

**MINUTES OF THE
PRE-TREATMENT COMMITTEE
NOVEMBER 14, 2008**

The meeting was held on Friday, November 14, 2008, at the Department of Consumer Affairs, Lake Tahoe Room, 2005 Evergreen Street, Sacramento, California, commencing at 10:10 AM with the following members constituting a quorum:

Ron Moss
Ray Carrier
Kevin Ethridge
Eric Paulsen
Cliff Smith
Dave Tamayo
Rick Walsh

Board Staff Present

Dennis Patzer, Analyst

I. ROLL CALL

Ron Moss read the roll call.

II. APPROVAL OF MINUTES

There were no previous minutes to be approved.

III. DEVELOPMENT OF PROPOSED SOLUTIONS TO ENSURE THE PROPER PRACTICE OF PRE-CONSTRUCTION TERMITE TREATMENTS

Chairman Ron Moss stated that the previous committee put together a proposal that was submitted to county agricultural commissioners to establish a method by which structural pest control companies report up-coming pre-treatment jobs to the counties, thus allowing the counties the opportunity to be on-site to ensure compliance. Moss stated that the proposal was not well received due to concerns regarding obtaining the resources needed to pursue enforcement in regards to pre-treatment activity.

There was discussion regarding companies that provide documentation for completion of pre-treatment applications while not doing a proper pesticide application.

There was discussion regarding the types of pesticide applications that constitute pre-treatment such as: baiting systems, borate treatments to wood surfaces, and soil applications of pesticides (and non-pesticide materials).

There was discussion regarding the logistical problems inspectors encounter regarding pre-treatment activities.

There was discussion regarding how the proposed notification process could address the alleged violations of pesticide use and disclosure requirements.

There was discussion regarding the enforcement tools that are available and could be used to determine compliance with laws and rules and regulations.

There was discussion about defining a pre-treatment as an overall soil treatment totally within the confines of the form boards (the whole concrete area).

There was discussion regarding architect plans that specify treatment requirements that are not in compliance with pesticide-use laws or label rates.

There was discussion regarding storm water issues that may result from plan specifications that are outside of regulation.

There was discussion regarding termiticide-labeling requirements for pre-treating and how sometimes label wording is vague and hard to interpret.

There was discussion regarding enforcement authority of the Structural Pest Control Board, county agricultural commissioners, and the Department of Pesticide Regulation regarding pesticide use and contractual violations.

There was discussion regarding fine structures involving pesticide-use violations under the structural civil penalty program versus the board's citation and fine program.

There was discussion as to how the Department of Pesticide Regulation might view a recommendation from the committee that it pursue non-financial resources from the Department of Pesticide Regulation and county agricultural commissioners as enforcers in pre-treatment violations.

There was discussion regarding starting a pre-treatment enforcement program that would allow interested county agricultural commissioners to opt in and participate with the Structural Pest Control Board.

There was discussion about the development of a pre-treatment notification system by the Structural Pest Control Board that could be accessed by board staff as well as interested county agricultural commissioners.

There was discussion regarding charging a fee for notification and the possibility of charging a higher notification fee for companies waiting until the last minute before notifying of a pre-treatment.

There was discussion regarding increasing board staff to accommodate pre-treatment inspections and investigations.

There was discussion regarding upgrading the current inspection and completion report filing system to have fields directly related to pre-treatment reports and completion notices.

There was discussion regarding the types of enforcement actions that could be taken by agricultural commissioners and the Structural Pest Control Board.

There was discussion regarding counties that would want to take a lead role in pre-treatment regulatory enforcement and the mechanisms for reimbursement for their work.

There was discussion regarding funding of pesticide-use enforcement and the reimbursement for counties involved in pesticide-use enforcement actions.

There was discussion regarding inspection for storm water runoff label compliance by staff performing the field inspection.

There was discussion regarding what would be required to be in legislation regarding a pre-treatment program and its funding.

The committee moved the following:

- ❑ Chairman Moss report on the Pre-Treatment Committee at the November Board meeting
- ❑ Look at maintaining the inspection report and completion notice for pre-treatments
- ❑ Create a Notice of Intent with a revenue value attached based on market research
- ❑ Structural Pest Control Board will be the lead agency in pre-treatment enforcement
- ❑ Create an avenue to allow the county agricultural commissioners to liaison in pre-treatment enforcement if the county is interested
- ❑ Create a separate fund specific to Pre-Treatment Enforcement
- ❑ A field inspection matrix should be developed to include enforcement of storm water language specified on the label
- ❑ Review rules and regulations adopted to ascertain applicability with proposals

Discussion of the motion ensued.

The vote for approval of the motion was unanimous.

The next Pre-Treatment Committee meeting was scheduled for Monday, January 5, 2009 at 10:00 AM. The meeting will be at the Department of Consumer Affairs, 2005 Evergreen Street, Lake Tahoe Room, Sacramento, CA.

Ron Moss adjourned the meeting at 12:30 PM.

Ron Moss, Chairman

Date