

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

March 23, 2022

The meeting was held via WebEx events

Board Members Present:

Kyle Finley (President)
Curtis Good
Nicky Kapadia
Magali Flores Nunez
Janet Thrasher

Board Members Absent:

Derek Devermont (Vice President)

Board Staff Present:

Susan Saylor, Executive Officer
Robert Lucas, Assistant Executive Officer
David Skelton, Administrative Analyst

Departmental Staff Present:

Sabina Knight, Legal Counsel

I. ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Finley called the meeting to order at 9:07 A.M. and Ms. Saylor called roll.

Mr. Finley, Mr. Good, Ms. Kapadia, Ms. Flores Nunez, and Ms. Thrasher were present.

Mr. Devermont was absent.

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

II. FLAG SALUTE / PLEDGE OF ALLEGIANCE

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

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

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

IV. PETITION FOR REINSTATEMENT

TROY L. SPILLMAN – OPR 12606 – BRANCH 2

Administrative Law Judge Coren D. Wong sat with the SPCB to hear the Petition for Reinstatement for Troy L. Spillman, Operator License Number 12606, Branch 2. Mr. Spillman was informed he would be notified by mail of the SPCB's decision.

V. PETITION FOR MODIFICATION / TERMINATION OF PROBATION

TIFFANY L. NAVA – FR 57694 – BRANCH 2

Administrative Law Judge Coren D. Wong sat with the SPCB to hear the Petition for Modification/Termination of Probation for Tiffany L. Nava, Field Representative License Number 57694, Branch 2. Ms. Nava was informed she would be notified by mail of the SPCB's decision.

VI. CLOSED SESSION

Pursuant to Government Code section 11126(c)(3) the SPCB met in closed session to discuss and take action on disciplinary matters, including the above petitions.

RECONVENED IN OPEN SESSION

The SPCB reconvened in open session and Ms. Saylor called roll.

Mr. Finley, Mr. Good, Ms. Flores Nunez, and Ms. Thrasher were present.

Mr. Devermont and Ms. Kapadia were absent.

A quorum of the SPCB was established.

VII. REVIEW AND POSSIBLE APPROVAL OF THE MINUTES OF THE OCTOBER 20, 2021, SPCB MEETING

Mr. Good moved and Ms. Flores Nunez seconded to approve the minutes of the October 20, 2021, SPCB meeting. Passed unanimously.

(AYES: Finley, Good, Flores Nunez, Thrasher. NOES: None. ABSTENTIONS: None.)

VIII. DEPARTMENT OF PESTICIDE REGULATION (DPR) UPDATE

Peggy Byerly, DPR, updated the SPCB on the following topics:

DPR submitted comments on the proposed sulfur dioxide interim mitigation measures and has not yet received a response perhaps due to the large number of public comments received.

DPR’s proposed rulemaking regarding decontamination for employees handling pesticides is projected to be out for public comment in the summer of 2022. This rulemaking would require eyewash stations to be compliant with the American National Standards Institute (ANSI) safety standards in scenarios where eyewash stations are mandated. Additionally, this proposed rulemaking would require a decontamination site to be present when any mixing/loading of pesticides occurs rather than only when danger or warning coded signal word pesticides are involved.

DPR’s implementation of the United States Environmental Protection Agency’s (EPA) Certification and Training standards. Ms. Byerly stated that DPR’s proposed regulatory amendments to comply with EPA certification and training standards will result in the elimination of certain licensing categories, as well as the addition of new licensing categories for soil, and non-soil fumigation. Additionally, the proposed regulatory amendments will address continuing education processes and supervision of non-certified applicators. DPR expects the proposed regulations to be open for public comment in May 2022, finalized in July 2023, and effective January 2024.

Ms. Byerly stated that the latest DPR evaluation of fumigation enforcement in Santa Clara County was for calendar year 2020. Ms. Byerly stated that there was a decrease in fumigation inspection activity during the pandemic but as employees have returned to the office and new employees are hired and trained inspection activity is expected to increase.

Ms. Byerly expressed her appreciation for Mr. Good’s high standards and professionalism in his work and years of service to the SPCB.

Mr. Good thanked Ms. Byerly for her kind words and expressed his appreciation for the work Ms. Byerly has done in the fumigation industry.

IX. EXECUTIVE OFFICER'S REPORT

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

Mr. Finley asked if there was any feedback related to the drop in the Operator examination passing rate.

Ms. Saylor stated that the drop in the Operator examination passing rate was likely due to the introduction of a new Operator examination in May 2021. Ms. Saylor added that the longer an examination is used the more the questions become familiar in the industry resulting in higher passing rates.

Ms. Flores Nunez asked if any data related to the demographics or diversity of the examinees is collected.

Ganesh Kumar, Office of Professional Examination Services (OPES), stated that demographic data is collected and analyzed during the occupational analysis portion of the examination creation process but demographic data for the examinees is not collected.

Mr. Skelton stated that SPCB examinations are proctored by Psychological Services Incorporated (PSI) and that demographic data of the examinees is not collected.

Ms. Flores Nunez expressed an interest in staff determining if it would be possible to begin collecting demographic data for the examinees.

Board member Nicky Kapadia re-joined the meeting at 1:10 P.M.

Ms. Saylor stated that the SPCB wants to resume examination creation workshops but will need a lot of help from the industry in providing subject matter experts. Ms. Saylor added that the SPCB provides subject matters experts \$150 a day, 8 hours of continuing education credit, up front airfare, and will reimburse hotel and transportation costs.

Mr. Kumar stated that Applicator subject matters experts are needed in order to finish the Applicator Occupational Analysis.

Ms. Saylor gave the following updates to the SPCB on staffing:

Janene Claytor who was on the Field Representative desk for over 20 years has retired. Suzanne Shibata who was previously on the Stamp and C.E. Audit desk is now on the Field Representative desk.

Gia Munguia who was on the Examinations desk retired with over 40 years of state service. Patricia Rugaika, who was previously a Seasonal Clerk, is now on the Examinations desk.

Interviews were completed for the vacant Stamp and C.E. Audit desk and the individual who was hired will begin in April 2022.

Lastly, Ms. Saylor updated the SPCB on the fund conditions and pointed out that the expenditures projected for Fiscal Year 2022-23 in the Research Fund are inaccurate due to the pandemic causing existing research contracts to be extended.

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

Dr. Michael Rust presented the findings of his "Development and Evaluation of Bait Strategies for Control of Pest Yellowjackets in California" research project to the SPCB. Dr. Rust's final report for this research project can be viewed on SPCB's Research Information webpage here: <https://pestboard.ca.gov/howdoi/research.shtml>

Ms. Saylor updated the SPCB on the status and fund balances of the remaining research proposals selected for funding at the July 26, 2018, Board Meeting.

XI. REGULATIONS STATUS UPDATE

Pesticide Application Notice Requirements: California Code of Regulations (CCR), Title 16, sections 1970.4, 1970.41, 1970.42, 1970.43

Mr. Skelton stated that the initial rulemaking documents for proposed Pesticide Application Notice Requirements regulatory proposed are being reviewed by the DCA regulations unit. Mr. Skelton added that the projected effective date for the Pesticide Application Notice Requirements rulemaking is early 2023.

CCR, Title 16, section 1996.3 - Electronic Submission of WDO Inspection and Completion Activity Report Form

Ms. Saylor stated that since the SPCB directed staff to pursue policy mandating electronic Wood Destroying Organism Inspection and Completion Activity Form (WDO) submission at the October 2022 meeting, staff has been working with companies to switch to electronic submission and there are only ten companies left submitting hard copy WDOs. Ms. Saylor added that staff is continuing to work with DCA's regulations unit to craft language mandating electronic WDO submission.

XII. LEGISLATION UPDATE AND POSSIBLE ACTION REGARDING

AB 646 (Low) – Department of Consumer Affairs: Boards: Expunged Convictions

Ms. Saylor stated that AB 646 would require the SPCB to post notice of expungement on its website within 90 days of being notified that criminal history posted on its website has been expunged. Ms. Saylor added that AB 646 has passed the Assembly and is in the Senate.

AB 1604 (Holden) – The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications

Ms. Saylor stated that AB 1604 would require Boards or Commissions in California with 1 more or more volunteer members, beginning January 1, 2023, to have at least one member or commissioner from an underrepresented community.

AB 1733 (Quirk) – State Bodies: Open Meetings

Ms. Saylor stated that AB 1733 would allow teleconference meetings to continue to be held.

SB 1064 (Newman) – Structural Pest Control: Workers Compensation Insurance Coverage

Ms. Saylor stated that SB 1064 would require all companies registered with the SPCB to maintain workers compensation insurance coverage. Ms. Saylor added that there was a recent tragedy where an SPCB licensee lost his life on the job and his employer's workers compensation insurance coverage had lapsed.

Mr. Good stated that SB 1064 protects both employees and homeowners.

Mr. Good moved and Ms. Thrasher seconded to support SB 1064 and direct staff to write a support letter to the author. Passed unanimously.

(AYES: Finley, Good, Flores Nunez, Kapadia, Thrasher. NOES: None. ABSTENTIONS: None.)

Mr. Good and Ms. Saylor thanked the Pest Control Operators of California (PCOC) and Chris Reardon for their hard work in finding an author for SB 1064.

XIII. FUTURE AGENDA ITEMS

Ms. Saylor announced her retirement as Executive Officer of the SPCB and made several recommendations for the future of the Board and thanked the hard working SPCB staff.

Board members, staff and members of the public thanked Ms. Saylor for her service to the SPCB.

Ms. Knight stated that the appointment of an interim Executive Officer will need to take place at a future meeting with the topic properly placed on the agenda.

XIV. BOARD CALENDAR

The SPCB scheduled its next 3 meeting dates for:

- July 19 & 20, 2022 in Claremont
- October 18 & 19, 2022 in Sacramento
- March 8 & 9, 2023 in Sacramento

XV. ADJOURNMENT

Mr. Finley adjourned the meeting at 2:41 P.M.

Signature on File

July 20, 2022

Kyle Finley, President

Date