

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

The meeting was held January 12, 2017 at the Department of Consumer Affairs,
Hearing Room, 2005 Evergreen Street, Sacramento, California.

Board Members Present:

Darren Van Steenwyk, Vice President
Ronna Brand
Naresh Duggal
Mike Duran
Curtis Good

Board Members Absent:

Dave Tamayo

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. Van Steenwyk called the meeting to order at 9:05 A.M. and Ms. Saylor called roll. Board members Van Steenwyk, Brand, Duggal, Duran, and Good were present.

Board member Tamayo was absent.

A quorum of the Board was established.

FLAG SALUTE / PLEDGE OF ALLEGIANCE

Mr. Van Steenwyk lead everyone in a recitation of the Pledge of Allegiance.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board was presented with proposed language sent in by Alex Del Toro, Operator License Number 9685 to amend Business and Professions (B&P) Code section 8505.11 and California Code of Regulations (CCR) section 1991 in order to mandate that an estimate of square footage be included when a fumigation is recommended.

The Board asked that the topic be placed on the agenda at a future meeting so that it could be discussed.

APPROVAL OF MINUTES OF THE OCTOBER 12 & 13, 2016 BOARD MEETING

Mr. Good moved and Ms. Brand seconded to approve the minutes of the October 12 & 13, 2016 Board Meeting. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

EXECUTIVE OFFICER'S REPORT

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

Ms. Saylor updated the Board on the implementation of CCR section 1960 requiring licensees who have never been Livescanned to do so as a condition of license renewal. Ms. Saylor informed the Board that during the 2016 renewal cycle two-hundred licensees opted to let their licenses expire rather than be Livescanned and that the Board would soon be sending notifications to affected licensees for the 2017 renewal cycle.

Ms. Saylor informed the Board that the Branch 3 Operator Occupational Analysis is still ongoing and that the Board would possibly need subject matter experts in April.

Mr. Van Steenwyk inquired about the timeframe for implementing the Board approved amendments to CCR section 1970.4.

Ms. Saylor updated the Board on Department of Consumer Affairs (DCA) new regulatory procedures.

Mr. Skelton informed Mr. Van Steenwyk that the amendments to CCR section 1970.4 were to be included in the next round of regulatory proposals and that an effective date of January 1, 2019 would be a realistic goal.

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 summarized the revised version of the proposed EPA Applicator Training Guidelines and stated that in his opinion they do not appear to conflict with the proposed changes recommended by the Continuing Education Integrated Pest Management (CE IPM) Review Committee.

Mr. Good voiced his overall support for the recommendations of the CE IPM Review Committee but stated that the percentage of hours for each CE category would need further review.

Mr. Skelton stated that when the Board approved the recommendations of the CE IPM Review Committee it provided staff with the authority to adjust the proposal where it was deemed necessary to do so. Mr. Skelton further stated that staff would bring back the proposal for final Board approval before beginning the official rulemaking process.

Mr. Good inquired as to whether or not the Pest Control Operators of California (PCOC) had been involved with the creation of the CE IPM Review Committee's proposal.

Chris Reardon, Executive Vice President, PCOC, stated that the CE IPM Review Committee's recommendation looked acceptable but that PCOC would possibly have further input when staff presented the final regulatory proposal to the Board.

Mr. Duran moved and Ms. Brand seconded to direct staff to move forward with implementing the recommendations of the CE IPM Review Committee and for staff to bring back a regulatory proposal for Board approval prior to beginning the formal rulemaking process. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

DISCUSSION AND POSSIBLE BOARD POSITION AND ACTION REGARDING BUSINESS AND PROFESSIONS (B&P) CODE SECTION 8698.6 AND THE POSSIBLE EXTENSION OF THE STRUCTURAL FUMIGATION ENFORCEMENT PROGRAM

Mr. Good stated that there has been some discussion at the County Agricultural Commissioners and Sealers Association (CACASA) of perhaps adding counties or making other small changes to the Structural Fumigation Enforcement Program. Mr. Good further stated that the Structural Fumigation Enforcement Program has been very valuable and that extending it is a time sensitive matter.

Mr. Good moved and Mr. Duran seconded to approve the proposed language for B&P Code section 8698.6 extending the sunset date of the Structural Fumigation Enforcement Program and for Ms. Saylor to find a legislative author to implement the

amendments. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

STRUCTURAL PEST CONTROL BOARD RESEARCH ADVISORY PANEL UPDATE AND POSSIBLE BOARD DISCUSSION AND ACTION REGARDING THE PROPOSED TOPICS OF RESEARCH FOR THE REQUESTS FOR PROPOSAL FOR THE BOARD RESEARCH FUND CONTRACT

Ms. Saylor updated the Board on the October 25, 2016 teleconference meeting of the Research Advisory Panel and directed them to the draft minutes (in board materials) from that meeting to see the recommendations that were made.

Mr. Good stated that the ingestion of rodenticides by non-target predators is a topic that warrants research funding.

Mr. Duggal stated that by including IPM in the list of topics that would be considered it was the intent of the Research Panel that ingestion of rodenticides by non-target predators be included as a research topic that the Panel would consider funding.

Mr. Good moved and Mr. Duran seconded to accept the recommendations of the Research Advisory Panel and for staff to begin working with DCA on the preparation of the Requests for Proposal (RFP). Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

DISCUSSION AND POSSIBLE BOARD ACTION ON ASSEMBLY BILL (AB) 551 AND ITS AMENDMENT TO THE CIVIL CODE TO ADD SECTIONS 1954.600 AND 1954.601, REGARDING INCORPORATING TRAINING ON BED BUG MANAGEMENT FOR LICENSURE REQUIREMENTS

Debra Carlton, California Apartment Association, spoke about the provisions of AB 551 and expressed her desire to work with the Board on implementing programs to help effectively manage bed bug infestations.

Mr. Van Steenwyk stated that AB 551 does not require landlords to use licensed Pest Control Operators to treat infestations and asked why that requirement was not included.

Ms. Carlton stated that ideally landlords would be required to use licensed Pest Control Operators to treat bed bug infestations but that the language contained in AB 551 represented a compromise amongst all the stakeholders. Ms. Carlton stated they she would continue to look at legislative options to improve the treatment of bed bugs.

Mr. Good asked Ms. Carlton if she had seen improvement in the way the pest control industry, as a whole, deals with bed bug infestations and if she felt that industry needed more bed bug education.

Ms. Carlton stated that she has seen improvement in the way the pest control industry manages bed bug infestations, but that more education is needed in some cases and that consistency in treatment is the desired outcome.

Jith Meganathan, Western Center on Law & Poverty, stated that tenants are often the least knowledgeable party when it comes to bed bug infestations and that consistent guidelines and treatment regimens are the ultimate goal in order for eradication to be the most common outcome. Mr. Meganathan further stated that low income tenants are disproportionately affected by this issue.

Mr. Van Steenwyk stated that it is very difficult to create unique licensing standards for the treatment of individual insects. Mr. Van Steenwyk further stated that it is most important to educate landlords to hire licensed Pest Control Operators for the treatment of bed bugs.

Mr. Meganathan stated that because the provisions of AB 551 mandate that a tenant's privacy rights are waived when a licensed Pest Control Operator is brought in to treat a bed bug infestation, it is very important that the licensed Pest Control Operator be properly trained in treating bed bug infestations.

Mr. Duggal stated that educational material from the UC system should be utilized as much as possible and that landlords should be willing to pay for the higher level of service they would receive from licensed Pest Control Operators that specialize bed bug management.

Mr. Good suggested that Mr. Meganathan work with PCOC on the creation of a certification program for the treatment of bed bugs.

Mr. Reardon stated that PCOC would be interested in working on more bed bug education being available, but that a mandate for landlords to use licensed Pest Control Operators is also an important component.

Ms. Carlton stated her desire to partner with PCOC and the Board on this issue and that they would continue to seek out solutions, legislative and otherwise, going forward.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING INCREASING RODENTICIDE EDUCATION AND THE POSSIBLE IMPLEMENTATION OF A STEWARDSHIP PROGRAM

Mr. Van Steenwyk stated that the purpose of this agenda item was for the Board to determine if it should create, or encourage the creation of, a stewardship program for individuals who use rodenticides.

Mr. Duggal stated that the misuse of rodenticides is an issue related more to agricultural pest control rather than structural.

Mr. Good stated that there are currently studies underway focusing on the misuse of rodenticides in agricultural pest control and that more information would be available once they are completed.

Mr. Van Steenwyk suggested that the Board wait for more information to become available before determining how to proceed on this issue.

DISCUSSION AND POSSIBLE BOARD ACTION REGARDING STAFF RECOMMENDATIONS TO AMEND THE FOLLOWING SECTIONS IN THE BUSINESS AND PROFESSIONS (B&P) CODE

Amend B&P Code Section 8517 to Remove the Term “Nondecay Fungi”

Ms. Saylor presented the proposed language for the staff recommended amendment to B&P Code section 8517.

Mr. Good stated that he wasn't sure it was necessary to remove the term “nondecay fungi” and asked if removing it would preclude licensees from mentioning it in reports.

Mr. Lucas stated that removing the term “nondecay fungi” would not preclude licensees from mentioning it in reports.

Mr. Duran moved and Ms. Brand seconded to approve the proposed changes to B&P Code section 8517 and for Ms. Saylor to find a legislative author to implement the amendments. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran. NOES: None. ABSTENTIONS: Good.)

Amend B&P Code Section 8560 to Clarify That Applicants Must Obtain an Overall Score of 70% or Above on Board Licensing Examinations

The changes to B&P Code section 8560 were tabled pending further review of the proposed language.

Amend B&P Code Section 8567 to Allow Companies to Notify the Board of an Employee Disassociation

Ms. Saylor presented the proposed language for the staff recommended amendment to B&P Code section 8567.

Mr. Good stated his support for this amendment and further stated that it has been needed for a long time.

Mr. Good moved and Mr. Duran seconded to approve the proposed changes to B&P Code section 8567 and for Ms. Saylor to find a legislative author to implement the

amendments. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

Amend B&P Code Section 8623 to Align the Board's Procedures for Providing a Copy of an Applicant's Criminal History When the Board Denies a License With the Requirements of Penal Code Section 11105

Ms. Saylor presented the proposed language for the staff recommended amendment to B&P Code section 8623.

Mr. Good moved and Mr. Duran seconded to approve the proposed changes to B&P Code section 8623 and for Ms. Saylor to find a legislative author to implement the amendments. Passed unanimously. (AYES: Van Steenwyk, Brand, Duggal, Duran, Good. NOES: None. ABSTENTIONS: None.)

BOARD CALENDAR

The next 4 meetings of the Board were scheduled as follows:

Wednesday, April 5 and Thursday, April 6, 2017 in Sacramento.

Tuesday, July 11 and Wednesday, July 12, 2017 in Los Angeles.

Tuesday, October 10 and Wednesday, October 11, 2017 in Sacramento.

Tuesday, January 9 and Wednesday, January 10, 2018 in Los Angeles.

FUTURE AGENDA ITEMS

The following were identified as future agenda items –

The proposed language submitted by Alex Del Toro regarding an estimate of the cubic square feet when fumigations are recommended.

An update on the work of the Research Advisory Panel.

The extension of the Structural Fumigation Enforcement Program.

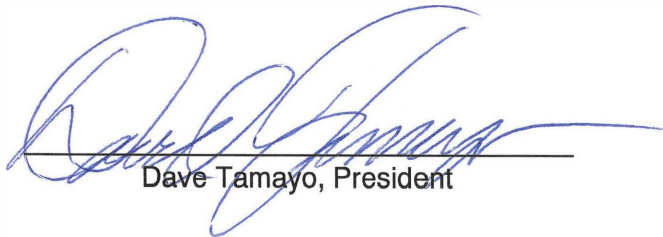
The recommendation by staff to amend B&P Code section 8560.

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.

ADJOURNMENT

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



Dave Tamayo, President



Date