

**STRUCTURAL PEST CONTROL COMMISSION**  
**Veterans' Memorial Auditorium**  
**5825 Florida Blvd.**  
**Baton Rouge, LA**  
**April 13, 2016**

**PROCEEDINGS**

**CALL TO ORDER**

The meeting was called to order by Mr. Bass at 9:40 a.m.

**ROLL CALL**

Members present: Fred Bass, Todd Parker, Joe Arceneaux and Bob Kunst

Members absent: Dr. James Ottea

Others present: Harry Schexnayder, LDAF, Kevin Wofford, LDAF, Lindsey Hunter, LDAF General Counsel, Scotty May, LDAF, Tina Perkins, LDAF, Michael Vallan, Hearing Officer, Bradley Overton, Hearing Officer, Jonathan Berger, BASF

**AMENDMENTS TO THE AGENDA**

Mr. Schexnayder suggested that the Commission consider moving the Adjudicatory Hearing ahead of Consumer Information Sheet for Approval and to add the appointment of a Research Committee under New Business on the agenda.

**Motion:** Mr. Parker made a motion to accept Mr. Schexnayder's suggestion. The motion was seconded by Mr. Arceneaux and passed unanimously.

**PUBLIC COMMENTS**

None

**APPROVAL OF THE MINUTES**

**Motion:** Mr. Kunst made a motion to approve the minutes from the January 13, 2016 meeting as distributed. The motion was seconded by Mr. Parker and passed unanimously.

**OLD BUSINESS**

Mr. Schexnayder reported that all rule changes have now been finalized and published. He stated that the fee increases had become effective on March 1 and that most of the pest control operators were reflecting the increase in their monthly reports.

Mr. Kunst asked that the updated rules be published on the LDAF website.

### **ADJUDICATORY HEARING**

Hearing Officer Michael Vallan conducted the hearing. LDAF General Counsel Lindsey Hunter presented the following cases:

Ricky Smith, Case No. 1974- Mr. Smith stipulated to two (2) violations and a total fine of \$1,200.00 with \$350.00 suspended based on compliance.

**Motion:** Mr. Kunst made a motion to approve the stipulation as presented. The motion was seconded by Mr. Arceneaux and passed unanimously.

Steve Rudolph, Case No. 1975- Mr. Rudolph stipulated to one (1) violation and a total fine of \$1,000.00 with \$500.00 suspended based on compliance.

**Motion:** Mr. Arceneaux made a motion to approve the stipulation as presented. The motion was seconded by Mr. Kunst and passed unanimously.

Ms. Hunter informed the Commission that the US 5<sup>th</sup> Circuit Court of Appeals had very recently dismissed the Cripps suit.

Mr. Kunst requested a copy of the Cripps decision and asked if this settled all of the Cripps matters.

Ms. Hunter stated that all of the Cripps cases had been consolidated and that there was an indication at one time that they might appeal the case to the US Supreme Court.

Mr. Kunst asked that Ms. Hunter also provide a status on the matter of the Cripps legal fees.

Mr. Vallan introduced Bradley Overton from the Attorney General's office and stated that Mr. Overton would act as the LDAF Hearing Officer in future meetings.

### **CONSUMER INFORMATION SHEET FOR APPROVAL**

Mr. Schexnayder introduced Jim Wright with BASF Chemical Company who had requested to address the Commission regarding their product, Trelona® Compressed Termite Bait. He explained that he was presenting a consumer information sheet for approval by the commission. Mr. Wright stated that the information sheet is geared for the consumer to have a real world explanation of how the bait works.

Mr. Arceneaux asked about the recommendation on the information sheet that preexisting termites be treated with termiticide. He wondered if the bait was considered a termiticide.

Mr. Wright explained that it was but described it as a process whereas a liquid or foam termiticide application would have more immediate results.

**Motion:** Mr. Arceneaux made a motion that the commission accept, without coming back to the commission, the Trelona® Compressed Termite Bait disclosure after clarification of the last sentence in the Structural Damage part be made and approved by staff. Mr. Kunst seconded the motion and passed unanimously.

## **NEW BUSINESS**

### ***LPMA Report – Jeff Porter***

Mr. Porter reported that their summer convention will be held on July 13-15, 2016. He also informed the commission that the 18<sup>th</sup> annual LSU Summer Institute will begin on July 18, 2016 on LSU's campus. Mr. Porter stated that there are usually about 12 – 15 participants and he likens the training to getting a master's degree in pest control since the material presented includes biology of insects.

Mr. Porter reported that Patsy Brown is not back at work but they have hired a temporary office assistant named Geneva Poydras.

Mr. Porter recognized the passing away of New Orleans pest control operator and LPMA Past President Eddie Martin and stated that he will be deeply missed.

The Commission memorialized Eddie Martin by observing a moment of silence in his honor.

### ***CONTRACT REVIEW COMMITTEE Report- Bob Kunst***

Mr. Kunst stated that the committee had reviewed and were recommending for approval four (4) regular termite contracts and one (1) termite monitoring agreement. He stated that the four (4) regular termite contracts all belonged to his company, Fischer Environmental and that he is seeking to make changes to his repair clauses using the exact language that was previously approved by the Commission for D A Pest Control. He also stated that the termite monitoring agreement was the first that he and Mr. Schexnayder had seen. He reminded the Commission that the agreement must meet basic criteria set forth in rule.

Mr. Kunst asked if anyone had questions about any of the documents and there were none.

**Motion:** Mr. Arceneaux made a motion that the Commission accept the Contract Review Committee's recommendation to approve the contracts and agreement. The motion was seconded by Mr. Parker and passed unanimously.

Mr. Kunst also reported that the committee began discussing the possibility of gathering various waiver forms from industry to develop a standard form for distribution.

### ***LDAF REPORT***

Mr. Wofford introduced Pesticides Registration Coordinator Scotty May who reported that LDAF had just received word that the EPA had approved an extension of our Section 18 Emergency Exemption for the control of tawny crazy ants. The exemption is effective April 1, 2016 through April 1, 2019. It allows for the use of Termidor SE at a rate of .06% on a structure to a height of three feet up and ten feet outward. The Section 18 covers nineteen parishes. Mr. May informed the commission that additional parishes can be added if an LSU AgCenter entomologist certifies that the ants are present.

Mr. Kunst asked if another exemption were needed, could a request for four applications instead of two per year be made.

Mr. May responded that the number of applications requested was based on the recommendation of the LSU AgCenter. He asked for industry help in gathering supporting data for the EPA in order to facilitate exemption applications.

Mr. Wofford reported that Assistant Director of Structural Pest Control Tyrone Dudley retired about a week ago and Lisa Hall resigned over a month ago. He stated that both positions would be filled as soon as possible since they are vital to the program.

Mr. Kunst expressed concern that new staff may not have the knowledge base on minimum standards and historical interpretations of the laws and rules.

Mr. Wofford stated that consideration of that would be given when future staffing decisions are made.

Mr. Wofford reported that the agency had adopted new testing procedures utilizing a Scantron for grading. He stated that the new procedures have greatly improved test security. He reported that all of the tests would likely be revised in some way.

Mr. Arceneaux requested that the pest control associations be notified of test changes and applicable study materials.

Mr. Kunst requested that the specimens used for the licensee examination be reviewed and replaced if necessary.

Mr. Schexnayder asked the commission about possibly replacing the specimens with digital images.

Mr. Kunst expressed concern that the use of images might affect scale for the testers.

Mr. Arceneaux stated that he is of the opinion that the longer term integrity of a digital image is preferable to that of a specimen.

Mr. Wofford reported that possible budget cuts for the upcoming year had currently been reduced from 30% to about 7.5%.

Mr. Schexnayder stated that the department will continue to seek the best advice on improving our testing procedures and resources.

### ***SPCC Committee Appointments***

**Motion:** Mr. Parker made a motion to allow Mr. Bass to appoint the members of the Research Committee. The motion was seconded by Mr. Kunst and passed unanimously.

## **CONSIDERATION OF LICENSEE APPLICATIONS**

Ms. Hunter asked the commission if they would consider making a motion in favor of continuing to sign off on each licensee application in lieu of voting on each application per Title 7, Part XXV §107H.

**Motion:** Mr. Parker made a motion that the commission continue to sign off on each licensee application in lieu of voting on each application per Title 7, Part XXV §107H. The motion was seconded by Mr. Kunst and passed unanimously.

Mr. Schexnayder stated that he reviewed the licensee exam applications after Tyrone Dudley had already retired and he disagreed with some of the recommendations the commission members had received on them in preparation for this meeting. He stated that some of them had incomplete or erroneous information on their affidavits.

**Motion:** Mr. Kunst made a motion that all licensee exam applications containing erroneous or incomplete information be sent back to the applicant for correction before being presented to the Structural Pest Control Commission. The motion was seconded by Mr. Arceneaux and passed unanimously.

Mr. Schexnayder presented and the Commission accepted staff recommendations on the following Licensee applications:

## **STRUCTURAL PEST CONTROL LICENSEE APPLICANTS**

<b>NAME OF APPLICANT</b>	<b>PHASES</b>	<b>APPROVED/DISAPPROVED</b>
SCOTT BEARD	GPC CVC	Deferred
PATRICK BLANCHARD	GPC CVC	Deferred
RANETTE BUFORD	GPC CVC TC	Deferred
RICHARD COBLE	GPC TC	Disapproved Conditional Upon Verification
JONATHAN EVANS	GPC CVC TC	Disapproved
STEVEN FASONE	GPC CVC TC	Approved

FERRELL FONTENOT	GPC CVC TC	Disapproved
DANIEL HILL	GPC CVC TC	Deferred
SAMUEL JOHNSON	GPC CVC TC	Approved Pending Completion of Termite School
GARY PACE	GPC CVC TC	Deferred
VIRGIL RAGLAND	GPC CVC	Approved
KELLEN RILEY	GPC CVC TC	Approved Pending Completion of Termite School
JHOVANNY SANTAMARIA	GPC CVC TC	Approved Pending Completion of Termite School
TRAVIS SMITH	GPC CVC TC	Approved Pending Completion of Termite School
CHARLES VANDERLICK	GPC CVC	Approved

### **FUTURE MEETINGS**

The Commission decided that their next meeting will be held on August 9, 2016 at 9:30 am.

### **OTHER BUSINESS**

Mr. Kunst discussed his concerns stemming from fumigation issues resulting in injury and litigation in Florida and the Virgin Islands. He stated that he believes our inspections should include a check to see if a company's fumigation license is current, that all manufacturers' stewardship requirements and training have been met and are current and that clearance devices are properly calibrated. He also spoke about his concerns in the area of directed fumigation aeration and a possible conflict in the rules regarding powder post beetles.

Mr. Schexnayder directed the commission to look at Section 147 of the rules which address the release of fumigants.

Mr. Wofford stated that there are currently about seventy (70) fumigations being conducted statewide annually. He explained that fumigations are limited to small area of the state and there are very few pest control operators that do them. He also commented that the department has not had much in the way of fumigation complaints. He suggested that staff might make visits to those companies to find more out about their process and safety precautions.

**Motion:** Mr. Kunst made a motion that fumigation issues, the possibility that rules conflict regarding powder post beetles treatment and real estate transfers and waiver forms be discussed at the next Rules Committee meeting. The motion was seconded by Mr. Arceneaux and passed unanimously.

**Motion:** Mr. Parker made a motion to allow Mr. Bass to appoint the members of the Rules and Contract Review Committee. The motion was seconded by Mr. Arceneaux and passed unanimously.

### **STATUS REPORT**

Mr. Wofford presented the status reports for the first quarter of 2016. He noted that the first quarter totals for this year were almost identical to those of the first quarter in 2015. He also remarked that the number of routine inspections have increased and should continue to do so now that the department has more inspectors. He also stated that the number of complaints has been consistent and the department response has also been consistent.

Mr. Kunst requested that the commission be provided the pass/fail rate on licensee exams. He stated that this had been done in the past.

### **PUBLIC COMMENT**

Mr. Bass thanked the department staff, industry representatives and the Commission for a job well done

### **ADJOURN**

**Motion:** Mr. Bass made a motion to adjourn the meeting. The motion was seconded by Mr. Parker and passed unanimously.

The meeting adjourned at 12:15 p.m.