



Arizona Department of Agriculture

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

The following minutes are for the meeting held on June 13, 2012 in Room 206 at 1688 West Adams Street, Phoenix, AZ 85007 (the Department of Agriculture Building)

The *minutes* for the meeting are as follows:

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

Present: Chairman Jack Peterson, Ken Fredrick, Kirk Smith, Jimmy Fox, Lin Evans, Will Rousseau, and Phil Hemminghaus

Absent: John Boelts

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

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 obtain *Continuing Education Units* (CEU) 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 *Termite Action Report Form* (TARF) at reduced fee,
 - v. business names go through the *Secretary of State* or *Arizona Corporation Commission* and only address when names are misleading, and
 - vi. continue the requirement for a *Qualifying Party*
- Review and discussion of overall draft statutory and regulatory language that is prepared to come to final recommendations. Major focus will be on the draft rule package. In addition the following topics were slated for additional change and discussion.

Mr. Larry Bard, with Nose Knows, proposed to incorporate training standards for Bed Bug Dogs. Mr. Rousseau asked if that should be part of statute or rule. Mr. Bard responded he is unsure of where the standards should be listed. Mr. Evans asked if a dog would be considered a device. Mr. Peterson stated a dog would be a device. Mr. Peterson stated he believed it should be put somewhere in policy that if an individual is going to be using a bed bug dog that they should make sure the consumer checks to see if their dogs have gone through proper processes and procedures that could be posted on the website. Mr. Bard stated he felt something needed to be done regarding the regulation of bed bug dogs because the use of dogs for termite control was unable to be continued because the state did not regulate the dogs and the people that were using them. Mr. Harvey Logan, with Western Exterminator, stated that the state has control over the licensee who has to be present for every inspection. He stated ultimately it fell on the applicator to properly inspect and identify.

Mr. Kevin Etheridge, with Contractors Termite and Pest Control, referenced 3-3518 (1) and questioned if the Business License Maximum fee was going to be kept at \$5000.00. Mr. Peterson stated that it had not been reduced because once it is set in order to increase it the agency would have to go back to legislature. He explained that in rule it shows what the business license has been set at \$300.

Mr. Smith if 3-102 (A)(3) meant that OPM was going to be placed under Environmental Service Division (ESD). Mr. Peterson stated that is the way it is currently working and he sees it continuing the same way. Mr. Smith stated he felt that it needed to be reworded to not just include agricultural chemicals if the OPM was going to be placed under ESD. Mr. Peterson stated the reason it was kept as stated was the agricultural statutes would have to be opened and modified. He explained his intention was to include structural in a completely separate article.

Mr. Smith referenced 3-3502(22) and stated he did not know of any applicator in the structural pest control industry that used chemicals to defoliate plants. He explained he felt there was not a need for that terminology.

Mr. Smith stated he agrees with incorporating schools districts with the definition of "Political Subdivision", but he stated he is unsure of how the agency would deal with the school districts as they are set up differently. He explained that a school district is its own "unique system" and is not regulated under a city or county. He explained his concern for not knowing who the responsible person for that school district would be. Mr. Peterson asked Mr. Smith what his specific concern was. Mr. Smith indicated his concern was related to the size of some of the school districts. He explained that in Maricopa County alone there are over 82 school districts. He asked if there was going to be a QP required for each individual school district. He stated that there are some districts that consist of 2 schools and some, like Mesa School District, that consist of 110 schools. Mr. Peterson stated the way it was currently written each school district would have to have a Qualifying Party (QP). Mr. Peterson asked if Mr. Smith's main concern was that the schools would continue to be resistant to having a QP. Mr. Smith stated that was his concern, and he would like to see it "spelled out" in rule as to what a school district is. Mr. Casey Cullings, Assistant Attorney General, added that by defining a school district as a political subdivision it allows anywhere in the rule where it includes political subdivisions to include school districts as well. He also explained the school district's QP could be anyone as long as they are qualified. Mr. Smith asked if

there would be situations in which there would be one QP for multiple school districts. Mr. Cullings explained that the rule stated the Acting Director would have the authority to allow a QP to be over multiple political subdivisions, but the political subdivisions would first have to ask permission for that.

Mr. Smith stated he believed that the review or revision of the exams should be done once every 5 years. He explained he would like to see that added to 3-3503. He stated he feels it should be done that often due to the changes that happen in the industry, especially control tactics. Mr. Rousseau asked who Mr. Smith would suggest to review the exams. Mr. Smith explained that previously when the exams were reviewed a group of specialists in the various fields were brought together to revise the exams. Mr. Peterson stated his concern with adding that language in law or rule would be if the review of the exams was unable to be done every five years the agency would then be in violation of the law. He stated he would like to keep it out of law and rule. Mr. Evans stated it would be very difficult to keep up with revising the exams every 5 years.

Mr. Smith stated there is language throughout the rules that reference the "wood destroying insect inspection report form" and the Task Force has never seen the form. He asked if the Task Force was going to be involved in looking at the form and making changes to it. Mr. Peterson stated it was unlikely that the Task Force would be involved in any changes to the form. Mr. Smith asked who would be responsible for making those changes. Mr. Peterson responded that would be a duty of the Pest Management Advisory Committee (PMAC). He explained that the Task Force is responsible for setting in law what the form is required to have, but the PMAC would be responsible for the design of the form.

Mr. Smith asked if 3-3503 (B)(12) was stating that the agency was now going to be conducting classes to help individuals pass the exams. Mr. Peterson stated Initial License Training (ILT) Classes are already being given.

Mr. Smith asked how the pest management fund was going to be created and what monies were going to go into it. Mr. Peterson explained that the pest management fund already existed and it was just going to continue to be used. Mr. Smith asked if there was a different fund for the TARF fees. Mr. Peterson responded that all revenue, including TARFs, were going into the pest management fund.

Mr. Smith asked if 3-3521 (E)(2) was stating that pesticides that had a toxicity category of I or II would not be included in this emergency application exemption. Mr. Peterson stated Mr. Smiths understanding was correct.

Mr. Smith recommended changing the language to "date and time" instead of just "date" in 3-3524 (C). Mr. Fredrick stated he felt that was too "picky". Mr. Peterson stated he did not feel that change was necessary.

Mr. Smith asked if the language in 3-3531(B)(4) should be changed to "label or labeling" instead of "label" because that is the way the language is worded throughout the rest of the document. Mr. Peterson agreed that it should be changed to be consistent throughout the document.

Mr. Smith asked how it would be handled if a company was not given permission to go onto a property to perform the final grade treatment within 12 months of the pre-treatment, in reference to 3-3531(B)(13). Mr. Peterson stated there would be a policy in place that allows for those situations to be accommodated.

Mr. Smith asked in what case the acting director would deem that a violation would be to an extreme point in which they would feel the need to hand the case over to the federal government. He asked if that had ever happened. Mr. Peterson indicated in the agricultural industry that had happened several times. Mr. Smith stated that 3-3532 (A) does not stipulate that the acting director would give the case to the federal government. Mr. Peterson explained that decision is always the acting director's to make. Mr. Smith asked if the decision would always lie with the acting director. Mr. Peterson responded to Mr. Smith that it would. Mr. Peterson explained in the agricultural industry compliance action is taken when it involves environmental concerns, health concerns, or if the agency instructs the industry member to do something and they refused to do it.

Mr. Peterson opened discussion for the Rules.

Mr. Smith asked if it was necessary to define "Specimen Label". He indicated he felt it was all part of "Labeling". Mr. Peterson stated there is a difference between the two. He explained Labeling is what goes along with the container, and a "Specimen Label" is a label which you would print off from the internet or obtain from the distributor but did not originally come with the container.

Mr. Smith asked if the fees listed under R3-7-103 were subject to change at the discretion of the director. Mr. Peterson stated there is a rule process that must be gone through to change the fees. He explained that the fee levels in statute are set high otherwise you would have to go to the legislature to change it.

Mr. Smith asked, in reference to R3-7-103(A)(6), how long an individual has in order to become registered to a company they are working for. He asked if that registration was going to happen once every renewal cycle. Mr. Peterson explained the registration of an employee needs to be done before they perform pest control work for a company. He further explained that the agency anticipates being able to register and pay for registration online.

Mr. Smith asked how the exemption would apply to those working in cooperative extension for a school, because he stated he knows that the individuals who work for U of A (University of Arizona) cooperative extension make onsite recommendations all the time. He asked if based on the language in R3-7-201(E) those individuals would now be required to be licensed. Mr. Rousseau asked if the individuals were offering recommendations or just the findings of their research. Mr. Smith explained that they were doing both. Mr. Peterson stated that if that is something the Task Force wanted to include that, an exemption for University Employees could be added to cover it.

Mr. Smith asked if it is "spelled out" somewhere in law or rule as to who makes the decision if an individual is of good moral character or not. Mr. Tolton explained there is an Application Review Committee (ARC) that reviews the individuals who have felony or misdemeanor involving moral character convictions. He further explained there is a list of misdemeanors involving moral character list in policy, and it is posted on the agency website. Mr. Tolton explained that the ARC reviews the application and then makes a recommendation to the director and the director then makes the decision. Mr. Peterson stated in the proposed rule that the purpose of adding a section regarding an individuals moral character is so if an individual is doing immoral things the agency would have the right to no longer allow that individual to work in pest control. He

stated the agency is not trying to be involved in conducting the background investigations.

Mr. Smith stated he liked the new structure for the experience to obtain a QP license listed in R3-7-204(C). Mr. Peterson stated he feels the good thing about the proposed language is that it is black and white. He explained there is no judgment call that would need to be made. He stated he wants to make sure that the industry feels the experience needed is appropriate. He explained what is currently written would mean that 2 years of experience would be needed for each category. He stated he personally does not feel that 2 years is necessary for each category. Mr. Peterson stated that the way it is written needs to make sure to not keep people from being able to obtain a license, but also it needs to protect the general public. Mr. Joe Sigg, Arizona Farm Bureau, posed the question of what is reasonable, professional, and appropriate. He stated this topic is one that his organization wants further discussions on. Mr. Fredrick stated he liked the amount of experience in this proposed rule. He stated in California they require 4 years of experience. He stated to maintain professionalism in the industry he feels 24 months is not a barrier to entry. Mr. Peterson stated one of the complaints from the industry is an individual starting a pest control company in the B1 category and not being able to expand their business without hiring a QP to work under. He questioned if there is an easier way to allow for QP to broaden, such as if they were to obtain their B1 license and stayed in the industry for 5 years should they be allowed to test for termites. He stated at the AzPPO meetings the industry has demonstrated overwhelming support for the 2 years of experience. Mr. Henry Schnieker, with International Accommodations, stated there have been more than 50 petitions sent to the Task Force for people who want to completely eliminate the position of a Qualifying Party. He stated none of those petitions have been addressed or acknowledged. He stated he felt the QP was a redundant and purely a barrier to entry position. He indicated the QP served no purpose in the regulation of structural pest control. Mr. Logan asked if there was a time frame in which the regulatory package needed to be completed. Mr. Peterson responded that because it is rule, and not statute, there is not as big of a rush to get everything completed. Mr. Rousseau clarified that there was nothing in statute that would preclude the Task Force or the industry from continuing to discuss this to arrive at a decision. Mr. Peterson stated Mr. Rousseau was correct.

Mr. Peterson stated that these packages and issues would also be discussed with the Pest Management Advisory Committee (PMAC) and that would allow them to weigh in with their thoughts and opinions as well. Mr. Rousseau asked if the PMAC would continue to exist after the Task Force is no longer needed. Ms. Courtney Levinus, with Arizona Pest Professionals Organization (AZPPO), stated it is currently in session law.

Mr. Smith asked, regarding R3-7-208, once this package is approved, when the implementation would take place. Mr. Peterson stated that procedure would need to be created to determine the length of time the industry would be given. He stated that once it was approved there would be an outreach to the industry to help them come into compliance with the new laws and rules. Mr. Smith stated his concern was if there was not enough time in between given it would overload the servers with as many applicators and businesses there are if everyone tried to do it at the same time.

Mr. Smith asked why R3-7-212 doesn't just state the applicant shall score at least 75 percent on all exams. Mr. Tolton responded it is establishing that the core exam must be taken along with the exam for at least one category. He explained it is written the same way in the current rules.

Mr. Smith stated, regarding R3-7-214(E), many CE providers do not give out certificates to indicate that you completed that CE course. He asked if this was a way of telling the CE providers that they are going to be responsible to hand all attendee's certificates indicating they were there. Mr. Tolton stated that should be being done currently. Mr. Fredrick and Mr. Smith both stated CE providers hardly ever hand out certificates. Mr. Fredrick stated the individuals attending the course sign their name and license number on a sign in sheet and the credit for the course is given. He explained there are no records kept for the CE courses taken. Mr. Jack McClure, with ChemTech Supply, stated the sign in sheet took place of the certificates. He explained that a copy of the sign in sheet is required to be sent over to the OPM via fax, mail, or email. He stated the providers are required to send in all credit hours by way of email. Mr. Tolton stated for the OPM CE courses that are given the attendees are told that once their hours are entered they can go online and print their attendance certificates. Mr. Smith suggested a revision of the language regarding the CE certificates and the record keeping. Mr. Michael Pfeiffer, with Pesticide Training Research, stated he still gives certificates to individuals who attend courses. He stated he felt that it was under the responsibility of the QP to keep records for the CE courses the applicators attend as they are in charge of record keeping for the training of applicators.

Mr. Smith asked if special local need (SLN) documentation was to be used for all emergency applications. Mr. Peterson stated documentation was needed only if an individual were to use product under special local need to make sure they had the label with them. Mr. Etheridge gave an example of special local needs. Ms. Farenga stated she used special local needs system in an emergency situation and the system was too slow. Mr. Peterson stated special local needs is not an emergency situation system. He explained it is meant to be used if individuals are trying to change the way a specific product is to be used.

Mr. Smith asked if the language in R3-7-302(C) should be changed to match the language of the rest of the document and include "registered private owner, or political subdivision".

Mr. Smith suggested R3-7-302(J) be changed to include all pesticides, not just fumigants. He stated he felt the word fumigant should just be changed to pesticide. Mr. Peterson stated he wanted that rule to draw attention to fumigants specifically.

Mr. Smith asked if R3-7-306(A) was stating in order to perform a wood destroying insect inspection all you need is the second category because the categories would no longer be split. Mr. Peterson stated that license category number 2 also had subcategories "A", "B", and "C". He explained that "A" management of wood destroying insects, "B" is wood destroying insect inspection, and "C" is for those who are just treating power poles. He indicated that people could come in and get category 2 while others may come and get category 2(A). Mr. Peterson clarified individuals who would be treating and inspecting would obtain category 2 as a whole, but those who are just trying to perform inspections would obtain category 2(A)*. Mr. Smith asked which category a home inspector who wanted to perform termite inspections would*

need to be licensed in. Mr. Peterson responded that they would need to obtain category 2(A).*

*(NOTE: All *'s indicate statements that needs to be 2(B) not 2(A))*

Mr. Peterson explained the reason why R3-7-307 was added to rule. Mr. Etheridge stated he felt this rule discriminates against every PMP in Arizona and does not protect the consumer. He explained even with taking away the QP and Business License requirement, there would still need to be some form of insurance required. He stated the only insurance Home inspectors acquire would not cover termite inspections. He stated typically home inspectors E&O insurance specifically excludes Termite Inspections. Mr. Etheridge, speaking as the Chairman of PMAC, stated the PMAC specifically requested agency staff to look at the Board of Technical Registration(BTR)'s rules because it appears BTR is in violation of their own rules and regulations by performing wood destroying insect inspections. Mr. Fredrick and Mr. Logan stated they agree with Mr. Etheridge. Mr. Logan explained in California the home inspector organization specifically prohibits termite inspections. Mr. Schnieker stated in previous meetings there have been home inspectors who have indicated the issue with performing termite inspections was not BTR. He stated the issue was the licenses they had to obtain and the fees that were associated with them. He stated the insurance was not part of the issue. Mr. Bob Wagner, with Wagner Pest Solutions, responded to Mr. Schnieker by stating the licenses and fees were the costs of doing business. He explained that everyone has to go through the same trainings and obtain the same licenses and pay the same fees.

Mr. Etheridge asked how the 5 year termite warranty being made a 3 year warranty would affect those warranties that are already in place. Mr. Peterson stated the law in place at the time of the warranty is the way that warranty will be treated.

Mr. Smith stated he did not understand the rationale behind R3-7-401(D)(1&2). He explained he felt the language should read "2 uncertified applicators for restricted use pesticide or fumigation treatments". Mr. Peterson stated "5 unlicensed applicators" was chosen because they were trying to be practical. Mr. Smith stated his reasoning for wanting it at 2 is because with a fumigant or a restricted use pesticide those are typically a class 1 or 2 toxic pesticide. He explained with the aquatic and termite control products they are typically just warning labeled products. Mr. Peterson explained he is concerned about water because once a body of water is harmed there is not a way to fix it. Mr. Smith recommended making it 2 uncertified applicators for any category. Mr. Peterson agreed with Mr. Smith. Mr. Sigg stated he does not like that the government is deciding what appropriate supervision is. Mr. Peterson stated that direct and immediate supervision are defined under federal government. Mr. Sigg indicated he believed it was defined but not required. Mr. Peterson responded that it was required by federal government and that individuals have been sighted for not having proper supervision. Mr. Smith asked if someone performing fumigation would be comfortable supervising 5 unlicensed applicators while doing a fumigation job for a house. Mr. Tom McCormick, with General Exterminating, stated they used to fumigate for gophers and they would never allow an unlicensed person to assist with a fumigation job. He stated in his opinion unless someone has been properly trained and licensed they should not be out helping with a fumigation job unless they are just helping put a tarp up over a house. He explained he felt an unlicensed individual

should never handle any fumigant chemical. Mr. Schnieker stated he did not see logic in allowing unlicensed applicators to handle restricted use pesticides. Mr. Rousseau agreed with Mr. Schnieker and stated he was unclear and asked if allowing an unlicensed applicator to perform pest control work was a transitional tool. Mr. Peterson stated it is a transitional tool. Mr. Pugh stated currently the fumigant labels supervision standard is lower than what the state requires. Mr. Fox explained his understanding was this rule was directed toward laborers to help with things like putting up a tarp at a house and not to assist with the actual application of chemical. Mr. Rousseau stated he felt it was misleading when the rule states uncertified applicators. He explained he felt the only time an individual should be referred to as an uncertified applicator is when they are training and applying pesticide for a very small transition period. He stated if this rule is referring to laborers it needs to state laborers and not uncertified applicators. He recommended the device committee decide if a tarp would be considered a device which would be part of a pest management application. Mr. Evans stated his concern is that there is potential for abuse of this rule. Mr. Fox asked if there were any new fumigation guidelines that have come out within the last 2 years. Mr. Peterson stated there had been changes with regards to fumigants due to the death of 2 young girls in Utah due to the misuse of fumigants for rodents near structures. He stated there are also huge changes to the use of soil fumigants. He stated he does not feel these changes need to be mentioned in rule because it is all in the label. Mr. Logan stated he felt it needed to be defined as to what an uncertified applicator is allowed to do. He stated he is very reluctant to see an uncertified applicator handling a fumigant. Mr. Evans stated he does not like the term uncertified applicator. Mr. Logan agreed with Mr. Evans. Mr. Peterson stated he felt there was confusion in the name of uncertified applicator. He stated through definition an applicator is any individual who assists with the pest control process. Mr. Tolton stated in his experience the term uncertified applicator is used to define an individual who is brought into the business of pest management and who is in the process of becoming licensed or certified. Mr. Rousseau asked Mr. Tolton if it was transitional. Mr. Tolton stated it was. Mr. Rousseau felt it is necessary to define the individuals as laborers not uncertified applicators. Ms. Farenga stated she would not let a trainee near a fumigant.

Mr. Smith asked, in reference to R3-7-403(A), where the 14 day minimum requirement for the QP to be present at the office came from. Mr. Peterson stated Mr. Boelts had brought up trying to make the QP a larger part of the business. Mr. Fredrick stated he went and spoke to the QP at Orkin and the QP stated he would not be able to make it to every office every 2 weeks. Mr. Tolton explained the rule would require the QP to be at the branch only once every quarter and the 14 days only applied to the main office. Mr. Smith asked how it would be regulated to make sure that QP's weren't just visiting a Branch office once at the end of one quarter and the next day at the beginning of the new quarter and that would cover 2 quarters. Mr. Peterson stated the language could be changed to state the QP must visit each branch office once every 120 days.

Mr. Smith asked if the record keeping requirements were going to be kept the same. Mr. Peterson stated since there was going to be a change in the warranty of termite treatments, the record retention for wood destroying insect reports could be changed to 3 years.

Mr. Smith asked if the Ground Water Protection List Reporting was going to be discussed more. Mr. Peterson stated that is the reason the subcommittee was set up.

Mr. Fredrick asked if R3-7-505(A)(1) could be changed to using zip codes. Mr. Peterson asked if there was a tool available that easily allowed it to get from one to the other. Mr. Fox stated he felt the county was too big to use as a reporting mechanism. Mr. Tolton stated there is currently a mechanism that OPM uses which pulls the city, state, and county when you plug in a zip code. Mr. Fredrick stated he had spoken to several industry members who do not want to be involved in the ground water protection issue. He stated he and other industry members do not want Department of Environmental Quality (DEQ) to get into the business of the agency. Mr. Peterson stated there may be more revisions that can be made. An option may be to only require reporting chemicals which have been detected in ground water. Mr. Fredrick understands the importance of reporting, however he stated the information gathered would still be inaccurate due to home owners using the same products.

Mr. Dave Dickson, with Dickson Agronomic Services, asked how far it is taken in having to report the death or illness of a non target animal. He gave the example a snake entering an area which had just been treated and it died. Would that need to be reported? He asked where the reporting stops. Mr. Peterson stated this rule was moved over from the agricultural rules. Mr. Fredrick gave the example of if he puts a bait station at a home and an individual at a home opens the bait station and an animal eats the contents and gets sick is that something that needs to be reported. He indicated this actually happened to him and he paid the vet bill to make the animal well again. Mr. Smith stated there are fogging operations that occur throughout Maricopa County. He stated there are a lot of individuals who call in claiming they got sick because of those fogging operations. He asked if every incident called in by an irate customer is going to have to be reported. Mr. Peterson stated when writing this rule he envisioned it aiming at bulk release issues. Mr. Dickson asked what would be considered bulk release. Mr. Peterson stated the same question has been asked in the agricultural industry. He stated he typically tells the agricultural industry it would need to be reported if it would draw attention or concern. He explained it is a judgment call. He stated if an individual spills 300 gallons that would definitely be a bulk release, but if an individual were to spill 2 gallons and it was contained and cleaned up that may not necessarily need to be reported. He stated his concern was he doesn't want people hiding things. He explained if an individual feels that it may be something that someone may call in and report, just to let the agency know.

Mr. Smith stated he was confused about the point system under penalties. Mr. Peterson indicated it was still a work in progress and it would be added to once the system was finalized. He explained in the agricultural industry they have a point system as well. He stated if someone in the agricultural industry receives a citation they receive a sheet that helps show them how the agency arrived at the penalty they were receiving.

- **Items for discussion and possible subcommittee creation/discussion (Subcommittees are public bodies and must post and discuss just like the full committee.)**

Mr. Peterson stated there were specific topic he felt would benefit from being reviewed and discussed by subcommittees. He explained that all subcommittee meetings would be held as public meetings. Mr. Peterson explained his hope for these subcommittees is that they will help the Task Force come to a resolution regarding the assigned topics.

i. Golf courses what regulatory changes will be required

Mr. Peterson asked who would be interested in being a part of a Golf Course subcommittee. Mr. Hemminghaus, Mr. Fox, and Ms. Carmella Ruggiero volunteered to be a part of the Golf Course Committee.

ii. Reporting – review draft language – groundwater

Mr. Peterson spoke about some ideas for reporting chemical usage for Ground Water Protection. He stated that he, Mr. Etheridge, and Mr. Evans were the Ground Water Protection subcommittee. Mr. Evans asked if Mr. Fredrick would also sit in. Mr. Fredrick agreed to sit in on the meeting.

iii. What to regulate - devices and people who do not use pesticides

Mr. Peterson requested a subcommittee be made to review the use of devices in pest control and what would be considered a device. Mr. Bard, Mr. Fredrick, and Mr. Logan volunteered to be a part of the devices subcommittee.

• Additional discussion items

i. 18 - Minimum age for certification

Mr. Peterson explained he knows this change is going to happen federally and he feels it only makes sense to add it into rule.

ii. Required Criminal background investigations by employers – law required – not state initiated

Mr. Peterson explained there is still a fair amount of push back from the industry. The industry wants the agency to require the businesses to perform background investigations. He stated he still believes it is not the business of the state to be involved in the background investigations. He indicated that he feels that as the business they assume the liability and therefore can make the decision of whether to perform the background investigation.

iii. Qualifying party

1. Private registration – business license exemption

Mr. Fox stated there are “loop holes” that need to be discussed regarding the private registration. He stated there are people who rent out their properties who have a landscape service who will also spray weeds on the property. He asked how those individuals would be regulated and would they need a license. Mr. Peterson stated as long as they followed the landscape weed exemption that it was legal for them to perform that work.

2. State agency and political subdivisions – requiring a qualifying party

3. Are the requirements set right? Ability to obtain and broaden

• Future deadlines – legislative action in 2013, drafting of legislation and associated rules – other changes that are needed that have not been discussed

Mr. Smith asked if the Request for Pre-bid (RFP) had been sent out yet for the testing vendor. Mr. Peterson stated that it had. Mr. Rousseau asked what the RFP was for. Mr. Peterson responded that currently all exams are given through a testing vendor and the contract for the testing vendor expired and the RFP is to get the contract set up with a vendor again for the next 5 years.

Mr. Hemminghaus asked what the goal of the subcommittees was and when they should expect to meet. Mr. Peterson stated his goal was to have the subcommittees meet before the next Task Force meeting. He stated the meetings would be held before the next Task Force meeting and the goal was to come to the Task Force meeting with some recommendations from each subcommittee.

Old Business – task force purpose as laid out in the legislation may be discussed during any discussion items or as separate discussions - the task force shall submit findings and recommendations, relating to OPM including:

- i. Review of all laws and regulations**
 - ii Review organizational configurations within the ADA**
 - iii. Review of personnel and funding issues for administration within the ADA.**
 - iv. Statutory changes**
- 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)**

Ms. Levinus handed out a survey that had been released to the industry on May 14, 2012. She explained the contents of the survey. She explained the first copy was all of the answered questions and comments that were provided. She stated the second copy was from the perspective of smaller businesses with 10 or fewer employees.

Ms. Farenga read a statement regarding her opinion about how to better the economy and create jobs.

Mr. Douglas Dykstra, Superintendent for White Mountain Country Club and President of Cactus and Pines Superintendent Golf Course Association, stated he can pretty much speak for superintendants across the state and they strongly believe golf courses belong under the Department of Agriculture. He stated he has been a part of golf courses in 2 other states and in both of those states the courses were under the Department of Agriculture and they were never required to have a business license or a Qualifying Party. Mr. Fredrick stated he felt it was a pleasure to work with everyone on the Task Force and the whole processes has been a pleasure. He stated the over 100 businesses he talked to personally and over 600 he talked to through email the Department of Agriculture is where everyone wanted to go. He stated the industry sees it as a professional organization that would regulate the industry in a good professional way. He stated that not all of the industry is going to get what they want with regards to regulation, but he feels it is going in the right direction.

6. Set Next Meeting Date and Topic Discussion

July 18, 2012 10:00 A.M.

7. Adjourn – 3:12 P.M.