



Arizona Department of Agriculture

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Meeting Minutes for the Task Force on the Regulation of Structural Pest Management

The minutes for the meeting are as follows:

1. Roll Call – Jack Peterson, Chairman & OPM Acting Director – Call to Order 10:00 A.M.

Present: John Boelts, Dave Burns, Lin Evans, Jimmy Fox, Ken Fredrick, Phil Hemminghaus, Kirk Smith, Will Rousseau
(Late 10:03 A.M.)

Absent: None.

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
- Changes, updates or other items out of the ordinary

Mr. Peterson stated he would be going to update the “Water and Agriculture” committee about the events of the task force meetings on March 15, 2012.

3. Topic discussions and possible actions

- Recommendations to date from the TF:
 - i. no inactive license requirements – all licenses whether active or inactive have to maintain CEUs and pay to continue licensure and certification,
 - ii. continue holding OPM CEU classes dealing with laws, rules and keeping persons in compliance,
 - iii. discontinue state required criminal background investigations,
 - iv. continue TARFs at reduced fee, and
 - v. business names go through the SOS or ROC and only address when names are misleading

- Qualifying Party – Discussion and review of QP draft rule language for obtaining and broadening to come to final recommendations for what the requirements should be.

Mr. Boelts stated he would like to see a breakdown of what industry standards are versus what law requires of the industry. He explained he would like to see the difference of what industry retains for their business records, what records the law requires the industry to retain, and what the industry is required to report. Mr. Peterson stated in the previous meeting there was a breakdown that compared the record keeping for the different parties. He explained the break

down did not necessarily compare what the industry did, but what the requirements of the industry were. Mr. Boelts stated he feels there were probably more details that were not included in the information from the previous meeting. He explained he would like to see all the details of the industry's record keeping. Mr. Craig explained industry standard of what is recorded and documented is what is required by statute.

i. New proposal for mandatory experience verification – discussion and draft language review

Mr. Smith questioned what the name for the division was going to be when proposed changes were presented to legislature. The general consensus of the Task Force was to stick with the name "Office of Pest Management". Mr. Smith pointed out the draft needs to be changed to reflect the decision of calling the division "Office of Pest Management" and not "Structural Pest". Mr. Peterson stated it would be changed to reflect the name decision.

Mr. Smith stated he was under the impression that in the previous meeting it was decided that Golf Courses were going to be moved to the Department of Agriculture. Mr. Peterson stated he felt that the golf courses needed to stay under the Office of Pest Management, but there needed to be an exemption created for them. Mr. Rousseau stated his impression was that in the previous meeting, while nothing had been formally decided, the Task Force was leaning toward removing Golf Courses from the Office of Pest Management and placing it under the jurisdiction of the Department of Agriculture. Mr. Fox agreed with Mr. Rousseau. Mr. Burns added the Task Force needed to take into consideration that the Auditor General Reports said that the Office of Pest Management had too many exemptions. Mr. Rousseau stated to him Golf Courses seem to fall naturally under the Department of Agriculture. Mr. Dulaney, with Cactus and Pine Golf Course Superintendant Association, stated he knows that the Golf Courses want to be put under the Department of Agriculture. Mr. Peterson stated the Department of Agriculture is not quite set up to deal with Golf Courses. He explained he is not sure what category they would fit under and his concern is that the Department of Agriculture statues would have to be opened and changed to make Golf Courses fit. Mr. Fox stated something to keep in mind is that Golf Courses are typically in an area with homes being built around them, and therefore do come in contact with the public. Mr. Peterson stated he does not see an issue with Golf Courses moving under the Department of Agriculture if they are using restricted use pesticides, but Golf Courses would be greatly deregulated if placed under the Department of Agriculture. Mr. Boelts explained he felt that Golf Courses would not fit into the Department of Agriculture and they more naturally fit under the Office of Pest Management. Mr. Fox expressed his concerns that Golf Courses using fumigants. Mr. Burns stated Golf Courses rarely do their own fumigation. Mr. Rousseau stated Golf Courses should be regulated like the rest of the Agricultural industry. Mrs. Farenga stated she does not think there is enough of a buffer between Golf Courses and homes to move them from being under the Office of Pest Management. She stated they need to be regulated. Mr. Peterson clarified his earlier statement about deregulation by stating the Golf Courses do need to be regulated but he does not feel that all 3 licenses currently required should be needed to perform work. Mr. Schnieker stated all parties should have to adhere to the same criteria when spraying and there should not be different restrictions for different people. Mr. Burns recommended possibly having someone from Cactus and Pine Golf Course Superintendant Association put

together a structure of a Golf Course. Mr. Boelts stated he would like to see what the pit falls of the current regulation for Golf Courses are. Mr. Peterson stated a regulatory form would be put together for the next meeting.

Mr. Evans stated in the draft there was a change from “control” to “manage”. He explained there is no current definition for “manage” and he would like to see one included. Mr. Cullings stated the change Mr. Evans mentioned was done prior to the draft being written. Mr. Smith stated “control” and “manage” are hard to define. Mr. Boelts agreed “manage” needs to be defined. Mr. Tolton stated while the agency was known as the Structural Pest Control Commission there was no definition for “control” either. Mr. Smith stated in the industry “control” is associated with the use of pesticides. Mr. Peterson stated it would be looked into.

Mr. Smith requested more information on the reasoning for the change of the Inactive Qualifying Party License Status to Certified Qualified Applicator. Mr. Peterson responded saying the goal was to eliminate the inactive license status and switch to the term “certification” which is the EPA recognized term. He explained instead of an individual being a “Licensed Applicator” they would be a “Certified Applicator”. He further explained if an individual ever wanted to be a Qualifying Party for a business they would have to first become a “Certified Qualified Applicator”. He stated a “Certified Qualified Applicator” does not become a “Qualifying Party” until they are associated with a business. He explained the “Certified Qualified Applicator” has to maintain their CE for their Certification just like everyone else. Mr. Burns questioned if the “CQA” (Certified Qualified Applicator) was only taking the place of the current Inactive Qualifying Party or if it would be a completely new type of license for an individual to hold. Mr. Cullings responded currently individuals go from being an Applicator straight to being a Qualifying Party. He explained the new proposed structure would be “Certified Applicator” to “Certified Qualified Applicator” then “Qualifying Party” for a specific business. He also stated once an individual were to hold a Qualified Applicator Certification they would no longer need to hold an Applicator Certification. Mr. Burns clarified that every QP is a QA, however not ever QA is a QP unless registered with a company.

Mr. Fredrick asked why wood destroying insect was changed to wood destroying organism. Mr. Peterson stated the change was to allow the agency to be able to have the power to treat other wood destroying organism issues that may not currently be a problem. He stated if it continued to state insects then if, for example, a fungi issue were to arise, the agency would not be able to do anything about it. Mr. Fredrick expressed his concern about filling out a report form for wood destroying organisms because he is not prepared to be responsible for fungi issues. Mr. Peterson responded the form was still going to be called the wood destroying insect inspection report. Mr. Tolton explained the change from wood destroying insect to wood destroying organisms would not change what the companies are currently responsible for. He explained the reports would allow them to identify dry rot and indicate conditions conducive along with a disclaimer on the form notifying the consumer it is not a wood destroying organism inspection report. He explained there would not be any changes to the way things currently are. Mr. Burns stated he feels ok with keeping laws broad in order to have the potential to cover other things in the future, however he stated there needs to be a definition of what is expected

when it comes to organisms. Mr. Smith indicated he liked wood destroying insects over wood destroying organisms.

Mr. Smith questioned whether the law is too broad and needs to be more specific. Mr. Peterson responded the rules will further define and narrow the definition.

Mr. Smith asked if the term office, which was reference several times in the draft, was defined anywhere. Mr. Cullings stated office was defined later on in the same section as "Office of Pest Management".

Mr. Fredrick stated 3-3502 (15) in the proposed statues was confusing and would like to see it simplified. Mr. Schnieker asked what the purpose of defining between the first, second, third, etc. treatments was. He stated they are all treatments and he feels they should not be treated differently. Mr. Craig stated the purpose for treating the treatments differently was largely TARF fees. Mr. Schnieker asked why the companies could not be made to pay for every treatment.

Mr. Smith asked why the responsibilities of the Qualifying Party changed from "Supervising, Training, and Equipping" to "Insuring, Supervising, and Training". Mr. Boelts explained in his perspective "Equipping" is a part of "Supervising". Mr. Burns stated he is opposed to leaving "Equipping" out of the language. He explained he is opposed to not making the company responsible "Equipping" their applicators. It should not be the responsibility of the applicator. Mr. Peterson stated his concern is addressed in the rule pertaining to this law. Mr. Schnieker stated he feels it is not proper to put this kind of responsibility on the Qualifying Party. He explained the Qualifying Party is an individual who has no authority to purchase worker safety equipment and therefore does not have the authority to carry out the responsibility of "Equipping" the applicators. Mr. Tolton explained the rule that requires the Qualifying Party to "Equip" is also listed under A.R.S. § 32-2308 – Joint Responsibility.

Mr. Cullings asked if 3-3502 (26) was to be kept "wood destroying insect" not "wood destroying organism". Mr. Peterson stated it would be kept as "insect" for the report.

Mr. Smith expressed his concerns with limiting the wood destroying pests to only termites in section 3-3503 (5). He stated he personally would like to see it changed to encompass all wood destroying insects. Mr. Peterson asked if it was preferred to have it worded as "insect treatments" instead of "termite treatments". Mr. Smith explained he would like to see the language say "wood destroying insect treatments". Mr. Peterson asked if the reason the language stated "termite" was because the termites were the overwhelming issues in this section. Mr. Burns stated termites are the primary wood destroying insect; however there are other wood destroying insects found and treated. Mr. Goeringer, with JHTG Inc. DBA Orkin Pest Control, stated in rural areas the industry is dealing with carpenter ants. He explained the issues that companies will run into are that they will now have to submit TARFs for things that they did not have to previously submit. Mr. Fredrick stated he is against having TARFs completely.

Mr. Smith asked if in 3-3503 (8) "license" needed to be changed to "certified". Mr. Cullings stated in that instance "license" is used as a verb.

Mr. Rousseau brought up discussion for 3-3502 (11). He asked if the agency was getting involved in the names of pest control companies or not. Mr. Peterson responded the only names the agency was getting involved in were names that were misleading. He

explained he only wanted to hold authority to deal with misleading names, but the agency will not be involved in any other names. Mrs. McRoy, with Pest Patrol, explained a company recently got licensed using the name "Arizona Pest Patrol". She stated she feels the agency should take the time to make sure that there are not any conflicting names. Mr. Rousseau commented on Mrs. McRoy's point and stated he feels that the concern is valid, however the agency is trying to regulate the industry less and he does not feel an agency that is focusing on proper pesticide application, training, and storage should be involved in the issuing of names to businesses. Mrs. McRoy stated she feels it may not be the agency's responsibility to issue names, however she does feel the agency should let those who come in with similar names know that there could be possible legal action taken by a business whose name they are infringing on. Mr. Willey, with Invader Pest Management, agreed with Mrs. McRoy and stated something should be done to protect the industry from having others use a name too similar.

Mr. Smith asked what licensee 3-3503 (B) (8) was referring to. Mr. Craig responded and explained it is left open and broad so that the compliance department may issue a Corrective Work Order (CWO) to anyone that it is necessary to issue one to.

Mr. Smith asked if the rule corresponding with 3-3503 (B) (13) was going to spell out how the agency will be allowed to offer CE hours. He explained it was his interpretation that the agency was only going to offer classes pertaining to laws and regulations and let the rest of the CE courses be given by outside vendors. Mr. Peterson stated the agency would be limited to giving CE courses regarding laws and rules to keep people in compliance.

Mr. Fredrick asked if 3-3503 (B) (17) was going to require business licensees to register all licensed and unlicensed applicators. Mr. Peterson stated he is hoping the current TARF system fees being a primary source of revenue will be replaced by having businesses required to register all licensed and unlicensed applicators. He explained the only way to better develop the tiered system is to have all applicators of a business registered. He also pointed out the language stated "may require", and it does not necessarily mean that it will be required. Mr. Craig stated the other purpose of this proposed statute was to address the "90 day issue". He stated it would help define the beginning and end of an individual's 90 days. Mr. Burns asked if there was going to be a fee associated with registering every applicator. Mr. Cullings stated the fee was explained in the "Fee Section" of the proposed statutes.

Mr. Fredrick asked what section (D) of 3-3504 meant. Mr. Cullings stated it meant that the legislature could not sweep the money.

Mr. Smith asked if the funds referred to in section 3-3504 were a new fund or if it was a fund combined with one of the Department of Agriculture funds. Mr. Peterson stated currently a separate fund exists and that is the way it will continue. He stated he wants 100% of agency money to be for the agency. Mr. Burns asked if his understanding of the statute removing the 90/10 status was correct. Mr. Peterson stated the statute would allow for 100% of revenue to support the agency. He explained the agency would no longer give money to the general fund.

Mr. Smith commented on political subdivisions on pages 12 and 13 of the proposed statutes. He asked if there was going to be a generalized health related regulation. Mr. Tolton stated health regulations were specified in the proposed changes for rule. Mr.

Smith stated the applications he generally does are for mosquitoes and the chemical is applied directly to the Salt River. He asked in that circumstance where does the treatment of the mosquitoes fit? Mr. Peterson stated the Certification Categories in 3-3511 were meant to determine where the pesticide was being applied. Mr. Peterson also explained the proposed statues were meant to shadow what the federal government already has in place. Mr. Burns agreed the sights are all different and the individual treating the sites does need to be knowledgeable about them. Mr. Crowl, with Aquatic Consulting & Testing, Inc., stated he would like to see mosquito treatment under Aquatic. He explained spraying adult mosquitoes should not be under Aquatic but treating mosquito larva should be.

Mr. Smith asked which categories were done away with. Mr. Tolton stated some of the categories now have different numbers but are still in existence. He explained the only categories that were done away with were Antimicrobial and Fungi Inspections. Mr. Denny asked if "Core" was on the category list. Mr. Tolton stated "Core" is not a licensed category. He explained it is a minimum standards exam that all licensees are required to take.

Mr. Smith asked if, pertaining to 3-3515(1), an individual was to buy a restricted use pesticide from home depot, for example, would they have to be licensed in order to apply the pesticide. Mr. Peterson stated that the individual would have to be licensed to use a restricted use pesticide of any kind and he explained that it is stated in federal law. Mr. Hemminghaus stated he does not believe there are still restricted use pesticides available to the public.

Mr. Fredrick asked if 3-3515 applied to those leasing a home. Mr. Peterson stated it was intended for those who own homes to treat their own property. He explained, for example, if someone was in a duplex they could treat their own piece of the building and if there is no one in the other section of the duplex they could treat that portion of it as well. Mr. Craig explained that "own and occupy" was changed to just "occupy" because they wanted to be able to include those who rent apartments. Mr. Burns asked why the word "residential" was added and asked if commercial properties are mentioned somewhere else in the statues. Mr. Peterson stated it was addressed in another section. Mr. William Jones, with Bio-Chem Exterminating, asked how individuals using spikes to control pigeons are regulated. Mr. Tolton stated to a certain extent they are regulated as a registered contractor. Mr. Craig stated at one time that type of pest control was under Registrar Of Contractors (ROC) and the commission ended up putting it under the jurisdiction of the Office of Pest Management. He explained his issue with it is that the pigeon spikes are not harming the environment; however the Office of Pest Management is regulating them. He stated he does not feel that individuals who provide this service fall under the Office of Pest Management because they become licensed to use pesticides and yet they will never use a pesticide. Mr. Burns stated part of the process for pest control is identification. He gave the example of bed bugs being treated with heat and not chemicals. He explained bed bugs take a level of expertise to identify in order to treat them and just because chemicals are not used to treat them does not mean it shouldn't be under the Office of Pest Management. Mr. Rousseau stated in his opinion individuals who deal with pigeons in non chemical ways should not be required to be licensed through the Office of Pest Management. Mr. Christopher Jones, with Bio-Chem Exterminating, stated he did not understand why pigeon control would not be

considered to be under the Office of Pest Management. Mr. Witcher, with Scorpion Tech, stated that pest management is not just pesticides. He explained pigeons are still a pest and still need to be managed. Mr. Smith stated in the past there was an issue that arose due to individuals putting screening on roofs to protect a structure from rats. Mr. Schnieker stated that a license from the Office of Pest Management should not be required in order to put screening on roofs or to cover or fill a hole with caulking or screening. Mrs. Farenga, with It's Our Turn, asked if the Office of Pest Management was going to control any pest management device that is put in the ground. Mr. Peterson stated that would be something the Task Force would have to consider and think about.

Mrs. McRoy, with Pest Patrol, asked if an individual owned a commercial property why would they be allowed to regulate their own chemical use. Mr. Peterson stated the only thing that individual would not be required to do would be obtaining a business license. He explained they would still have to have a Qualifying Party and Insurance. Mrs. Levinus stated she felt that this section was better suited to go under 3-3512 under an exemption to the business license as opposed to an exemption to licensure entirely. Mr. Witcher, with Scorpion Tech, asked if this proposed statute meant the owner of an apartment complex could perform treatments on the premises of that complex. Mr. Peterson responded that they could apply pesticides at an apartment complex if they had a Qualifying Party License and Insurance. Mr. Burns asked if an individual performing pest control under that exemption automatically makes them in the business of pest control. Mr. Peterson stated it did not establish them as being in the business of pest control. Mr. Burns stated he disagreed because if a management company were to get paid a fee to manage a specific property they are in the business of structural pest control. He explained he would agree that it would not be considered engaging in the business of structural pest control if only the owner of the property was doing the pest control. Mr. Cullings explained a management company would not be an employee of the owner. He stated that the exemption only applies to the owner, and not independent contractors the owner hires. Mr. Peterson asked how someone could identify an individual as an employee or not. Mr. Burns stated he feels that if someone owned a large property and hired several individuals onto their company to perform pest control work full time they are engaging in the business of structural pest control. He explained that he does not feel that they should be treated any differently than any other company doing business. Mr. Rousseau explained the company is not in business. He stated that he does not see an issue with a business owner or employees being allowed to treat the property of the business. Mr. Fox asked if golf courses are considered owned or occupied. He explained currently golf courses are required to have a business license and Qualifying Party. He asked if a self maintained owned property is not required to hold a business license how would they have a Qualifying Party if to have a Qualifying Party License it has to be attached to a business. Mr. Peterson explained they would be required to obtain a less costly form of a business license. He stated it would not be called a business license. He stated it would be some kind of a license registered with the Office of Pest Management. Mr. Burns stated he feels that it becomes being in the business of structural pest control when someone, other than the owner, occupies it. Mr. Schnieker stated he felt it was not clear why a Qualifying Party would be necessary to apply non restricted use pesticide. He stated his recommendation is just to let the Qualifying Party license go. Mr. Peterson clarified this section is only giving individuals an exemption to treat a property that they own.

Mr. Etheridge, with Contractors Termite and Pest Control, asked why it is stated in the proposed statues the required financial security may be lowered. Mr. Peterson stated the proposed statue allows for changes to occur in the future. He explained while it allows for the possibility of change it does not necessarily mean there will be a change, but without the authority for the acting director to make changes it leaves the financial security stuck where it currently is.

Mr. Smith stated he would like to see a definition of what a political subdivision is in section 3-3516. He stated the Qualifying Party requirements for political subdivisions were confusing. He explained currently the political subdivisions are not required to have a Qualifying Party; however this change would require them to obtain a Qualifying Party in order to provide pest control services. Mr. Peterson stated the political subdivisions would be required to have a Qualifying Party but would not be required to hold a business license. He explained the issue this change is trying to correct is that currently political subdivisions have no responsible party. Mr. Smith asked if this was going to allow for one Qualifying Party to be the Qualifying Party for an entire county. Mr. Peterson responded that would not be the case. Mr. Smith stated his concern would be one Qualifying Party qualifying every major city in a large county. Mr. Rousseau agrees with Mr. Smith; however he also stated he feels if there are a couple of small towns adjacent to a larger town they should be able to qualify the large town as well as the surrounding small towns. He stated he does feel it should be limited. Mr. Fox asked if there were any limitations to how many Certified Applicators can be under the supervision of one Qualifying Party. Mr. Tolton stated there are no limitations to how many Certified Applicators a Qualifying Party can oversee. Mr. Schnieker stated in the past the legislature had issues with the agency requiring the political subdivisions to have Qualifying Parties. Mr. Smith stated he was involved in the process of that issue with the legislature. He explained the issue that the legislature had was the agency requiring political subdivisions to hold a business license. He said the Qualifying Party license was not an issue and he explained he feels the political subdivisions need to have a responsible party.

Mr. Smith stated he was confused about the political subdivision exemptions. He explained he was unsure if the exemptions were just for the political subdivisions because he felt there was a lot of emphasis on the herbicide exemptions throughout the proposed statues. Mr. Cullings stated the exemptions are things that are already currently in statue. He explained the exemptions were broken up into three sections in order to clarify and simplify. Mr. Smith asked if it would be possible to bring all of the exemptions back together in order to not have multiple statues stating the same exemptions. Mr. Culling explained that the exemptions in the political subdivisions are not located anywhere else. Mr. Schnieker asked why the exemptions would not apply to everyone. He stated he did not understand why it could not apply to anyone who "meets the letter of the exemption". Mrs. Farenga agrees with Mr. Schnieker and she stated she does not understand why the exemption could not be broadened to include anyone who fits the criteria. Mr. Peterson stated he did not currently have an answer for Mr. Schnieker and Mrs. Farenga, but he has heard what they said and would take it under consideration.

Mr. Hemminghaus asked where 4 gallons came from in section 3-3517 (4). Mr. Peterson responded 4 gallons was the standard sized backpack sprayer. Mr. Smith said he liked

that it was limited to per site per day for an individual. Mr. Hemminghaus asked if the 25 pounds referred back to the 4 gallons in one day. He explained that 25 pounds of mixture will make a lot more than 4 gallons. Mr. Rousseau stated it needs to be made clear that the 25 pounds of herbicide is not mixture.

Mr. Peterson clarified in the fees section 3-3518. The fee amounts are only caps of the maximum fees that can be charged for each item. Mr. Boelts explained currently the director has authority to raise fees to whatever they want. Mr. Smith expressed his concern about the words "per year" included in the language for this section. Mr. Cullings stated the rule would further define the fees could be raised up to but never exceed the maximum amount listed in statute. Mr. Burns stated he did not understand why all the fees in this section were crossed out. He asked if there was not going to be a maximum fee for everything. Mr. Peterson stated the fees were on the following page because some of the licenses were going to have a new name.

Mr. Smith stated in 3-3521 (2)(C) the posting requirements need to be further clarified so that an individual cannot post the treated area in an inconspicuous place. Mr. Burns stated there are school laws and requirements about posting. Mr. Cullings stated in the same section it states that "A copy of the posting shall also be placed at the main entrance of the school or child care facility."

Mr. Smith asked if 3-3521 (6) is going to limit the use of personal repellants. He asked which products were considered personal repellants. Mr. Peterson stated it was referring to items like mosquito spray to keep them out of structures.

Mr. Burns stated he has issues with 3-3522(C) (3) because his company regularly performs self audits and they find mistakes when it comes to TARFs in some cases where a TARF was accidentally left on an individual's desk and was never filed. He explained he has an issue with changing penalties when businesses catch their own mistakes during self audits when the intent was not to defraud. Mr. Peterson stated he understood Mr. Burns concern, but on the opposite side there are individuals who are doing those types of things with ill intent. Mr. Fox stated the law does not say the a penalty fee is mandatory. He explained it states that penalties "can" be charged.

Mr. Peterson stated with regards to 3-3524 he was seeing it set up as a Wood Destroying Organism category with sub categories for those who just do inspections. He asked if anyone felt the home inspectors under the Board of Technical Registration (BTR) need to be licensed under the Office of Pest Management in order to identify termites. Mr. Burns feels individuals identifying termites need to be licensed under the Office of Pest Management. Mr. Peterson stated he does not feel that just to identify termite damage that they would need a license with the Office of Pest Management. Mr. Burns stated if you look at it from the opposite way if an individual were to go into the home inspection business you would need to be licensed under BTR. Mr. Etheridge, with Contractors Termite and Pest Control, stated he is a licensed home inspector and there is nothing on the test about termites. He said in addition to that, home inspectors are not allowed to give a business referral as it would be considered a job conflict. Mr. Schnieker stated he does not feel someone needs to have a license to know there is damage present if they are not indentifying. Mr. Burns stated he felt if home inspectors want to be able to identify the damage and fill out the termite reports they need to hold the same license termite control companies under the Office of Pest Management hold.

Mr. Smith stated in section 3-3523 (E) he would like to see the five hours of instruction changed. He stated he does not feel that five hours of instruction is sufficient in order for someone to fill out a treatment proposal. Mr. Peterson stated in some cases five hours of instruction would be sufficient if they had previously worked for another company and done treatment proposals.

Mr. Burns asked for clarification on section 3-3524 (D). Mr. Cullings stated it means if there was an exemption for home inspectors they would still have to be certified applicators. He explained there was some discussion they may not need a business license. He stated if for some reason they did not have a business license and were only a Certified Applicator they would still have to fulfill the same responsibilities the business licensee would normally have. Mr. Schnieker stated he believes there should be an exclusion in order to allow home inspectors to tell consumers that there is insect damage.

Mr. Smith asked if there should be an exclusion under Article 4 3-3531 (1) that states except individuals covered under 3-3517.

Mr. Burns stated he does not like the language of “when an employee of the business licensee if present” in section 3-3531 (17). He explained not all employees at his company have the ability to obtain everything that may be requested. He stated there are a limited number of people who have keys to the Chemical Room at his business and if an inspector went to the office to do an inspection the receptionist would not be able to assist due to not having a key. He explained his receptionist would not be able to help locate the records an inspector would request because it is not part of what their job is. Mr. Craig stated this statute was proposed for business licensees that do not respond to phone calls. He explained compliance staff is going to continue to make phone calls prior to doing inspections to make sure the proper person is there.

Mrs. Farenga, with It’s Our Turn, asked what the language is referring to when 3-3532 mentions complaint driven. Mr. Peterson stated it was referring to when someone calls in and submits a complaint about a pest management action. He said complaints also come from inquiries that can lead to complaints.

Mr. Smith stated a lot of what is valid for the business license should be moved over to the Qualifying Party for political subdivisions. He feels they should all be held to the same standards.

Mr. Smith asked if there is something in the laws of the Department of Agriculture that allows someone to file a complaint about an act done five years prior as it is allowed in section 3-3532 (E). Mr. Peterson responded there is no limitation in the Department of Agriculture. He also stated the reason it states five years is because TARFs have a record retention of five years. He explained in most cases there would not be a lot the agency could do about a complaint from something that happened five years prior to the complaint being submitted.

- **Review and discussion of draft statutory and regulatory language that is prepared to come to final recommendations.**
- **Future deadlines – legislative action in 2013, drafting of legislation and associated rules – other changes that are needed that have not been discussed**

Mr. Boelts asked what the expected timeline was to have the law and rule packages complete. Mr. Peterson responded the language for the rules was currently being worked on. He stated he wanted to be able to discuss the packages with the industry at more town hall meetings, Task Force meetings, and PMAC meetings. Mr. Cullings stated with respect to rule making, it is a very lengthy process. He stated he would like to see the Office of Pest Management exempt from rule making for six months to one year after the approval through legislature so the agency would be able to just file rule changes with the Secretary of State. This way any changes that still need to be made can be made and become effective as soon as the director signs off on it. Mr. Peterson stated some of the exams for the Qualifying Party need to be changed and he stated that an industry group will be needed to help do that.

Old Business – task force purpose as laid out in the legislation may be discussed during any discussion items or as separate discussions

- 4. Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3) on any matter listed on the agenda**
- 5. Call to the Public (2 minute limit per speaker)**

This is the time for the public to comment on items relating to the Task Force’s purpose and discussions held or wished to be discussed in the future. 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.

- 6. Set Next Meeting Date and Topic Discussion**

Mr. Peterson stated record keeping would be put on the next agenda.

Next meeting set for April 18, 2012 10:00 A.M. at the Land Department (Mr. Rousseau stated he would be unable to make this scheduled meeting)

- 7. Adjourn – 12:42 P.M.**