

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

The meeting was held October 12 & 13, 2016 at the Department of Consumer Affairs,
Hearing Room, 2005 Evergreen Street, Sacramento, California

Board Members Present:

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

Board Members Absent:

Ronna Brand

Board Staff Present:

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

Departmental Staff Present:

Frederic Chan-You, Legal Counsel

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 12:02 P.M. and Ms. Saylor called roll.

Board Members Tamayo, Good, Duggal, Duran, and Van Steenwyk were present.

Board Member Brand was absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Tamayo lead everyone in a 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
JOSE E. FISHER – FR 43561 – BRANCH 1

Administrative Law Judge Gene K. Cheever sat with the Board to hear the Petition for Reinstatement for Jose E. Fisher, Field Representative License Number 43561. Mr. Fisher was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT
BRADLEY D. KENDRICK – FR 45047 – BRANCH 2

Administrative Law Judge Gene K. Cheever sat with the Board to hear the Petition for Reinstatement for Bradley D. Kendrick, Field Representative License Number 45047. Mr. Kendrick was informed that he would be notified by mail of the Board's decision.

PETITION FOR REINSTATEMENT
JOSE G. RAMIREZ – FR 42769 – BRANCH 1

Administrative Law Judge Gene K. Cheever sat with the Board to hear the Petition for Reinstatement for Jose G. Ramirez, Field Representative License Number 42769. Mr. Ramirez was informed that he would be notified by mail of the Board's decision.

CLOSED SESSION

Pursuant to subdivision (c) (3) of section 11126 of the Government Code, the Board met in closed session to consider proposed disciplinary actions, stipulated settlements, and petitions for modification / termination of probation and reinstatement including the above petitions.

Return to Open Session

RECESS

The meeting recessed for the day at 4:29 P.M.

Thursday – 9:00 A.M.

ROLL CALL / ESTABLISHMENT OF QUORUM

Mr. Tamayo called the meeting to order at 9:02 A.M. and Ms. Saylor called roll.

Board Members Tamayo, Good, Duggal, Duran, and Van Steenwyk were present.

Board Member Brand was absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Tamayo lead everyone in a recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Michael Tucker, General Counsel, Stego Industries, gave a presentation to the Board informing them about the products and services offered by Stego Industries. Mr. Tucker requested a future agenda item to discuss the licensing requirements that may apply to the products and services offered by Stego Industries.

Mr. Tamayo asked Mr. Chan-You if the Board could ask questions of Mr. Tucker at this meeting.

Mr. Chan-You advised the Board not to ask questions of Mr. Tucker concerning this topic at this meeting, given that it is not on the agenda.

Mr. Tamayo asked that this topic be placed on the agenda for the January, 2017 meeting.

PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT OF CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 16, DIVISION 19, SECTION 1914 TO PROHIBIT THE APPROVAL AND USE OF A NAME OR TELEPHONE NUMBER THAT IS THE SAME AS A COMPANY WHOSE REGISTRATION HAS BEEN SURRENDERED

Mr. Chan-You outlined the nature of the proceedings for the public hearing for the proposed amendment of California Code of Regulations (CCR), Title 16, Division 19, Section 1914 to prohibit the approval and use of a name or telephone number that is the same as a company whose registration has been surrendered.

Mr. Chan-You opened up the floor to public comment regarding the proposed amendment of CCR, Title 16, Division 19, Section 1914 to prohibit the approval and use of a name or telephone number that is the same as a company whose registration has been surrendered.

There were no public comments regarding the proposed amendment of CCR, Title 16, Division 19, Section 1914 to prohibit the approval and use of a name or telephone number that is the same as a company whose registration has been surrendered.

CONSIDERATION OF ADOPTING AMENDMENTS TO TITLE 16 CCR, SECTION 1914 TO PROHIBIT THE APPROVAL AND USE OF A NAME OR TELEPHONE NUMBER THAT IS THE SAME AS A COMPANY WHOSE REGISTRATION HAS BEEN SURRENDERED

Mr. Duran moved and Mr. Good seconded to adopt the proposed amendments to Title 16, CCR Section 1914 and to authorize staff to complete the rulemaking process and make any technical or non-substantive changes that may be needed. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

9:00 A.M. - PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT OF CCR, TITLE 16, DIVISION 19, SECTION 1937.11 TO AMEND THE BOARD'S DISCIPLINARY GUIDELINES

Mr. Chan-You outlined the nature of the proceedings for the public hearing for the proposed amendment of CCR, Title 16, Division 19, Section 1937.11 to amend the Board's Disciplinary Guidelines.

Mr. Chan-You opened up the floor to public comment regarding the proposed amendment of CCR, Title 16, Division 19, Section 1937.11 to amend the Board's Disciplinary Guidelines.

There were no public comments regarding the proposed amendment of CCR, Title 16, Division 19, Section 1937.11 to amend the Board's Disciplinary Guidelines.

CONSIDERATION OF ADOPTING AMENDMENTS TO TITLE 16 CCR, SECTION 1937.11 TO AMEND THE BOARD'S DISCIPLINARY GUIDELINES

Mr. Van Steenwyk moved and Mr. Good seconded to adopt the proposed amendments to Title 16, CCR Section 1937.11 and to authorize staff to complete the rulemaking process and make any technical or non-substantive changes that may be needed. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

9:00 A.M. - PUBLIC HEARING REGARDING THE PROPOSED AMENDMENT OF CCR, TITLE 16, DIVISION 19, SECTION 1993.2, REPEAL OF SECTION 1993.3, AND ADDITION OF SECTION 1993.4 TO CREATE A DISTINCTION BETWEEN AND GUIDELINES FOR TERMITE BAITING AND TERMITE MONITORING SYSTEMS

Mr. Chan-You outlined the nature of the proceedings for the public hearing for the proposed amendment of CCR, Title 16, Division 19, Section 1993.2, repeal of Section 1993.3, and addition of Section 1993.4 to create a distinction between, and guidelines for, termite baiting and termite monitoring systems.

Mr. Chan-You opened up the floor to public comment regarding the proposed amendment of CCR, Title 16, Division 19, Section 1993.2, repeal of Section 1993.3, and addition of Section 1993.4 to create a distinction between, and guidelines for, termite baiting and termite monitoring systems.

There were no public comments regarding the proposed amendment of CCR, Title 16, Division 19, Section 1993.2, repeal of Section 1993.3, and addition of Section 1993.4 to create a distinction between, and guidelines for, termite baiting and termite monitoring systems.

Mr. Van Steenwyk expressed concern about the proposed language in CCR Section 1993.4 which states that termite monitoring devices solely provide an indication of the possible presence or absence of termites. Mr. Van Steenwyk stated that the inclusion of the word absence could be misleading because the lack of an indication in a termite monitoring device does not necessarily mean termites are not present elsewhere.

Mike Katz, Structural Pest Control Board Act Review Committee, stated that the presence of termites is always a possibility and that the proposed language makes it clear that the placement of termite monitoring devices does not eliminate the need for a full inspection to be performed.

Mr. Lucas stated that the proposed language in CCR Section 1993.4 is consistent with the language that is used in statute.

CONSIDERATION OF ADOPTING AMENDMENTS TO TITLE 16 CCR, SECTION 1993.2, REPEAL OF SECTION 1993.3 AND ADDITION OF SECTION 1993.4 TO CREATE A DISTINCTION BETWEEN AND GUIDELINES FOR TERMITE BAITING AND TERMITE MONITORING SYSTEMS

Mr. Duran moved and Mr. Good seconded to adopt the proposed amendments to Title 16, CCR Section 1993.2 and to authorize staff to complete the rulemaking process and make any technical or non-substantive changes that may be needed. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

Mr. Good moved and Mr. Duran seconded to adopt the repeal of Title 16, CCR Section 1993.3 and to authorize staff to complete the rulemaking process and make any technical or non-substantive changes that may be needed. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

Mr. Good moved and Mr. Van Steenwyk seconded to adopt the proposed addition of Title 16, CCR Section 1993.4 and to authorize staff to complete the rulemaking process and make any technical or non-substantive changes that may be needed. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

APPROVAL OF MINUTES OF THE JULY 14, 2016 BOARD MEETING

Mr. Duran moved and Mr. Good seconded to approve the minutes of the July 14, 2016 Board Meeting. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

EXECUTIVE OFFICER'S REPORT

Ms. Saylor reported to the Board on licensing and enforcement survey results and statistics, examination statistics, staffing changes, WDO statistics, examination development, and provided regulatory and legislative updates.

Ms. Saylor updated the Board on AB 551 including the provision that the Board should incorporate training in bed bug management based on the National Pest Management Association (NPMA) best practices for the issuance or renewal of a Branch 2 operator, field representative, or applicator license.

Mr. Tamayo asked that the topic of how the Board should go about implementing AB 551 be placed on the January 11 & 12, 2017 Board Meeting Agenda.

Ms. Saylor updated the Board on AB 1874 highlighting the new requirement that a qualifying manager must be physically present in the principle or branch office for a minimum of 9 days every three consecutive calendar months.

Mr. Good thanked staff and the Act Review Committee for their hard work in getting the qualifying manager requirements implemented.

Ms. Saylor updated the Board on AB 2529 stating that it will provide County personnel with more enforcement tools to work with.

Ms. Saylor updated the Board on Senate Bill (SB) 1039 and thanked everyone involved for all their hard work in getting all the changes implemented.

Ms. Saylor announced that Jamie Buchholz, Kevin Lau, and Kibby Robinson had been promoted to new positions at the Board and that the Board was currently hiring to fill their old positions.

Mr. Tamayo congratulated Ms. Buchholz, Mr. Lau, and Ms. Robinson on their promotions and thanked Ms. Saylor for all the hard work she puts forth in managing the Board's daily operations.

Ms. Saylor thanked all of Board staff for the great job they do in executing the daily operations of the Board.

UPDATE FROM LEGAL COUNSEL REGARDING STATUS OF SENATE BILL 1194

Mr. Chan-You stated that Senate Bill (SB) 1194, which proposed legislative changes to address the Supreme Court's North Carolina Dental Board decision, was cancelled at the request of the author but that the Department of Consumer Affairs (DCA) would work with the legislature during the next session to create a solution.

ANNUAL REVIEW AND POSSIBLE AMENDMENT OF BOARD POLICIES AND PROCEDURES, INCLUDING GENERAL BOARD ADMINISTRATIVE PROCEDURES, LICENSING AND EXAMINATIONS, AND ENFORCEMENT POLICIES

Ms. Saylor stated that staff had no recommendations for changes to the Board's Policies & Procedures.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING THE RECOMMENDATIONS OF THE CE IPM REVIEW COMMITTEE AND POTENTIAL CONFLICTS WITH THE PROPOSED FEDERAL CONTINUING EDUCATION / TRAINING GUIDELINES

Mr. Van Steenwyk stated that based on the public comment received in response to their proposed continuing education / training guidelines, the Environmental Protection Agency (EPA) is in the process of amending their proposal and that it should be complete before the end of 2016. Mr. Van Steenwyk proposed that the Board wait until the amended proposal is released to move forward with the recommendations of the CE IPM Review Committee.

Mr. Tamayo stated in his opinion the Board should move forward with its agenda and that waiting for the EPA to finalize its proposal could take much longer than anticipated.

Mr. Duggal stated his support for seeing the amended EPA proposal and making a decision on moving forward with the CE IPM Review Committee's recommendations at the January, 2017 Board Meeting.

Mr. Duran stated that he was in favor of moving forward with the recommendations of the CE IPM Review Committee and adjusting if necessary when the EPA releases its proposal.

Mr. Good stated that he was in favor of waiting until January to discuss the topic.

Mr. Tamayo asked that the topic be placed on the agenda for the January 11 & 12, 2017 Board Meeting.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING CCR SECTION 1914 AND BOARD APPROVAL OF SIMILAR COMPANY NAMES

Ms. Saylor stated that this agenda item was requested by Jim Steed, Neighborly Pest

Management and that he was not in attendance at this meeting. Ms. Saylor further stated that from a staff perspective, CCR section 1914 is not in need of any changes.

STRUCTURAL PEST CONTROL BOARD RESEARCH ADVISORY PANEL UPDATE

Ms. Saylor introduced Nita Davidson, Department of Pesticide Regulation (DPR), as the chair of the Research Advisory Panel, and stated that the Panel will hold a teleconference meeting on October 25, 2016 to determine the criteria and topics that will be included in the Requests for Proposal (RFP) when they are prepared. Ms. Saylor further stated that the Panel will present its recommendations at January 11 & 12, 2017 Board Meeting for approval.

Ms. Saylor stated that there is approximately \$1,000,000 available to be distributed in the Structural Pest Control Board Research Fund.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING INCREASING THE REQUIREMENT FOR RODENTICIDE EDUCATION

Mr. Van Steenwyk stated that there has been a lot of negative attention about rodenticides and that there will likely be a Bill in the next legislative session seeking to limit, or ban their use. Mr. Van Steenwyk proposed an increase in training or continuing education related to the use of rodenticides in order for the Board to be proactive on the issue.

Mr. Good asked if there was evidence of deficiencies in this area with Board licensees.

Mr. Van Steenwyk stated that there are studies underway to determine the source of the misapplication of rodenticides.

Mr. Duggal stated that increased rodenticide education would fit in well with the proposed changes of the CE IPM Review Committee and that addressing the issue now would be proactive.

Mr. Van Steenwyk stated that the Pest Control Operators of California (PCOC) have developed a program called the West Coast Rodent Academy which is intended to provide education about rodent control and the use of rodenticides.

Mr. Tamayo stated his reluctance to mandate increased education for specific pesticides since licensees are already required to follow the label requirements as well as all applicable laws and regulations.

Terry Davis, Univar, stated that rodent control is 5-10% of the pest control industry and that it should be represented in that proportion on the Board's licensing examinations.

Mr. Tamayo requested that the topic of rodenticides be placed on the agenda at either the January or April, 2017 Board Meeting.

BOARD CALENDAR

The following 4 meetings of the Board were scheduled for –

Wednesday, January 11 & Thursday, January 12, 2017 in San Diego

Wednesday, April 5 & Thursday, April 6, 2017 in Sacramento

Tuesday, July 11 & Wednesday, July 12, 2017 in Los Angeles

Tuesday, October 10 & Wednesday, October 11, 2017 in Sacramento

FUTURE AGENDA ITEMS

Mr. Tamayo asked for a future agenda item to discuss the potential licensing requirements related to the installation of the products offered by Stego Industries.

Mr. Tamayo asked for a future agenda item for the Board to discuss the implementation of AB 551.

Mr. Tamayo asked for a future agenda item to discuss the recommendations of the CE IPM Review Committee and their compatibility with the education and training guidelines being proposed by the EPA.

Mr. Tamayo asked for a future agenda item to discuss the Board's response to the issues related to rodenticides.

ANNUAL ELECTION OF BOARD MEMBER PRESIDENT AND VICE PRESIDENT

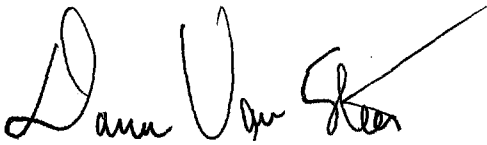
Mr. Duran nominated and Mr. Duggal seconded to re-elect Mr. Tamayo as Board President. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

Mr. Duggal nominated and withdrew his nomination to elect Mr. Good as Board Vice President.

Mr. Tamayo nominated and Mr. Good seconded to elect Mr. Van Steenwyk as Board Vice President. Passed unanimously. (AYES: Tamayo, Good, Duggal, Duran, Van Steenwyk. NOES: None. ABSTENTIONS: None.)

ADJOURNMENT

The meeting was adjourned at 10:48 A.M.

A handwritten signature in cursive script, appearing to read "Darren Van Steenwyk".

Darren Van Steenwyk, Vice President

1-12-17

Date