

**MINUTES OF THE MEETING OF THE
STRUCTURAL PEST CONTROL BOARD**

March 9, 2021

The meeting was held March 9, 2021 via WebEx Events

Board Members Present:

Curtis Good, President
Kyle Finley
Dave Tamayo
Janet Thrasher

Board Members Absent:

Derek Devermont, Vice President
Ronna Brand

Board Staff Present:

Susan Saylor, Executive Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Sabina Knight, Legal Counsel

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Good called the meeting to order at 9:02 A.M. and Ms. Saylor called roll.

Mr. Good, Mr. Finley, Mr. Tamayo, and Ms. Thrasher were present.

Mr. Devermont and Ms. Brand were absent.

A quorum of the Structural Pest Control Board (SPCB) was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Good led everyone in a flag salute and recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Chris Reardon, Pest Control Operators of California (PCOC), stated that there is currently confusion in the pest control industry as to the enforcement guidelines related to the sale and installation of insulation. Mr. Reardon requested that the SPCB form a stakeholder group to analyze the issue and that the topic be placed on a future agenda for full discussion.

Mr. Tamayo suggested that the insulation topic be added to a future agenda and recommended that Mr. Good consider forming a committee to address the issue.

REVIEW AND POSSIBLE APPROVAL OF MINUTES OF THE OCTOBER 20 & 21, 2020 AND JANUARY 11, 2021 SPCB MEETINGS

Mr. Tamayo moved and Mr. Finley seconded to approve the minutes of the October 20 & 21, 2020 and January 11, 2021 SPCB meetings. Passed unanimously.

(AYES: Good, Finley, Tamayo, Thrasher. NOES: None. ABSTENTIONS: None.)

DEPARTMENT OF PESTICIDE REGULATION (DPR) UPDATE

Peggy Byerly, DPR Enforcement Branch, stated that DPR has filled some supervisor vacancies as follows: In the Clovis Regional Office, Jose Bueno is the new manager, in the Southern Regional Office, Catherine Yee is the new manager, and in the Licensing Certification Unit, Alicia Scott is the new manager.

EXECUTIVE OFFICER'S REPORT

Ms. Saylor updated the SPCB on licensing, enforcement, examination and WDO statistics, survey results, and examination development.

DISCUSSION AND POSSIBLE ACTION ON THE SPCB'S COMPLIANCE WITH U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) PESTICIDE APPLICATOR REGULATIONS

Mr. Skelton stated that the proposed changes to bring the SPCB into compliance with the updated applicator certification and training guidelines are currently being reviewed by the EPA. Mr. Skelton added that once the changes have been approved by the EPA, they will be presented to the SPCB for approval before the implementation process begins.

Mr. Tamayo asked for a brief recap of the continuing education integrated pest management changes the SPCB previously approved and an update as to how they fit into the changes that are being made to comply with the updated EPA standards.

Mr. Skelton stated that the SPCB previously approved changes to its continuing education program whereby an increased emphasis would be placed on integrated pest management as well as changes to the course approval process and clearer continuing education category definitions. Mr. Skelton further stated that the continuing education updates were folded into the changes required by the EPA's updated certification and training guidelines and would be moving forward upon approval of the state plan by the EPA.

Mr. Skelton stated that although the proposed language associated with the revised EPA standards isn't publicly available yet, the proposed language and approval record of the integrated pest management changes is publicly available on the SPCB's website.

Ms. Knight stated that the SPCB will be given an opportunity to review and possibly approve the proposed language after the EPA approves the state plan.

PRESENTATION AND DISCUSSION ON DPR'S PROPOSED REGULATORY AMENDMENTS TO TITLE 3, CALIFORNIA CODE OF REGULATIONS, SECTIONS 6734 AND 6771 TO CLARIFY EYEWASH REQUIREMENTS FOR EMPLOYEES HANDLING PESTICIDES

Emma Colson, DPR, gave a presentation (included in the meeting materials) to the SPCB on the proposed regulatory amendments to update eyewash requirements for employees who handle pesticides.

Mr. Tamayo thanked Ms. Colson for her presentation and expressed his support for the increased worker safety the changes would provide.

UPDATE ON THE STATUS OF THE RESEARCH PROPOSALS SELECTED FOR FUNDING AT THE JULY 26, 2018 BOARD MEETING

Ms. Saylor stated that the research proposal tracking document included in the meeting materials provides a detailed breakdown of the status for each of the research proposals the SPCB is currently funding.

Dr. Dong Hwan-Choe, University of California Riverside, gave a presentation to the SPCB (included in the meeting materials) on the findings of his research proposal – Improving Urban Pest Ant Management by Low-Impact IPM Strategies.

Mr. Tamayo asked what time period Dr. Choe's project covered and how "ant season" was defined.

Dr. Choe stated that "ant season" was a somewhat arbitrary term and his project took place over an 8-week period, Dr. Choe added that ant projects typically take place from June to October.

Mr. Tamayo asked if ants develop a physiological and/or behavioral resistance to boric acid.

Dr. Choe stated that it's unlikely because the treatment does not kill the queen.

Mr. Tamayo asked what the registration process is for this type of treatment.

Dr. Choe said the technology is currently patent pending and if a company has interest it could become widely used in commercial pest control.

Ms. Thrasher asked about the risk to household pets associated with the treatment.

Dr. Choe stated that it is always a risk but the toxicity associated with this treatment program is low in comparison to existing options.

PESTICIDE APPLICATION NOTICE COMMITTEE AND FUMIGATION NOTICE COMMITTEE RECOMMENDATION: PESTICIDE DISCLOSURE REQUIREMENTS: PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, SECTION 1970.4; ADD CCR TITLE 16, SECTIONS 1970.41, 1970.42, AND 1970.43

Darren Van Steenwyk, Chairman, Pesticide Application Notice Committee and Fumigation Notice Committee, presented proposed regulatory amendments for CCR, Title 16, section 1970.4 and the proposed additions of CCR, Title 16, sections 1970.41, 1970.42, and 1970.43.

Mr. Good thanked the committee membership for their hard work and recommendations.

Mr. Tamayo moved and Mr. Finley seconded to approve the proposed text for a 45 day public comment period and delegate to the executive officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period and to follow established procedures and processes in doing so and also delegate to the executive officer the authority to make any technical or non-substantive changes that may be required in completing the rulemaking file.

(AYES: Good, Finley, Tamayo, Thrasher. NOES: None. ABSTENTIONS: None.)

REGULATIONS STATUS UPDATE: RULEMAKING TO IMPLEMENT AB 2138: CCR, TITLE 16, SECTIONS 1936, 1936.1, 1936.2, 1937.1, 1937.2

Mr. Skelton stated that the rulemaking file to amend CCR, Title 16, sections 1936, 1936.1, 1936.2, 1937.1, and 1937.2 to bring the SPCB into compliance with the provisions of AB 2138 was approved by the Office of Administrative Law (OAL) and made effective on December 23, 2020.

Ms. Saylor stated that although the rulemaking process for this file was lengthier than usual, the SPCB began complying with the provisions of AB 2138 on July 1, 2020 as required.

LEGISLATION UPDATE AND POSSIBLE ACTION

Assembly Bill 29 (Cooper) – State Bodies: Meetings

Ms. Saylor stated that AB 29 would require the SPCB to either make board meeting materials available to public in whichever scenario happens sooner: A) make them available to the public within 72 hours of the meeting, or B) whenever the materials are provided to the SPCB membership.

Ms. Knight stated that other boards and bureaus within DCA have expressed interest in requesting amendments to AB 29 due to concerns about their ability to comply when there are late breaking changes to legislation.

Mr. Good asked staff to continue to watch AB 29 and to include it on the July 2021 meeting agenda if necessary.

Assembly Bill 646 (Low) – Department of Consumer Affairs: Boards: Expunged Convictions

Ms. Saylor stated that AB 646 would mandate that the SPCB update the criminal history information on its website for any licensee who obtains an expungement for a criminal conviction.

Assembly Bill 1788 (Bloom) – Pesticides: Use of Anti-Coagulants

Ms. Saylor stated that DPR's 2020 Enforcement Letter detailing the enforcement guidelines for AB 1788 is included in the meeting materials.

FUTURE AGENDA ITEMS

The following were identified as items to be included on a future agenda:

- The sale and installation of pesticidal insulation
- The EPA certification and training guideline and the SPCB's compliance effort
- Assembly Bill 29 and Assembly Bill 646

BOARD CALENDAR

The SPCB scheduled its future meetings for:

July 20 & 21, 2021 via WebEx Events

October 19 & 20, 2021 (location to be determined based on Covid-19 circumstances)

March 22 & 23, 2022 (location to be determined based on Covid-19 circumstances)

ADJOURNMENT

The meeting was adjourned at 2:09 P.M.

Curtis Good, President

Date