

**STRUCTURAL PEST CONTROL ADVISORY COMMITTEE**

**MINUTES**

**Meeting Date: April 22, 2021**  
**Meeting No. 2**

**Place: Stephen F. Austin Building**  
**Microsoft Teams Meeting**

**MEETING ATTENDANCE:**

**Advisory Committee Members**

Warren Remmey  
Jeffrey Sheets  
Brien Binford  
Roger Borgelt  
Clint Lehew  
Dr. Robert Puckett  
Dr. Ketki Patel  
Randy McCarty  
Nancy Zaiontz  
Robert Schoppe – unable to attend  
Dr. Nancy Crider – unable to attend

**Agency Staff**

Michael Kelly  
Allison Cuellar  
Aaron Curiel  
Leslie Smith  
David Castillo

**Affiliation**

TDA  
TDA  
TDA  
TDA  
TDA

**Program**

ACP  
ACP  
ACP  
ACP  
GC

**Interested Parties**

Todd Kercheval  
Bob Davis  
Santos Portugal  
Alan Brown

**Affiliation**

TPCA  
BASF  
Elite Exterminating  
ABC Home & Commercial Services

**I. Call to order**

The meeting was called to order at 9:07 a.m. by Roger Borgelt, Chairman of Structural Pest Control Advisory Committee, he asked if there were any interested parties in attendance that would be making public comment.

Mike Kelly of the TDA took roll of attending committee members, TDA staff, and public attendees; and identified the following individuals wanting to make public comment:

Debbie Aguirre with Elite Exterminating and Alan Brown with ABC Home and Commercial Services.

**II. Review and Approval of Minutes of the January 21, 2021 meeting**

Roger Borgelt asked for a motion to approve the minutes. Clint Lehew motioned to approve the minutes; Randy McCarty seconded the motion. All voted in favor.

**III. Committee Member Terms- Mike Kelly, Director of Consumer Service Protection**

Mike Kelly gave an update on the current committee members terms of service. Terms expiring in 2021 are Warren Remmey, Nancy Crider, Nancy Zaiontz, Jeff Sheets, and Robert Schoppe. Warren Remmey, Nancy Crider and Nancy Zaiontz have served two terms and are asked to continue to serve until the time the commissioner appoints new members that represent their field of expertise. Jeff Sheets will relinquish his position on the committee, so a new member representing IPM in schools will be needed. Robert Schoppe has served one term and is eligible to serve again.

Terms expiring in 2023 are Brian Binford, Randy McCarty, Roger Borgelt and Robert Puckett. Brian Binford and Randy McCarty will be eligible to serve one more term. Roger Borgelt and Robert Puckett will have served 2 terms. Members representing public interest and higher education in the pest control field will be need at that time.

At this time, the agency will begin soliciting for people who would like to serve on the committee in place of expiring members.

**IV. Pesticide Surveillance Program Update on Poison Center Human Exposure Data-Dr. Ketki Patel, Texas Department of Health and Human Services (DSHS)**

Ketki Patel with the Texas Department of Health and Human Services presented information from the DSHS quarterly human pesticide exposure report for the months of January 2021 – March 2021. This report is generated from calls that are placed to the Texas poison center network. This report represents the combined numbers of adults and children pesticide exposures.

The report is broken down into several categories; total calls – how many calls total were placed to the poison centers, exposure sites – where the exposure occurred, reason or how the exposure happened, medical outcome of exposure and exposure route.

All conventional pesticides and cleaning agents or disinfectants that are classified as a pesticide by the EPA are included in the report. Ketki Patel asked if there were any specifics that the committee may be interested in that they would like to see in the next report. Roger Borgelt asked if it were possible to separate the disinfectants and agricultural pesticides, so the report is more focused on structural pesticides.

**V. Legislative Update – Todd Kercheval – Executive Director of the Texas Pest Control Association (TPCA)**

Todd Kercheval gave an update on bills affecting the industry. First bill recognized was a bill supported by the Texas Nursery and Landscape Association (TNLA), HB1070. The bill clarifies those exempted from licensing under the Occupations Code by licensing under the Ag. Code may supervise unlicensed individuals making pesticide applications. He stated the bill will pass and the TPCA has no issue with it but will be seeking an interim study of all pesticide licensing under the Ag. Code to make requirements more equal and make sure supervision is occurring. He mentioned a bill (HB 2750) was going to be heard by the chairman of the agriculture committee that would allow a person to perform bird control work using laser lights, noise-emitting devices, or recorded sounds operating at a volume that complies with any applicable municipal or county noise ordinance, order, or rule without a license. Representative Lopez with the business and industry committee is pushing a bill that would put the responsibility on a landlord to rid apartment units of bed bug infestations. There is also a big trucking bill (HB 19) that is important to the pest control industry that would limit liability if a company vehicle were involved in an accident. There is also a movement in the comptroller's office and legislature to force service base business to be taxed based on where the service is performed instead of where the office is located.

**VI. Discussion and Possible Action**

**a. Review of Self-Assessment Questionnaire responses – Mike Kelly**

Mike Kelly shared the committee members responses to the self-assessment questionnaire for calendar year 2020:

1. In reviewing the committee's body of work for 2020, what do you feel were the major accomplishments of the committee?
  - The committee seemed to adjust really well from our in person meetings to virtual committee meetings, due to the Pandemic. (Looks like this will be the NORM!)
  - Looking at increasing the minimum insurance requirements to hold a Structural Business License and Operate in the state. (This has not been looked at and evaluated in many years.) Began discussing this issue.
  - Cracking down on PC businesses operating without Insurance.
  - The possible change in the insurance requirements to \$500,000 for the pest control companies is a great start.
  - The online education and certification program for School IPM Coordinators.
  - New WDIR.
  - Reviewed laws and regs pertaining to the safety of all Texans.
  - Unlicensed people applying pesticides.
  - Use of disinfectants and looking at P.C.O.'s following labels with responsibility.
  
2. In considering your responsibility as a member of the committee, and considering the issues of structural pest control that the committee is tasked for providing input, would you find it beneficial to have additional training focused on a better understanding of the law and regulations or practices pertaining to structural pest control? If yes, what type of training would be beneficial to enhance your understanding?
  - Yes, I think it would be very beneficial especially for the new pest control owners coming into the industry to have additional law and regs training to keep current on compliance and keep all of us up to date on changes as we move forward.
  - Yes, have a more in depth CEU Class on the Laws & Regs, or series of classes to give the pest control industry better understanding, especially as things change, it would help to the industry stay current and in compliance each year.
  - I would find it quite beneficial to have a session(s) on Laws & Regs and how the TDA interprets some of the regs. Listening to the industry there seems to be a difference in opinions. Example would be Commodity fume, Apprentice training.
  - A Better understanding of laws and regs.
  - Give the committee a process to create and present a specific item for the Director for Consumer Service Protection.
  
3. What specific types of issues or area of concern related to structural pest control would you like to see addressed going forward?
  - I really think we need to focus more on the important issues like adjusting Insurance Requirements, instead spending so much time on what training requirements that are needed for a Home Inspector to do WDI Reports. I

really think the Home Inspector needs to go through the same training as somebody going through the training to acquire a Termite Category (WDO) through Structural Pest Control Services, or vice versa! But, in favor of having a WDI Inspection CEU under the Termite Category through Structural Pest Training. (Don't think we need to make another category for this, just add it under the Termite Category under Structural.)

- Better clarification of fumigation laws.
  - More accountability placed on the CA for non-compliance issues.
  - Not a fan of the WDIR being a separate category because of the Home Inspector Industry.
  - Would like to see a better alignment of the training requirement between the Ag license and the SPC license.
  - Some of the administrative code is very hard to understand – if change needs to be made start the process of a change in the statute.
4. What suggestions do you have on how the committee can or should evaluate its effectiveness?
- Focus on the issues that can be looked at and dealt with in a timely manner, but I know some issues take more discussion and time than others.
  - Would like to see more input from the industry. Maybe at the beginning of each year the committees' accomplishments from the previous year could be sent out to the Texas Pest control industry asking for comments and any concerns.
  - Pay more attention to New Business and Unfinished Business. If it is on the agenda, keep a timeframe for completion, maybe ask someone to take “control” of it and take it to the next step.

## **VII. TDA Update**

### **a. Review of Inspection and Enforcement Data for Second Quarter of FY 2021**

Allison Cuellar presented the second quarter inspection and enforcement numbers. She also provided an update on inspector staffing needs in the Houston region, South Texas region and San Antonio regions. This staffing update was provided based on a request made by Robert Davis.

## **VIII. Discussion and action- Topics to be placed on agenda for upcoming meeting (s)**

Structural Pest Control Insurance Requirements and Separate Category for WDIR Inspection only updates will be provided. Review of rule and possible changes to rule will also be discussed.

**IX. Public Comment**

Debbie Aguirre with Elite Exterminating asked if the agency could look at forms that are posted on the TDA website. She stated that the forms are missing jurisdiction statements and that this causes a problem because the industry tends to use the forms as they are. She also expressed her disagreement with creating a separate category for WDIR only and does not see how these people are getting licenses so quickly (within 90 days) and they should have to follow the rules also. She stated the industry, on the other hand, is not getting licenses in a timely manner. The final issue presented was that she thinks there is a need to require disclosure documents when a company fumigates for non-wood destroying insects. Currently there is no disclosure required if a company is fumigating for bed bugs or roaches and thinks this needs to be addressed by the agency.

Alan Brown with ABC Home and Commercial Services asked if the agency would consider allowing those who hold the commodity fumigation category in structural to fumigate raw food commodities. Since fumigating a raw commodity and processed commodity are the same and the products used to fumigate are the same, he does not understand why a separate Ag license is required. Roger asked for the reasons why this is not currently allowed, and David Castillo agreed to review statute to determine if this change would be allowable.

**X. Confirmation of Next Meeting Date – April 22, 2021**

Roger Borgelt confirmed the next meeting on July 22, 2021.

**XI. Adjourn**

At 10:40 am Roger Borgelt moved to adjourn the meeting; Warren Remyey made the motion to adjourn.