

**MINUTES OF THE MEETING OF THE
STRUCTURAL PEST CONTROL BOARD**

July 17, 2019

The meeting was held July 17, 2019 at the Department of Consumer Affairs,
Hearing Room, 2005 Evergreen Street, Sacramento, California

Board Members Present:

Darren Van Steenwyk, President
Dave Tamayo, Vice President
Mike Duran
Curtis Good

Board Members Absent:

Ronna Brand

Board Staff Present:

Susan Saylor, Executive Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Sabina Knight, Legal Counsel
Karen Nelson, Executive Office

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Van Steenwyk called the meeting at 8:01 A.M. and Ms. Saylor called roll.

Mr. Van Steenwyk, Mr. Tamayo, Mr. Duran, and Mr. Good were present.

Ms. Brand was absent.

A quorum of the Structural Pest Control Board (SPCB) was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Van Steenwyk led everyone in a flag salute and recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

There were no public comments for items not on the agenda.

Administrative Law Judge Wim van Rooyen sat with the SPCB to hear the Petition for Reinstatement of Juan Christian Flores, Field Representative License Number 37996. Mr. Flores was informed that he would be notified by mail of the SPCB's decision.

PETITION FOR REINSTATEMENT
ALONZO G. CONTRERAS III — OPR 11760 — BRANCH 3

Administrative Law Judge Wim van Rooyen sat with the SPCB to hear the Petition for Reinstatement of Alonzo G. Contreras III, Operator License Number 11760. Mr. Contreras was informed that he would be notified by mail of the SPCB's decision.

CLOSED SESSION

Pursuant to subdivision (c)(3) of section 11126 of the Government Code the SPCB met in closed session to consider reinstatements, proposed disciplinary actions, and stipulated settlements.

The SPCB Reconvened in Open Session.

REVIEW AND APPROVAL OF MINUTES OF THE APRIL 17, 2019 AND MAY 29, 2019
BOARD MEETINGS

Mr. Tamayo moved and Mr. Duran seconded to approve the Minutes of the April 17, 2019 and May 29, 2019 meetings of the SPCB. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good. NOES: None. ABSTENTIONS: None.)

DISCUSSION AND POSSIBLE ACTION ON OCCUPATIONAL ANALYSIS FOR
APPLICATORS

Mr. Van Steenwyk stated that there will be an Applicator Occupational Analysis town hall meeting on October 23, 2019 and that everyone can attend and provide input. Mr. Van Steenwyk further stated that the Occupational Analysis provides the framework for the Applicator examination and that the SPCB would coordinate with the Pest Control Operators of California (PCOC) to notify the industry and maximize participation.

Ms. Saylor stated that the draft agenda for the Applicator Occupational Analysis is included in the meeting materials which are posted on the SPCB's website (www.pestboard.ca.gov.)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor updated the SPCB on licensing, enforcement, and examination statistics, survey results, and WDO statistics.

Mr. Van Steenwyk asked if there was a reason for the significant decrease in the Field Representative, and Operator examination passing rates.

Ms. Saylor stated that new Field Representative and Operator examinations were introduced May 1, 2019 and the Office of Professional Examination Services (OPES) is already in the process of evaluating feedback and removing questions that consistently perform poorly.

Ms. Saylor introduced Hollie Glasner from the SPCB enforcement unit and stated that Ms. Glasner was recently hired and has been a wonderful addition to the office.

Ms. Saylor introduced Michelle Thom from the Santa Clara County Agricultural Commissioner's Office.

UPDATE ON THE STATUS OF THE RESEARCH PROPOSALS SELECTED FOR FUNDING AT THE JULY 26, 2018 BOARD MEETING

Mr. Van Steenwyk stated that the research projects have begun and are moving ahead on their respective timelines.

PRESENTATION AND POSSIBLE ACTION ON PROPOSED AMENDMENT OF KEY PERSONNEL TO DR. NEIL TSUTSUI'S APPROVED RESEARCH PROJECT - "DIET AND COLONY STRUCTURE OF TWO EMERGING INVASIVE PEST ANTS"

Mr. Tamayo moved and Mr. Duran seconded to approve the proposed amendment to Dr. Neil Tsutsui's "Diet and Colony Structure of Two Emerging Invasive Pest Ants" research project. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good. NOES: None. ABSTENTIONS: None.)

PRESENTATION AND POSSIBLE ACTION ON PROPOSED AMENDMENT OF KEY PERSONNEL TO DR. DONG-HWAN CHOE'S APPROVED RESEARCH PROJECT - "IMPROVING URBAN ANT PEST MANAGEMENT BY LOW IMPACT IPM STRATEGIES"

Mr. Duran moved and Mr. Tamayo seconded to approve the proposed amendment to Dr. Dong-Hwan Choe's "Improving Urban Ant Pest Management by Low Impact IPM Strategies" research project. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good. NOES: None. ABSTENTIONS: None.)

REGULATIONS DISCUSSION, POSSIBLE ACTION, AND UPDATE

California Code of Regulations (CCR), Title 16, Sections 1970.4, 1970.41, and 1970.42 – Pesticide Disclosures Requirements

Mr. Skelton stated that the proposed language for CCR 1970.4, 1970.41, and 1970.42 was written by Ms. Knight to provide more clarification and that Peggy Byerly, Department of Pesticide

Regulation (DPR), and Ms. Thom were in attendance to provide feedback on the proposed language.

Ms. Byerly presented suggested amendments from the Los Angeles County Agricultural Commissioner's Office and stated that because of the short timeframe the proposed amendments were only their initial suggestions.

Ms. Thom stated that in addition to Santa Clara; Alameda, Marin, and Contra Costa counties contacted her with concerns about the proposed language. Ms. Thom further stated that the use of "may instead of "shall" was problematic from an enforcement perspective and that paperless notification has the potential to lead to miscommunication between pest control companies and consumers.

Ms. Knight stated that the proposed language is a starting point and that the SPCB would work in collaboration with the County Agricultural Commissioners to further amend the proposed language in a manner that addresses their concerns.

CCR, Title 16, Section 1950 — Continuing Education

Mr. Skelton presented proposed language to adjust continuing education requirements by reducing the number of Rules & Regulations hours and increasing the number of Integrated Pest Management (IPM) hours.

Mr. Good stated that the pest control industry has largely done a commendable job implementing IPM into their pest management practices. Mr. Good further stated that he had some concerns about decreasing Rules & Regulations continuing education requirements.

Mr. Van Steenwyk stated that the CE IPM Review Committee felt that many CE courses classified as Rules & Regulations were in fact closer to technical courses and there are usually not enough changes in the law to justify a large Rules & Regulations requirement.

Mr. Skelton stated that the CE IPM Review Committee did not want an overall increase in hour requirements so the increase in IPM necessitated a decrease from another category.

Mr. Van Steenwyk moved and Mr. Tamayo seconded to approve the proposed text (CCR, Title 16, section 1950) for a 45 day public comment period and delegate to the executive officer the authority to adopt the proposed regulatory changes if there are no adverse comments received during the public comment period and to follow established procedures and processes in doing so and also to delegate to the executive officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file. Passed unanimously.

(AYES: Van Steenwyk, Tamayo, Duran, Good. NOES: None. ABSTENTIONS: None.)

CCR, Title 16, Section 1997 — WDO Inspection and Completion Activity Fee (Emergency Regulations)

Ms. Saylor stated that the emergency WDO Inspection Reporting Fee Increase is currently being updated by staff based on legal counsel's recommendations and once those updates are complete it will go to the California Business, Consumer Services, and Housing Agency for final review before it is submitted to the Office of Administrative Law (OAL.)

Ms. Saylor stated that staff was unable to get a July 1, 2019 effective date for the emergency WDO Inspection Reporting Fee Increase. Ms. Saylor further stated that staff expects the regulatory proposal to become effective by October 1, 2019.

CCR, Title 16, sections 1936, 1936.1, 1936.2, 1937.1, 1937.2 — AB 2138 Compliance

Ms. Knight stated that AB 2138 amended the Business and Professions Code (BPC) to reduce licensing barriers for certain individuals with prior criminal history. Ms. Knight further stated that AB 2138 required regulatory amendments for compliance and that they are currently at DCA undergoing review.

LEGISLATIVE UPDATE AND POSSIBLE ACTION

Assembly Bill 613 (Low)

Ms. Saylor stated that Assembly Bill 613 proposed to allow Boards and Bureaus to raise fees outside of the normal regulatory process based on the Consumer Price Index. Ms. Saylor further stated that the last two hearings for Assembly Bill 613 were postponed and that it may be continued in next year's legislative session.

Assembly Bill 1788 (Bloom)

Mr. Van Steenwyk stated that Assembly Bill 1788 has passed the Assembly and is in Senate appropriations. Mr. Van Steenwyk further stated that DPR is continuing to evaluate anti-coagulant rodenticides and is in the process of incorporating Dr. Niamh Quinn's SPCB funded research into their analysis.

Senate Bill 53 (Wilk)

Ms. Knight stated that Senate Bill 53 is currently in Senate appropriations and that the budget analysis recently submitted by DCA is being considered.

FUTURE AGENDA ITEMS

Regulatory updates on CCR, Title 16, sections 1950, 1970.4, and 1997.

A general update from DPR.

BOARD CALENDAR

The next three meetings were scheduled for:

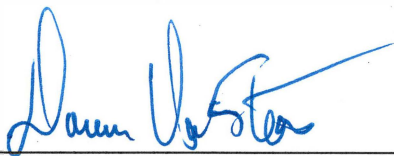
October 23 & 24, 2019 in Sacramento.

March 11 & 12, 2020 in Sacramento.

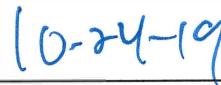
July 7 & 8, 2020 in Los Angeles.

ADJOURNMENT

The meeting was adjourned at 12:39 P.M.



Darren Van Steenwyk, President



Date