

MINUTES OF THE
PRETREATMENT COMMITTEE
STRUCTURAL PEST CONTROL BOARD
March 18, 2004

The meeting was held on Thursday, March 18, 2004, at the San Diego State Building, 1350 Front Street, San Diego, California, commencing at 10:00 AM with the following members constituting a quorum:

Ron Moss, Chair
Ray Carrier
Kevin Ethridge
Rick Walsh
Randy Zopf

Board staff present:

Kelli Okuma, Executive Officer

The committee met to discuss the issues associated with the practice of pretreatment, as follows:

- Committee reviewed Pest Control Operators of California's 1996 recommendations to address the problem relative to pretreatments, i.e. adoption of a separate Pretreatment Report Form to generate additional revenue for additional enforcement in the area of pretreatment. Much has changed since this recommendation that makes this solution no longer a viable solution.
- Procedural discussion regarding the difference in amending / adopting statues versus regulations.
- Expedite the enforcement through immediate contact with county agricultural commissioners offices.
- Pre-notification tied to fees could fund enforcement for county agricultural offices.
- Enforcement difficult for counties as there is no specifications addressing the areas to be treated, i.e. under entire slab or just conduits coming through slab.
- Label statements require not be to treated at a rate less than label rate, but, how can samples be taken when treatments occur early or late in day and slabs are poured immediately following treatments.
- Tank samples are preferable.
- Unfair trade practices. Bids for pretreatments are made so low that, if done using proper amount of product, bid would not cover cost of the amount of product.
- Companies should have to belong to Builders Exchange." Companies bid on jobs without looking at specifications or plans, but bid on an Invitation

- to Bid, bidding on square feet as stated in the invitation. Should consider requiring licensees to sign document acknowledging that bidder reviewed specification and plans prior to bidding on project.
- Specifications are often illegal, as they require banned product, i.e. chlordane.
 - Existing requirement to follow label directions is adequate. Need additional enforcement by creating revenue to provide for that enforcement.
 - Revenue could be attached to 99A.
 - Timbor label says that it is for preventative use against subterranean termites. The intent of the manufacturer is that it not be used in pre-construction application. Nisus has a training program to back up each Bora-care treatment with \$5,000 damage warranty. Timbor used as initial borate treatment, which is not in violation.
 - Arizona enforces pretreatments the same as California enforces fumigation, with a more aggressive program.
 - Pretreatment is not a huge consumer issue, thus stays off enforcement radar, despite serious violations occurring in the practice.
 - Consumers spend on average \$300,000 for a new home and only receive a certification. The consumer should be able to have confidence in the certification.
 - No pre-notification requirement in Arizona, other than as a condition after discipline. Housing-industry pretreatment is aggressively enforced in Arizona, but commercial-construction pretreatment enforcement is not as easily tractable.
 - Pre-notification is not the solution. Licensees who play by the rules will pre-notify. Licensees who do not play by the rules will not pre-notify and enforcement staff will not be able to determine violations occurred.
 - Tagging after pre-notification could provide a better enforcement tool than currently exists.
 - Texas pre-notification form for commercial projects only was reviewed.
 - Discussion whether enforcement should focus immediately on state and federally funded projects, or long-term solutions for commercial and residential projects.
 - Clarification of regulatory authority between the Board, Department of Pesticide Regulation, and the counties.
 - Discussion of level of proof to support alleged violations (product versus treatment areas).
 - Concern that termite pretreatment notification could lead to pre-notification for all treatments, i.e. Branch 2.
 - The legality of bidding below the cost of labor and materials and unfair trade practices.
 - Integrated pest management practices relative to pre-construction.

Mr. Ethridge moved and Mr. Walsh seconded to recommend to the Board that it adopt pretreatment pre-notification requirements, as follows:

NOTICE OF ALL PRECONSTRUCTION TREATMENT

Notification of Pretreatment shall be given by "Notice of Intent" to the local County Agriculture Department Office in which the treatment is performed. The notice shall be provided via mail or telephone within ten-days from the date of contract or prior to the commencement of any work, whichever occurs first.

The notification shall include the following information:

Pest Control Company: _____

Name of Builder or Contractor: _____

Pre-construction treatment
Address and site location: _____

City: _____ State: _____ Zip: _____

County or directions from city if rural: _____

- Discussion regarding when notification would be required, and the related problems such as cancelled jobs, short notification, and being provided with incorrect lot numbers.
- Consumer website providing information regarding pretreatments, such as Texas.
- Discussion of the benefits of pre-notification as a deterrent.

Passed unanimously.

Mr. Zopf moved and Mr. Carrier seconded to recommend the Board adopt into regulation the following posting tag:

THIS PROPERTY HAS BEEN PRE-TREATED BY: _____	
ADDRESS: _____	
TELEPHONE NO.: _____	
DATE TREATED: _____	
PRE-TREAT LOCATION, ADDRESS OR LOT NO.: _____	
CHEMICAL USED: _____	# OF GALLONS: _____
CHEMICAL PERCENTAGE: _____	SQ. FOOTAGE TREATED: _____
LINEAR FEET TREATED: _____	
NAME/LICENSE NO. OF APPLICATOR: _____	

- State of Nevada sells tags as revenue stream to support enforcement.
- Discussion on how revenue could be received and how it could be dispersed to counties and whether counties would have staff to conduct additional enforcement, and fact that counties only receive reimbursement if violations are found and action is taken at the county level.

Passed unanimously.

The meeting adjourned at 3:55 PM.

DATE

RON MOSS, Chair

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PRE-TREAT LOCATION, ADDRESS OR LOT NO.: _____

CHEMICAL USED: _____ # OF GALLONS: _____

CHEMICAL PERCENTAGE: _____ SQ. FOOTAGE TREATED: _____

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