

**MINUTES OF THE
PRE-TREATMENT COMMITTEE
JANUARY 5, 2009**

The meeting was held on Monday, January 5, 2009, at the Department of Consumer Affairs, Lake Tahoe Room, 2005 Evergreen Street, Sacramento, California, commencing at 10:05 AM with the following members constituting a quorum:

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

Board Staff Present

Dennis Patzer, Analyst

I. APPROVAL OF MINUTES

Ray Carrier moved that the minutes of the previous meeting be approved. Cliff Smith seconded the motion. There was discussion. The minutes were approved unanimously.

II. ROLL CALL

Chairman Moss called the roll. All committee members were present

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

Chairman Moss opened discussion regarding moving forward with the recommendations that were developed from the previous Pre-Treatment Committee.

There was discussion regarding how revenue could be generated for a monitoring/enforcement program for pre-treatment applications.

There was discussion regarding the development of documentation specific to pre-treatment activities similar to the existing Wood Destroying Pests and Organisms Inspection Report and the Notice of Work Completed and Not Completed. These documents would have a fee associated with them to fund a monitoring/enforcement program for pre-treatment activities.

There was discussion regarding the assurance that water quality issues (storm water runoff) would be addressed in any inspection matrix developed by the committee.

There was discussion regarding how to provide information to architects regarding the applicable laws and regulations in California regarding pre-treatment activities. Development of a pre-treatment information pamphlet was discussed.

There was discussion regarding if verbiage would be developed by the committee at this meeting for any recommended statute to be given to the Structural Pest Control Board at its January 23, 2009, meeting in order to meet the February 2009 deadline for the submission of proposed legislation. The committee stated that it would not be developing specific verbiage at the meeting.

There was discussion regarding the development of a notice of intent reporting system for pre-treatment activities and if a monitoring enforcement program could be funded from a fee for the notice of intent.

There was discussion regarding county agricultural commissioner involvement versus Structural Pest Control Board in the program and the different focus of the two entities.

There was discussion regarding jurisdictional issues regarding pesticide use enforcement and Business and Professions Code compliance regarding such things as fraud and contract violations.

There was discussion regarding how the Department of Pesticide Regulation (DPR) and the county agricultural commissioners view pre-treatment enforcement. DPR determined that after details of pre-treatment monitoring/enforcement were worked out, there would be three groups. The first group would be counties wanting to take the lead for pre-treatment monitoring/enforcement. The second group (the largest) would not want to take on lead authority but in the case of an apparent violation they would like the referral to come to them. The third group would not want to participate in any way with pre-treatment monitoring enforcement but would want to be kept informed.

There was discussion regarding how a notice of intent would allow an interested county to get information about upcoming pre-treatments and allow it to act on the information.

There was discussion regarding the time frames for the submittal of notices of intent prior to pre-treatments. The time frames discussed were from a minimum of two hours to twenty-four hours.

There was discussion regarding the information that would be required on a notice of intent.

There was discussion regarding the Structural Pest Control Board being the entity accepting the notices of intent and providing a mechanism for counties to access the system to get information regarding dates of proposed pre-treatments.

There was discussion regarding whether a separate program needed to be developed for agricultural commissioner participation or whether counties could participate through the existing structural pesticide enforcement program.

There was discussion regarding the possibility of no fee being required if the county agricultural commissioner activities for pre-treatments were done through the current structural pesticide use enforcement program which pays reimbursement costs for actions taken for pesticide use violations

There was discussion regarding proposed legislation that could allow for a fee for notices of intent in the future, if no fee was established to start a pre-treatment monitoring / enforcement program.

There was discussion regarding the verbiage on a notice of intent language from the previous committee.

There was discussion regarding charging a higher notification fee for companies waiting to notify until two hours prior to pre-treatment.

There was discussion regarding keeping notification requirements consistent with notification time requirements for branch 1 licensees.

There was discussion regarding the unfair business advantage non-compliant companies have because there are not pre-treatment inspections for compliance.

There was discussion regarding industry-scheduling problems regarding pre-treatments.

There was discussion regarding not requiring a second fee for a noticed pre-treatment previously noticed and paid for that was not performed and had to be rescheduled.

There was discussion regarding if notification would be required for each jobsite to be treated, lot or project.

There was discussion regarding a requirement that pre-treatment reports and completion notices be on forms specifically designed for pre-treatment activities and that a fee be associated with reporting them to the Structural Pest Control Board. If a fee were associated with the report and completion notice, there would not be a fee for notification prior to pre-treatment.

There was discussion regarding language for notice of pre-construction treatment requirements.

Ray Carrier made a motion that the language for the notice of intent be as follows:

NOTICE OF PRE-CONSTRUCTION TREATMENT

“Notice of Treatment” shall be given of pre-treatment to the Structural Pest Control Board at least two hours prior to the commencement of any pre-construction treatment application.

The notification shall include the following information:

Pest Control Company & Structural Pest Control License Number

Name of Builder or Contractor

Pesticide / Device Name, EPA Registration Number, Device Registration Number

Method of treatment

Subdivision / Lot Number or Street Address

City

Date of scheduled treatment

Cross street

If notice of intent date changes a revised notice of intent must be submitted..

Cliff Smith seconded the motion.

The motion passed by unanimous vote.

Cliff Smith made a motion that recommendation be made to the Structural Pest Control Board that the board set a fee for the implementation of a monitoring / enforcement program for pre-treatment activities that would be funded through a notice of intent, notice of work completed or other instrument.

Dave Tayamo seconded the motion.

The motion passed by unanimous vote.

The next Pre-Treatment Committee meeting was scheduled for Monday, February 2, 2009 at 10:00 AM. The meeting will be at the Department of Consumer Affairs, 2005 Evergreen Street, Sacramento, CA.

Ron Moss adjourned the meeting at 3:05 PM.

Ron Moss, Chairman

Date