

**STRUCTURAL PEST CONTROL COMMISSION**  
**Veterans' Memorial Auditorium**  
**5825 Florida Blvd.**  
**Baton Rouge, LA**  
**January 19, 2017 – 9:30 AM**

**PROCEEDINGS**

**CALL TO ORDER**

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

**ROLL CALL**

Members present: Fred Bass, Todd Parker, Joe Arceneaux, Bob Kunst, Dr. James Ottea, and Commissioner Mike Strain

Others present: Harry Schexnayder, LDAF, Kevin Wofford, LDAF, Lindsey Hunter, LDAF General Counsel, Kelly Moore, LDAF, Diane Didier, LDAF, Jim Jenkins, LDAF, Milton Schleismann, LDAF, Jeff Porter, LPMA, Harry Vorhoff, Hearing Officer

**AMENDMENTS TO THE AGENDA**

Mr. Schexnayder addressed the Commission that he would like to add the new structural technician testing schedule procedures under New Business. Mr. Schexnayder would also like to add licensees relinquishing/inactivating their license after technician testing at the beginning of New Business.

Mr. Kunst would like to add to the Amendments to the Agenda under Other Business, the industry and general contracts.

**Motion:** Mr. Arceneaux made a motion to accept Mr. Schexnayder's Amendments to the Agenda. The motion was seconded by Mr. Kunst and passed unanimously.

Mr. Schexnayder would also like to add one more licensee to the agenda, licensee Mr. Frank McKinley to the Structural Pest Control Licensee Applicants. Mr. McKinley is seeking a license in Ship Fumigation.

**Motion:** After further discussion regarding the Amendments to the Agenda, Mr. Parker made a motion to accept the Amendments to the Agenda. The motion was seconded by Mr. Arceneaux and passed unanimously.

**PUBLIC COMMENTS**

There were no public comments.

## **APPROVAL OF THE MINUTES**

**Motion:** Mr. Parker made a motion to approve the minutes from the October 31, 2016 and December 22, 2016 meetings as distributed. The motion was seconded by Mr. Arceneaux and passed unanimously.

## **ADJUDICATORY HEARING**

Mr. Vorhoff addressed the Commission regarding the Adjudicatory Hearing of Paul Hammothe IV, Case No. 1997. Mr. Harry Vorhoff introduced himself to the Commission as the Assistant Attorney General for the State and he is going to be the hearing officer today.

Mr. Vorhoff stated let the record reflect that the hearing panel that is present is accepted. Mr. Vorhoff announced that we have one item on the agenda, Paul Hammothe IV, Case No. 1997.

Mr. Vorhoff asked if Mr. Hammothe was present. Ms. Hunter stated that Mr. Hammothe was not present at the SPCC meeting. Ms. Hunter also mentioned that he was served the stipulation papers and received proof of service and that they reached a settlement in this case and the papers are properly signed, dated, and notarized.

Mr. Vorhoff asked Ms. Hunter to read the stipulation agreement between LDAF and Mr. Hammothe.

Ms. Hunter read the allegations that were violated by Paul Hammothe IV. Ms. Hunter gave an update on the hearing of Paul Hammothe IV, LDAF Case No. 1997. Ms. Hunter stated that the Department has charged Mr. Hammothe with two (2) violations of the Louisiana Pesticide Law, (La. R.S. 3:3201, *et seq.*), "Engaging in structural pest control work without first obtaining the proper license." Following our Penalty Matrix he agreed to plead guilty to the two (2) violations and pay the fine imposed of \$3,500.00 as we normally do. A portion of the \$2,500.00 is suspended. The \$1,000.00 is due and payable within 30 days. If he does not pay the remainder, it becomes immediately due and payable. As it is standard on all our stipulations, it says that we recommend approval of this and that he acknowledges what his rights are under the Louisiana Administrative Procedure Act, and voluntarily relinquishes those rights, the right to appear, the right to an attorney, the right to appeal, and the right to call witnesses. Final paragraph states that "We, Respondent and Agency, specifically state that we each have read this stipulation; we each understand the terms of the stipulation; we each have had ample opportunity discuss the terms and consequences of this stipulation with an attorney of our choice and that we freely and voluntarily sign this stipulation."

Mr. Arceneaux asked when was the formal notice was received by Mr. Hammothe? Mr. Schexnayder said that this was continued from the Commission meeting October 11, 2016. (October 11, 2016 SPCC meeting was cancelled due to finalizing Proficiency Testing procedures).

Mr. Kunst asked, does the Commission approve the stipulation? Ms. Hunter said the Commission has to accept or reject the stipulation.

Mr. Kunst stated that he understood that Mr. Hammothe's fine was \$3,500, but suspended \$2,500 so he only has to pay \$1,000? Ms. Hunter confirmed his question. Mr. Kunst asked does he need to get a license? Ms. Hunter stated if he wants to engage in pest control work. Mr. Kunst said he cannot accept a stipulation of \$1,000. Ms. Hunter stated that is your right and if you don't accept it we will reset for an adjudicatory hearing at the next Commission meeting.

Ms. Hunter introduced LDAF 1, the charge letter and green card to Mr. Vorhoff for review in Mr. Hammothe's absence. Mr. Kunst stated the customer has no guarantee and was defrauded. He would like to stand up for our training – 4 years before you can test. Should have bond, insurance, make reports, and pay fees. \$1,000 is nothing when citizens/consumers were defrauded. He would like to hear the details.

Mr. Schexnayder said they followed the penalty matrix and explained that the penalties were reduced similar to past stipulations.

Mr. Vorhoff stated to reflect for the record that LDAF 1 (notice of hearing) is admitted into the record.

Mr. Arceneaux commented that penalty should be \$5,000.00 or whatever the maximum fine and appear before the Commission and make his case. Ms. Hunter stated that maximum we can impose is \$3,500.00.

Mr. Schexnayder said Mr. Hammothe cooperated with us, he did not try to run away. He was cooperative throughout all our discussions. Mr. Kunst said that the penalties are still unacceptable and would like specifics and facts. He also stated that he would like Mr. Hammothe to appear in person at the next SPCC Commission meeting.

**Motion:** Mr. Kunst made a motion to reject the stipulation and have Mr. Hammothe come to the hearing. The motion was seconded by Mr. Arceneaux. (Motion was continued later in the meeting).

Mr. Parker made a statement that he agrees with what Mr. Kunst is saying, they looked at it and I don't know any of the facts of the case, I'm not making any assumptions, but also trusts what is presented, I'm going with that.

Mr. Kunst said that's the reason we have a Commission because we hear the facts, if we have a hearing, and we may agree with that, but since we are not allowed to hear the facts, I want a hearing.

Mr. Bass commented, it is fine to agree and disagree, but what sold me on it when Harry said you are not going to get but \$1,000.00 regardless what you do. Knowing Harry the way I do, and the way they work on this thing, I tend to go where you can finish this thing up and take the \$1,000.00.

Mr. Arceneaux commented the goal for me is not to collect the \$1,000.00 or \$3,500.00 the maximum amount. The goal for me is that the industry know that we fine him the maximum amount and advertise that to every person I talk to. Technicians need to know about these cases that work was done on the side and that you are responsible under state law returning all the money received to the licensee. I'm more interested in to fine him the maximum amount.

**Motion continued:** Mr. Vorhoff stated to show that the record is clear, asked for a show of hands, three yays (Kunst, Arceneaux, Ottea) two nays (Bass, Parker), no abstentions, the yays so ordered, the stipulation settlement is rejected.

Ms. Hunter said that they will reset this case at the spring Commission meeting.

Mr. Vorhoff stated this concludes the administrative hearing.

### **OLD BUSINESS**

There was no old business to report.

### **NEW BUSINESS**

#### ***Amendment to New Business***

Mr. Schexnayder addressed the Commission regarding the new department structural technician testing procedures and gave the background of the structural pesticide testing. He stated that the structural technician test has always been given statewide on the third Wednesday of the month. Beginning 2017 the department will allow companies to schedule through the district offices or main office technician testing and not restrict the test to the third Wednesday of month. We felt this change was less restrictive and didn't think it was necessary to run this by the industry, Commission, and LPMA. We would transition into the new testing procedures by contacting the pest control operators who had technicians to be tested and work it on a case by case basis.

Mr. Arceneaux thanked Mr. Schexnayder for a great explanation. Mr. Arceneaux mentioned he noticed there was a change in format of testing procedures without notifying operators. There was no testing confirmation letter sent out ahead of time for the January 18, 2017 testing.

Mr. Bass suggested working out the issue between Mr. Schexnayder and Mr. Arceneaux.

Mr. Kunst commented that the industry was not told about the new testing format regarding the day and time. The industry is used to being told when to show up. It is a gift to the industry. Whatever the schedule is we need to clearly communicate it.

Mr. Schexnayder said the procedure was by department and not a rule or law. The testing change of format was presented at several recertification meetings and to LPMA.

Mr. Schexnayder mentioned he will give the new testing procedures notice to Mr. Porter to distribute to the LPMA members.

Mr. Porter stated the association does represent a high percent of the pest control companies in the state of Louisiana, but only 90% of the companies are members of LPMA in Louisiana. There is still 10% where we don't have communication with. If the department needs to contact the pest control companies in the state Louisiana, they need to do that. Leaving it up to the association that's fine I can contact 90% of the companies. So you are going to have 10% of the people without that knowledge.

Mr. Parker said we can send a letter.

Commissioner Strain asked are we doing testing as requested by the industry on the date they requested, but set aside if you want to come in this day as well?

Mr. Schleismann commented that he intends to give the structural pesticide technician test on the third Wednesday of the month in New Orleans.

Commissioner Strain suggested giving the test on the third Wednesday of the month or as requested, or another day and time of the week, offer both.

Mr. Schexnayder mentioned that they will announce the new testing procedures at the January 2017 LPMA Winter Convention and send a letter to all pest control operators. Also, Mr. Schexnayder stated before the technicians can test, we need complete applications, payment, and photos and he will put it in the letter.

#### ***Amendment to New Business***

Mr. Schexnayder stated that Mr. Mitchell Chesne sent a letter of notification April 1, 2017 that he would like to relinquish his pest control license due to his age and his medical condition. In addition to this, we also get notifications to place licenses on inactive status. He has read the rules and it looks some of this information should go before the Commission. Mr. Schexnayder asked the Commission if they wanted the staff to handle the notifications or the Commission.

Mr. Kunst asked for the rule, placing your license on inactive. Ms. Hunter stated to look in your books at Rule #123 and #125. Ms. Hunter stated that there is not an acceptance, you don't have to have a formal acceptance, the concern in the rule is, if somebody leaves a place of business and no longer has a licensee there, how do you get a licensee to cover that, that is the main concern. Mr. Kunst read Rule #125d. Mr. Arceneaux commented, one thing to think about, ask if someone who is relinquishing his license, is he is selling business as well. There was discussion regarding recertification if the licensee would like to come back.

Mr. Arceneaux mentioned to please let the Commission know about any future notifications.

Mr. Parker stated that if you get a written notification, bring it to the Commission. Mr. Schexnayder said he would make sure to get these notifications to the commission.

#### ***LPMA Report – Jeff Porter***

Mr. Porter informed the Commission that the LPMA Annual Meeting Winter Convention will be held January 24- 26, 2017 in Baton Rouge. We are going to have recertification testing for

licensees for the first time in large numbers, close to 100. We have some of great speakers and one of the best programs we've ever had. One of the most important speakers is at 9:00 Wednesday morning when Commissioner Strain will come and address the pest control industry to update us on what's going on at LDAF. I'm sure he will have plenty of questions about the proficiency test. Mr. Porter stated that they are moving forward on a lot of things and try to work closely with LDAF on things like the proficiency exam. We feel it is an important part of the function of this industry and show that people are proficient on the job that they doing out there. We as an association feel very strongly that we want to have the best educated workforce that we possibly can have to do the best job for the public. That's our goals and I think it is very important to work hand in hand with the department to make sure that happens.

### **Commissioner Strain Address to the Commission**

Commissioner Strain asked permission to address the Commission with LDAF updates. The Commission gave their approval.

1. Commissioner Strain mentioned that we have a new U.S. Secretary of Agriculture, Sonny Perdue. He is a veterinarian, former Governor of Georgia, and former pro temp of senate. He has an agriculture background, born and raised on a farm.
2. The Commissioner reported that there have been over 500 proficiency tests. The last group he attended was in Lake Charles, Aerial Ground Applicators, they take a number of exams. The 500 tests and with the procedures, we had three (3) that did not pass, over all. We have continuing discussions with EPA and they are very satisfied with the way we are going. We are talking about a number of issues in addition to that.
3. We are involving some new technology that is going to be on the Ag side. New chemical applications in the form of 2, 4-D, and Dicamba, used in a different manner. In addition to the proficiency exam, new chemicals, new technology which in some areas have been become controversial. We are going to give additional continued education on those chemicals. We are setting up a meeting in Alexandria, expect more than 100 people there. They will have an endorsement on their card so they can purchase the new chemicals on top of everything else. So the proficiency there, especially in the industry with the really restricted chemicals is very, very important.
4. New chemical/product coming out, critter control. The Commissioner gave an update on the feral hog toxicant "Kaput". It is warfarin based very low level warfarin level. Just been approved by EPA. You will have to use a feeding system to feed these hogs. This is designed to eliminate the entire group at one time. There are additional trapping programs that are very good as well.
5. The Commissioner reported that State has declared a \$314M to \$340M mid-term budget deficit. The Commissioner met with Jay Dardene and Governor on how to handle mid-term budget. We have surrendered funds back to the Governor. We have sold LDAF executive aircraft and also sold real estate so we don't have to lay-off any personnel.
6. The Commissioner mentioned that we will have a special session between Valentine's Day and Mardi Gras, February 14 – February 28, 2017. The focus of the special session legislature will take a hard look at all dedicated funds. So there is a big push to undedicate and dedicate funds and reallocate them according to the legislature. It's going to be about taxes, fees and potential cuts.

7. The Regular fiscal session begins on April 10, 2017. There has been a review committee looking all the exemptions, exclusions of the tax laws, including taxes related to Ag tax issues. Any legislation that needs to be presented to the legislature is due by March 5<sup>th</sup>. Legislative auditors are looking at every fund and fee that Ag collects. We are predominately a fee-based agency, the auditors will be looking to see if the amount of the fees covers all the services under LDAF. Legislative auditors have a report they have also reviewed every board and commission duties, powers, and functions. LDAF will have a response to the report.
8. The Commissioner talked about the quarantine on the New Orleans Fair Grounds Racetrack facility, neurologic disease known as Equine Herpes Myeloencephalopathy (EHM). The quarantine of horses is a complicated issue.
9. Later today you will be asked to consider making the Emergency Rule permanent, so we don't have to pass the emergency rule three times. The Permanent Rule is for the proficiency testing. It shows that anyone handling any type of restricted use chemical is proficient.

Mr. Kunst mentioned that when he first came to the Commission in 1983, he asked 'what was the purpose of Commission?' and was told it was to protect the consumer and promote the industry.

After further discussion, the Commissioner stated they need to look at the statutes.

Mr. Arceneaux asked how the Commissioner feels about EPA recent rule change, that 416 page document that now allows certified applicators to certify every five years.

The Commissioner stated that we need to address that.

Mr. Wofford stated the five year rule has always been in effect through the EPA. The new proposal was moving the federal requirement from five year to a three year rule. We adopted three year to supersede the federal five years. The proposal, not so much on the structural side, but on the Ag side. In some states they are not adopting this proposal.

Mr. Arceneaux stated the reason for me in asking this question for a second time is because of the added requirement of proficiency testing. The commission is doing this but here's something to make it easier for the pest control applicators who must attend the boring recertification meetings.

There was discussion about changing the licensee certification from three to five years. The Commissioner asked for the Commission to make a recommendation and a resolution from the Commission what they would like to do.

Ms. Hunter stated it is not a statute change, would be a rule change from three years to four or five years.

Mr. Schexnayder stated that if we roll it back there will be less people that will be needing recertification on a yearly basis. That is fine with LDAF but it will impact LPMA.

Mr. Kunst stated they had a discussion last time about policy and some need to be written down and made into rules. If the recertification were made to four years they would not need a policy to ensure they weren't missing a few months, getting a full three years.

Mr. Porter stated 5 years is a long time to go with an educational impact.

Mr. Wofford stated we pride ourselves as being leaders in our industry and now we want to move back our requirements on education. He has a problem with that. 12,000 guys on Ag side are on a 3 year rotation, adding 3,000 people on a 4 or 5 year rotation, why can't we keep this the same. If this is what you want to do we will entertain it.

Mr. Arceneaux stated we are putting all the value on recertification and his opinion is most recertifications are a low value, low yield event. Poll a licensee and ask them. 9 out of 10 will say they didn't learn anything new. Unless you are going to radically increase the value of the recertification and have your staff teach it in a more meaningful way. Let's leave it at 3 years but make it a more pragmatic, informative educational event.

Mr. Kunst stated he gets nothing out of the recertifications as a business man. Most people that go to recertification are not there to learn. They are there to fulfill a requirement of the law. They are purchasing a ticket to continue to work in business, no education process in that. It would be great if we could come up with new types and methods but the majority will be there because they have to be.

Mr. Schexnayder agreed with Mr. Kunst and Mr. Arceneaux that many meetings are redundant and boring. But Mr. Schexnayder stated that the most recent recertification meeting in Kenner in December 2016 had several operators e-mail him about how good that meeting was. This was an excellent meeting. We need to discuss more and I think we can make a compromise, probably not go to five, but we need to fix the three year recertification. I think we can work on that and come to a good middle point and give a little bit and also continue to educate on a frequent enough basis where these guys are not lacking in education.

### ***Consideration of Proficiency Testing Permanent Rule***

Ms. Hunter stated as we mentioned in December, we asked you all to consider the emergency rule permanent. Mr. Schexnayder passed out a copy of what the notice of intent looks like with the new language that is underlined and it is the exact same language. Ms. Hunter also stated the Commissioner said the reason for this is to not have to go through the process three times and thinks as we talked at the December meeting, we can go into the rule again this December and remove it. The rule specifically states 2017 and she didn't think there is a concern about it continuing on, but we are certainly sensitive to you wanting it out of there.

Mr. Kunst mentioned for public relations and as well for security purposes for the industry to have a Sunset statement to put in under Item 4. Mr. Kunst requested a definite end date be stated. Ms. Hunter stated adding to the paragraph that this will expire January 1, 2018 in the rule.



**Motion:** Mr. Parker made a motion to move forward with the notice of intent for the proficiency testing with noted changes that you just stated. The motion was seconded by Dr. Ottea and passed unanimously.

Mr. Parker asked Ms. Hunter if she needed any other administrative type of motion to allow her to move forward with this?

Ms. Hunter stated she did not on this, but we have several other rules to talk about later.

The Commissioner announced he had to leave the meeting.

Ms. Hunter continued to answer Mr. Parker's question. When we do permanent rules for any permanent rule if there are no substantive changes, technically the Commission has do an act of adoption as we have always asked in to do in the past to allow the Commissioner to sign the act of adoption assuming there are no substantive changes. . It is a procedural step to make it easier to adopt these rules without delay.

Mr. Kunst asked for point of clarification, is that going to do away with any public hearing where the industry can appear to hear it?

Ms. Hunter stated that this will be after the public hearing, after all our public comment report. It is the last formal set on any formal rule you follow on any act of adoption. We ask that Commissioner to sign it if there are not any substantive changes to the rule.

**Motion:** Mr. Kunst made a motion to move to do that as long as it doesn't do away with the public hearing. The motion was seconded by Mr. Parker and passed unanimously.

**Break:** Mr. Bass announced to break for a five minutes at 11:05 a.m. Mr. Bass brought the meeting back to order at 11:14 a.m.

### ***Proficiency Exam***

Mr. Schexnayder said to clearly state to the Commission and to have on the record what's going to occur related to the proficiency test. The proficiency test for technicians test will include 20 general pesticide questions. The materials will be presented right before the exam is given. . There will be a Powerpoint presentation. They will have clickers. Questions will be displayed on the screen. Questions will be read. They will have three multiple choice answers that will be stated under the question and they will pick A, B, or C and that's how we will present the information and then take the 20 question test.

Mr. Schexnayder continued to explain that the Licensees will have the same material as on the 20 question technician test to serve as a General Standards exam for licensees and they will have three additional modules to cover categories/phases under the licensee type license. There will be one 20 question module that will cover general pest, commercial vertebrate; one 20 question module will cover termite; and one 20 question module to cover all the fumigation phases, commodity, ship, and structural. . So, a structural licensee in general pest, commercial vertebrate, termite and fumigation phases will have to take a 20 question module for general

standards; a 20 question module for general pest & commercial vertebrate, a 20 question module for termite, and a 20 question module for fumigation.

Mr. Schexnayder mentioned next week at Jeff's LPMA Winter Convention, we go with the first round of proficiency tests with the licensees.

Mr. Arceneaux asked what Jeff is putting on at the convention, does it include fumigation? Mr. Schexnayder said there is no fumigation certification at the Winter Convention. It's just for general pest, commercial vertebrate and termite recertification event.

Mr. Porter mentioned that the 20 people coming at 2:00 to take the test, they are all getting the same presentation.

Mr. Arceneaux asked about the category questions, what kind of questions are they? Mr. Schexnayder stated, the questions are a combination of items that are on the licensee exams, identification questions, method type questions, IPM type questions, very closely related to what licensees see on their license exam, but scaled down, no math. Mr. Kunst asked if they could take notes during the review. Mr. Wofford remarked yes, but could not use the notes during the test.

Mr. Kunst stated he understand why large groups it may be difficult to give everyone their scores. Is it possible to get your score in a smaller group?

Mr. Wofford stated it would be manageable in a small group. In larger groups we wanted to prevent confusion. Within the next few weeks the tester will get a letter stating if they passed or failed.

### ***Contract Review Committee Report – Joe Arceneaux***

Mr. Kunst recused himself from sitting at the Commission desk during the Contract Review Committee Report.

Mr. Arceneaux reported that they have looked at several contracts and asked to review normal procedures, some wanted to put their name on the standard contract. The one we have today is for Fischer Environmental Services, Bob Kunst. This contract has been in limbo for over a year. The final product is a Pre-Construction/New Construction Contract Plan. The Committee reviewed it. There were questions about regulations on pre-treat contract you have to offer a damage repair warranty. The standard contract states that the operator is responsible is does not define that at all. Mr. Kunst defines his terms. Mr. Arceneaux stated the contract meets all of the other criteria and meets the regulations that says it must include a damage repair warranty. Mr. Schexnayder said Mr. Kunst meets the requirements of the rules of the pre-treat/pre-construction contract. He is defining what he is going to repair. I want the Commission to understand that this is more detail than the Commission usually approves on this as long as the home owner understands.

Mr. Bass asked is that a good thing? Mr. Schexnayder stated that as long as the homeowner understands, yes.

Mr. Parker asked what is our role? Ms. Hunter stated that she went to the Contract Review Committee meeting. Under the rule Section 119 states what a contract must have and Section 119, #7 states “The contract shall: include a damage repair warranty and be exclusive to the property owner for 5 years subject to the terms and conditions of the contract, if the contract is for pre-construction or new construction termiticide treatment.” The contract does that. Ms. Hunter’s recommendation was that if anything deviates from the standard contract, it needs to come before the full Commission. The standard contract does not have the definition of damage or damage repair in the rules. Mr. Kunst is free to do this. As long it does not deviate from the standard contract, it needs to come before the Commission. He’s further defining the damages he will be responsible for. You all need to understand that I want it in an open meeting.. I think that it is important to be very transparent.

Mr. Arceneaux stated that the standard contract rules states that the company is responsible for the damages, but it does not define the damages. Mr. Kunst’s contract states that he is not responsible for the previous damages especially as these issues relate to building codes. That’s when he is not responsible for that. Mr. Arceneaux stated he is satisfied with the contract.

Mr. Kunst entered the discussion and commented that it clarifies to the customer what he will cover. Mr. Kunst stated this is the twelfth pretreat contract he has brought to the commission. He defines in repairs more closely from problems his company has experienced. Mr. Kunst his company has had problems with contractors not building homes to code. Mr. Kunst stated his main change with this contract is that he will not have to bring a house up to code that was not built to code from the beginning. Mr. Kunst stated he believes has had clarified that with this contract.

**Motion:** Mr. Arceneaux made a motion to approve the changes to the Fischer Environmental Services Pre/New Construction Plan and approve the contract. The motion was seconded by Mr. Parker and passed unanimously.

Mr. Bass accepted Mr. Kunst back to his Commission seat.

### ***Rules Committee Report – Kevin Wofford***

Mr. Wofford reported that the Rules Committee met on September 28, 2016 to discuss a number of items.

Mr. Wofford reported that Ms. Kelly Moore will be serving on the SPCC Rules Committee.

Ms. Moore read the Proposed Amendments to Title 7 Part XXV: Structural Pest Control from the Rules Committee meeting on September 28, 2016.

#### **§101. Definitions**

*Termites*—all species of the order *Isoptera* which infest timbers and/or other materials containing cellulose in buildings and/or contents thereof, subdivided into two groups according to their habits, as follows:

a. *Subterranean Termites*—all species of termites which make tubes, but not pellets, and normally require contact with soil; especially species of the genera *reticulitermes* and *coptotermes*;

b. *Dry-Wood Termites*—~~all species of termites which make pellets, but not tubes, and do not require contact with damp soil; especially species of the genera *kaloterms*, *cryptotermes* and *incisitermes*~~ any of various termites that live

and feed in dry wood without a soil connection and includes some which are destructive pests in domestic constructions, of the genera kaloterme, cryptoterme and incisiterme.

**§113. Registration of Employees; Duties of Licensee and Registered Employee with Respect to Registration**

P. Each registered technician shall participate in an entire continuing education program as a condition of maintaining his or her status as a registered technician at least once annually ~~(July 1 to June 30)~~ January 1 to December 31).

**§117. Obligations of the Licensee/Permittee**

H. Any person applying pesticides for a fee and the permittee or the primary licensee shall maintain records according to LAC 7:XXV.117.H, at the physical address listed on the place of business permit of all applications of pesticides on a record keeping form or in a format approved by the director of Pesticide and Environmental Programs of the department. These records shall be retained for a period of two years after the date of the pesticide application for ship and commodity fumigation, general pest control and commercial vertebrate control and a period of two years after the expiration of applicable contracts for termite and other wood destroying insect control. The licensee shall make a copy of these records available to any employee of the department for inspection ~~at a reasonable time during normal working hours,~~ upon notification, from Monday through Friday, 8:00 AM – 4:30 PM, excluding legal holidays.

**§141. Minimum Specifications for Termite Control Work**

A. All labels for products used for termite control work shall be registered by the EPA and the department and shall be approved by the commission prior to their use.

1. The department shall issue a listing of product labels approved by the commission for termite control work. The listing shall become effective upon approval by the commission. The list shall be published ~~in the Potpourri section of the Louisiana Register on the LDAF website~~ and shall remain in effect until changed by the commission. The commission may add or delete any product labels from its list. ~~The list shall be published in the Potpourri section of the Louisiana Register.~~ Upon publication of the list all previous listings shall be repealed.

2. The commission's list of product labels shall also contain the product name, EPA Registration Number and chemical concentration at which each product label is approved for usage, and shall be applied in accordance with label and labeling requirements and shall not be applied at any less than label and labeling requirements.

**Motion:** Mr. Kunst made a motion to adopt the proposed amendments to the Louisiana Administrative Code, Title 7 Part XXV: Structural Pest Control. The motion was seconded by Mr. Arceneaux and passed unanimously.

Mr. Ottea asked about the capital letters for the genus names in 101b.

Mr. Kunst made a motion for the Commissioner to sign the act of adoption for those rules if there are no substantive changes. The motion was seconded by Mr. Arceneaux and passed unanimously.

Mr. Wofford commented that he would add fumigation requirements at the next meeting.

**CONSIDERATION OF LICENSEE APPLICATIONS**

Mr. Kunst stated the department in the past provided the commission with an informational sheet along with the licensee applications that contained a recommendation to the commission and years of experience information provided by the applicant. Mr. Schexnayder stated the department would work on getting the sheet included again in the future.

STRUCTURAL PEST CONTROL LICENSEE APPLICANTS  
 SPCC Meeting  
 Thursday, January 19, 2017

NAME OF APPLICANT	PHASES	COMMISSION DECISION
Matthew Bernard (LA - Experience)	GPC CVC	Approve Approve
Ernest D. Culbreath II (LA - Experience)	Ship Fume	Approve
Jason Lee (Out of state Experience)	GPC CVC	Approve Approve
Edward J. Martin IV (LA - Experience)	GPC CVC TC Comm Fume Struc Fume	Approve Approve Approve (pending CACTP) Approve Approve
Frank D. McKinley (LA - Experience)	Ship Fume	Approve
Richard Norcross (LA & Out of state Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
John Ortego (LA – Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Theodore J. Poydras (LA - Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)
Adam Shaw (VA, TX – Experience)	Comm Fume Struc Fume Ship Fume	Disapprove Disapprove Disapprove
Jesse Seidule (LA – Experience)	GPC CVC	Approve Approve
Jesse Smith (LA - Experience)	Comm Fume Struc Fume	Approve Approve
Jesse Theriot (LA - Experience)	GPC CVC TC	Approve Approve Approve (pending CACTP)

Mr. Schexnayder concluded the Licensee Applications presentation.

## **FUTURE MEETINGS**

The Commission decided that their next meeting will be held on April 20, 2017 at 9:30 a.m.

## **OTHER BUSINESS**

**Motion:** Mr. Kunst made a motion to go into Executive Session. The motion was seconded by Mr. Arceneaux and passed unanimously. The Commission went to Executive Session at 11:50 a.m. until 12:00 p.m. to discuss confidential issues with contracts. There were no votes and no action taken by the Commission while in Executive Session. A motion was made to return to regular session by Mr. Parker. The motion was seconded by Mr. Arceneaux and passed unanimously.

## **STATUS REPORT**

Mr. Wofford presented the status reports for the fourth quarter of 2016. He noted that the number of complaints was lower due to the August 2016 flooding. Also, Mr. Wofford mentioned that, in addition to Kelly Moore becoming the Assistant Director in the Structural Program, the department had just hired 3 new administrative staff members for the main office in the Pesticide and Structural Programs. In addition, Mr. Wofford mentioned the recent approval of Kaput Feral Hog bait by the EPA.

## **PUBLIC COMMENT**

There were no public comments.

## **ADJOURN**

**Motion:** Mr. Arceneaux made a motion to adjourn the meeting. The motion was seconded by Mr. Parker and passed unanimously. The meeting adjourned at 12:24 p.m.