

MINUTES OF THE
1999.5 FALSE AND MISLEADING ADVERTISEMENT TASK FORCE
OF THE STRUCTURAL PEST CONTROL BOARD

The meeting of the 1999.5 False and Misleading Advertisement Task Force was held at the office of the Structural Pest Control Board at 1418 Howe Avenue, Sacramento, California on May 22, 2007.

Meeting called to order 0900 by Chairman Michael Katz.

The roll was called, and a quorum established.

Committee Members Present:

Michael Katz, Chairman
Robert Baker
Darrell Ennes
Curtis Good
Jonathan Kaplan
Mark Rentz
Darren Van Steenwyk
Lee Whitmore

Legal Counsel Kurt Heppler and board staff Susan Saylor and Dennis Patzer were present at the meeting.

Chairman Katz welcomed the committee members, staff and the public to the first meeting of the task force. Mr. Katz asked the task force members to introduce themselves and express their expectations.

Johnathan Kaplan expressed his concern that the committee membership was not balanced. Chairman Katz asked that Mr. Kaplan put his concerns in writing to the board president so that the board at their July 2007 meeting could address his concerns.

There was discussion regarding DPR's registration of and regulation of 25 (b) products. DPR to review guidelines and report back to the committee at the next meeting.

Mr. Kaplan suggested adding an introductory statement or purpose to the California Code of Regulations (CCR) Section 1999.5 to explain the intent of the regulation. He recommended the following wording "The purpose of this regulation is to protect the public from misleading, unsubstantiated and overly broad environmental claims, while enabling the public to receive legitimate, truthful information about environmentally superior products and services."

There was discussion regarding introductory language and how a regulation cannot contain unsubstantiated information. Language regarding efficacy information was also discussed.

Robert Baker made a motion to establish a statement of purpose for section 1999.5 that would not stifle environmental claims but would recognize the concept of efficacy. Darrell Ennes seconded the motion. Discussion ensued. The vote was unanimous.

Darrell Ennes made a motion that Section 1999.5 (f)(4) and (5) be amended to indicate that these portions of Section 1999.5 relate exclusively to wood destroying pests and organisms. Lee Whitmore seconded the motion. Discussion ensued. The vote was unanimous.

There was discussion regarding the constitutionality of Section 1999.5 (a) and (b) as it relates to free speech and advertising. Legal counsel was directed to look into the issue and report to the task force at the next meeting.

The next 1999.5 False and Misleading Task Force meeting was scheduled for June 27, 2007, from 9:00 AM to 4:00 PM, at the Structural Pest Control Board office.

Chairman Katz asked the committee members to review Mr. Kaplan's recommended changes to Section 1999.5 that were included in the committee package and to submit comments regarding his proposed changes to Susan Saylor by June 15, 2007. Ms. Saylor will then forward all comments to members of the committee prior to the next meeting of the task force.

Chairman Katz opened the meeting to public comments. None were received.

The meeting adjourned at 12:10 PM.

Minutes approved on 06/28/07

Michael Katz, Chairman