

**LOUISIANA STRUCTURAL PEST CONTROL COMMISSION
SPECIAL MEETING
Louisiana Department of Agriculture & Forestry
Veterans' Memorial Auditorium
5825 Florida Blvd., Baton Rouge, LA
June 20, 2018 – 10:00 AM**

PROCEEDINGS

CALL TO ORDER

The meeting was called to order by Mr. Fred Bass, at 10:03 a.m.

ROLL CALL

Members Present: Fred Bass, Benjy Rayburn, Joe Arceneaux, and Dr. James Ottea

Members Not Present: Bob Kunst

Others Present: Harry Schexnayder, Director of Pesticides; Kelly Moore, Assistant Director of Pesticides; Amy McInnis, LDAF Counsel; Julie Nauta, LDAF; Ronnie Mulberry, LDAF; Frank Sobotka, Gharda Chemicals International, Inc.; and Mac McAllister, Counsel for Terminix.

AMENDMENTS TO THE AGENDA

Mr. Arceneaux requested to add the status of unapproved termite contracts discussion to the agenda, under New Business.

Motion: Mr. Arceneaux made a motion to amend the agenda for discussion on the status of unapproved termite contracts. The motion was seconded by Mr. Rayburn and passed unanimously.

PUBLIC COMMENTS

Mr. Michael Cripps addressed the Commission requested a special meeting to look into reinstatement of his license. Mr. Rayburn explained that the Commission could not reverse a decision that was made 20 years ago. Mr. Rayburn elaborated on procedures that were available to Mr. Cripps, through which he may have an opportunity to retest and to receive a pesticide license, after obtaining passing scores.

Ms. McInnis reminded the Commission of a pending Rule change, which could be published as early as July 20, 2018, requiring a licensee applicant to have four years' experience within the last six years. She suggested that Mr. Cripps present a completed, notarized application for testing before this Rule change became effective. Mr. Cripps apologized to the Commission for his past behavior and thanked them for their time and for the opportunity to submit a new application. Mr. Arceneaux suggested that Mr. Cripps attend the next meeting, when a full Commission is present, should they have questions regarding his application.

OLD BUSINESS

Mr. Schexnayder recognized Mr. Sobotka, with Gharda Chemicals International, Inc. Previous issues with the Navigator SC label had been addressed; and, it was being resubmitted for approval. Mr. Sobotka asked the Commission to approve the label with the supplemental, pending EPA approval of the supplemental label. He confirmed that all products shipped to and used in Louisiana would include the supplemental label and provided the supplemental label for the Commission's review.

Mr. Schexnayder reaffirmed that, if approved by the Commission, Navigator SC can be used in Louisiana as a termiticide, with the supplemental language changes the Commission wanted to see.

Motion: Mr. Arceneaux made a motion to accept the label, with the supplement. Dr. Ottea seconded the motion, and it passed unanimously.

NEW BUSINESS

Contracts for Approval: Terminix (2)

Combination Liquid and Baits and Baiting System with Damage Repair

Combination Liquid and Baits and Baiting System without Damage Repair

Mr. Arceneaux stated the Contract Review Committee requested numerous changes to be made to the contracts Terminix presented. Terminix made all requested changes, with the exception of the waiver checkbox on the front of the contracts. In an effort to protect the consumer, Mr. Arceneaux could not recommend approval without the checkbox in place.

Mr. McAllister stated that Terminix agreed to modify the contract, to be in accordance with State laws and regulations, but he had not seen the requirement of a checkbox in any State law or regulation. It would require months of IT development, stating this to be the reason they had not included it.

Mr. McAllister stated Terminix's reluctance for adding the checkbox was that the businesses would not be able to use the contracts for three-to-four months. Mr. Rayburn stated the current contract language was acceptable to him, if the consumer received an immediate signed copy of the waiver, which the electronic version does not currently have the ability to provide, nor does it show that one was issued. Mr. McAllister produced a sample of their current paper waiver, which included a duplicate copy for the consumer.

Motion: Mr. Arceneaux moved that the Commission accept Terminix's contract, with the understanding that within six months Terminix will prove to the Department that they have added the electronic checkbox. In the meantime, Terminix will guarantee in writing to the Commission that they will use paper waivers at each sale, if applicable, and will give the client a copy of that waiver. Mr. Rayburn seconded the motion, which passed unanimously.

Research Committee Nominations – Harry Schexnayder

Research Committee members are appointed by the Commission on an annual basis. A list of eight (8) nominees was provided to the Commission for appointment. The nominees were: *Commissioner or his Designee—Benjy Rayburn, Chancellor of the Louisiana State University Agricultural Center or his Designee—Dr. Rogers Leonard, Director of the Louisiana State University Experiment Station or his Designee—Dr. Michael Stout, President of the LPMA—David Billiot, Executive Director of the LPMA—Jeff Porter, and three (3) Licensed Pest Control Operators—Jeremy Clark, Leonard Hayes, and Matthew Kimbrough.*

Mr. Schexnayder informed the Commission that Dr. Henderson, Professor of Urban Entomology at LSU AgCenter, retired at the end of last year. Dr. Qian “Karen” Sun, Assistant Professor of Urban Entomology at LSU AgCenter, assumed research responsibilities granted by the SPCC Research Committee. The newly appointed Research Committee will meet early next month, when Dr. Sun will present proposed areas in which she would like to do research. She will also attend the Commission meeting on July 18, 2018, to present her plans for Structural Pest Control research.

Motion: Mr. Arceneaux made a motion to appoint the list of nominees to the SPCC Research Committee. The motion was seconded by Dr. Ottea, and passed unanimously.

Status of Unapproved Termite Contracts – Joe Arceneaux

Mr. Arceneaux asked staff to report back to the Commission on the request sent out to all operators last year with the Place of Business Permits, asking for copies of their termite contracts. This effort was to see if anyone was using unapproved contracts.

Mr. Schexnayder responded they have received approximately 20 contracts that were not the standard. The Department will be looking further into those contracts and will report back to the Commission.

Update and Revision of Structural Licensee Exams – Harry Schexnayder

Mr. Schexnayder added the update of the Structural Licensee Exams to New Business. A contract had been entered into with Dr. Henderson, to provide necessary revisions on the exams. The Commission must approve the tests and any test changes. Mr. Schexnayder would like Commission members to review the exams, prior to the July 18, 2018 meeting. Revised tests will be distributed to the Commission members; and, a confidentiality agreement will be signed by each member, to ensure security of the exams.

PUBLIC COMMENTS

There were no public comments.

ADJOURN

Motion: Mr. Rayburn made a motion to adjourn the meeting. The motion was seconded by Mr. Arceneaux and passed unanimously. The meeting was adjourned at 11:22 a.m.