliberately ingest them, yes, they can kill you. However, if you read and follow the label, the EPA considers Roundup safe enough for the average person to apply without special training. This is a clear example of fear mongering.

Will, at 1:43:10 you state that as long as there is a licensed person doing the work, the licensed person has the required CEUs, and as long as the required paperwork is done and as long as the liability issue is handled, you had no objection to a non-pest control company hiring a licensed applicator to apply unrestricted pesticides. That is

all I asked for when I talked at 1:38:10.

At 1:43:45 Kevin Ethridge begins his talk. At 1:45:45 Kevin expressed the concern that "every Tom, Dick and Harry to go down to Home Depot and buy a one gallon jug ... and say he is a pest control operator" - and you will not have the man power to enforce. I am not sure how this is any different from the situation that exists today. Due to the yardman exemption, you already have thousands of people doing this legally - with no special training. This exemption is a direct result of the onerous 3000 hour requirement currently written into law. If there was an inexpensive license based around the CORE manual, you could probably get rid of the exemption, get these yardmen to take the CORE training and pick up revenue from thousands of low overhead licenses.

Although Kevin did not say it directly, he is actually afraid of the new competition he will face once the barriers to entry have fallen. He goes on to say he would be OK with allowing a weed control person using UNRESTRICTED pesticides to have only 2000 hours of training - and then shifts into talking about structural fumigation - which uses RESTRICTED pesticides. Weed control using unrestricted pesticides has no relation to structural fumigation using restricted pesticides. Weed control with unrestricted pesticides does not required 3000 hours of training unless you want to stop someone from going into business for themselves. Ag applicators don't need 3000 hours of training, so why should structural applicators? As an FYI, structural fumigation using restricted pesticides is nearly obsolete and rarely used today. Kevin is clearly concerned with maintaining as much of the status quo as possible - maintaining the barriers to entry to keep new competition to a minimum.

At 1:50:12 Bob Wagner said he does not want to decrease the requirements - even for unrestricted pesticides. At 1:51:45 he states he would be in favor of INCREASING the requirements. This is pure protectionism and barrier to entry. This is the ideology - the culture - that has plagued the structural pest control industry for 30 years. Note that at 1:53:00 Bob complains about being hamstrung from expanding into other areas by the same rules he just said he wanted to be more restrictive. Logically, termite treatments have nothing to do with spraying for bed bugs, weeds or ants. So if Bob thinks you need 3000 hours for any one of those done individually, by logical extension you need 3000 hours for each additional one. Well, OK, perhaps we can take off 50 hours for the CORE requirements, since they are the same for everything - leaving you with only 2950 hours experience for each new type of pest control. Again, the 3000 hour requirement is pure barrier to entry.

I'll repeat that structural fumigation is rarely used and is essentially obsolete. The AzPPO people keep bringing up structural fumigation - which mostly involves RESTRICTED pesticides - and is mostly an obsolete technique. Yes, if you were to do structural fumigation, a higher level of training would be needed - because you are using RESTRICTED pesticides. However, 99% of pest control these days is done using UNRESTRICTED pesticides and thus a much lower level of training is needed for safety and effective treatment. The two types of pest control must not be confused.

I hope this clarifies a few issues.

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