

NOTICE OF OPEN MEETING SUBMISSION

DATE OF SUBMISSION: March 30, 2022
NAME OF AGENCY: Texas Department of Agriculture
BOARD:
COMMITTEE: Structural Pest Control Advisory Committee
DATE OF MEETING: April 21, 2022
TIME OF MEETING: 9:00 AM
STREET LOCATION: Stephen F. Austin Building
Room 1104A
1700 North Congress Avenue
CITY LOCATION: Austin, Texas 78701

STRUCTURAL PEST CONTROL ADVISORY COMMITTEE

MINUTES

Meeting Date: April 21, 2022

Place: Stephen F. Austin Building

Meeting No.

In-Person/Teleconference/Microsoft Teams Meeting

MEETING ATTENDANCE:

Advisory Committee Members

Roger Borgelt

Dr. Nancy Crider

Dr. Ketki Patel

Randy McCarty

Dr. Bob Davis

Brien Binford

Dr. Robert Puckett

Mike Brooks

Clint Lehew

Tommy Kezar

Robert Schoppe

<u>Agency Staff</u>	<u>Affiliation</u>	<u>Program</u>
Michael Kelly	TDA	ACP
Allison Cuellar	TDA	ACP
Armando Velazquez	TDA	ACP
Rebecca Senski	TDA	ACP
Chris Gee	TDA	GC
David Castillo	TDA	GC
Morris Karam	TDA	GC

<u>Interested Parties</u>	<u>Affiliation</u>
Scott Regan	WDI Science
Todd Kercheval	Texas Pest Control Association (TPCA)
Jesse Reynolds	TPCA
Colby McCarty	Veseris
Veronica Showalter	Arrow Exterminators

I. Call to Order

- a.** Meeting was called to order on April 21, 2022 by Chairman Borgelt at 09:07 AM

II. Committee members introduce themselves

- a.** Chairman Borgelt asked the committee to introduce themselves
- i.** Mr. Roger Borgelt – Chairman and attorney, public member
 - ii.** Dr. Robert Puckett – Urban entomologist at Texas A&M University
 - iii.** Dr. Bob Davis – Technical Service Representative for BASF
 - iv.** Mr. Mike Brooks – Chief operations officer Salado ISD representing public schools
 - v.** Mr. Brien Binford – From Binford Insect Control and representative for Pest Control Industry
 - vi.** Mr. Clint Lehew- From Tomball Representative for the public interest
 - vii.** Dr. Ketki Patel – Department of State Health Services
 - viii.** Mr. Randy McCarty – From ABC Home and Commercial Services representing the structural industry
 - ix.** Mr. Tommy Kezar- Representative for consumers and CTN Educational provider for the pest control industry
 - x.** Mr. Robert Schoppe – Representative for holistic and natural side of the industry

- xi. Dr. Nancy Crider – Faculty at UT Health Sciences and co-chair, background in public health, public member

- b. Chairman Borgelt invited the Texas Department of Agriculture Staff to introduce themselves
 - i. Mr. Mike Kelly – Director for Consumer Service Protection oversee day to day operations Structural Pest Control Service, Product registration, and Pesticide Lab in College Station
 - ii. Ms. Allison Cuellar – Coordinator for Structural Pest Control Service
 - iii. Dr. Armando Velazquez – Toxicologist, assesses the human exposure cases in the state of Texas
 - iv. Ms. Rebecca Senski – Structural Pest Control Program Specialist
 - v. Mr. Morris Karam – Assistant General Counsel
 - vi. Mr. Christopher Gee– Lead assistant to the General Counsel
 - vii. Mr. Davis Castillo – Deputy General Counsel

III. Election of Chairman and Vice Chairman

- a. Chairman opened the floor at 09:13 AM for nominations
 - i. Robert Puckett nominated Roger Borgelt for chairman
 - 1. This nomination was seconded by Nancy Crider, and Ketki Patel stated a third
 - a. All in favor, no opposed
 - ii. Chairman Borgelt nominated Nancy Crider as Vice Chairman
 - 1. Nomination was seconded by Robert Puckett
 - a. All in favor, no opposed

IV. Review and Approval of Meeting Minutes from January 20, 2022

- a. Chairman Borgelt and Nancy Crider suggested minutes be more of a compressed summary rather than a transcript of the meeting
- b. Tommy Kezar motioned to approve the minutes
 - i. Motion was seconded by Randy McCarty

V. TDA Update

- a. Acute Structural Non-Occupational Pesticide Exposure, Texas 2015-2021 TDA - *Dr. Armando Velazquez, TDA Toxicologist*
 - i. Dr. Velazquez gave a presentation on the Non-Occupational pesticide exposure cases reported to the TDA from 2015-2021
 - 1. Dr. Velazquez read a disclaimer on the data and stated that all cases are self-reported. These reports are usually received via phone or email. Dr. Velazquez stated that human exposure evidence is shared with him after a TDA inspector completes their investigation
 - a. From 2015-2021 there were 313 human pesticide exposures
 - i. 90 Structural
 - 1. Region 4 had the highest number followed by Regions 2 and 3

- b.** On average the TDA receives 13 cases per year. Insecticides were most prevalent for SPCS human exposure cases. The top active ingredient in cases reported is Permethrin
- c.** Of the SPCS human exposure cases reported, 47% resulted from drift at their residence, 25% by early reentry into the space. About 82% of applications were made by hand
 - i.** About 64% of the SPCS cases reported were cases of inhalation
- d.** Most common symptoms reported were headaches, burning skin, and burning eyes
- e.** Of the self-reported non-occupational human exposure cases 61% were female and 39% were male.
 - i.** Females over 50 years old and children under 15 were most reported
 - 1.** Contrasts with DSHS
- f.** Of the cases self-reported 83% of cases were low severity non-systemic
 - i.** Only 32% of SPCS cases the individual sought medical attention
- g.** Dr. Velazquez stated that some limitation on the data may include
 - i.** Cases are only self-reported to the TDA, and this may undermine the problem
 - ii.** The TDA does conduct an investigation, but some information or data may be missing if the exposure is reported days after it took place
 - iii.** It is possible the TDA does receive multiple reports, but all data is vetted
 - iv.** There is also the chance of a false-positive

- b.** Review of Inspection and Enforcement Data for 2nd Quarter of FY 2022 - *Mike Kelly, Director for Consumer Service Protection*
 - i.** The commercial business LBB inspections have a goal of 980, they have completed 485 (49.4%). Non-commercial LBB inspections have a goal of 460, they have completed 228 (49.26%). ISDs have a goal of 250, they have completed 151 (60.4%). Use observations are a goal of 190 and have done 57 (30%).
 - 1.** Mr. Kelly stated that the amount of Use Observations completed makes sense for the time of year.
 - ii.** Mr. Kelly stated that enforcement data is done by quarter. NOV's issued were 18 for operating without a business license, 5 were for failure to timely register, 5 for failure to comply with training, 5 were for ISD, 5 for failure to comply with advertising requirements, and 22 others
 - 1.** Chairman Borgelt suggested doing some consumer outreach

- c. How-to YouTube Videos Update - *Allison Cuellar, Coordinator for SPCS*
 - i. Ms. Cuellar stated that the YouTube scripts have been completed and will be meeting with communications to discuss creating videos. She stated that she does not expect that videos will be completed by the next meeting. Ms. Cuellar re-stated what topics would be covered in in the videos and would love to have them ready for production by August 31, 2022.

VI. **Discussion and Possible Action**

- a. Proposed amendment to Technician Training Course Strawman Rule (4 TAC §7.136) - *Allison Cuellar*
 - i. Ms. Cuellar showed the proposed rule changes for online Technician and Non-Commercial Certified Applicators Training course. It was stated that the draft being shown does not show the changes that were looked at in July, it only shows the changes for adding a live virtual option.
 - 1. Chairman Borgelt and Nancy Crider stated that they do not agree with obtaining a certain score on the test as this does not have relevance to verify attendance
 - 2. Mr. Brien Binford raised a question about the pass/ fail ratio. He also raised a concern about the quality of the pictures in the termite manual.
 - a. Ms. Allison Cuellar stated that the highest failure rate may be on the Pest category Certified Applicators exam. Any update to the study manuals would have to be a cooperative effort with Texas A&M AgriLife Extension since the manual should be updated before the exam is updated.
 - 3. Dr. Ketki Patel asked how many attempts would be allowed
 - a. Ms. Cuellar stated this would be up to the course provider to decide.
 - ii. Ms. Cuellar stated that they are trying to draw framework for the providers. The rule would give some flexibility on how to verify attendance. The score for the exam at the end of the course is congruent with the CEU rule
 - iii. There was discussion among Mr. Randy McCarty, Dr. Nancy Crider, Dr. Bob Davis, Mr. Tommy Kezar, and Mr. Brien Binford regarding there being a requirement for a certain score on the exam given at the end of the Technician's Training Course. It was discussed and concurred they did not agree with having a minimum passing score on the exam.
 - iv. After discussion, Chairman Borgelt stated that there should be options for verification when attending the course online
- b. Review of additional proposed rule revisions to 4 TAC §7.156(c), the preamble to the penalty matrix (§7.115), and the repeal of §7.163. - *Allison Cuellar*
 - i. Dr. Bob Davis suggested to move the asterisk below the table
 - 1. Dr. Nancy Crider moved to accept the changes
 - a. Seconded by Mr. Tommy Kezar

- b. All in favor, no opposed
- ii. Looking to repeal 7.163 it is not entirely consistent with statute. There is some criminal authority, and this assesses criminal penalties
 - 1. Moved to motion by Dr. Robert Puckett and seconded by Mr. Tommy Kezar
- c. Review of Self-Assessment Questionnaire Responses – *Mike Kelly*
 - i. Mr. Mike Kelly read some questions and responses from the self-assessment
 - 1. Some of the questions and answers included:
 - a. discussion on the major accomplishments of the committee such as updating the insurance requirements, the discussion surrounding adding an additional category, the laws and regulations update review.
 - b. If the committee would find it beneficial to have more in depth training on the laws and regulations per training to structural pest control. Some responses included opportunities to review the laws and regulations may make them more familiar with the rules and language used within the rule, there was a request for more information how school district staff can become licensed applicators, and there was a suggestion for the board to create a video explaining all of the laws and regulations in the simplest terms.
 - c. Are there any specific issued in the area of structural pest control that should be addressed in the future? Some answers included surveying pest professionals to ask their top concerns, use inspector data to try and find a way to reduce non-compliances, ensure that third party applicators are aware of school posting requirements, and continue to clarify the laws and regulations, discuss why legal decisions take over a year to be finalized, possibly see agricultural and structural pesticide licensing be more in line with each other, discuss the operation side of the licensing department, and investigate if there is a procedural roadblock when pest management professionals try to contact the TDA about business licensing related matters.
 - d. Are there any suggestion on how the committee can evaluate its effectiveness? Some answers included an ongoing column in the Texas Pest Association magazine and rotate among the committee, short surveys, revising goal setting exercises, feedback from audience via surveys, and stop, start, continue, surveys.
 - i. Mr. Kelly briefly described the stop, start, continue survey as something where the committee would state thing they would like to start doing, things

they would like to stop doing, and things they would like to continue to do.

2. Mr. Tommy Kezar asked if it would be possible to one day be able to send out a survey through email since emails are required on applications. Mr. Kelly stated that this will take some work, the department is currently looking at a new database and this database may be able to have that capability.

VII. Topics to be Placed on Agenda for Upcoming Meeting(s)

- a. An assessment or overview of what is currently going on with the school IPM Program and what some of issues are with it with compliance, getting IPM Coordinators registered. Requesting an update on the status of the school IPM Program
- b. Looking into the pass/ fail rate on the exams
- c. Issues around the technician's exam
- d. Would like to discuss the advantages of having a digital license that can be tied to a business license where they could possibly have it scanned at every training they do to create a digital paper trail that follows the individual from company to company
- e. Technician Training Course Rule

VIII. Public Comment

- a. Dr. Puckett wanted to quickly thank the TDA and TPCA for their help with the recent conference
- b. No other public comments

IX. Confirmation of Next Meeting

- a. Next meeting date set for July 21, 2022

X. Adjourn

- a. Motion to adjourn the meeting at 11:11 AM made by Dr. Nancy Crider