



Arizona Department of Agriculture

Office of Pest Management

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NOTICE OF OFFICE OF PEST MANAGEMENT ADVISORY COMMITTEE MEETING

Thursday, May 22, 2014, 10:00 A.M.

Arizona Department of
Agriculture

1688 W. Adams Street, Phoenix, AZ 5007

Room 206

NOTICES

The Office of Pest Management Advisory Committee gives notice that it will hold a meeting open to the public as indicated on this agenda. The committee may vote to hold an executive session for the purpose of obtaining legal advice on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Anna Villa at (602) 542-4315 (voice), or 1-800-367-3839 (TDD Relay). Requests should be made as early as possible to allow time to arrange the accommodation.

MINUTES

I. 10:00 A.M.: Call to Order (Chairperson)

a) Committee Roll Call (Mr. Coyazo) –

Dr. Kirk Smith, PhD (Chairperson) - Present

Dr. Steve Thoenes, PhD (Vice Chairperson) - Absent

Timothy Goeringer - Present

Linda Harrington - Present

Ruth Leo - Present

II. Reports

a) **Budget (Ms. Houseworth)** - Ms. Houseworth discusses the cash flow handout as well as the federal grand handout. Interim Director Jack Peterson asks if Ms. Houseworth emails this information out every month. Ms. Houseworth says yes she does and can add additional names to her email list. Ms. Houseworth asks if there are any more questions. None are offered.

Dr. Kirk Smith takes a moment to introduce and welcome Mr. Timothy Goeringer. Mr. Goeringer informs the committee he has worked 27 years in the pest industry, he started working for Orkin originally. Mr. Goeringer currently owns the only Orkin in Prescott Valley, Arizona. Dr. Kirk Smith informs all of the fact that Mr. Goeringer fills the requirement for a committee member who owns or conducts business outside of Maricopa and Pinal counties.

b) **Compliance (Mr. Craig)**

1. Snapshots

a) **Third Quarter (handout)** - Mr. Craig discusses outreach program in depth. Mr. Craig encourages industry to invite OPM to their location to give a presentation in regards to current OPM law/rules. Dr. Kirk Smith asks if this presentation covers golf course information. Mr. Goeringer asks if outreach means physically appearing at a location as opposed to a phone call. Mr. Craig says yes, it means an actual physical presence, and yes presentation does address golf courses. Dr. Smith asks how many field inspectors are currently with OPM. Mr. Craig responds with six. Dr. Smith asks if that number is going to remain the same. Mr.

Peterson states he would like to hire one more.

- b) **Adjudicated Cases** - *Mr. Craig calls attention to these. No further comments nor questions are given.*
- c) **Licensing (Mr. Tolton)**

1. Snapshots

- a) **Third Quarter (handout)** – *Mr. Tolton calls for questions regarding the snapshots. Dr. Smith ask when people are going for the QA, when does the CEU start and end. Dr. Smith goes on to say his understanding is everything starts off on the June 1st. Mr. Peterson informs the committee of an exception to the CEU starting on June 1st. Mr. Peterson notifies the committee of one particular meeting he conducted at Wilbur Ellis that will grant current CEUs to those who attended. Ms. Linda Harrington inquires on current passing rates and their comparison to last year. Mr. Robert Tolton states he does not have that information in front of him but he will have to go back and look at it. Mr. Tolton does state, however, there has been dip in passing scores, primarily under the core portion of testing. Ms. Harrington asks if we are using the new national core and the Arizona laws and rules. Mr. Tolton responds yes. Mr. Goeringer states he is curious about the correlation between those who have taken Metro Institute classes and those who have passed the test. Mr. Tolton informs the committee of the OPM having no knowledge of who attends the pretesting classes nor does the OPM regulate pretesting classes. Ms. Harrington states it is up to us as consumers to insure we are getting the appropriate pretest instruction.*

Dr. Smith issues comment on the new CEU calculating web tool; he has received very positive feedback.

2. 2015 Certification and License Renewal Update –

- a) **Certified Applicator – 3613 or 46.8% renewed. 85% submitted online. Approximately 4100 renewals remain outstanding.**
- b) **Qualified Applicator – 748 or 45.5% renewed. 91% submitted online. Approximately 894 renewals remain outstanding.**
- c) **Business License – 614 or 48.4% renewed. 85% submitted online. Approximately 654 renewals remain outstanding.**

Mr. Tolton informs the committee of the following: 371 CA/QA renewals that were returned due to having a bad address in the system, 218 renewals are still outstanding, 24 business renewals that were returned due to having a bad address in the system, 23 business renewals still outstanding. Mr. Tolton does on to say he will be placing the list of those un-renewed licenses online so all can see. Mr. Tolton reports renewals have been dismal this year. Mr. Tolton does inform the committee of late fees going into effective June 1. Mr. Tolton also reminds the committee all CEs must be taken by May 31st. Dr. Smith asks how all the credit card transactions are going thought the online system. Mr. Tolton says they are working fine. Mr. Tolton goes on to say the major problem is that renewal applicants are not reading the instructions that were included with the renewal on the back page. Mr. Tolton does says there seems to be some CA/QA questions and confusion about which license to renew. Mr. Goeringer asks if anyone is actually opting for a 2 year renewals. Mr. Tolton responds with yes, however, not a lot of them, but more than expected. Dr. Smith asks what the grace period for renewing is. Mr. Tolton explains the expiration date for CA/QA renewals. Mr. Tolton informs the committee of the large number of individuals who need to submit their proof of legal presence before their renewal can be completed. Mr. Told says he will be posting, online, those individuals' names who have not provided their proof. Mr. Peterson says the OPM will also send that information out on the listserv.

Mr. Goeringer asks if renewals have been this slow in the past. Mr. Peterson says fees went up and some are procrastinating paying the new higher amounts. Dr. Smith asks if the current number of licensees on record is going up slightly. Mr. Tolton says yes, every year this is an increase in the number of applicators.

3. Number of Certifications & Licenses issued during:

a) February 2014

- i. Certified Applicators – 72 new**
- ii. Qualified Applicators – 14 new**
- iii. Business Licenses – 8 New**

b) March 2014

- i. Certified Applicators – 85 new**
- ii. Qualified Applicators – 12 new**
- iii. Business Licenses – 8 New**

c) April 2014

- i. Certified Applicators – 86 new**
- ii. Qualified Applicators – 10 new**
- iii. Business Licenses – 8 new**

VII. Discussion and possible action (Chairperson)

a) Legislative Activities - *Ms. Houseworth discusses the regulatory bill of rights for small businesses. Ms. Houseworth informed the committee that language in a bill sun setting the PMAC had been removed from that bill. Dr. Smith asks what the state guidelines that constitute a small business are. Ms. Houseworth says it is not defined anywhere within law or rule; the OPM is only required to post and hand out a notice if requested.*

b) Mosquito Control under Industrial & Institutional Category - *Mr. Peterson says the group wanted to discuss the mosquito control items under the Industrial & Institutional Category further. Mr. Goeringer states the measurements of mosquito control pesticides are extremely simple. Mr. Goeringer does mention the price point is higher for briquettes. Mr. Peterson says the rules are written directly for mosquito control in the aquatic category; briquettes were added in the Industrial & Institutional category due to industry feedback. Ms. Harrington says she feels that some mosquito should fall in the public health area. Ms. Harrington says there is more toe the aquatic category than just mosquitoes, there is algae, weeds and plants; this will make it difficult to get licensure in the aquatics category for those just wanting to get it for mosquito treatment. Ms. Leo expresses concerns as a public member; the county has been doing the mosquito protection under public health definition, but how can the county now protect the public when it comes to mosquito control if they lack the license that is required to do so. Mr. Goeringer calls attention to the fact that outlying counties do not have vector control. Dr. Smith informs the committee he as contacted contact numerous poly-subs around the state that do mosquito control; most of them operate under the general pest control category. Dr. Smith states the biggest complaint is that if you (AZDA-OPM) are making us get the aquatics license that is a lot of money to make that happen. Dr. Smith says the City of Phoenix is not happy about that notion; as it will cost them between 3-4 thousand dollars to get the aquatics license. Dr. Smith goes on to say the largest mosquito control agencies in the state have over 25 full time employees. Dr. Smith says briquettes are less than 25% of the control methods used to mitigate mosquitoes. Dr. Smith discusses the use oils and granules. Dr. Smith says briquettes contain different, not all of them are the same; some treat small areas some must treat entire large areas. Dr. Smith says he cannot speak for private industry members, but licensure in the aquatics category will be expensive for vector control. Dr. Smith mentions the idea of “grandfather in the poly subs” so they can provide mosquito control under the Industrial & Institutional category. Mr. Peterson says he can see the concern for the poly subs who can no longer provide mosquito control for the public. Ms. Harrington says there will be an outcry if only poly subs can get exemption. Mr. Vince Craig offers the ides of rather than grandfathering in municipalities or poly subs, perhaps it’s better to grandfather existing employees. Mr. Craig asks if counties actually treat ponds and lakes. Dr. Smith says yes. Mr. Craig asks what the cost difference between briquettes, oils and granules is.*

Christy Davie with Univar says oil is very cost effective and costs about half of what briquettes would cost.

Dr. Smith says the advantages to oil is that it has immediate killing power; briquettes, however, can give you long term control. Mr. Peterson asks the committee if it would like to make a motion.

MOTION: *To set a special exception to Industrial & Institutional category for mosquitoes by Ms. Ruth Leo.*

SECOND: *by Mr. Goeringer.*

Mr. Peterson suggests the motion have a broader wording.

AMENDED MOTION: *To look at the definition of Public Health in so much as mosquitoes are concerned by Ms. Ruth Leo.*

SECOND: *by Mr. Goeringer.*

Ms. Davie with Univar asks how golf courses deal with mosquitoes. Mr. Peterson says if the applicator had the aquatics category with the OPM, then when they apply for their PUG license, they will be given an aquatic endorsement.

VOTE: *4 to 0 - Motion passes*

c) Subcommittees for Development of Exams and Study Material - *Dr. Smith informs the committee he has contacted several people to see if they would like to volunteer for the subcommittees. Mr. Peterson says a comprehensive list of volunteers should be compiled and given to him. Mr. Peterson also says the must be study materials readily available. Mr. Peterson goes on to say the Applicator test should be comprised of questions taken directly from the study materials and should not have extrapolated type questions; as for the Qualified Applicator test, the questions should be those that require the test taker to show actual knowledge and the ability to extrapolate the answer from different areas of information. Dr. Smith asks why not just write one exam and require a higher grade to pass for QA's. Dr. Smith says better and recently updated material is key. Mr. Peterson says there are about 17 people on the volunteer list currently. Mr. Peterson goes on to explain the layout of the current list of volunteers; those volunteers with the big X's are categories for which they have volunteered, those with the little x's are the categories in which the volunteer is licensed.*

Mr. Tolton says the exams are set up with a bank of 150 questions and no more than 100 are pulled for each exam. Mr. Tolton recommends the committee continue with that type of testing setup. Mr. Harrington says perhaps more questions are needed or somewhere between 100 and 150. Mr. Peterson say exams can be different lengths.

Mr. Peterson asked Dr. Smith to forward his list of volunteers him and he, Mr. Peterson, will break them out into groups. Mr. Goeringer says the study material needs to be streamlined. Mr. Peterson says the committee must consider the job functions as well when writing the tests, then look at the study material to see if it is applicable.

Ms. Davie with Univar recommends touching base with states who have reciprocity and asking them to share their tests or internal information. Mr. Craig reminds the committee that subcommittees' meetings must be public meetings. Mr. Peterson says yes, the initial meetings should be public, but the actual writing of the questions should not be public. Mr. Peterson goes on to say the committees shall let the director know when that committee will meet.

MOTION: *Ms. Harrington makes a motion to change the chair person for the test rewrite committees as follows:*

Fumigation going from Ms. Leo to Mr. Goeringer and the Ornamental & Turf and Right of Way going from Dr. Smith to Ms. Leo

SECOND: *Ms. Leo seconds the motion.*

VOTE: *4 to 0 – Motion passes*

d) Licensing Fee Structure Alternatives - *Mr. Peterson states it may be too early to discuss this as the OPM wanted to complete this licensing cycle; this item should be moved to next meeting's agenda.*

e) Wood-Destroying Insect Inspections (Ken Fredrick)

- 1. Determining: Faulty Grade & Conditions Conducive** - *Mr. Ken Fredrick, with Conquistador Pest & Termite, inc., addresses the committee regarding some confusion on faulty grade. Mr. Fredrick would like the committee to consider changing the WDIIR report to say "inaccessible" as opposed to faulty grade. Mr. Ken Fredrick also calls attention to the fact that as inspectors may not be qualified to determine when there is inadequate ventilation. Mr. Peterson asks exactly what needs to be changed on the form. Mr. Craig says if there is stucco below grade, then it needs to be noted as "inaccessible" and not "conditions conducive". Mr. Goeringer says he is inclined to agree with Mr. Fredrick and says adequate ventilation can vary by soil and area. Mr. Craig asks if any termite inspector would say a location is "conditions conducive" if there was not proper ventilation. Mr. Peterson says we can just move the stucco to "inaccessible" as opposed to "conditions conducive". Mr. Peterson says the OPM will look at that.*

VIII. Call to the Public (Chairperson) - *Each speaker is limited to five minutes. This is the time for the public to comment. Pursuant to A.R.S. Section 38-431.01(H), action (if any) taken as a result of public comment will be limited to recommending the Acting Director study the matter, responding to any criticism, or recommend scheduling the matter for further consideration at a later date. Pursuant to A.R.S. § 38-431.02(H), the Committee may discuss, consider or make decisions only on matters listed on the Agenda...*

Dr. Smith asks for questions from the members of the public.

Mr. Peterson informs the committee of a letter he received in the mail regarding a person using a 25b product who wants to be exempt from licensure.

Mr. Kevin Etheridge with Contractor's Termite & Pest Control, Inc. asks the committee to put the 3 year requirement for pretreatment on the agenda because they are finding the majority of our commercial and home builders are still requesting a 5 year warranty. The issue arises in confusion between a builder's one year warranty and a pretreatment warranty. Also builders are requiring a 5 year warranty despite the 3 year warranty law/rule.

IX. Communication with Advisory Committee Members (Chairperson) – *Each member may disclose any communication with the Public or Industry on issues that they may want to add to a future agenda.*

No disclosures, no discussion

X. Scheduling of Future Meetings (Chairperson)

- a) **August 21, 2014 (tentatively)** - *Dr. Smith states August 21, 2014 will be the next meeting.*
- b) **November 20, 2014 (tentatively)**
- c) **March 19, 2015 (tentatively)**
- d) **June 18, 2015 (tentatively)**

XI. Adjournment – Dr. Smith at 11:30am