

MINUTES OF THE
IPM CERTIFICATION PROGRAM COMMITTEE
MEETING OF THE
STRUCTURAL PEST CONTROL BOARD
January 19, 2012

The meeting was held on Thursday, January 19, 2012, at Structural Pest Control Board, 2005 Evergreen Street, Donner Lake Room, Sacramento, California, commencing at 9:12 A.M. with the following members present:

Darren Van Steenwyk, Chairperson
Dave Tamayo
Luis Agurto Jr.
Caroline Cox
Jim Steed
Michael Rust
Bob Rosenberg

Board staff present:

Bill Douglas, Interim Executive Officer
Ronni O'Flaherty, Staff Services Analyst

Departmental staff present:

Nita Davidson, IPM Program Representative

Also in attendance was Terry Davis, Univar.

ROLL CALL

Mr. Van Steenwyk called roll call.

INTRODUCTION OF THE COMMITTEE AND ITS PURPOSE

Mr. Tamayo stated that it was his suggestion to form this committee because he is interested in making sure consumers are protected against greenwashing. He expressed concern regarding the ability of a consumer who is seeking a "green" service that there are standards set or oversight ensuring that they will be provided such service. He added that he does not expect the Structural Pest Control Board (Board) to have a very active oversight over the standards set by this committee.

ESTABLISH COMMITTEE GOALS AND DISCUSSION REGARDING IPM CERTIFICATION

Mr. Van Steenwyk stated that the Structural Pest Control Act (Act) defines Integrated Pest Management (IPM) and this committee is not looking to define IPM.

Mr. Tamayo stated that there needs to be value in a claim that a company is IPM certified. He added that any company can say they practice IPM but there needs to be standards that a company who advertises as an IPM certified company need to meet.

Mr. Van Steenwyk referred the committee to page 130 of the Act to discuss false and misleading advertising. He asked Dr. Rust for his standpoint on what oversight the Board should have over IPM certification.

Dr. Rust responded that the Board decided upon a definition for IPM and should set minimum standards for companies that advertise IPM services. He added that many times IPM services are advertised but not provided.

Mr. Agurto stated that an IPM service is a process of discovery on a job by job basis depending on the consumer's constraints on the use of pesticides, condition of the facility, and financial abilities. He stated that coming into this committee he was expecting to discuss possibly another license for IPM professionals or a standardized inspection process for IPM services.

Mr. Van Steenwyk stated that he believes the Board currently has the statutory authority under 1999.5 to enforce that IPM services are being provided when being offered.

Mr. Steed commented that it would be problematic to prove that one did not receive the services that they were promised.

Mr. Douglas stated that under 1999.5 it would be easy to open an investigation but it would be difficult to prove that a consumer was intentionally deceived.

Mr. Van Steenwyk stated that if a consumer was promised an IPM certified service and do not think that they received one, that there are systems within Eco Wise, Green Pro, and Green Shield to report that an IPM certified company is not performing IPM services.

Mr. Tamayo stated that to be Eco Wise, Green Pro, or Green Shield certified, IPM must be incorporated into every service, but if another IPM certification program develops and does not require that IPM is used in every service, a consumer can be swayed to hire them expecting an IPM service, but since there are no standards for an IPM certification program to meet, may not receive one. He added that he would like to preserve the ability of the industry to develop different ways of being certified that fit the Board's definition of IPM. He commented that there needs to be periodic verification that an IPM certified company is doing the right thing within the scope of the certification program.

Mr. Van Steenwyk questioned the Board's statutory authority regarding who and what they can enforce. He added that setting standards that an IPM Certification program should abide by but not having the ability to enforce makes those standards irrelevant.

Dr. Davidson stated that certain portions of 1984 and 1999.5 make not providing an IPM service when promised enforceable.

Mr. Van Steenwyk commented that making an IPM claim is cut and dry because there is a definition within the Act but making a claim to be IPM certified is a different issue because there are no standards for IPM certification.

Mr. Agurto stated that there is a mechanism being formed to establish standards in which a certified company is paying to be enforced that maybe it should be looked into how these certification programs are enforcing those people they certify.

Ms. Cox stated that when revising 1984 and 1999.5 there were concerns that under the old regulations an IPM certified company could not advertise that they are IPM certified.

Dr. Rust stated that there are mechanisms that the Department of Pesticide Regulation has used in the past to certify particular services such as for Africanized Honey Bees and Red Imported Fire Ants.

Mr. Steed suggested there are two areas where the Board can potentially be involved in IPM certification; one being by certifying an individual licensee where the Board could create a certification that the licensee has an understanding of IPM principals as defined in the Act, and another being certifying a process for an IPM certified company to follow to ensure consistency with the Act definition of IPM. He added that there should be a renewal process for this certification so that if the standards are not being met, the Board could review the certified person or company's work and possibly not renew their certification.

Mr. Van Steenwyk commented that Mr. Steed's suggestion is asking a lot from the Board and that Mr. Tamayo's suggestion would require less of the Board, but either way is requiring the Board to take some kind of action in the long run. He questioned the regulatory ability of the Board to even address certifying outside entities.

Mr. Douglas stated that the burden of proof in an enforcement action is on the Board and in this case, all the Board has to go off of is a definition of IPM in section 1984, but there are no other standards to base enforcement action on.

Mr. Van Steenwyk asked Mr. Douglas if the Board has the legal authority to take action against someone claiming to but not providing IPM certified service. He set forth an example by which if a company is certified by an IPM certification program that they follow precisely but a consumer makes a complaint, if the certifier or the certified

company would be disciplined beings that the company was following the certifier's standards.

Mr. Tamayo commented that he does not feel the Board has statutory authority to intervene with a company who is advertising as an IPM certified company under a current certification program unless the company has a contract that says that they are providing IPM services. He added that since there are certification programs, those certification programs should have a process to back up that certification.

Mr. Rosenberg asked Mr. Douglas if there have been any complaints brought forward in the last three years since IPM was defined regarding the enforcement of IPM practices.

Mr. Douglas replied that there had not been.

Mr. Rosenberg commented that he feels that the number one problem NPMA has as a certifying program is that there are a lot of companies want to and are capable of providing IPM services but can not find ample clientele who desires IPM services. He suggested that the Board set standards that a credible IPM certification program should meet to be allowed to make certain advertising claims so that a consumer can differentiate a non-invasive versus an invasive approach for pest control.

Dr. Rust expressed concern regarding the Board's authority to oversee and ensure that the industry is living up to those IPM standards. He stated that he is more interested in more of the industry being trained and certified in IPM practices rather than the enforcement of these practices.

Dr. Davidson commented that there is a lot of room for outreach to promote and educate the consumer that these "green" practices do exist and that many consumers in California would be interested in these services if they knew they existed.

Mr. Van Steenwyk suggested that this committee discuss what role the Board should have regarding IPM certification and how to help the Board promote and allow companies to promote IPM services.

Mr. Steed stated that requiring continuing education in IPM was the first step but this is a long term movement towards the industry being centered more on IPM practices.

Mr. Van Steenwyk asked how this would affect the technicians out in the field.

Mr. Agurto responded that the definition of services to be provided is always discussed between the technician in the field and the consumer and whether the technician is IPM Certified or not the service will not always necessarily be a "green" service.

Mr. Steed commented that by educating licensees in IPM practices through continuing education year after year the culture of how pest control services are being sold will change.

Ms. Cox commented that while raising the bar on better pest control practices is necessary, a consumer should have a choice and feel confident that they are getting the services that they desire.

Dr. Rust stated that the greatest impact is through the technician in the field because a consumer generally has no idea that IPM practices exist or what those practices are and it is up to the technicians to have knowledge of and the training to offer and provide such services.

Mr. Van Steenwyk asked Mr. Davis for his input thus far in the conversation.

Mr. Davis commented that it would be powerful to have an endorsement from a regulatory agency, but not possible when there are not enforcement powers. He added that he does not agree with having additional licensing requirements and fees going along with an IPM certification because some companies are already moving in that direction without endorsements.

Mr. Van Steenwyk concluded that the committee agrees that the current Act needs to be expanded upon through regulation and this may be a good time to address these concerns being that the Act is under review by another committee.

Mr. Douglas stated that regulations are less complicated to change than Business and Professions Codes and that whatever the outcome and desires of this committee are he will be happy to pass those suggestions on to the Act Review Committee.

Mr. Van Steenwyk asked the committee what they would like to see be developed: minimum standards, what an IPM certification program is, or an endorsement of IPM Certification program.

Mr. Steed stated that he would like to see the committee focus their attention on how to better educate and train licensees and finding an appropriate way to certify IPM processes.

Mr. Van Steenwyk commented that by creating minimum standards for an IPM certification program, Mr. Steed's concern about certifying processes would be addressed.

Mr. Tamayo suggested that the standards set forth for an IPM certification could incorporate higher IPM training standards for those who seek that certification. He added that he does not think that the Board would need to license companies in IPM, but just set standards that must be met for the certification programs to conform to.

Mr. Van Steenwyk suggested possibly making a regulation stating that in order to claim being IPM certified, the certification program must meet certain standards, which will be described in that section.

Mr. Douglas stated that if those standards were laid out in regulation 1999.5 would hold grounds for discipline if a certified company were not living up to those expectations.

Mr. Agurto stated that 1984 already states what one needs to do to incorporate IPM into their services, and questioned how the regulatory agency would identify whether that definition is being incorporated into their services. He suggested possibly making an IPM worksheet for field use.

Mr. Van Steenwyk suggested comparing the three current certifying programs and determining minimum standards that the committee feels should be met by each.

Mr. Rosenberg stated that companies who are certified through current programs are not always providing an IPM service and this is allowable through these certification programs. He added that an IPM service only has to be provided if that is what is one is claiming to be providing. He stated that the Environmental Protection Agency (EPA) currently has a program similar to what this committee is looking towards with their Pesticide Environmental Stewardship Program, where they allow a company in the top tier of this program to advertise as an EPA Environmental Partner. He suggested having each of the current certifying programs put on a small presentation of their minimum qualifications for the committee. He added that this committee needs to decide what they will allow an IPM certified company to claim and how to introduce this claim to the public.

Mr. Van Steenwyk expressed concern with promoting IPM and IPM certified services.

Mr. Rosenberg stated that the certified companies would promote the IPM services as something that sets them aside from other companies.

Mr. Agurto commented that the committee can not assume that the companies will promote IPM because currently some companies are certified through current programs and the public still does not know that IPM services exist.

Dr. Rust commented that one third of consumers are willing to pay more for a "green" service and the availability of those services should be promoted by the technicians in the field.

Mr. Steed summarized the committee's desires to add a regulation stating that if you are going to advertise as an IPM certified program, your program must always comply with sample section 1984.1.

Mr. Van Steenwyk asked if his company complies with all of the standards set forth in sample section 1984.1 if his company can have its own IPM certification program.

Mr. Agurto stated that the Board does not have the manpower to enforce IPM certification and that is why many companies go through a third party certifier to oversee that they are complying with the standards of that program.

Mr. Tamayo stated that technician training is not addresses in section 1984 and the committee should define what steps need to be taken to qualify a service as an IPM certified service.

Mr. Rosenberg suggested that it would be easier to come up with broad objectives and let the Board evaluate the current programs and if a company meets or exceeds the standards set forth by the current programs, they be allowed to make certain claims relating to IPM certification.

Mr. Douglas suggested that the committee develop draft policies and regulations for both suggestions and take them in front of the Board to seek direction.

Mr. Van Steenwyk suggested evaluating the three current programs to determine what is working and what is not and work from there.

Dr. Davidson asked if companies are trying to create their own certification programs.

Mr. Van Steenwyk stated that from conversations that he has had, people in the industry are not being certified for strictly economical reasons in that the costs to become certified highly outweigh the profit from providing IPM services.

Dr. Davidson asked if the certification programs offer incentives for the industry to become certified.

Mr. Van Steenwyk stated that some larger governmental procurement programs will put in their specifications that the services must be IPM certified and the certificate must be provided at the time of the bid.

Mr. Steed commented that there is currently not a problem with the public being promised an IPM service and not receiving one, the problem is that the public is interested in but unaware of these practices.

Mr. Van Steenwyk commented that if the term IPM is not used in one's advertising as a "green" certified company, the Board has no regulatory authority.

Mr. Steed stated that currently you can be certified through one of the certifiers and still not have to provide an IPM service.

Dr. Rust asked to hear from the certifiers regarding their requirements. He added that he feels that the Board can set standards for anyone to abide by without being an actual certifier.

Mr. Van Steenwyk stated that the first step would be to directly compare the three current programs and he will contact each of the certifiers to provide a summary of their program for the committee. He added that Clark Pest Control can host a Webinar for this meeting.

Ms. Cox stated that she can set up a Webinar site as well.

Ms. O'Flaherty stated that she has a comparison of the current certifying programs and will forward an electronic version to each of the committee members.

Mr. Steed suggested doubling the hours of IPM continuing education units required for renewal of an individual license from 2 hours to 4.

Mr. Van Steenwyk stated that the current certification programs require the technicians under that certification to go through training and pass competency courses.

Mr. Tamayo stated that recreating the CE requirements is not in the realm of duties for this committee and added that additional requirements for technicians can be set forth in the standards that this committee sets for IPM certification.

Ms. Cox asked if an outline of the certification course necessary to become certified can be provided to the committee.

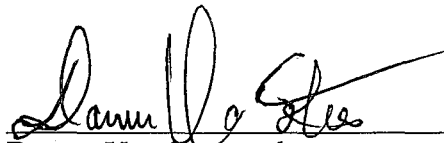
Mr. Van Steenwyk suggested making the CE course approval requirements stricter. He asked each committee member to provide at the next committee meeting an outline of what they think the guidelines for IPM certification should be.

Mr. Rosenberg expressed concern regarding what incentives an IPM Certified company would receive and how a consumer could differentiate a certified company versus a non-certified company.

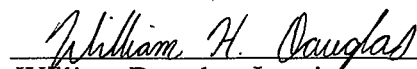
The next committee meeting was tentatively scheduled for the week of March 12-16 or 19-21. Mr. Van Steenwyk stated that he would poll the committee for the best date and let everyone know.

ADJOURNMENT

The meeting was adjourned at 11:53 A.M.



Darren Van Steenwyk,
Committee Chairman



William Douglas, Interim
Executive Officer

3-21-12
DATE