

NOTICE OF OPEN MEETING SUBMISSION

DATE OF SUBMISSION: April 17, 2025

NAME OF AGENCY: Texas Department of Agriculture

BOARD: N/A

COMMITTEE: Structural Pest Control Advisory Committee

DATE OF MEETING: May 1, 2025

TIME OF MEETING: 9:00 AM

STREET LOCATION: Stephen F. Austin Building
Room 1003A
1700 North Congress Avenue

CITY LOCATION: Austin, Texas 78701

STRUCTURAL PEST CONTROL ADVISORY COMMITTEE

MINUTES

Meeting Date: May 1, 2025 **Place: Stephen F. Austin Building**

In-Person/Teleconference/Microsoft Teams Meeting

MEETING ATTENDANCE:

Advisory Committee Members

Roger Borgelt - unable to attend.

Dr. Nancy Crider

Elyes Benantar

Randy McCarty

Dr. Bob Davis

Brien Binford - unable to attend.

Dr. Robert Puckett

Mike Brooks

Clint Lehw - unable to attend.

Tommy Kezar

<u>Agency Staff</u>	<u>Affiliation</u>	<u>Program</u>
Allison Cuellar	TDA	ACP
Michael Kelly	TDA	ACP
Robert Thompson	TDA	ACP
David Castillo	TDA	General Counsel

<u>Interested Parties</u>	<u>Affiliation</u>
Janet Hurley	Texas A&M Agrilife Extension Service
Eric Nystrom	Environmental Protection Agency
Autumn Shepherd	College Student Completing Assignment
Daniel Mitchell	Affiliation unknown

I. Call to Order

- a. The meeting is called to order by Vice Chair Dr. Bob Davis at 09:09 AM.
- b. Mike Kelly Takes Attendance -The committee has a Quorum.

II. Review and Approval of Minutes for the January 2025 meeting.

- i. Thomas Kezar makes a motion to approve the Minutes.
- ii. Randy McCarty seconded the motion, and all were in favor.

III. TDA Update

a) Review of committee member terms that expired February 1, 2025

1. Mike Kelly reviewed the committee member's terms that expired and went over the members who have only served one term and are eligible to serve a second term.
 - i. Currently reviewing applications with a goal of July to complete processing.
 - ii. An application has been received for the structural pest control operator with experience in natural, organic or holistic pest control.
 - iii. No questions

b) How-to YouTube videos update

1. How to complete the Verifiable Training Record (VTR) for Apprentice Training YouTube video was played for review.
 - i. Discussion
 - ii. Tommy Kezar makes a statement about the confusion of the 8 hours of category specific classroom training and the 6-hour Technician Training Course.
 - iii. Allison Cuellar agrees this is an issue and believes using the proper title for the course by calling it the Technician Training Course.
 - iv. Robert Puckett asks if you can track usage of the video & will comments be enabled.
 - v. Allison Cuellar replied Yes, and YouTube tracks viewers.
 - vi. Nancy Crider- is it necessary to attach the certificate when the VTR is complete or is it only required for auditing?
 - vii. Allison Cuellar- The certificate must be kept with the VTR.
 - viii. Mike Kelly- Clarifies the training certificate requirement and when it would be needed.
 - ix. Dr. Bob asked if it is hard to edit the video, and if not can we put 2025 dates in the video instead of 2024 dates.
 - x. Nancy Crider asked if the second page of the VTR with the instructions and continuation page can be shown.
 - xi. Discussion about signature for the RCA on the Form; in all three allocations it states signature and it was suggested it should be printed name, signature, and license number of the RCA.
 - xii. Nancy Crider- When the video is loaded to YouTube she would like to see a link to the form added.
 - xiii. Nancy Crider - Makes a motion to approve the video with requested changes.
 - xiv. Mr. Kezar seconds
 - xv. All were in favor.

c) Review of inspection and enforcement Data for the 2nd Quarter of FY 2025

- a) Inspection data for 2nd quarter of FY2025 reviewed by Allison Cuellar. The FY25 commercial inspection goal is 1065 and 696 commercial business inspections were completed, 65.35% of the goal. Noncommercial business inspections have a goal of 400 and 210 have been completed, 52.50% of the goal. There is a goal of 225 school inspections and 138 school inspections have been completed 61.33% of the goal. There is a goal of 190 Use Observations and 93 have been completed, 48.95% of the goal.
 - i. Thomas Kezar- Asked what criteria will charter schools fall under if the new legislation passes?
 - ii. Allison Cuellar – 1951.212 explicitly references public school districts so if the charter school is part of that district, then they would be part of that district inspection. Otherwise, the charter

school would fall under 1951.459 pest control for certain buildings. We are working on adding some charter schools to our Noncommercial inspection goal.

2. Enforcement data for 2nd quarter of FY 2025 reviewed by Mike Kelly. There was a total of 86 notices of violations (NOVs). The highest amount of NOVs were for “Operating without a business license” with 25 NOVs. There were 23 Other NOVs a breakdown of “other” was shown. A breakdown of all NOVs was shown. There was a total of 19 warnings 1-Failure to comply with Training or supervision requirements, 1- Failure to comply with IPM Requirements, 5- Incomplete pesticide use records, 2-operating without a business license, 1 Failure to comply with advertising requirements, 9- “Other”. A breakdown of “other” was provided. Total actions for 2nd quarter of FY 2025 were 105, and the total penalties assessed were \$80,900 total collected \$44,250.

- i. Robert Puckett- What is the threshold to take something from violation to a warning.
- ii. David Castillio- we look at the seriousness of the offence and prior violations.
- iii. Dr. Bob Davis- Did the end of year and holidays affect the numbers of total violations?
- iv. David Castillo- It is a number of factors from the number of cases being sent up and the number of complaints that are coming in, staffing, and the holidays do play a part as well.
- v. Discussion about complaints.
- vi. Question from the Teams meeting chat- What is the most common way TDA discovers individuals operating without a license?
- vii. Allison Cuellar- We receive Consumer complaints/ tips; the department will take anonymous complaints but prefer complainants who will use their name so we have someone we can ask questions of during the investigation.
- viii. Question from the Teams meeting chat- Is there any means to approximate how many pest control providers are illegally operating without a license?
- ix. Allison Cuellar-We can show how many of our licensed individuals are operating without a license, but it would be tough to get a number of all unlicensed activity in the state.
- x. Randy McCarty – Noticed misapplications were lower.

- xi. Allison Cuellar – When a complaint is taken it may be classified as a misapplication given the information provided. Through the course of investigation, it may be determined that there was no misapplication violation.

d) Federal Updates

- a) Allison Cuellar- The Rodenticide Revised Proposed Interim Decision did not come out on time but should be released this summer. The revised PID will have a comment period then the interim decision should be released.
 - i. Discussion about changes in South Carolina and California banning rodenticides.
- b) Allison Cuellar- Provided update on changes to sulfuryl fluoride (SF) labels; starting in July this year the registrants of SF, Ensystex and Douglas, will only be able to distribute the new label that has a reference to effective clearance devices. There will be a URL on the new labels for effective clearance devices. The department may mirror a rule Florida will implement requiring the applicator to follow the clearance device label language. There will be changes to the signage required on the structure, the aeration time will be increasing. The Fumigation Reports will change to require more signatures of individuals responsible for certain steps of the fumigation process such as who is responsible for releasing the gas, who is responsible for the initiation of active aeration, and who is responsible for the actual clearance of the structure.
 - i. Dr. Bob Davis- If you go to the URL on the label does that website carry the force of regulation as the label would?
 - ii. Allison Cuellar- Yes.
 - iii. Discussion about Website carrying the force of regulation.

IV. Discussion and Possible action relating to the following:

- a) Setting goals for the Committee
 - i. Dr Bob Davis- Could a goal be to continue focusing on unlicensed businesses and what the committee could do to combat that?
 - ii. Nancy Crider- Yes, I believe we should keep this as a Goal.
 - iii. Mike Kelly- it was brought up we should focus on unlicensed door to door sales. This could be a possible goal.
 - iv. Thomas Kezar- I think it should be a continuing goal to get information out to the applicators from the agency.
 - v. Robert Puckett – We should continue to look at operating without a license as new people are moving to Texas and some

applicators that were licensed in other states were operating under different laws and regulations.

- vi. Dr Bob Davis- Is there a better way this committee can interact with the industry to let them know what we are doing and that we're available to help them with questions and comments with the agency.
- vii. Thomas Kezar- I think it is a continuing goal for the committee to somehow provide information to the clientele as people are afraid to call.
- viii. Randy McCarty- Would like to see a TDA image building mission due to the industry having a negative view of interaction with the agency due to fear of being inspected.
- ix. Allison and Mike – We do get positive feedback from those that do call for assistance.
- x. Discussion on possible goal for a law change pertaining to daycares and nursing homes having to follow IPM Requirements.
- xi. Nancy Crider- What does TDA need help with?.
- xii. Allison Cuellar- we need to have a discussion on 25B products used at school districts because they do not fit in the green, yellow, or red categories. We need a decision on where 25B products fit.
- xiii. Dr. Bob Davis- Our next step should be to send these 6 goals to the advisory committee members to vote 1-6 from least to most important.

b) Certification and Training Plan Rule Revisions- Allison Cuellar reviewed federally required changes.

- 1. A reference to 40 CFR §§171.103(d)(6-7) & (14) of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B – Certification Requirements for Applicators of Restricted Use Pesticides" including subsequent amendments and editions. was added to Rule 7.124.
- 2. A reference to §§171.103(a)(2) of Title 40: Protection of Environment of the Code of Federal Regulations, titled "Certification of Pesticide Applicators Subpart B – Certification Requirements for Applicators of Restricted Use Pesticides" including subsequent amendments and editions. was added to Rule 7.125.
- 3. An 18 and older age qualification for Certified applicators license was added to rule 7.126.
 - i. Randy McCarty- How many CAs are under the age of 18.
 - ii. Allison Cuellar- I have never seen anyone under the age of 18 applying for a CA.

4. Language added to Rule 7.143 relating to supervision and training of applicators 18 years or older using RUP along with references to §§40 CFR 171.201(b)(2)(ii), 40 CFR 171.201(b)(2)(iii) and 40 CFR 171.201(b)(3).
 - i. Thomas Kezar- the terminology of a “Day” in part (b) of the Rule is the day and 8-hour day or a 1-hour day?
 - ii. Allison Cuellar- The rule does not indicate it must be a full day it can be 1 min, or 15 min contact 3 times a week.
 - iii. Discussion on the term ‘Days a Week’ in rule 7.143.
 - iv. Committee agrees to ask staff to look at the terminology in rule 7.143 pertaining to “Days a Week.”
 5. A change to 7.144 requires use records to include time pesticide or devices were used.
 - i. Robert Puckett- suggest changing the word “used” to the word “applied” in 7.143 (8).
 - ii. Thomas Kezar- What is the effective date?
 - iii. Allison Cuellar- we do not have an effective date once they make it through public comment we will have an idea of effective date.
 6. A Statement that RUP products must be applied by applicators 18 Years or older on the date of application was added to Rule 7.150.
 - i. Question presented about state limited use product being affected by this rule.
 - ii. Allison Cuellar- This rule change only applies to federally restricted use pesticides.
- c) Standards for Integrated Pest Management in Schools Training.
- i. Allison Cuellar- The IPM coordinator training is a concern for the department, when the course was first implemented there was no mechanism in rule to give the department the ability to review and approve the course, one initial course approval was done years ago. We would like to set standards in rule of what the course should look like and requirements for approval and reporting.
 - ii. Mike Brooks- Is there a current standard for training courses?
 - iii. Allison Cuellar- Current standard for training courses in general are, they would notify the department at least 14 days prior of a course being given, then submit the roster within 21 days.
 - iv. Mike Brooks- I think that is a good place to start. That standard is not too onerous.
 - v. Dr. Bob Davis- What is the requirement for them to take the course?

- vi. Allison Cuellar- The rule requires the IPM coordinator to take the IPM coordinator course within 6 months of being designated IPM coordinator.
- vii. Mike Brooks- We need a way of notifying the superintendents of IPM requirements.
- viii. Dr Bob Davis called on Janet Hurley to speak for her thoughts on the subject.
- ix. Janet Hurley- do we still have the standards for the core competency for the course?
- x. Dr Bob Davis- what we are discussing is how often the course should be reapproved. Would you think an update or reapproval every 3 years, 1 year or 5 years would be possible?
- xi. Janet Hurley- I would say every three years.
- xii. Dr. Bob Davis- I agree with you a three-year time frame is appropriate.
- xiii. Thomas Kezer- I think what we have here works well.
- xiv. Allison Cuellar- What we have so far is a three-year approval for the IPM coordinator course, we should stick to similar requirements for other educational courses notifications and roster requirements.
- xv. Thomas Kezar- How many schools in the state have an IPM coordinator?
- xvi. Allison Cuellar- I would need to run a report to answer this question accurately.
- xvii. Nancy Crider- Just to clarify we have a three-year cycle to review and revise the IPM training course curriculum.
- xviii. Allison Cuellar- That is what we are trying to build, we are going to build the curriculum. Let us talk about curriculum if you do not mind.
- xix. Nancy Crider- in the essence of time do we need to put this on the next agenda?
- xx. Dr Bob Davis- I would ask Janet Hurley to provide an outline of the course she has been providing at the next meeting to see if there are any tweaks we can suggest.
- xxi. Nancy Crider- I would agree with Dr. Bob to ask Janet to provide a summary of the course.
- xxii. Janet Hurley- I have everything from school IPM requirements from the beginning and can provide agendas from previous classes.
- xxiii. Allison Cuellar- Quick answer to Tommys question from earlier about the number of IPM coordinators we have in the System. We have 1,699 IPM coordinators in our system. Will have some drafts for the course for next meeting.

- d) Testing updates, new vendor Metro Institute - Allison Cuellar- Starting on 5/19/2025 PSI will no longer be the Testing Vendor, the new vendor will be Metro. Metro has more testing sites than PSI and you will have the ability to have one employer account and register all employees to that account and schedule through that account. An email will go out to all CEU Providers and inspectors by early next week.
 - i. Mike Kelly- read locations of all Metro Locations.
- e) TDA is making an update to the Database that will be called the Texas Agriculture Portal (TAP).
 - i. Allison Cuellar- Goal is August or September for the portal to go live this will be how you apply for licenses and make changes. You will be able to log on and check status as well. Pending letters will no longer go out in the regular mail (USPS), they will be emailed and available via the portal..

V. Topics to be placed on agenda for upcoming meeting(s)

- a) TDA Image Building
- b) Committee Outreach.
- c) IPM coordinator Training course.
- d) Combating unlicensed activity.
- e) EPA changes update

VI. Public Comment

None.

VII. Confirmation of Next Meeting Date – July 24th, 2025, at 9:00am

- a) The meeting date has been confirmed.

VIII. Adjourn

- a) Thomas Kezar moves to adjourn.
- b) Dr. Bob Davis seconds.
- c) Meeting adjourned.

