

DRAFT

MINUTES OF THE
INTEGRATED PEST MANAGEMENT (IPM) TASK FORCE
OF THE STRUCTURAL PEST CONTROL BOARD

The meeting of the Integrated Pest Management (IPM) Task Force was held at the office of the Structural Pest Control Board at 1418 Howe Avenue, Sacramento, California on June 26, 2007.

Chairman Michael Katz called the meeting to order at 10:00 A.M.

The roll was called at 10:05 A.M., and a quorum was established.

Task Force Members Present:

Michael Katz, Chairman
Robert Baker
Nita Davidson (arrived at 10:10 A.M.)
Darrell Ennis
Curtis Good
Jonathan Kaplan (arrived at 10:10 A.M.)
Vernard Lewis
Bill Morris
Lee Whitmore

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

Chairman Katz welcomed the task force members, staff and the public to the second meeting of the task force.

Bill Morris asked Legal Counsel Kurt Heppler to describe the regulatory procedure and a timetable for a proposed regulation. Heppler described the regulatory process for the adoption and approval of a proposed regulation.

Chairman Katz stated that if a recommendation from the task force were to go beyond the regulatory process it might have to be address through legislation and that would involve a more complicated process. Heppler agreed.

Chairman Katz asked if there was a motion to approve the minutes of the last task force meeting.

Darrell Ennes moved that the minutes be approved as read. Lee Whitmore seconded the motion. Discussion ensued. The vote to adopt the minutes was unanimous.

Chairman Katz opened discussion on the development of proposed regulatory integrated pest management definitions for structural pest control. The regulatory definitions were for words and verbiage that came out of the previous task force

meeting. The words and phrases were: intervention, cultural, property, and non-target organisms.

Kurt Heppler explained to the task force that the purpose of term definitions in regulation was to achieve a balance between legal and technical understanding and that regulations do not define every term, only those terms, which may require more understanding by the reader.

A discussion ensued regarding what was property. Kurt Heppler explained different types of property such as real property, and personal property.

Chairman Katz directed the discussion to the word "intervention." A discussion ensued regarding intervention and practices that could be considered as intervention. Darren Van Steenyk proposed a definition for intervention and the task force discussed it and made inclusions and deletions. The definition that came out of the discussion read as follows: Intervention means an action, device, product or practice that is intended for the prevention, control, management, elimination or abatement of a pest.

Darrell Ennes made a motion to accept the definition "Intervention means an action, device, product or practice that is intended for the prevention, control, management, elimination or abatement of a pest." Curtis Good seconded the motion. Discussion ensued. Chairman called for the vote. The vote was unanimous.

Chairman Katz directed the discussion to a definition for the word "cultural." Bill Morris asked the task force to consider having the word cultural removed and replace it with another word. Mr. Morris stated that he felt the word cultural as used in a structural integrated pest management was not a very objective word in most people's minds. Mr. Morris wanted to know how the word cultural could be tied down in regards to the definition in this instance. Chairman Katz stated that in the context of this definition cultural would be considered as patterns of activity and behaviors. Discussion ensued.

Darrell Ennes moved to remove the word "cultural" from the structural integrated pest management definition and replace it with the word "behavior." The structural integrated pest management definition would read:

"Structural integrated pest management (IPM) means a systematic decision making approach to managing pests, which focuses on long-term prevention or suppression with minimal impact on human health, property, the environment, and non-target organisms. Structural IPM incorporates all reasonable measures to prevent pest problems by properly identifying pests, monitoring population dynamics, and using behavioral, physical, biological or chemical pest population control measures to reduce pests to acceptable levels. If a pesticide application or other intervention is determined to be necessary, the selection and application of the intervention shall be performed in a manner that minimizes risk to people, property, the environment, and non-targeted organisms, while providing effective pest management."

Nita Davidson seconded the motion. Discussion ensued. The vote was unanimous.

Chairman Katz opened discussion on the context of the word "property." Discussion ensued. It was determined that the definition of the word "property" would coincide with the definition of those areas in which structural pest control are allowed as defined in Section 8505 of the Business and Professions code. Therefore, no definition was necessary.

Chairman Katz open discussion on a definition for the statement "non-target organism." Discussion ensued. It was determined that no definition for "non-target organism" was needed and that the hyphen currently in the term be removed.

Kurt Heppler asked that the task force empower him to change the definition of "intervention" slightly to say that "For the purposes of this section, intervention is..." Chairman Katz stated that he wanted Mr. Heppler to apply the necessary language to make it fit into the context of the regulation.

Chairman Katz said that he was a little vague on what agenda item five meant. Kurt Heppler stated that the primary/paramount concern in the board's rulemaking function is consumer protection. The agenda item was meant to discuss if any statements should be provided to consumers in regards to structural integrated pest management services. Discussion ensued.

Discussion as to whether the board should promote Integrated Pest Management to consumers was brought up during the discussion. Kurt Heppler stated that the board's promotion of IPM was not an agenda item and should not be commented on. Chairman Katz redirected the discussion back to the agenda item at hand.

Chairman Katz stated that agenda item six was to be addressed at the meeting of the 1999.5 False and Misleading Advertisement Task Force meeting. Chairman Katz moved on to agenda item seven.

Chairman Katz opened discussion on agenda item seven regarding the possible certification of registered companies practicing IPM.

Chairman Katz said that he would like to see the task force make a recommendation to the board that it set up and adopt a protocol for certifying companies and technicians as IPM parishioners.

Darren Van Steenwyk spoke on behalf of the Pest Control Operators of California (PCOC) chair of the IPM committee that PCOC would like to be involved in the IPM certification process. Discussion ensued.

Dennis Patzer reported that the Water Quality Committee discussed issues regarding whether the board should certify IPM providers or provide the standards for a third party certification process.

Robert Baker stated that he needed clarification on if the task force was talking about individual certification or site certification. Dennis Patzer said that the Water Quality Committee only addressed individual certification at the meeting and did not come up with site certification standards.

Harvey Logan stated that he hoped that the board would undertake certification due to major problems with existing continuing education providers and a lack of board oversight. Robert Baker stated that he agreed with Mr. Logan regarding the board having its own in-house certification program. Discussion ensued.

Jonathan Kaplan stated the board did not have a history of working with the environmental community and he was concerned about the board adopting a certification program that the environmental community could buy into.

Chairman Katz said he wanted a statewide program by an agency that regulates the pest control industry whether that is by board certification or through established board standards. Chairman Katz said that trust goes both ways and he is concerned that the environmental community wants to exclude the use of pesticides altogether. Chairman Katz said that he wanted a balance, just as Mr. Kaplan wanted balance.

The task force worked on a broad based recommendation to the board that the board either certify individuals as IPM practitioners or create standards for certification by a third party.

Kurt Heppler proceeded to write language for the task force regarding certification.

Jonathan Kaplan circulated a signup list for task force members to provide input to continue the discussion regarding IPM certification. Kurt Heppler advised that the comments should only be given one way as not to be considered as part of the meeting and therefore not a violation of the open meeting act.

The language Kurt Heppler prepared for discussion was:

"A statewide certification program created with the input of a broad based and balanced stakeholders and administered by the board which establishes the standards and criteria for the practice of IPM."

The task force discussed the language provided by Kurt Heppler.

Darrell Ennes made a motion that the task force would recommend to the board that the Structural Pest Control Board:

1. Develop and adopt a statewide certification program for companies, technicians, and sites in the practice of structural integrated pest management
2. This program would be administered by the Structural Pest Control Board
3. Created with the input of a broad based and balanced stakeholders group

4. Establish standards for the practices of structural integrated pest management
5. Contains a continuing education component to support those standards.

Robert Baker seconded the motion. Discussion ensued. The vote was unanimous.

Chairman Katz asked Kurt Heppler about agenda item eight. Kurt Heppler stated that he had concerns that assuming the certification model is followed that (1) if a company or licensee stated they were certified, when in fact they were not, disciplinary action would be pursued by the board and (2) if that if a certification were to lapse or expire and the company were to continue to advertise that disciplinary action would be pursued by the board. Chairman Katz asked Mr. Heppler if that authority currently exists with the board. Mr. Heppler said that it is under current regulation.

Chairman Katz asked for public comments.

Harvey Logan stated that he thought that the broad base of stakeholders should include pest control customers because they are direct stakeholders.

Cliff Uitley stated that he wanted to commend the task force for its participation.

Chairman Katz stated that he felt that the task force had accomplished assignment by the board and he would report task force recommendations at the next meeting of the board.

Chairman Katz commended the task force and attendees for their participation.

The meeting adjourned at 1:04 P.M.