

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

MINUTES

CALL TO ORDER

The meeting was called to order by Mr. Bass at 9:35 a.m.

ROLL CALL

Members present: Fred Bass, Todd Parker, Dan Foster, Bob Kunst, and Dr. Tim Schowalter,

Others present: Harry Schexnayder, LDAF, Kevin Wofford, LDAF, Tyrone Dudley, LDAF, Lindsey Hunter, LDAF General Counsel, Fran McVea, LDAF, Tina Perkins, LDAF, Lisa Hall, LDAF, John Morris, Hearing Officer, Jonathan Berger, BASF

AMENDMENTS TO THE AGENDA

There were no requests to amend the agenda.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES

Motion: Mr. Kunst made a motion to approve the minutes from the November 10, 2015 meeting as distributed. The motion was seconded by Mr. Parker and passed unanimously.

OLD BUSINESS

Ms. Hunter reported on the Public Hearing held on December 28, 2015 to receive comments on the proposed structural pest control rule changes. Mr. Schexnayder summarized the proposed changes for those present at the time of the hearing. She stated that there were four (4) members of the general public present at the hearing but no one elected to make a comment. She explained that January 4, 2016 was the deadline to receive written comments from the general public and there were none received. Therefore, a report to the Legislature of no comments having been received was filed on January 7, 2016. She further explained that the agency must wait 30 days before adopting the rule changes, so on February 20, 2016 the final filing will take place and the Commissioner will be asked to sign an act of adoption on March 1, 2016 making the rule

changes effective. She noted that the WDIE and WDIR reports submitted in April will need to reflect the fee increases for activity that took place in March.

Mr. Foster asked if the rule changes becoming effective March 1, 2016 included the elimination of the bait committee and termination of the Pilot Program for bait products.

Both Ms. Hunter and Mr. Schexnayder answered Mr. Foster in the affirmative.

Mr. Schexnayder stated that he planned to send a notice of the fee increases to all structural licensees prior to March 1, 2016.

Ms. Hunter reminded the Commission that all licensees had been mailed a copy of the proposed rule changes, which included the fee increases, seven days prior to the public hearing.

Mr. Kunst suggested that when the proposed rule changes are mailed to licensees, the changes should be in bold print, in italics or highlighted in some way. He stated that he had received numerous calls from people having received the notice but could not identify the proposed changes.

Both Ms. Hunter and Mr. Schexnayder agreed that this would be done in the future

LABELS FOR APPROVAL

Mr. Schexnayder introduced Jonathan Berger with BASF Chemical Company who had requested to address the Commission regarding their product, Trelona bait system. Mr. Schexnayder explained that the product had been used in the pilot program successfully and recommended that it be released from the program and approved by the Commission for purchase and use by the industry without restriction.

Mr. Berger presented information on the Trelona™ Compressed Termite Bait Section 3 label. He stated that the product entered the pilot program approximately eighteen (18) months ago and had been tested extensively throughout the state. He referred the Commission members to various testimonials and endorsements of the product that he had provided and asked for comments or questions.

Mr. Kunst stated that everyone he spoke to throughout the state about the product had very favorable comments.

Mr. Foster stated that he appreciated that the information provided by Mr. Berger also included testimonials from pest control operators and not just manufacturer information.

Motion: Mr. Kunst made a motion to remove the Trelona™ Compressed Termite Bait Section 3 product from the Pilot Program and approve it for sale and use by the pest control industry. The motion was seconded by Mr. Foster and passed unanimously.

NEW BUSINESS

LPMA Report – Jeff Porter

Mr. Porter stated that the Association is doing well and he took the opportunity to personally thank Dan Foster for twelve years of service on the Commission.

Mr. Porter reminded the Commission that the LPMA annual convention will be held on January 26-28, 2016. He stated that the Association had mailed ballots to approximately nine hundred fifty seven (957) members for voting on nominations to be sent to LDAF for consideration for selection to the SPCC. Mr. Porter reported that they had received about 300 ballots from their members. He explained that the ballots would be counted at 8:00 am on the first day of the convention and the names of the top four (4) vote recipients would be submitted to LDAF.

RECOGNITION: DAN FOSTER

Mr. Bass recognized Dan Foster for his wonderful service on the Commission for the last twelve years. Mr. Bass also remarked that Mr. Foster's cool head and quiet leadership will be sorely missed and has had a great impact on the Commission.

Mr. Kunst commented that in his forty two (42) years in the business, Mr. Foster is one of the finest individuals he has ever met.

Mr. Parker also commented that he had enjoyed and learned a lot by having a seat next to Mr. Foster over the years.

Mr. Schexnayder thanked Mr. Foster for his service and mentorship. He also recognized Mr. Foster for his impartiality in looking at issues from the standpoint of industry as well as the staff, agency and general public. Mr. Schexnayder also commented on Mr. Foster's stellar attendance and punctuality. He then presented Mr. Foster with a plaque commemorating his service to the Commission.

Ms. Hunter stated that she will miss Mr. Foster and commented that she appreciated how kind he always was, even when things sometimes were contentious.

Mr. Wofford added that he appreciated the fact that Mr. Foster always had a pleasant attitude and was always willing to embrace change.

Mr. Foster stated that he had enjoyed serving on the Commission and having had the opportunity to work with some great people. Mr. Foster also thanked the Commissioner for his support and the resources he provided to the Commission over the years.

LDAF REPORT

Mr. Schexnayder informed the Commission that staff had prepared another Section 18 request for the use of Termidor to control tawny ants to replace the previous one that expired at the end of November 2015. It is currently under review at the EPA and staff expects to receive approval by the end of January and since it is a quarantine exemption, it will extend for three (3) years.

Mr. Kunst asked if the most recent Termidor Section 18 request included increasing the number of allowable treatments from three (3) to four (4) like he believes the state of Florida has done.

Mr. Schexnayder stated that it did not and he was unaware of any states having requested or been granted an increase in the number of allowable treatments through a Section 18 label.

Mr. Kunst stated again that he believes the state of Florida requested and received approval for a fourth application of Termidor for the control of tawny crazy ants through a Section 18 label. He asked Judy Fersch of BASF, who was present at the meeting, for clarification.

Ms. Fersch said that Florida does not have a Section 18 for Termidor but instead uses a supplemental Termidor label which allows for an increased number of applications at a reduced rate.

Mr. Foster commented that the supplemental label only allows for a one (1) foot up and out application area which has not been effective in Louisiana. He stated that the industry found the three (3) feet up and ten (10) feet out application area provided through the Section 18 label has been effective. He stated that if a choice must be made, the larger application area is preferential to the increased number of applications at a reduced rate.

Mr. Schexnayder encouraged everyone associated with the pest control industry to work with and provide data to the researchers at LSU about problems in the field as well as the efficacy of products. The information provided by the industry is critical when working with the EPA, especially when requesting a Section 18 label.

Mr. Schexnayder stated that in 2014, pest control operators reported conducting eighty two (82) structural fumigations and the agency conducted forty four (44) inspections. In 2015, pest control operators reported conducting eighty two (82) structural fumigations and the agency conducted seventy one (71) inspections.

Mr. Wofford stated that he feels like the agency has good control in both the notification it receives from pest control operators and its response. He commented that most of the fumigations take place in the New Orleans area and there are a very limited number of companies that do them. He also stated that there have been little to no complaints. Therefore, he stated that the only improvement needed in the area may be in the agency's recordkeeping. Mr. Wofford reported that staff is already in the process of tweaking its fumigation recordkeeping procedures between the district and main offices.

Mr. Wofford reported that since the last Commission meeting, eleven (11) new inspectors had been hired and all district offices now have supervisors as well as managers.

Mr. Kunst complimented LDAF management on the new hires and their commitment to keeping the ratio of inspectors to the number of pest control operators higher than most of the other states. He stated that he believes it better serves to protect the general public and keeps complaints at a minimum.

ADJUDICATORY HEARING

Hearing Officer John Morris conducted the hearing. LDAF General Counsel Lindsey Hunter presented the following case:

Joseph A. Bruno, Sr. Case No. 1960- Mr. Bruno stipulated to two (2) violations and a total fine of \$350.00

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

Ms. Hunter informed the Commission that a reminder about recently passed legislation (La R.S. 3:15C) which grants the agency rights to withhold a license/permit from a person owing fines and/or fees had been added to all stipulations.

CONSIDERATION OF LICENSEE APPLICATIONS

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

STRUCTURAL PEST CONTROL LICENSEE APPLICANTS

NAME OF APPLICANT	PHASES	APPROVED/DISAPPROVED
JAMES CHANDLER	GPC TC	Approved Approved pending termite school
DESTIN FIFE	GPC TC	Approved Approved pending termite school
ZACHARY MCCAULEY	GPC CVC	Approved Approved
WILLIE ROBINSON SR	GPC CVC TC	Approved Approved Approved pending termite school

FUTURE MEETINGS

The Commission decided that their next meeting will be held on April 13, 2016 at 9:30 am.

OTHER BUSINESS

None

STATUS REPORT

Mr. Wofford presented the status reports for the fourth quarter of 2015. He noted that the fourth quarter collections and counts of WDIEs and WDIRs have consistently increased over the period of time from 2011 through 2015.

Mr. Kunst remarked that he would like to see staff achieve the same number of routine inspections (1779) as were done in 2011. He stated that routine inspections are very helpful to the industry in helping them to be cognizant of their recordkeeping.

Mr. Wofford reminded the Commission that the agency had sixty six (66) inspectors in 2008 and very recently had as few as forty (40) inspectors. He maintained that even with staff shortage, the district offices had managed to do a better than average number of inspections. He stated that the inspections initiated by complaints numbers were remarkably low, concentrated in the Baton Rouge and New Orleans Districts and mostly due to Formosan termites.

PUBLIC COMMENT

Mr. Porter invited everyone present to the LPMA Legislative Reception scheduled for April 6, 2016 at the Pentagon Barracks. He reported that the typical start time is 5:00 pm.

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

ADJOURN

Motion: Mr. Foster made a motion to adjourn the meeting. The motion was seconded by Mr. Kunst passed unanimously.

The meeting adjourned at 10:45 a.m.