

STRUCTURAL PEST CONTROL COMMISSION

**Veterans' Memorial Auditorium
5825 Florida Blvd., Baton Rouge, LA
April 10, 2018**

PROCEEDINGS

CALL TO ORDER

The meeting was called to order by Mr. Bass at 9:38 a.m.

ROLL CALL

Members present: Fred Bass, Benjy Rayburn, Joe Arceneaux, Dr. James Ottea, and Bob Kunst

Others present: Harry Schexnayder, LDAF, Amy McInnis, LDAF Attorney, Emily Andrews, LDAF General Counsel, Michael Heier, Hearing Officer, Kelly Moore, LDAF, Ronnie Mulberry, LDAF, Scotty May, LDAF, Milton Schleismann, LDAF, Melissa Evans, LDAF, Pamela Butler, LDAF, Jeff Porter, LPMA, Dean E. May, B.C.E., Amvac Environmental Products, Paul Strickland, Bayer, and Jim Wright, BASF

AMENDMENTS TO THE AGENDA

Mr. Schexnayder requested to amend the agenda to include a discussion of Section 139(c) of the SPCC Rules and Regulations. Mr. Schexnayder would like to add this to New Business.

Motion: Mr. Kunst made a motion to add the requested amendment on Section 139(c) of the SPCC Rules and Regulations to the agenda. The motion was seconded by Dr. Ottea and passed unanimously.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES

Motion: Mr. Kunst made a motion to approve the minutes from the January 16, 2018 meeting as distributed. The motion was seconded by Mr. Arceneaux and passed unanimously.

LABELS FOR REVIEW

Mr. Dean May with Amvac Environmental Products presented the label review for Navigator SC. (EPA Reg. No. 84836-18-33658). Mr. Kunst questioned the language on the label page 2 discussing personal protective clothing "long sleeve shirt" versus "long sleeves". In addition, other sections were questioned concerning the label language. Further clarifications of the label language was requested as well.

Motion: Mr. Kunst made a motion to reject the label of Navigator SC by Amvac Environmental. The motion was seconded by Mr. Arceneaux and passed unanimously.

Mr. Paul Strickland with Bayer presented the label review for Masterline Imaxx Duel. (EPA Reg. No. 432-1600-73748).

Motion: Mr. Arceneaux made a motion to accept the label for use, and the motion was seconded by Mr. Kunst and passed unanimously.

Mr. Jim Wright with BASF presented the Termidor HP II, Trelona Bait Systems, and Termidor Foam.

Motion: Mr. Arceneaux made a motion to accept the label review for Termidor II HP, Trelona Bait Systems, and Termidor Foam. The motion was seconded by Mr. Kunst and passed unanimously.

After the label reviews, Mr. Schexnayder made a suggestion that the topic of Section 139(c) be discussed before the adjudicatory hearing.

Motion: Mr. Kunst made a motion for the subject of Section 139(c) of the SPCC Rules and Regulations moved from New Business to the present time before the adjudicatory hearing. The motion was seconded by Mr. Rayburn and passed unanimously.

The discussion included Section 139(c) of the SPCC Rules and Regulations (“upon completion of the investigation required under 139(b), the commission staff shall notify the complainant and the pest control operator of the results of its investigation when in writing.”)

The Commission went to break from 11:00am to 11:25am.

ADJUDICATORY HEARING

Hearing Officer Michael Heier conducted the hearing. LDAF Attorney Amy McInnis presented the following cases:

Ryan Weber, Case No. 2076

Continuance requested by Respondent was granted by the Hearing Officer.

Kenneth Aucoin, Case No. 2088

Continuance requested by Respondent was granted by the Hearing Officer.

Robert Soileau, Case No. Case 2090

Continuance requested by Respondent was granted by the Hearing Officer.

Jared Lajaunie, Case No. 2079

Mr. Lajaunie was not present. Ms. McInnis stated that Mr. Lajaunie agreed to a stipulation to the charges of fifty-one violations of LRS3:3371(A) (14) and one charge of violation LRS 3:3371 (A) (7). Following the penalty matrix, the charge includes a penalty of \$12,950.00 with \$6,375.00 suspended due within the 30 days.

Motion: Mr. Rayburn made a motion to accept the stipulation. The motion was seconded by Mr. Kunst and passed unanimously.

Michael Kincaid – Case 2087 (Mr. Arceneaux recused himself from consideration of the matter)

Mr. Kincaid was not present. Ms. McInnis stated that Mr. Kincaid agreed to a stipulation to the charge of

one violation of LRS 3:3371 (A) (3). Following the penalty matrix, the charge includes a penalty of \$1,000.00 with \$500.00 suspended due within the 30 days.

Motion: Mr. Kunst made a motion to accept the stipulation. The motion was seconded by Mr. Rayburn and passed unanimously.

Michael Cohn – Case 2078 (Mr. Arceneaux recused himself from consideration of this matter)

Mr. Cohn was not present. Ms. McInnis stated that Mr. Cohn agreed to a stipulation to the charges of four violations of LRS 3:3371(A) (14), and one charge of violation LRS 3:3371 (A) (6). Following the penalty matrix, the charge includes a penalty of \$7,000.00 with \$4,000.00 suspended.

Motion: Dr. Ottea made a motion to accept the stipulation. The motion was seconded by Mr. Rayburn.

1 recused – Mr. Arceneaux

1 opposed – Mr. Kunst

3 in favor – Mr. Bass, Mr. Rayburn, Dr. Ottea

The stipulation still passed with the recusal of Mr. Arceneaux and the opposed vote by Mr. Kunst.

Joseph Cohn – Case 2091 (Mr. Kunst and Mr. Arceneaux recused themselves from consideration of this matter)

Mr. Cohn was not present. Ms. McInnis stated that Mr. Cohn agreed to a stipulation to the charge of one violation of LRS 3:3371(A) (6). Following the penalty matrix, the charge includes a penalty of \$5,000 with \$2,500 suspended.

Motion: Mr. Rayburn made a motion to accept the stipulation. The motion was seconded by Dr. Ottea.

2 recused – Mr. Arceneaux and Mr. Kunst

The stipulation still passed with the recusal of Mr. Arceneaux and Mr. Kunst.

OLD BUSINESS

Rules Update – Harry Schexnayder and Amy McInnis

Amendments to 101, 107, 113, 117, 147 of the Structural Pest Control Rules and Regulations as previously approved by this Commission are presently in the promulgation process. The fiscal Economic Impact Statement was submitted to the Legislative Fiscal Office on March 20, 2018. The Notice of Intent was filed with the State Register on April 9, 2018. There will be a public hearing on May 29, 2018 at 10:00am in the Veterans' Memorial Auditorium discussing these amendments. Mr. Arceneaux asked if there had been any changes made to the WDIR rules that were discussed in the Rules Committee meeting. Mr. Arceneaux asked if Mr. Schexnayder can give the Commission an update on the next meeting about visible inspections.

Emergency Rule Request – Fumigation

Mr. Kunst wanted to have discussion about an emergency rule to be put in place. His concern was about an incident that happened in Florida.

Mr. Kunst suggested getting an emergency rule in place for Rule 107 for a period of six months. The problem stems from applicators that do not have experience in the fumigation process which can lead to negative effects on human health. General Counsel Emily Andrews explained the requirements on how the rule is put in place and valid at a minimum of three months. Attorney Ms. McInnis projected the date for the final rule to be published in the State Register on July 20th, 2018.

Motion: Mr. Kunst made a motion to have an emergency rule put into place for the rules related to fumigation. The motion was seconded by Mr. Arceneaux and passed unanimously.

Proficiency Testing Emergency Rule – Harry Schexnayder and Amy McInnis

Mr. Schexnayder asked if the Proficiency Testing Emergency Rule can be extended for another 120 days. Ms. McInnis stated the current emergency rule expires on April 27, 2018.

Motion: Mr. Kunst made a motion to have the Proficiency Testing Emergency Rule extended to June 30, 2018. The motion was seconded by Mr. Rayburn and passed unanimously.

NEW BUSINESS

LPMA Report – Jeff Porter

There was discussion on the legislative session. The next activity coming up soon is the LSU LPMA Summer Institute at LSU. This will start on July 16, 2018 for three weeks in a row on Mondays and Tuesdays.

Online Monthly Reporting – Harry Schexnayder

The system should be up and running by the end of the month of April. Mr. Schexnayder said he would send out a notification to let everyone know that it will be up and running.

Dr. Henderson is currently working on updating the licensee exams on all phases. There will be at least three different questions on the test. Once the tests are completed they will be brought to the commission for review and approval for each.

CONSIDERATION OF LICENSEE APPLICATIONS

<u>NAME OF APPLICANT</u>	<u>PHASES</u>	<u>STAFF RECOMMENDATION</u>	<u>COMMISSION DECISION</u>

Nicholas A. Breath (LA – 4 years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approved Approved Approved
Lester R. Cambre III (LA – 4 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approved Approved Approved
Christopher Gomez (LA – 5 Years’ Experience)	GPC CVC	Approve Approve	Approved Approved
William W. Groene (LA – 4 Years’ Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)	Approved Approved Approved
Jamerson Hammothe (TX – Years’ Experience)	GPC TC	Approve Approve (pending CACTP)	Approved Approved
Geoffrey Scott Illes (GA – 14 Years’ Experience)	CVC	Approve	Approved
Joseph Patrick Johnson (LA – 6 Years’ experience)	GPC CVC	Approve Approve	Approved Approved
Rodney Migliore (LA – 6 Years’ Experience)	GPC TC	Approve Approve (pending CACTP)	Approved Approved (pending CACTP)

David Passafume (LA – 6 Years’ Experience)	GPC CVC	Approve Approve (pending CACTP)	Approved Approved (pending CACTP)
Tristan Rogers (LA – 7 Years’ Experience)*already approved in GPC	GPC TC	Approve Approve (pending CACTP)	Approved Approved
Terencio Velasquez Jr. (TX - 5 Years’ Experience)	CVC TC	Approve Approve (pending CACTP)	Approved Approved

All applications were presented to the Commission by Ms. Moore.

FUTURE MEETINGS

The next Structural Pest Control Commission meeting will be held on July 18, 2018 at 9:30 a.m. at the Department of Agriculture and Forestry, Veterans’ Memorial Auditorium.

STATUS REPORTS

Mr. Schexnayder presented the status report for the first quarter of 2018.

PUBLIC COMMENT

Minor Harwell, Gulf State Region, from Poplaville, Mississippi had some questions about Commission approved termite training classes.

ADJOURN

Motion: Mr. Bass made a motion to adjourn the meeting. The motion was seconded by Dr. Ottea and passed unanimously. The meeting adjourned at 12:38p.m.