



Structural Pest Control Board Meeting Minutes

March 9, 2023

Location:

Department of Consumer Affairs
2005 Evergreen Street - Hearing Room
Sacramento, CA 95815

Board Members Present:

Kyle Finley, Board President
Yessenia Anderson, Board Vice President
Ankur Bindal
Mark Paxson
Janet Thrasher
John Tengan

Board Members Absent:

None.

Board Staff Present:

Sophia Cornejo, Executive Officer
Melissa Sowers-Roberts, Disciplinary Specialist
Melissa Zanetta, Chief of Licensing & Administration
Heather Jackson, Regulation & Legislation Specialist
Kristina Jackson-Duran, Administrative Analyst

Departmental Staff Present:

Sabina Knight, DCA Legal Counsel

Agenda Item 1. Roll Call / Establishment of Quorum

The Structural Pest Control Board (Board) meeting was called to order by President Finley at 9:00 a.m. and Executive Officer (EO) Cornejo called roll.

President Finley, along with Board members Anderson, Bindal, Paxson, Thrasher, and Tengan were present.

A quorum of the Board was established.

Agenda Item 2. Flag Salute / Pledge of Allegiance

President Finley led everyone in a flag salute and recitation of the Pledge of Allegiance.

Agenda Item 3. Public Comment for Items Not on the Agenda

Michael Nash, Cascade Pest (Vacaville) expressed concerns with the use of NPMA33 forms, suggesting its use should be banned in California. The form is used during real estate transactions to identify wood destroying insects (WDI); however, it does not require identification of other wood destroying organism (WDO) damage, like dry rot. He explained how

it is dangerous for home buyers, and primarily benefits lenders, because the inspection could result in a report with no findings, even if there is considerable dry rot (or other WDO) damage.

[No further public comments.](#)

Agenda Item 4. Petition for Reinstatement

Joseph T. W. Walker – FR 43838, Branch 2

Administrative Law Judge Timothy Aspinwall and Deputy Attorney General Stephanie Lee appeared with the Board to hear Mr. Joseph T. W. Walker's petition. A court reporter was not available for the meeting; however, audio/video recording of the proceedings are available on the Board's website for reference.

After much discussion, Mr. Walker was informed he would be notified by mail of the Board's decision.

Agenda Item 5. Closed Session

Pursuant to Government Code section 11126(c)(3) the Board met in closed session to discuss and take action on disciplinary matters, including the above petitions.

The Board entered closed session at 10:50 a.m., and reconvened into open session at 11:34 a.m.

In addition to President Finley who called roll, Board members Anderson, Bindal, Paxson, Thrasher, and Tengan were present.

A quorum of the Board was established.

Agenda Item 6. Review and Possible Approval of the Minutes of the October 27, 2022, SPCB Meeting

Board Vice President **Anderson moved**, and Board member **Tengan seconded** the motion to approve the minutes of the October 27, 2022, Structural Pest Control Board meeting.

[No Board or public comments.](#)

Motion carried 6-0 by roll call vote.

Agenda Item 7. Executive Officer's Report

(7a) Staffing Update

EO Cornejo provided a staffing update for the Board. She announced that Vanessa O'Donnell, a Customer Services Representative (CSR) in Enforcement, left the board with a vacancy that was recently filled by Derek Enns who started as a CSR in January 2023. Additionally, Florencia Francisco, another CSR in Enforcement, left the board and the recruitment to backfill that

position is currently active. Lastly, EO Cornejo announced the Board hired a new Legislation & Regulation Specialist, Heather Jackson, who started in January 2023.

(7b) Update regarding Licensing, Enforcement, Examination and Wood Destroying Organism (WDO) statistics

The Board was referred to Agenda Item 8a in the meeting materials for detailed reports. EO Cornejo reported a recent increase of about 20,000 filings in February 2023, which she attributed to a WDO audit that the Board conducted recently.

(7g) Report on Board Funded Research Projects

EO Cornejo provided the board a brief background on the Board's Pest Control Research Fund and projects.

Neil Tsutsui from University of California, Berkeley provided the Board with a presentation on the final report and findings from their research project, "Diet and Colony Structure of Two Emerging Invasive Pest Ants."

Dr. Andrew Sutherland from University of California, Agriculture and Natural Resources provided the Board with a presentation on the final report and findings from their research project, "Evaluation of Bait Station System Efficacy for Reduced-Risk Subterranean Termite Management in California."

(7g) Strategic Plan Update

EO Cornejo reported on the status of the Board's Strategic Plan, referred to Agenda Item 7g in the meeting materials to review the plan timeline in detail.

(7e) Sunset Review Oversight Hearing

EO Cornejo reported that the Sunset Review Oversight hearing was scheduled for Tuesday, March 14, 2023, and stated that she and President Finley will be in attendance for that hearing.

(8d) Legislative/Regulation Update

EO Cornejo presented the Board with a supplemental 2022/23 Legislative summary which outlined recently introduced bills, and highlighted the following three:

SB 813 (Roth, Berman) – Structural Pest Control: Notice to Registrar
Placeholder bill for the SPCB sunset bill.

AB 307 (Chen) – Structural Fumigation Enforcement Program (SFEP)
Extends the sunset on the SFEP to January 1, 2029.

AB 996 (Low) – Department of Consumer Affairs: Continuing Education: Conflict of Interest Policy

Would require DCA entities to develop and maintain a conflict-of-interest policy that, at minimum, discourages the qualification of any continuing education course if the provider of that course has an economic interest in a commercial product or enterprise directly or indirectly promoted in that course.

Board member Paxon expressed concerns with the proposed bill, stating that many of the Board's continuing education courses are offered by providers who are a lot of times the developers of products. EO Cornejo assured the Board that the bill will be monitored for changes as it goes through the committees.

EO Cornejo provided a status update on two regulation packages, none requiring Board action.

(1) Pesticide/Fumigation Application Notice Requirements (California Code of Regulations (CCR), Title 16, sections 1970.4, 1970.41, 1970.42, 1970.43)

Language for the package was approved at the October 2022 meeting and was submitted to the Department of Consumer Affairs (DCA) for review before it is filed with the Office of Administrative Law.

(2) Examination and Continuing Education Standards (CCR, Title 16, sections 1935.1, 1950, 1950.5, 1953, 1953.1, 1953.2, and 1970)

Preliminary language for this package was submitted to DCA for review, and Board staff continues to work with DCA legal counsel, DCA regulations unit, and the Department of Pesticide Regulation to refine the language and hope to have it ready for Board approval at the June 2023 meeting.

[No Board or public comments.](#)

Agenda Item 8. Board Meeting Calendar

The Board reviewed and discussed the 2023 Board meeting calendar.

[No Board or public comments.](#)

Agenda Item 9. Future Agenda Items

Board member Thrasher recounted a public comment and requested the Board discuss the use of NPMA33 forms in California at a future meeting.

President Finley requested the Board consider establishing a new Research Advisory Panel to begin exploring new research projects, outreach for research findings, and report on the status of the Board's Pest Control Research Fund.

Board member Tengan requested that the feasibility of separating Branch 2 and 3 applicator examination and licenses be discussed. EO Cornejo confirmed that the Board is actively exploring this through an objective on the strategic plan.

Board member Tengan also requested future agenda items to discuss revising regulations to enhance out-of-state qualifying manager renewal requirements and verification process, as well as bait station enforcement.

Legal Counsel, Sabina Knight, suggested the Board consider updating their Disciplinary Guidelines.

Darren Van Steenwyk, Clark Pest Control, requested the Board to provide an update on the status of pesticide disclosure notices and electronic communication.

Dr. Andrew Sutherland suggested the Board consider how bait stations are referred to and regulated within the Structural Pest Control Act.

Tom Ineichen, SPCB Specialist, reiterated Dr. Sutherland's concerns, and suggested the Board consider establishing a subcommittee to address ambiguities in the Pest Act regarding the use of monitoring and bait stations, including possible labeling concerns and clarifications.

Agenda Item 10. Adjournment

President Finley adjourned the meeting at 1:01 p.m.

/s/

6/29/2023

Kyle Finley, President

Date