



MINUTES OF THE MEETING OF THE STRUCTURAL PEST CONTROL BOARD

July 19 & 20, 2022

The meeting was held July 19 & 20, 2022, at the Doubletree by Hilton Claremont located at 555 West Foothill Blvd. Claremont, CA 91711.

Board Members Present:

Kyle Finley (President)
Janet Thrasher
Yessenia Anderson
Mark Paxson

Board Members Absent:

Derek Devermont (Vice President)

Board Staff Present:

Robert Lucas, Interim Executive Officer
David Skelton, Administrative Analyst
Kristina Jackson-Duran, Administrative Analyst

Departmental Staff Present:

Sabina Knight, Legal Counsel
Michael Romero, Legal Counsel

Tuesday, July 19, 2022 –10:01 AM

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Finley called the meeting to order at 10:01 A.M. and Mr. Lucas called roll.



Mr. Finley, Ms. Anderson, Mr. Paxson, Ms. Thrasher were present.

Board Member Devermont was absent.

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

FLAG SALUTE / PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Mr. Finley called for any public comments that were not on the meeting agenda.

Mr. Skelton – Peggy Byerly from Department of Pesticide Regulation (DPR) submitted these comments:

DPR certification and training rulemaking public comment period ends today, July 19 2022. These regulations include sections that will apply both to Structural and Agricultural pet control. Worker’s safety training, supervision of employees and use of restricted use pesticides and who the EPA classifies as non-certified applicators, are some of the pertinent subject matters. So, if you have comments, today is the last day to get them in.

Additionally, the DPR and Structural Pest Control Board regulatory training is scheduled for September 27 thru 29th in Irvine this year. Cardinal Professional Products staff will be assisting and finding volunteer Structural Branch 1, 2, and 3 companies to participate in the training.

This document will become part of the materials and will be put up on the Boards website if anyone wants to review it.

Mr. Finley – called for additional comments from the public.

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

PETITION FOR REINSTATEMENT
ANGEL GALLEGOS – OPR 10788 – BRANCH 1



GALLEGOS PEST CONTROL, INC. – PR 6391 – BRANCH 1

Administrative Law Judge Nana Chin sat with the SPCB to hear the Petition for Reinstatement for Angel Gallegos, Operator License Number 10788, Branch 1. Mr. Gallegos was informed he would be notified by mail of the SPCB's decision.

PETITION FOR REINSTATEMENT

SHAWN KENNETH ZUELZKE – FR 34246 – BRANCHES 2 & 3

Administrative Law Judge Nana Chin sat with the SPCB to hear the Petition for Reinstatement for Shawn Kenneth Zuelzke, Field Representative License Number 34246, Branch 2 & 3. Mr. Zuelzke was informed he would be notified by mail of the SPCB's decision.

PETITION FOR REINSTATEMENT

ANTONIO M. VILLASANA – RA 51516 – BRANCH 2 & 3

Administrative Law Judge Nana Chin sat with the SPCB to hear the Petition for Reinstatement for Antonia M. Villasana, Applicator License Number 51516, Branch 2 & 3. Mr. Villasana was informed he would be notified by mail of the SPCB's decision.

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.

Pursuant to Government Code section 11126(a)(1) the SPCB met in closed session to consider the appointment or employment of an Executive Officer.

OPEN SESSION

Mr. Finley called for recess until 9:00 a.m., July 20, 2022.

Wednesday, July 20, 2022 – 9:00 A.M.

ROLL CALL



Mr. Finley called the meeting to order at 9:03 A.M.

Mr. Lucas called roll.

Mr. Finley, Ms. Anderson, Mr. Paxson, Ms. Thrasher were present.

Board Member Devermont was absent.

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

Mr. Finley – The Board met in closed session and appointed a new executive officer. The formal announcement will be made upon the Director’s approval for the appointment.

REVIEW AND POSSIBLE APPROVAL OF THE MINUTES OF THE MARCH 23, 2022, AND APRIL 28, 2022, SPCB MEETINGS

Mr. Finley asked the Board if there were any questions regarding the March 23, 2022, meeting minutes. There were none.

Ms. Thrasher moved and Mr. Paxson seconded to approve the minutes of the March 23, 2022, and April 28, 2022, meeting.

There were no public comments on the motion.

Mr. Finley asked Mr. Lucas for a roll call vote.

Mr. Lucas called a roll call vote. Unanimously passed.

(AYES: Finley, Anderson, Paxson, Thrasher. NOES: None. ABSTENTIONS: None.)

DISCUSSION AND POSSIBLE ACTION ON APPOINTMENT OF SPCB 2023 SUNSET REVIEW COMMITTEE

Mr. Finley – turns the floor to Mr. Lucas to explain the Sunset Review process.



Mr. Lucas stated the Sunset Review is a report done every 3-4 years that is given to the California State Legislators for review of the Board’s performance. This report is drafted to ensure that the board is meeting legislative mandates for their operations. The request is to establish a one or two board member sub-committee and to also consider the appointment of a task force or staff to assist in the steps involved in authoring this Sunset Report.

Mr. Finley – asked the Board if there would be anyone that would like to join him on the committee.

Mr. Paxson – asked for the length of time that would be required if he chose to be on the committee. Mr. Lucas responded that the meetings will be simple and brief. He further explained that the document will have to be submitted to the Board by the October 2022 meeting. Mr. Lucas asked Legal Counsel Ms. Knight for information on the changing due dates for submittal. Ms. Knight suggested the meetings be informal and can be done via email and telephone conversations.

Ms. Anderson asked if the Board would be able to help with this since everyone is brand new. Ms. Knight responded the feedback can be helpful because, while staff will do the technical work, the Board will be able to read the information with new eyes and help to make sure the information is clear. Ms. Knight further reminded the President that he can always appoint a committee outside of a meeting, so this can be established outside of an official meeting.

Mr. Finley stated that a committee will be established within a couple of weeks when schedules for the members are available.

EXECUTIVE OFFICER’S REPORT

Mr. Lucas began with the examination development for Applicator license exam. He provided a copy of the sample of our outreach to the industry concerning Applicators. This is for occupational analysis. There were responses from the licensing population and the occupational analysis workshop will take place on July 29, 2022.

Mr. Finley asked what kind of responses were received. Mr. Lucas responded that an email blast was sent to over 3,800 licensees, and approximately 12 responses were received, which is typical. He further stated that the email was sent three weeks ago, and a full complement of subject matter experts were received, and the Board was able to move forward with the occupational analysis.



Mr. Lucas also stated the Board will begin development for the Field Representative 2 on September 27 and 28, 2022, and Field representative 3 will occur October 11 and 12, 2022.

Mr. Finley asked if this was the first time doing these workshops remotely. Mr. Lucas responded that the exam development team has no concerns with exam security for the Occupational Analysis portion therefore it can be done remotely, however, the workshops themselves will be done in person.

Ms. Anderson asked if the email distribution lists were made up of people who have opted in to being contacted. Mr. Lucas responded that is correct.

Ms. Anderson asked if outreach was only sent in English or are there various languages used. Mr. Lucas responded that everything is sent in English. Ms. Anderson asked if the Board could translate and send emails in different languages. Mr. Lucas responded that he knows there is that capability, however, in statute the Board's examinations are to be in English, so the Board is paralleling this requirement and sending the emails and letters in English. He further stated that translating to other languages can be explored down the road.

Ms. Thrasher stated she has several employees that are capable and knowledgeable, however, their first language is Spanish, and they could not pass the Board's examination in English. She believes that these individuals are being held back, and in the State of California there are probably as many English-speaking people as there are Spanish. She states that the Board should consider giving the examination in Spanish as well.

Mr. Lucas continued with the Executive Officer report and provided a staffing update. He stated Executive Officer Susan Saylor retired at the March 2022 Board meeting and he took over as interim Executive Officer in June 2022. He further stated that in March 2022, Patricia Rugaika started as the new exams coordinator for FR and OPR, replacing Gia Mungia; Alicia Vaupotic is the new CE Audit, Live Scan and Pesticide Use desk as of April of 2022; Mr. Michael Romero will be the Board's new Legal Counsel; and Stephanie Lee will be the new Deputy Attorney General Liaison replacing Laura Pedicini.

We also have two new Board Members – Mr. Mark Paxson and Ms. Yessenia Anderson.

Mr. Finley welcomed everyone.



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

Mr. Lucas provided an update on the status of the research projects. He stated that Dr. Niahm Quinn is currently moving forward with the isotopically labelled baits. Her focus is on the efficacy of baits in urban settings. They have had delays due to the need for use of a lab in Utah. This lab is the only place that can do the work needed to move forward.

Dr. Neil Tsutsui is conducting his research on invasive ants, rover ants, looking at behaviors and determining what type of bait types or bait stations can be utilized and what types of insecticides can be used to abate these types of ants.

Dr. Andrew Sutherland is conducting research on the efficacy of subterranean termite bait stations. He is nearing completion on this study.

Mr. Finley asked if the research projects all began in 2018. Mr. Lucas responded that it is situational based on the budget and that where the Board is currently at \$715,000, \$369,000 that is encumbered, that has not been expended, and staff is projecting by budget year 24/25 the Board will have approximately \$900,000 for additional research projects. At that time, the Board will begin the RFP process to move forward.

Mr. Finley asked how the decision was made for research to be conducted. Mr. Lucas responded there were several individuals that presented topics, those items were vetted, and the Board had the opportunity to entertain all the information and then ultimately decide on what topics they believed were significant and representative on the industry’s current needs.

Mr. Finley asked how the Board budgets for research projects. Mr. Lucas responded the Research Fund is funded by revenue from the pesticide use stamps, the six-dollar fee, two dollars of that goes to the research fund. So, every time a stamp is purchased, two dollars of that goes to the research fund and it accrues.

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 these were approved by the Board, have been submitted to Regulation Counsel at the DCA and they have given their edits. The edit and language changes may be brought back to the Board for approval.

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

Mr. Skelton stated that this change has been approved but will be held until the Board's new Connect IT system is in place. There were some challenges with the language that cannot be completed until the new IT system is in place.

Mr. Finley asked if there is a regulation change, typically how long is that process. Mr. Skelton responded that from the time the Board directs staff to begin the official rulemaking process it takes approximately one year and a half from starting the process to completion. In addition to our in-house counsel, we have Regulatory Counsel at the DCA. They are involved in the process now from beginning to end. The proposed language goes to DCA, then to initial public notice, then there is a comment period and if there are adverse comments received, we consider those, and the board approves our responses. If there is not, it then goes into final rulemaking process. That does not include the development of the language. From the time the Board directs us to enact any language, I would say about a year and a half.

A discussion of the Boards responsibility in enacting official rulemaking followed.

LEGISLATION UPDATE AND POSSIBLE ACTION REGARDING

AB 1733 (Quirk) – State Bodies: Open Meetings

Mr. Lucas stated that this bill has been postponed effective April 20, 2022.

AB 2452 (Chen) – Structural Fumigation Enforcement Program

Mr. Lucas stated that as of June 6, 2022, it has been rereferred to the committee on appropriations. This bill will be eliminating San Diego County from participation in the Structural Fumigation Enforcement Program. The bill is moving forward.



SB 189 (State Government)

Ms. Knight stated that this bill will put into place the for a short time (until July 1, 2023), the ability to proceed with Board meetings remotely. The Board can continue to hold WebEx meetings remotely until next year.

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

Mr. Lucas stated this bill adds Section 8693 of the Business and Professions Code to the Structural Pest Control Act. We patterned this legislation from information we were able to draw from the Contractor’s State Licensing Board. This legislation was spurred by the recent death of a licensee. The current standing as of June 22, 2022, Senate vote was 33-0 to move forward and to rerefer to committee on appropriations with recommendations to put on the consent calendar. If the bill is signed by the Governor, it will be chaptered and effective January 1, 2023.

FUTURE AGENDA ITEMS

Mr. Finley asked the Board and the public if there were any future agenda items that they would like to see added to the future agenda. There were no responses from the Board or the public.

BOARD CALENDAR

The SPCB scheduled its next 3 meeting dates for:

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

ADJOURNMENT

Mr. Finley adjourned the meeting at 10:01 A.M.

Signature on File

October 27, 2022

Kyle Finley, President

Date