

March 12, 2012

Chair and OPM Task Force,

I would like to comment on things said during the February 15, 2012 OPM (Office of Pest Management) Task Force meeting. For your convenience, you will find a video of the meeting at:

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

and I will reference the time stamps in the video so you can conveniently go back and listen to everything that is referenced.

At 10:15 Courtney LeVinus (Capitol Consulting - lobbyist, PR and administration for AzPPO) gave a summary of the Tucson AzPPO Town Hall meeting held on January 26, 2012. You may see a video of the Town Hall meeting on the Its-Our-Turn website. It was interesting that no new Town Hall meetings to discuss the current issues (QP, TARFs, background checks) have been scheduled and it appears that no more meetings will be scheduled until late summer or fall - after all of the decisions have been made. This is probably because the Tucson meeting was not very favorable to the AzPPO points of view and meetings held in the outlying areas - such as Yuma, Flagstaff, Willcox and Lake Havasu - would be even less favorable. The outlying areas are the places where the independent thinkers hold court, places where there are few if any AzPPO members and places where the opinions would not be favorable to AzPPO's point of view.

At 2:35:12 (near the end of the meeting), Will Rousseau commented that Town Hall meetings should be held now rather than in the late summer or fall so that public comment can be gathered before the final decisions are made. We agree, Will.

At 19:05 started a long discussion about the Ag licensing requirements to try and see what parts of structural and agricultural might line up. The OPM applicator license approximates the Ag commercial applicator license. The OPM business license approximates the Ag custom applicator license. There was essentially no match between the OPM qualifying party (QP) license and the Ag pest control advisor (PCA) license. It was pointed out by John Boelts that the PCA is required for restricted pesticides but is not required for unrestricted pesticides.

At 42:17 Dave Burns tried to deny he had said that 99.9% of the all applications were done by an applicator without reference to the QP at the previous meeting. Sorry Dave, the verbal quote was not correct. During the January 11, 2012 OPM Task Force meeting at 1:21:44 you agreed with Jack Peterson's statement that the applicator in the field can handle the situation 99.9% of the time. Although the exact words and how the words were said are different, the resulting meaning remains the same. Since the applicator can do 99.9% of the jobs himself using unrestricted pesticides, why do you need the QP?

The discussion of the qualifying party (QP) started at 44:30. You will notice that the handout concerning QPs provided token reductions in a few categories but is essentially the same existing QP structure that currently exists. In other words, the OPM proposal is mostly status quo with a few minor tweaks. The proposal offers no real alternative to the existing QP system. And you can see the continued mixing of restricted and unrestricted pesticides in the same conversation. To have a logical discussion, you need to separate those two category of pesticides. Although the AzPPO less than 1 percenters love it, the 99 percenters do not. The AzPPO goal is to keep the obfuscation going so that they can keep the QP under all circumstances.

At 58:14 Shannon Hubbard gave a strong talk against the ridiculousness of the licensing system and showed how that system was hurting the very consumers OPM is suppose to protect and destroying small businesses in the process. She received an applause. You should note her final statement after she sat down at 1:00:28: "I bet my husband is getting audited now." She is expressing her fear of retaliation for having talked out against the the current laws and the latest proposals. This is one reason more small businesses have not come forward to talk - they are afraid of retaliation.

As has been pointed out on multiple occasions now, a person doing a 4 hour building inspection can do a much better termite inspection that a "termite inspector" spending 20 minutes on the same building. You keep hearing people claim they want a higher standard in the industry - so why do you allow those same people to set things up in such a way that the quality people are driven out of the industry?

On January 12, 2012, Kevin Etheridge (President of Contractors - one of the larger termite pretreat companies in Arizona, member of AzPPO Board of Directors, Member of the AzPPO Legislative Affairs Committee and a member of the OPM Advisory Committee) wrote the OPM Task Force a letter in collaboration with Harvey Logan (VP of Government Affairs for Western Exterminating Company). In the discussion on QPs the first item listed is that the qualifying party will provide financial responsibility FOR the business. This is ludicrous. No employee can be forced to accept financial responsibility for an employer when the employee is working for the employer. Kevin and Harvey simply want a scapegoat to take the blame for the company so the company goes free if there is a problem.

At 1:40:40 John Boelts points out the problems of assigning responsibilities to a QP when the QP has no authority to make things happen. He also questions how someone who only has to show up once month can be expected to accomplish anything. We agree. Responsibility should only be assigned to a person or entity that has authority to carry it out. The concept of a QP as it now exists does not make sense and should be abolished.

May I suggest you read our white paper entitled Responsible Parties in Pest Control? You will find it at:

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

At 1:45:35, Will Rousseau suggested holding off on making any motion to approve something relating to QPs until there was a written proposal that included the items discussed during the meeting. Thank you Will.

At 1:51:20 Jack Peterson started talking about the yardman exemption. If you insist on ridiculous licensing requirements, you will never get rid of the exemption. Show me the public harm in leaving the exemption. Show me some reason other than protecting existing pest control companies for eliminating the exemption. If anything, the exemption should be expanded to allow ANY company to apply limited quantities of weed control products as long as it is incidental to their other work - including pest control companies who do not currently hold a weed license.

At 2:00:00 began a discussion of the TARFs. The significant issues are OPM's funding if fees are reduced, the incomplete data available in the database, the possibility of expanding the TARF database to include all pest control work and keeping track of warranties for homeowners who have failed to keep track of their own paperwork.

Fear of what the legislature will think has been brought up several times. Educating the legislature will probably solve the problem. They need to know that the science of termite control has changed dramatically since the TARF system was first conceived. Remember, most of the old pesticides that caused problems and caused public fear are now banned. And then there is the inaccuracy the existing information - there is very little use for the existing TARF data from a consumer protection point of view and I don't think the legislator will have too much difficulty understanding that.

One can make a case for reporting the restricted pesticides. But there is no public health or consumer benefits to reporting the unrestricted pesticides.

Record keeping was put off until the March OPM Task Force meeting.

Sincerely,

Phyllis M. Farenga  
Its-Our-Turn.com