

NOTICE OF OPEN MEETING SUBMISSION

DATE OF SUBMISSION: January 13, 2025

NAME OF AGENCY: Texas Department of Agriculture

BOARD: N/A

COMMITTEE: Structural Pest Control Advisory Committee

DATE OF MEETING: January 23, 2025

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: January 23, 2025

Place: Stephen F. Austin Building

In-Person/Teleconference/Microsoft Teams Meeting

MEETING ATTENDANCE:

Advisory Committee Members

Roger Borgelt

Dr. Nancy Crider

Elyes Benantar

Randy McCarty

Dr. Bob Davis

Brien Binford

Dr. Robert Puckett

Mike Brooks

Clint Lehew

Tommy Kezar - unable to attend.

<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
Jenny Barker	TDA	Pesticide Lab
Perry Foskey	TDA	Pesticide Lab
Benjamin Lewis	TDA	Pesticide Lab
Andrew Cline	TDA	Pesticide Lab
Barbara Sparkman	TDA	Pesticide Lab
Jezrielle Mildon	TDA	Pesticide Lab
Leonardo Carrera	TDA	Pesticide Lab
Jonathan Howerton	TDA	Pesticide Lab
Serena Kim	TDA	Pesticide Lab
<u>Interested Parties</u>	<u>Affiliation</u>	
Janet Hurley	Texas A&M Agrilife Extension Service	

I. Call to Order

- a. The meeting is called to order by The Chair Mr. Roger Borgelt at 09:05 AM on JAN 23RD, 2025.
- b. The committee has a Quorum.

II. Review and Approval of Minutes for the July 25th, 2024, meeting.

- i. Mike Brooks makes a motion to approve the Minutes.
- ii. Dr. Bob Davis seconded the motion, all were in favor.

III. TDA Update

a) Review of committee member terms expiring February 1, 2025

1. Mike Kelly reviewed the committee members terms that are set to expire.
 - i. Dr. Bob Davis Request an application to apply for a second term.

b) How-to YouTube videos update

1. Weston from TDA Communications was Unable to attend. Mike Kelly informs the committee Weston is tied up with the TV show for the Commissioner, so the YouTube videos are on hold until he has more time to dedicate to the Videos. Communications is looking at hiring a second videographer.
2. How to complete the Verifiable Training Record (VTR) video was reviewed.
 - i. Discussion
 - ii. Charman Borgelt raises the question if the video is too fast.
 - iii. Allison Cuellar informs that concern about the speed of the video has been relayed to Weston for changes.
 - iv. Dr. Bob Davis makes a recommendation to show different acceptable options for date inputs in the date of training section for the VTR.

c) Review of inspection and enforcement Data for the full year of FY24; and the 1st Quarter of FY 2025

1. The inspection numbers for FY 2024 range from September 2023 through August 2024. The FY24 commercial inspection goal is 1065 and 1215 commercial business inspections were completed, 114.08% of the goal. Noncommercial business inspections have a goal of 460 and 441 were completed, 109.75% of the goal. There is a goal of 225 school inspections and 231 school inspections have been completed 102.67% of the goal. There is a goal of 190 Use Observations and 201 have been completed, 105.79% of the goal.
2. The inspection numbers for 1st quarter of FY 2025 range from September 2024 through November 2024. The FY25 commercial inspection goal is 1065 and 292 commercial business inspections were completed, 27.42% of the goal. Noncommercial business inspections have a goal of 400 and 93 have been completed, 23.25% of the goal. There is a goal of 225 school inspections and 93 school inspections have been completed 41.33% of the goal. There is a goal of 190 Use Observations and 45 have been completed, 23.68% of the goal.
 - i. **Randy McCarthy-** Did the non-commercial goal decrease?
 - ii. **Allison Cuellar -**This was just a typo the number was also 400 for 2024.
 - iii. **Randy McCarthy-** are Charter schools apart the school inspections?
 - iv. **Mike Kelly-** They are not due to the verbiage of the Law.

- v. **Rodge Borgelt-** This might be something to keep track of in the future due to potential legislative changes.

3. Enforcement data for FY 2024 reviewed by Mike Kelly. There was a total of 209 notices of violations (NOVs). The highest amount of NOVs were for “Other” with 75 NOVs. breakdown of “other” was shown. There were 58 operating without a business license. A breakdown of all NOVs was shown. There was a total of 181 warnings 8-Failure to comply with Training or supervision requirements, 16- Failure to comply with IPM Requirements, 20-Incomplete pesticide use records, 36-operating without a license, 1-improper deviation from treatment disclosure, 2 working out of category, 81- “Other”. A breakdown of “other” was provided. Total actions for FY 2024 were 390, and the total penalties assessed were \$130,460 total collected \$76,428.

- i. **Dr Bob Davis-** What if you are operating without a business license but you are also doing commercial services without a certified applicator license, could the penalty be duplicated, one penalty for operating without a business license, and another for not have a commercial applicator license?
- ii. **Mike Kelly-**If someone is caught working without a license The business license penalty takes precedence over the applicator license.
- iii. **David Castillo-** Normally in these situations we will fine for one of the violations (operating without a business license) a duplicate fine would not be issued.

4. Enforcement data for 1st quarter of FY 2025 reviewed by Mike Kelly. There was a total of 120 notices of violations (NOVs). The highest amount of NOVs were for “Operating without a business license” with 34 NOVs. There were 30 Other NOVs a breakdown of “other” was shown. A breakdown of all NOVs was shown. There was a total of 75 warnings 4-Failure to comply with Training or supervision requirements, 2- Failure to comply with IPM Requirements, 12-Incomplete pesticide use records, 14-operating without a license, 2 working out of category, 31- “Other”. A breakdown of “other” was provided. Total actions for 1st quarter of FY 2025 were 195, and the total penalties assessed were \$29,060 total collected \$23,260.

d) Number And Types of Complaint Cases Per Year

- 1. A handout was provided to the Committee with the following information including a graph showing locations in Texas the complaints were received from. FY 2022 107 complaints 12 Human Exposure, 18 Misapplication, 44 Unlicensed, 5 WDIR, 28 other With a Breakdown of other provided. FY 2023 100 complaints 10 Human Exposure, 16 Misapplication, 41 Unlicensed, 5 WDIR, 1 School IPM 27 other With a Breakdown of other provided. FY 2024 113 complaints 7 Human

Exposure, 17 Misapplication, 56 Unlicensed, 5 WDIR, 1 School IPM 27 other With a Breakdown of other provided.

- i. **Nancy Crider-** can you talk more about Misapplication and where they occurred?
- ii. **Allison Cueller-** When we take a misapplication complaint the allegation is that something has been adversely affected by a misapplication of pesticide. Allison provides an example of an allegation involving a child playing on the floor in a kitchen where a pesticide product had been misapplied. If the department does not have an allegation of human exposure from the complainant, the complaint falls into misapplication.
- iii. **Randy Mcarthy-** How do you find these unlicensed businesses?
- iv. **Allison-** These numbers are all external complaints where someone reached out and informed the department.
- v. **Dr. Bob Davis-** How can we use this information to help us move forward?
- vi. **Allison-** We have not seen a trend with any particular pesticide or type of pesticide to consider changes needed in Training.
- vii. **Randy McCarthy –** Since misapplication has been so high year after year the department should focus on it during the Laws & Regulations presentations.
- viii. **Mike Kelly –** The department can do this and advise about misapplication complaints in general.

e) Federal Updates: Rodenticide Biological Evaluation, Endangered Species Act

1. Allison Cuellar Reviews the EPA Biological Evaluation for Rodenticides. Potential Mitigations measures were reviewed from Table 5-1.
 - i. **Janet Hurley-** in the Chat provided a list of 4 endangered species in Texas that the mitigation measures would be designed to protect.
 - ii. **No questions.**

IV. Discussion and Possible action relating to the following:

- a) Review of Self-Assessment Questionnaire responses
 1. Mike Kelly- Reviews the questionnaire. 5 responses were received. Questions from the questionnaire were read aloud along with the feedback submitted from the 5 responses.
 - i. Committee agrees to discuss the potential of setting goals for the committee.

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

- a) How to YouTube videos
- b) Human Exposure update.
- c) Setting goals for the committee.
- d) Farm Bill and Future Funding.
- e) EPA changes update
- f) ASPCRO Update
- g) Standards for School IPM Training and requirements for submitting

VI. Public Comment

- a) **Janet Hurley-** can we make people aware of what they should be looking for related to Termite Forms possibly using mass communication?
- b) **Janet Hurley-**School IPM training numbers are decreasing for AgriLife Extension.
 - 1. **Allison-** We have no mechanism to enforce TASB to submit rosters and submit course material.
 - 2. **Janet Hurly-** In the past AgriLife submitted rosters to TDA.
 - 3. **Allison-** TDA Currently has no requirement for IPM Training providers to Submit rosters.
 - 4. Meeting Proposed for IPM changes.
- c) **Nancy Crider-** Concerned over school health and the need for potential outreach.
- d) **Mike Brooks** – Stated he has worked with TASB and TASBO and works with Jeff Clemmens. He would be happy to take the lead on pushing out this information regarding School IPM training and thinks there would be more training if there is criteria and people know how to submit, etc.

VII. Confirmation of Next Meeting Date – May 1st, 2025

- a) The meeting date has been confirmed.

VIII. Adjourned

- a) **Chair Borgelt** entertains a motion to adjourn the meeting at 11:01am
- b) **Randy Mearthy** makes the Motion.
- c) **Meeting adjourned.**

