

**MINUTES OF THE MEETING OF THE
STRUCTURAL PEST CONTROL BOARD**
October 20 & 21, 2020

The meeting was held October 20 & 21, 2020 via WebEx Events

Board Members Present:

Curtis Good (President)
Dave Tamayo (Vice President)
Derek Devermont
Kyle Finley
Janet Thrasher

Board Members Absent:

Ronna Brand

Board Staff Present:

Susan Saylor (Executive Officer)
Robert Lucas (Assistant Executive Officer)
David Skelton (Administrative Analyst)

Departmental Staff Present:

Sabina Knight (Legal Counsel)

Tuesday, October 20, 2020 – 1:00 P.M.

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Good called the meeting to order at 1:01 P.M. and Ms. Saylor called roll.

Board Members Good, Tamayo, Devermont, Finley, and Thrasher were present.

Board Member Brand was absent.

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

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Good 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.

PETITION FOR REINSTATEMENT
DAWN CHARRETTE – OPR 9119 – BRANCHES 1 & 3

Administrative Law Judge Wim van Rooyen sat with the SPCB to hear the Petition for Reinstatement for Dawn Charrette, Operator License Number 9119, Branches 1 & 3. Ms. Charrette was informed she would be notified by mail of the SPCB's decision.

PETITION FOR MODIFICATON / TERMINATION OF PROBATION
GEORGE KENNETH WEBB – OPR 9331 – BRANCH 3
GEORGE WEBB TERMITE CONTROL, INC. – PR 7766 – BRANCH 3

Administrative Law Judge Wim van Rooyen sat with the SPCB to hear the Petition for Modification/Termination of Probation for George Kenneth Webb, Operator License Number 9331, Branch 3, and George Webb Termite Control, Inc., Principle Registration Number 7766, Branch 3. Mr. Webb was informed 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.

CLOSED SESSION

Pursuant to Subdivision (a)(1) of Section 11126 of the Government Code the SPCB met in Closed Session to Conduct the Executive Officer's Performance Review.

Reconvened in Open Session

Recess Until 9:00 A.M. Wednesday, October 21, 2020

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Good called the meeting to order at 9:01 A.M. and Ms. Saylor called roll.

Board Members Good, Tamayo, Devermont, Finley, and Thrasher were present.

Board Member Brand was absent.

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

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Good 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.

REVIEW AND APPROVAL OF MINUTES OF THE MARCH 12, 2020 BOARD MEETING

Mr. Tamayo moved and Mr. Finley seconded to approve the minutes of the March 12, 2020 SPCB Meeting. Passed unanimously.

(AYES: Good, Tamayo, Devermont, Finley, Thrasher. NOES: None. ABSTENTIONS: None.)

DEPARTMENT OF PESTICIDE REGULATION (DPR) UPDATE

Peggy Byerly, Department of Pesticide Regulation (DPR), provided the following updates to the SPCB –

- Over the summer DPR enforcement and licensing staff moved to a new regional office in Rancho Cordova. Ms. Byerly stated that updated contact information for the staff that moved is available on DPR's website.
- Beginning in August, 2020 DPR began providing computer-based testing.
- Structural regulatory training will be held remotely this year on October 27th, 28th, and 29th with attendees participating via Zoom. Due to the virtual format, registration is open statewide and 108 county enforcement staff have been confirmed thus far.

Mr. Tamayo asked if DPR's structural regulatory training covers surface water regulations as they pertain to pyrethroids and what specifically are enforcement personnel told to look for to ensure compliance.

Ms. Byerly stated that the structural regulatory training does cover pyrethroid surface water regulations and that enforcement personnel have access to the applicable code sections when they are in the field. Ms. Byerly further stated that enforcement personnel are directly observing applications in the field to ensure compliance with the label and the pyrethroid surface water regulations.

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the SPCB on licensing, enforcement, examination, and wood destroying organism statistics, survey results, and examination development.

Ms. Saylor stated that the increased passing rates for the Field Representative and Operator examination were likely due to new examinations being released that are more representative of current industry practice.

Ms. Saylor stated that Naomi Vasquez has retired after a 20-year tenure at the SPCB and that Marina Sao has been hired to replace her on the Bond & Insurance desk. Ms. Saylor added that a part time position at the reception desk has also been filled.

Ms. Saylor stated that due to the Covid-19 pandemic, examination development workshops have been suspended.

Mr. Good asked if it was possible for the Office of Professional Examination Services (OPES) to host examination development workshops using a remote platform.

Ganesh Kumar, OPES, stated that due to security concerns, OPES cannot remotely host exam development workshops but item writing, and occupational analysis workshops are possible.

INQUIRY AND DISCUSSION ON THE STRUCTURAL PEST CONTROL BOARD'S LICENSING TIMEFRAMES

Ms. Saylor stated that she randomly sampled 20 Applicator and Field Representative applications and the average processing time for those were under 10 calendar days. Ms. Saylor added that the most common cause of delay in the licensing process is when an application is incomplete, or the email address is illegible.

Mr. Good stated that when applications are complete and legible the SPCB is extremely timely with its processing. Mr. Good added that due to the Covid-19 pandemic seating at testing locations is far more scarce than usual.

Ms. Saylor stated that due to the Covid-19 pandemic the SPCB's examination proctor can only seat 8 candidates at a time. Ms. Saylor added that there are 17 testing locations throughout California which is a major improvement over past years when there were only 2.

Mr. Finley asked if there are plans for the SPCB to begin accepting digital submission of licensing applications.

Ms. Saylor stated that the SPCB is in the process of installing a new information technology system that would make online application submission possible. Ms. Saylor stated that the new system was scheduled to go live on July 1, 2020 but due to the Covid-19 pandemic, Department of Finance placed the SPCB's budget change proposal on hold for 1 calendar year.

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

Ms. Saylor updated the SPCB on the status of the research projects that were selected for funding at the July 26, 2018 SPCB meeting.

ANNUAL REVIEW AND POSSIBLE ACTION REGARDING THE BOARD'S RESEARCH FUND

Ms. Saylor updated the SPCB on the condition of the Research Fund. Ms. Saylor stated that the fund is currently projected to have around a \$400,000 balance in 2023 and at this time it would be premature to begin the solicitation process.

Mr. Finley asked for a brief explanation on the research funding and selection process.

Ms. Saylor stated that the SPCB's research fund accrues money through the sale of pesticide use stamps. Ms. Saylor added that based on historical data the fund accumulates roughly \$150,000 annually and when it reaches a threshold the SPCB feels is adequate, the formal research project selection process occurs.

ANNUAL REVIEW AND POSSIBLE ACTION REGARDING THE BOARD'S POLICIES AND PROCEDURES

Ms. Saylor stated that the review of the SPCB's Policies and Procedures occurs annually at the October meeting.

Ms. Saylor presented one recommended amendment to section G.4. of the SPCB's Policies and Procedures whereby the SPCB's President and Vice President would begin serving in their roles immediately following the meeting of their election rather than at the following meeting.

Mr. Finley moved and Ms. Thrasher seconded to adopt the amendment to section G.4. of the SPCB's Policies and Procedures. Passed unanimously.

(AYES: Good, Tamayo, Devermont, Finley, Thrasher. NOES: None. ABSTENTIONS: None.)

REGULATIONS DISCUSSION, POSSIBLE ACTION, AND UPDATE:

California Code of Regulations (CCR), Title 16, Section 1970.4, 1970.41, 1970.42 – Pesticide Disclosure Requirements

Darren Van Steenwyk, Chairman, Pesticide Application Notice Committee (PANC), presented the recommended amendments to CCR sections 1970.4, 1970.41, and 1970.42 to the SPCB.

Mr. Good stated that the proposed amendments allow for electronic notification in some situations which will be beneficial to consumers and industry.

Mr. Van Steenwyk stated that the PANC focused on the Branch 2 and 3 portion of 1970.4 while the Fumigation Notice Committee focused on the Branch 1 portion.

Ms. Knight stated that when the Branch 1 amendments are completed the language will be presented for approval together with the Branch 2 and 3 amendments so it can be sent as one rulemaking file.

Mr. Van Steenwyk thanked the SPCB for the opportunity to chair the PANC and expressed appreciation for the contributions of the committee members. Mr. Van Steenwyk further stated that the expectation is for the final recommendations to be presented at the March 2021 SPCB meeting.

CCR, Title 16, Section 1997 - WDO Emergency Fee Increase Certificate of Compliance

Ms. Saylor stated that the certificate of compliance making the SPCB's emergency wood destroying organism fee increase permanent was filed with the Secretary of State of September 14, 2020.

Mr. Good asked Ms. Saylor to explain why the fee increase was necessary.

Ms. Saylor stated that the SPCB's enforcement costs rose dramatically due to rate increases from the Office of the Attorney General and Office of Administrative Hearings.

Mr. Tamayo thanked Ms. Saylor for addressing the budget issue ahead of time and ensuring the SPCB continued to perform its mission. Mr. Tamayo added that the fee increase was supported by the Pest Control Operators of California (PCOC).

Mr. Finley asked Ms. Saylor to explain how the funds are used.

Ms. Saylor stated that the wood destroying organism fee goes directly into the SPCB's support fund. Ms. Saylor added that the support fund bolsters everything the SPCB does and the wood destroying organism fee comprises about 80% of the SPCB's funding.

CCR, Title 16, Section 1936, 1936.1, 1936.2, 1937.1, 1937.2 – Rulemaking to Implement AB 2138

Mr. Skelton stated that rulemaking file to implement the necessary changes for AB 2138 compliance is currently being reviewed at the Office of Administrative Law (OAL) and is expected to be approved once the Department of Finance (DOF) approves the fiscal analysis.

Ms. Knight stated that she would compile a fact sheet on AB 2138 and its associated regulations to assist SPCB members in determining its applicability.

LEGISLATION UPDATE AND POSSIBLE ACTION

Assembly Bill 1788 (Bloom) – Pesticides: Use of Anti-Coagulants

Mr. Van Steenwyk stated that AB 1788 was signed by Governor Newsom in November and the industry is currently waiting on enforcement guidance from DPR.

Mr. Good asked what the anticipated impact on consumers will be.

Mr. Van Steenwyk stated that AB 1788 severely limits the ability of the industry to use second generation anti-coagulants which are widely used specifically for their benefits. Mr. Van Steenwyk

stated that the exact impact on structural pest control is difficult to gauge but production agriculture, waterways, food distribution and warehousing, and hospitals were exempted from the provisions of AB 1788.

Mr. Good asked what alternatives the industry has at its disposal for rodent control without second generation anti-coagulants.

Mr. Van Steenwyk stated that the industry will have to use different classes of chemistry, including acutes, but the concern is that there is no antidote if there is unintended exposure to those products.

Mr. Good asked if PCOC is working on anything to address these concerns.

Mr. Van Steenwyk stated that at this point, the industry is waiting on enforcement guidelines from DPR because AB 1788 goes into effect January 1, 2021.

Mr. Good asked if there is any indication for when DPR's evaluation of second-generation anti-coagulants will be complete.

Mr. Van Steenwyk stated that DPR is working on the evaluation and is aware the moratorium extends until it is complete.

Mr. Good asked if there were any other studies currently underway.

Mr. Van Steenwyk stated that Dr. Niamh Quinn is currently studying the impact of second-generation anti-coagulants on wildlife and that she is also developing best practices for rodent control which will be included in the mitigation portion of DPR's evaluation.

Mr. Good stated that the SPCB has previously taken an oppose position on AB 1788 he continues to have great concerns about the public health impact of AB 1788.

Ms. Knight suggested adding this as a topic to a future agenda and possible recommending legislation to exempt SPCB licensees from the provisions of AB 1788.

Assembly Bill 2028 (Aguilar-Curry) – State Agencies: Meetings

Ms. Saylor stated that AB 2028 failed to pass but would have required the SPCB to post all meeting materials on its website 10 days prior to the meeting.

Senate Bill 878 (Jones) – License Application Processing Timeframes

Ms. Saylor stated that SB 878 requires the SPCB, beginning July 1, 2021, to post its license application processing times on its website.

Mr. Finley asked if the SPCB has a position on SB 878.

Ms. Saylor stated that she was not opposed to SB 878 as the SPCB performs very well in license application processing times.

ANNUAL ELECTION OF BOARD PRESIDENT AND VICE PRESIDENT

Mr. Tamayo stated that his term is expiring in June, 2021 so it would be better if he were not elected to serve as one of the officers.

Mr. Tamayo moved and Mr. Finley seconded to nominate Mr. Good to serve as President of the SPCB. Passed unanimously.

(AYES: Good, Tamayo, Devermont, Finley, Thrasher. NOES: None. ABSTENTIONS: None.)

Mr. Tamayo moved and Mr. Good seconded to nominate Mr. Devermont to serve as Vice President of the SPCB. Passed unanimously.

(AYES: Good, Tamayo, Devermont, Finley, Thrasher. NOES: None. ABSTENTIONS: None.)

FUTURE AGENDA ITEMS

The following were identified as future agenda items:

The Environmental Protection Agency's certification and training guidelines for pesticide applicators and the associated regulatory amendments for SPCB compliance.

Pesticide Application Notice Committee and Fumigation Notice Committee update.

An update on AB 1788 (Bloom) and the SPCB's impact mitigation strategy.

An update on the SPCB's regulatory amendments for AB 2138 (Chiu) compliance.

BOARD CALENDAR

The SPCB's upcoming meetings were scheduled as follows:

March 9 & 10, 2021 via WebEx

July 20 & 21, 2021 via WebEx

October 19 & 20, 2021 via WebEx

ADJOURNMENT

The meeting was adjourned at 11:23 A.M.

Signature on File

March 9, 2021

Curtis Good, President

Date