

July 23, 2012

OPM Task Force,

We have closed our survey and analyzed the results. As with any survey of this type, there are significant limitations to the conclusions you can draw from the data.

The survey cannot be considered random because everyone who took the survey was self-selected so the results cannot be extrapolated to the entire industry. For instance, we cannot know how many of the respondents were AzPPO (Arizona Pest Professional Operator) members versus independent owners. However, the survey results can provide an idea of what people are thinking. When this is coupled with the petitions that have been sent to the OPM Task Force, I think there is sufficient data to draw some conclusions. The results of the survey are presented below, along with commentary.

We designed the survey with sufficient complexity so we could perform several types of analysis on the data. So we were surprised when we discovered falsified survey results in the data.

The survey generated 96 responses. Of those, 48 (50%) were duplicates. Of the duplicates, 36 (75%) came from the same IP address - a static IP address assigned to Burns Pest Elimination. The remaining duplicates came from 4 other dynamic IP addresses.

Burns Pest Elimination - one of the larger pest control companies in Arizona - is owned and operated by Dave Burns. Dave Burns was an OPM Task Force member before he resigned in May 2012. Dave Burns was also an AzPPO board member for the 2011-2012 period. Prior to resigning, Dave Burns harassed petitioners for expressing an opinion counter to his.

All of the duplicate surveys claimed to be from a small business of 1 to 3 people - even though Burns Pest Elimination has well over 100 people. And the duplicate surveys towed the Burns and AzPPO company line, essentially wanting to keep as much regulation and legislated advantage as possible. Obviously, the perpetrator was trying to make it appear that small businesses were in favor of AzPPO-style over-regulation.

The survey was anonymous so no survey result has any personally identifying information associated with it. In the modern age of the internet, IP addresses are dynamically allocated so no one IP address is associated with a single individual. However, large companies can be assigned a permanent (static) IP address. Although a static IP address uniquely identifies the owning company, it does not uniquely identify an individual at the company.

AzPPO distributed their own survey results last month. We asked AzPPO for a copy of their data so we could analyze it, including looking for fraudulent returns. The AzPPO board of directors refused. Given that their survey results showed essentially what

AzPPO wanted, we have to wonder if the folks at Burns Pest Elimination had been manipulating the AzPPO survey results as well and that the AzPPO board knew the survey had been rigged. How many fraudulent results are contained in their survey data? And is the reason that AzPPO refused to provide us with their data that the AzPPO Board of Directors knew how fraudulent their results were? Since there is a long history of AzPPO manipulating data, we can only assume that their survey results have been manipulated. You will notice that the AzPPO survey shows 58.6% of the responding companies were 1 to 3 people - just like the duplicated survey entries in our data.

Note that the OPM Task Force was sent 37 petitions from petitioners who were adamant - and willing to speak out publicly - that AzPPO does not represent them.

So let's get to our survey results. These results are based on the 48 remaining surveys. We have included the comments for completeness.

1) Have you contacted the OPM Task Force and voiced your opinions about regulatory reform?

Yes:	25 (52%)
No:	23 (48%)

"Won't do any good too many big companies have influence on OPM Task Force"

"Afraid of retaliation, the task force was put together to benefit big money interests only."

"they were very receptive. It surprised me that someone with no interest in our business had so much to say. He was a property manager...I think. His agenda was obvious. He hate professionals and thinks he can do our job himself."

"They seem to mostly ignore my comments"

2) When it comes to structural pest control regulations, should Arizona follow the national standard of certified applicators using the National Association of State Departments of Agriculture (NASDA) National Pesticide Applicator Certification CORE Manual for commercial pesticide applications?

Yes:	31 (65%)
No:	17 (35%)

"Never heard of these regulations."

"not a good question. i dont know anything about this"

"I don't know enough about the NASDA CORE program to say for sure. If I can look at it more I may be open to that being the standard used in AZ too."

"Not sure"

"I support the OPM task force proposal"

"I am unfamiliar with this manual. You should have a 'unsure' answer option"

3) Should the use of restricted pesticides require more regulatory oversight than unrestricted pesticides?

Yes:	39 (81%)
No:	9 (19%)

"Both should be regulated equally. They are both a potential threat to humans and the environment if not applied properly by a professional."

4) How often do you use restricted pesticides?

Never:	15 (31%)
Rarely - perhaps once a year:	12 (25%)
Occasionally - a few times a year:	10 (21%)
Regularly - many times a year:	11 (23%)

"Gramoxone, mainly late winter and thru the spring, hate using it but for the scope of terrain needed to cover and at times of emergency, it brings things in under budget."

5) Is an applicator license sufficient when using unrestricted pesticides? In other words, should the Qualifying Party be eliminated when only unrestricted pesticides are used?

Yes:	13 (27%)
No:	33 (69%)

Note that 61 petitions were sent to the OPM Task Force asking that the QP be dropped for unrestricted pesticides.

"The QP is essentially the same as an applicator. They follow the same rules and laws that an applicator does. The QP takes the same test as an applicator and given a title Qualifying Party. The fact of the matter is Qualifying Party is only a title."

"A QP should only really be required for restricted or if a company has more than 10 applicators working for it. To require a QP for a single owner working or

a small company is absolutely ridiculous"

"For the smaller landscape and pest control companies the need for a Q.P. to watch over someone spraying 1 to 2 gals. of something the homeowner could go to Home Depot and acquire themselves is SILLY! BUT, when you get into the larger companies dropping 100's of gallons over large areas, especially herbicide applications, there are many mistakes a fresh outta the test applicator could make. I believe the requirement should be based on quantity applied and smaller companies be required only to need the applicator license (and yes, I believe the "Exemption" rule is a joke, unmonitored and ignored by a vast majority of landscape maintenance companies, i.e. they spray just as much as they like, where they like and how they like with no supervision or training!!!!!!!!!!!!!!!!!!!!!!"

"I think if you want to own or run a business then there needs to be a higher level of knowledge than just any joe blow that can pass the applicator test. Of course there are some who can't pass a general applicator on the first time so do you really want them out there without someone keeping an eye on them? Don't think their needs to be a required 3000 hours before you can apply for QP."

"When protecting people all those using pesticides, restricted or not should be licensed to continue the professional image of our industry"

"there is too much you should know before you just start to spray unrestricted pesticides that the label is unclear but you better know or else you could cause harm to plants and other living things"

"qualifying parties are important to all pest control business. They are the responsible party. Normally the ones that set protocol. They are the one that the finger points to when things go wrong. Applicators don't care enough to shoulder that responsibility. This thinking allows anyone that passes a license test to run a pest control business. There is enough bad eggs in the carton now. If we eliminate the QP it only gets worse."

"A QP should be in place to provide ongoing training and supervision. The applicator should not be left to their own devices to "figure it out". That is a very dangerous scenario."

6) Should a Qualifying Party be required to show up for work on a regular basis like other employees? Current law only requires a Qualifying Party to show up for work once a month.

Yes:	36 (75%)
No:	12 (25%)

Note that current regulations only requires the QP to show up at the main business

office once a month - the QP is never required to show up at a branch office.

"A QP should be at the office daily in fact the QP should be riding with employees on a regular basis to insure proper training and applications are being preformed. It should be a requirement just like CEU's but on a monthly basis to ride with a certain number of tech's"

"What is the point of a QP that isnt at work everyday. Might as well eliminate the QP"

"Although the "buy a Q.P." for a day has been mostly shut down,there should still be someone in a supervisory position that is qualified to oversee a company with multiple applicators spraying a variety of chemicals over larger areas."

"dumb question. doesnt make sense"

"i show up every day but a QP is responsible for his applicators so iits up to the QP if they want to take that risk"

"eliminate the QP"

"Should be there more frequently in order to really know what is being done and how."

"This question doesn't make sense. Please rephrase and clarify. You should have a 'unsure' answer category"

7) Should each branch office be required to have a Qualifying Party?

Yes:	21 (44%)
No:	27 (56%)

Note that only large businesses even have branch offices and that current regulations do not require the QP to show up at the branch office.

"If a guy is going to be manager of a branch office then he needs to be able to pass a QP test. Also I also think that any company who has employees at another town, city, etc that schedule appointments, take calls and collect money should be required to register that office and a QP should be required to manage that office. There are too many companies out there that use the loophole and don't register the office."

"If the QP is kept than go full boar. Don't half ass it to punish small companies, make it a burden to big companies as well"

"Again,SILLY!Unless the branch offices are out of state the QP should be able

and expected to maintain supervisory contact to all area branches and their respective applicators in the field."

"but someone responsible like a branch manager who reports to a qp"

"eliminate the QP"

"As long as golf is under this regulation. They shouldn't have to have a QP."

8) How should a Qualifying Party demonstrate a higher level of qualification?

Show some number of hours of field experience:	8 (20%)
Take a comprehensive test:	8 (20%)
Wait some minimum time period after taking the test:	0 (0%)
At least two of the above:	24 (60%)

Note that 72 petitions were sent to the OPM Task Force asking to eliminate the experience requirements for QP. Note also that the current regulations require 3000 hours of experience and that the latest proposed regulations require a 24 month waiting period following the test.

"The current 3000 hours of experience is a joke in my opinion. Its just a barrier to entry and is not effective. Qualification is a continuance of learning and that applies to QP's and Applicators alike. A QP nor an Applicator cannot learn everything there is to know in 3000 hours so testing should be implemented on a regular basis for QP's and Applicators."

"QPs need field experience, you can't learn only from reading and studying. the field experience should be followed up with comprehensive testing to ensure sufficeint knowledge in the category."

"It is already too easy to get in our business"

"I think they should be able to show some filed hours to show competency if they are going to be a QP. I think the QP position has value and positives to it."

"Show hours of field experience and take a comprehensive test both of these items combined will ensure competency not just good test taking skills."

"Education, Experience and Testing!!!"

"Should not be part of golf course operations. Qp shouldn't be required."

9) How have you used the TARF database? Please check all that apply.

I don't use the TARF database:	19 (40%)
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Looking up customer warranty information:	17 (35%)
Checking for harmful pesticide applications:	6 (13%)
Supporting real estate transactions:	19 (40%)
Marketing to potential customers:	3 (6%)
Legal and regulatory investigations:	2 (4%)
Spying on my competition:	1 (2%)
Other uses not listed above:	14 (29%).

Note that no one who checked Other uses explained what other uses might be but in other comments and conversation with people, other uses mentioned included filing TARFs and checking TARP paperwork. Note also that a few honest soles were willing to admit using the database for marketing and spying on competition. TARP access data suggests this happens much more often - showing hundreds of hits in a single day from individual IP addresses.

"Very important to know what has happened or done at a property."

"TARF's have a very limited amount of information and is not an effective tool due to the fact termites always reoccur in structures and structures will always need another application of pesticides to mitigate termite issues."

"nobody uses the database,"

"None,not in that area of pesticides."

"Really? People have the time to go through the TARP database for marketing?! Really?!"

"spying on competition? are you serious. you are ridiculous"

"Main usage is to upload my own TARP reports. Rarely used for any other purpose"

"Very useful resource in this real estate climate of bank owned properties with no disclosures of previous infestations or treatments."

"N/A to my operation"

"How about all of the Above"

10) Does the TARP system provide enough public good to justify the TARP paperwork and associated costs to termite businesses?

Yes:	24 (50%)
No:	24 (50%)

Note that 73 petitions have been submitted to the OPM Task Force asking to abolish the TARF systems.

"Your average home owner has no knowledge of the TARF system or what its used for. A TARF does not make termites go away nor do they protect your home. Man has been battling termites since the dawn of time and that will never change and its silly to think TARF's protect you the home owner in any way. TARF's are a heavy burden to small business and are not cost effective."

"no, it is not necessary being that companies give the consumer the paperwork and warranty info. It is then the responsibility of that consumer to pass the info along when selling the home"

"I would like to see the charges reduced to only the cost of maintaining the system"

"N/A to my operation"

"But reduce the cost"

11) Should the gardener exemption - allowing a gardener whose primary business is not weed control to apply small amounts of unrestricted herbicides - be expanded to allow any pest control company to use the exemption?

Yes: 14 (29%)

No: 34 (71%)

Note that 51 petitions were sent to the OPM Task Force asking to expand the gardener exemption. Note that the gardener exemption was created by the legislature due to the barriers to entry created by the existing regulations.

"Either that or I would rather have the gardners have to get a weed license since they are do the job for money and are applying a herbicide."

"Two question"

"Obviously if we let uneducated gardener uses the exemption why shouldn't educated pest control companies do the same."

"That would be a NO!! If it was'nt bad enough that this has already opened the floodgates for any unlicensed,untrained and uneducated person to go into the weed control business knowing they can do so unmonitored and without reprisal.I am a small weed control company and aquire customers somewhat regularly who have been "duped" by these idiots who,by the way,LAUGH at the socalled 8gal limit!!!! Expand,NO,ELIMINATE it altogether,YES!!!!!!!!!!!!!!!!!!!!!!"

"Yes, under specific definition and in an organized way."

"I don't agree with gardener exemption to begin with. That is a great example of a loop hole created for special interest group"

"It should be removed from the gardeners also."

12) Should the Office of Pest Management supply state background checks for a fee to the pest control industry? The state background checks are considered more thorough than private background checks

Yes: 26 (54%)

No: 22 (46%).

"Background checks should be the responsibility of the business owner not the state!"

"no this is not true, there are third part vendors who can perform a deeper, more thorough check than the dps does for opm"

"It should be the responsibility of the business"

"no opinion either way"

"Yes there are many different professional license that require background checks. Since we enter day care, schools, medical facilities, banks and residential homes this is prudent to protect the public."

"If you want it, be self policing and spend the extra money"

13) Should Arizona require background checks for pesticide applicators?

Yes: 42 (88%)

No: 6 (13%).

"It should be up to individual companies to provide background checks if they wish to do so."

"Applicators are in direct contact with consumers. If an applicator is going to service a private home they should be cleared to ensure they will present no harm to consumers."

"but not the responsibility of government to perform them"

"I think the pest control companies should do it if they want to. I could give

reasons why I think it would be wise for all companies to do it, but I don't think they should be forced to do it. It's only protecting them and their clients if they choose to do it."

"Yes, keep the sex offenders, drug dealers, thieves, violent criminals out of our profession and protect our industry standards"

"Yes require but make it a company function to submit with the application"

14) Should non-pesticide devices such as screening, netting, bird barbs, traps, lice combs, hair dryers and other similar devices be regulated?

Yes: 17 (35%)

No: 31 (65%).

"That is retarded"

"Having not that much knowledge in this field I can go only I what I have learned at the CEU seminars and it would seem unnecessary in my view."

"Mechanical, biological and chemical control measures should require a license"

"IT IS A FORM OF PEST CONTROL, THEREFORE IT SHOULD BE CONSIDERED REGULATED."

"Unless being used by a licensed pest control company"

"Only if not regularly used by a non-pest-control company."

"if used by licensed company"

"IF it about controlling pest yes"

15) Are you worried about voicing your opinion for fear of retaliation?

Yes: 21 (44%)

No: 27 (56%)

Several surveys included comments about being inspected shortly after making comments that disagreed with the OPM Task Force direction. Further, at least two people submitting petitions against TARFs and QPs have been harassed by Dave Burns. There is a long history of harassing small business by the powerful people in the pest control industry.

"Already happening to my business after a OPM Task force member had

resigned due to making my voice heard."

"HELL YES!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!"

"Funny how after doing so you suddenly find yourself getting an inspection!"

"What kind of retaliation? The old Commission is gone! If you do good work and follow the law there should never be any fear of retaliation. Really!?"

"your crew phyllis and your cameras are so annoying and you are a disgrace to our industry"

"i voiced my opinion at meetings and was harassed for 2 years after 7-8 truck inspections along with offices inspections this was with the old S.P.C.C."

"I have worked for others that are vindictive and will do all they can to hurt my business & my family"

"I respect and appreciate all the time and effort the task force members have dedicated...thanks"

"especially from the insane woman Phyllis who makes a mockery of women in the industry as well as anyone trying to make an honest living and abide the law"

"Why??"

16) What position do you hold in your company? Please check all that apply.

Licensed applicator:	38 (79%)
Qualified party:	37 (77%)
Owner/branch manager:	30 (63%)
Supervisor:	18 (38%)
Sales:	18 (38%)
Other:	6 (13%)

"Prefer not to say"

17) How large is the pest control business you own or work for?

1-3 people:	24 (50%)
4-6 people:	10 (21%)
7-10 people:	3 (6%)
11-15 people:	2 (4%)
16-30 people:	1 (2%)
31-50 people:	1 (2%)

50-100 people: 0 (0%)  
over 100 people: 4 (8%)  
I don't work for a pest control company: 3 (6%)

"In this spot I would like to expand on question #5. Ok, let's pick a nice unrestricted chemical, say MecAmine D(2,4,D). Can be bought in any hardware store, very diluted, but it is there. John Doe applicator, 2 weeks out from passing his exam, has 3 acres of turf full of Russian Thistle. The chem supplier tells him we have just the thing for that and they sell him a gallon (and they are under no requirement to make sure the applicator knows how to properly apply this.). He reads part of the label and the mixing instructions but not the whole thing. By now it's lunchtime and he decides to wait till after he has eaten to do the job. By the time he applies it's after noon, the temp is above 85 degrees and there is a breeze outta the south at about 7 miles an hour, OH! What's directly to the north of his turf area? An elementary school and a plant nursery with about a 5 million dollar inventory. If you know this chemical then you will know what's about to happen and you of course would like to be the one to explain to the parents of these children and the nursery owner why there was NO need for this applicator to be supervised by a QP!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!! There has to be someone with more experience to oversee less trained and experienced applicators! Restricted, unrestricted, even spraying water can do damage if it is done WRONG!"

"I am a proud member of AzPPO and they do stand strong for small companies. They distribute TRUE information not silly reatoric and personal opinions. What is your agenda Phyllis? I really don't believe you are here to help business owners, just to degrade those who want what's best for the industry as a whole. You are a joke and those who follow you are a joke. True professionals get all the information and don't just read from one source. Get a life!"

The structural pest control industry is a diverse bunch of people. Although the data does not allow us to draw too many conclusions, it does show the diversity. One conclusion that can be drawn is that there are a lot of people who are afraid to speak out and a couple of people who have spoken have already faced retaliation for having done so.

The OPM Task Force was created to review and streamline the structural pest control regulations and to eliminate the barriers to entry. It was not created to be a popularity contest.

A "majority rule" without an absolute set of just standards is nothing more than a tyranny of the masses. A "majority rule" where the "majority" is in fact a small group that is well financed and better organized than the real majority is tyranny at its finest.

You will notice that AzPPO has never provided any written justification for their positions. Their web site is devoid of any intellectual information. We, on the other

hand, have published position papers with well reasoned arguments. We believe in education, public debate and are happy to discuss these issues openly. With anyone.

The Goldwater Institute just published Policy Report #247 dated July 10, 2012 titled Six Reforms to Occupational Licensing Laws to Increase Jobs and Lower Costs by Byron Schломach. You should look it up on the Goldwater Institute's web site (<http://www.goldwaterinstitute.org/>) and give it a read.

Sincerely,

Phyllis M. Farenga  
Its-Our-Turn.com