

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS (ASPCRO)

HISTORICAL RECORD

1976

PRESIDENT:	Charlie Chapman, TX
VICE-PRESIDENT:	Robert McCarty, MS
SECRETARY:	F. R. Du Chanois, FL
TREASURER:	F. R. Du Chanois, FL
LOCATION OF ANNUAL MEETING:	Scottsdale, AZ
DATE:	9/12/76 to 9/14/76

EXECUTIVE BOARD MEETING: Nomination of new officers.

****State Reports**

BUSINESS MEETING:

- **Up-To-Date Report and Discussion of EPA PEP Statements-Terrell Hunt, EPA.**
- **Training as Related to Certification in Arizona-Dr. Roger Gold,**
- **EPA Enforcement Activities-K. R. Kaneshiro, EPA**
- **State Certification and Licensing Examinations-Robert McCarty, Miss. Dept. of Ag.**
- **History and Comment on Arizona's Certification Examinations-Dr. Gordon Bender, Az. State University.**
- **Reports by States of Licensing, Certification, Legislative & Enforcement**

RESOLUTIONS:

- **That EPA be notified that they are not giving enough time for states to respond to the Rebuttable Presumption Against Registration.**
- **That EPA be urged to reconsider the cancellation of the use of Chlordane for wood destroying beetle control.**
- **ASPCRO opposes EPA's interpretation of PCO's as being "Establishments" since they sell a "service" and do not sell the tools involved in performing this service.**

MISC: States in attendance were: Arizona, Florida, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, South Carolina, Tennessee, Texas and Virginia.

The Sixteenth Annual Meeting of ASPCRO which formerly met as the National Association of Pest Control Regulatory Officials was held in Scottsdale, Arizona on October 12-14, 1976. This was the 16th consecutive meeting of the Association although it organized formally in 1975. The meeting sessions were presided over by ASPCRO President Charlie Chapman, assisted by Mr. Robert McCarty and Mrs. Betty Sisk, Executive Director of Arizona's Structural Pest Control Board.

The following fourteen states registered: Arizona, Florida, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, South Carolina, Tennessee, Texas and Virginia.

Program of the
Sixteenth Annual Meeting

Association of Structural Pest Control Regulatory Officials

12-14 October 1976

Scottsdale, Arizona

Tuesday Morning, 12 October

Registration

Call To Order - President Charlie Chapman

Welcome and Introductions - Mrs. Betty Sisk, Executive Sec., Arizona Structural Pest Control Board

Response

Up-To-Date Report and Discussion of (EPA) PEP Statements - Terrell E. Hunt, Asst. Director, Div. of Enforcement Activities, EPA, Washington, D. C.

Training as Related to Certification in Arizona - Dr. Roger E. Gold, Arizona Pesticide Coordinator, University of Arizona, Tucson, Arizona

U.S. Environmental Protection Agency Enforcement Activities - K. R. Kaneshiro, Chief, Investigation Section, EPA, San Francisco, California.

State Certification and Licensing Examinations - Robert McCarty, Assistant Director, Division of Plant Industry Mississippi Dept. of Agriculture.

Tuesday Morning, 13 October

History and Comment on Arizona's Certification Examinations - Dr. Gordon Bender, Professor of Zoology, Arizona State University, Tempe, AZ

Reports by States of Licensing, Certification, Legislative and Enforcement Activities: Virginia, Charles Rock; Mississippi, Robert McCarty; Louisiana, Richard Carlton; Minnesota, Michael Fresnik and Howard M. Deer; Nevada, Lawrence E. Blalock; New Mexico, Barry Patterson; Oklahoma, Ray Elliott; Michigan, Robert Mesecher; Tennessee, John A. Hammett; Missouri, E. C. Houser; South Carolina, H. B. Jackson; Arizona, Betty B. Sisk; Florida, F. R. Du Chanois; Texas, Charlie Chapman;

Thursday Morning, 14 October

Final Executive & Business Session

Adjournment

25 October 1976

MEMORANDUM

TO: Association of Structural Pest Control Regulatory Officials (ASPCRO)

FROM: F. R. Du Chanois, Secretary-Treasurer (Florida)

SUBJ: Minutes and Notes of Annual Meeting in Scottsdale, Arizona, 12-14 October 1976

The Annual Meeting of ASPCRO, which formerly met as the National Association of Pest Control Regulatory Officials, was held at RAMADA'S SCOTTSDALE INN, 6833 Main Street, Scottsdale, Arizona, near the Capitol City of Phoenix, 12-14 October 1976. This was the 16th consecutive annual meeting of the Association although it organized formally in 1975. The meeting was attended by fourteen states represented by eighteen officials not including speakers and guests. All aspects of the meeting were remarkably well planned and organized for the advantage and convenience of the members; and were highly beneficial in terms of information presented and exchanged, program and speaker excellence and objectives accomplished.

Educational and business sessions, scheduled and informal discussions, and social events were complementary, were instructive and stimulating, and stand as a grand tribute to the host State of ARIZONA and its warmly hospitable officials, industry representatives and residents.

The meeting sessions were presided over by ASPCRO President Charlie Chapman in his refreshingly casual and unceremonious style, ably assisted by Mr. Robert McCarty, Vice-President, and Mrs. Betty Sisk, Executive Director of Arizona's Structural Pest Control Board (all of whom deserve credit for arranging the program). Meeting, local and social arrangements were in charge of Mrs. Sisk who, with Inspector Ben Krentz, Mr. Paul Wyckoff and industry representatives, did an outstanding job. The members of ASPCRO are most appreciative to the host State of Arizona, to our charming, hard-working hostess, Betty Sisk, and to all those who helped make the meeting such a successful and enjoyable experience.

Copies of the program, rosters of members, speakers and guests attending, and reports submitted to the Secretary are appended to the Minutes and Notes which follow.

MINUTES and NOTES of the 16th ANNUAL MEETING*

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

Scottsdale, Arizona

12-14 October 1976

Tuesday morning, 12 October

REGISTRATION, 8:30 a.m.

The following fourteen states registered: Arizona, Florida, Louisiana, Michigan

*Minutes and Notes are intended for the information and use of ASPCRO members only, and to reflect as accurately as possible the proceedings of the meeting. Information presented or opinions expressed by individual members and speakers are their own and not necessarily those of the Association. Neither the ASPCRO nor its Secretary assumes any responsibility for errors of omission or commission as they are, if any, unintentional. Corrections will gladly be made in the next issue upon request.

Minnesota, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, South Carolina, Tennessee, Texas and Virginia. A roster of state representatives (18) and guest speakers, along with a list of visitors and contributors, is appended.

CALL TO ORDER, 9:35 a.m.

The meeting was called to order by President Charlie Chapman (Texas), who remarked that it was good to be together again and that he considered ASPCRO a very important group.

WELCOME and INTRODUCTIONS

Mrs. Betty Sisk, Executive Secretary, Arizona Structural Pest Control Board, welcomed the members to Arizona heartily. She acknowledged receipt of letters or calls from Carl Scott (Georgia), James Y. Kim (Hawaii) and William Wilder (North Carolina) expressing regrets that they would be unable to attend. Mrs. Sisk called attention to the Purpose and Goals of the Meeting set forth in print and given to each registrant. Because of their significance they are shown here as follows:

- (1) Introduce methods of better understanding and efficiency in administration among states.
- (2) Utilize a variety of expertise in the field of structural pest control.
- (3) Present a new approach to encourage other states to become interested in ASPCRO.
- (4) Open new ideas to promote protection of health and welfare of the citizens (and operators) of each state.
- (5) To bring together states to promote the protection of the environment from misuse of pesticides.
- (6) Emphasize the importance of the laws of each state in enforcement activities and label compliance, and
- (7) Present an opportunity for states to hear and ask questions of leading experts and authorities, (and to exchange information and ideas).

An evaluation questionnaire was also included to provide a critique of the meeting and to assess how well the conference objectives were met. (Ed. note: Those states that did not complete the evaluation sheet are requested to do so and mail to Betty Sisk).

WELCOMING ADDRESS

Betty B. Sisk, Executive Secretary, Arizona Structural Pest Control Board, Tempe, Arizona (Ed. note: The complete text of Mrs. Sisk's address follows).

"Welcome to the Beautiful State of Arizona. We are delighted that you have chosen Arizona for the second annual event,* and hope this meeting will be as beneficial as the TEXAS meeting we had last year.

I personally enjoyed meeting many of you last year, and the discussion of the various state plans and certifications. The more we know about each other, the better our programs can function.

The Arizona Structural Pest Control Board was implemented in Arizona in 1965. It is made up of 5 members--3 from industry and 2 members from the public sector. The Board meets monthly, and is strictly an enforcement board, with emphasis on laws, regulations, and rules.

Our Staff is small--besides myself, there is a clerk-typist and one inspector. Ben Krentz, our inspector, travels statewide approximately 2,000 to 2,500 miles per month.

* Since formal organization.

We have little enforcement power and office personnel for a statewide agency. We work many, many hours. We are fortunate, however, to have a good sound Board with valuable input.

We have many problems with pest control operators which are settled through discussion. New rules and regulations are adopted as needed. Budgets, complaints and other subjects are discussed at the monthly meetings.

The Board operates on a fee basis which is called a 90/10 agency in Arizona. Ten percent of all collections go to the State, and we operate on 90%. This past year we were fortunate to receive a reimbursement grant of \$23,000 from EPA, for implementation and enforcement of the certification plan.

We presently have 235 licensed companies. The inspector makes routine checks with the companies every 3 months. However, if violations of faulty equipment, or pesticides or safety devices are not up to standard, the inspector visits the questioned area more often.

Examinations are given each month and the applicant is notified of results. If failing the first examination, he may retake the portion he failed the following month.

One license was suspended for 6 months this past year. We work directly with the Attorney General's office on all criminal and civil cases.

To end this brief run-down on our office, I shall close by telling you about the housewife who was cleaning a chicken one day and in the cavity found a marijuana butt. She said she remembered when a former president promised a chicken in every pot, but didn't think the time had come that there would be a pot in every chicken.

AGAIN, I welcome you and hope that this conference will be as pleasant and productive as possible."

Mrs. Sisk concluded by announcing that the hospitality suite the previous evening was arranged through the compliments of Rollins Orkin Exterminating Company. She also announced plans for the members, wives and guests to tour points of historic interest in the Phoenix-Scottsdale area, and other social events.

RESPONSE

Mr. Ben Krentz, Inspector, Arizona SPC Board, also enthusiastically welcomed the members to Arizona and offered to be of assistance in any way possible to make the meeting a success and the members' visit a pleasurable and memorable occasion. (Ed. Note: Hats off to Mrs. Sisk, Mr. Krentz and Mr. Paul Wyckoff who succeeded in doing just that and then some).

Mr. Richard (Dick) Carlton (Louisiana) made a few informal remarks on the history of ASPCRO, noting that the organization came into existence in 1961, sixteen years ago, in Memphis, Tennessee, to meet a special need and attempt to solve problems common to those states having structural pest control laws. ASPCRO organized formally one year ago under a constitution and by-laws, although retaining its informal character. He added that in his view SPC is unique and that EPA had not taken full advantage of the expertise and background experience of SPC regulatory officials themselves. He expressed the hope that SPC regulatory officials would be given a greater opportunity for input in the future now that ASPCRO has become a more formal and effective organization. The NPCA has led, up to now, in

input to EPA in this field.

COFFEE BREAK - See Appendix for acknowledgment of contributors.

UP-TO-DATE REPORT and DISCUSSION OF (EPA) PEP STATEMENTS

Mr. Terrell E. Hunt, Assistant Director, Division of Enforcement Activities, EPA, Washington, D.C. (Ed. Note: In the absence of the complete text of Mr. Hunt's presentation, the following notes are incomplete and accuracy is not guaranteed).

Mr. Hunt noted that he would expand his remarks beyond the title to explain EPA's enforcement philosophy and policies and the principles they are trying to further. They have spent a disproportionate amount of time meeting and in discussions with NPCA. This is not necessarily bad but he acknowledged this isn't the only source of information. He suggested that ASPCRO write to EPA requesting that it be placed on mailing list and given due recognition. It is possible some EPA grant funds could be made available to ASPCRO.

Mr. Hunt drew a distinction between the law and enforcement philosophy. He expressed the view of common goals and interests to -

- (1) Foster competent use of pesticides,
- (2) Assure the availability of toxic chemicals, and
- (3) Foster voluntary compliance.

Neither EPA nor the states have sufficient resources to be there at all pesticide applications. He submitted that the phrase, "Where law ends tyranny begins" made some sense to him; but that the phrase, "Where law ends discretion begins" made more sense. EPA is defining and structuring the areas of their discretion through Pesticide Enforcement Policy Statements (PEPS). Through PEPS, the agency is attempting to explain the actual way in which it will exercise its prosecutorial discretion. PEPS appear in the Federal Register.

The agency has determined through its Office of General Counsel that PCO's are engaged in the sale and distribution of pesticides. In effect, structural pest control operators hold pesticides for sale and distribution, and when they use pesticides they are selling pesticides. Their agency has authority (jurisdiction) when pesticides are held for distribution or sale and in effect this gives the agency authority to inspect PCO firms. The law clearly does not require registration of use dilutions. Mr. Hunt said he assumes they will have to go to court with NPCA over this interpretation that PCO's hold pesticides for distribution and sale. If the courts hold that the law doesn't mean that, EPA will, of course, conclude that it doesn't.

The law means what it means, but policies are negotiable. PEPS do not interpret the meaning of the law. They are not regulations and are not binding. PEPS are notices and say that subject to certain conditions and limitations EPA will not take action.

In December 1975, EPA announced the PEPS in three broad areas:

- (1) Implementation of registration of new pesticides,
- (2) Implementation of new enforcement remedies, primarily civil penalties, and
- (3) The whole issue regulating the use of pesticides.

PEPS No. 1 - Use of Registered Pesticides at Less than Label Dosage Rate (30 April 1975) - concerns the amount of active ingredient applied per time or area of treatment. If the amount of active ingredient remains the same and the amount of diluent is reduced (e.g. halved) they would probably not recommend enforcement action, whereas if the amount of active ingredient is increased (e.g. doubled) for the same given area they probably would recommend enforcement action. (This was discussed from the floor for clarification in Formosan termite control).

PEPS No. 2 - Use of Registered Pesticides for the Control of Unnamed Target Pests in Structural Pest Control (29 August 1975) - has a broad definition of "knowledgeable expert" so that each PCO can, in effect, be his own expert. This PEPS does not provide for review by the states, although states can revise their regulations to require agreement etc.

Two types of risks are involved (in application of pesticides):

- (1) Risk of enforcement liability (where PEPS are not applicable), and
- (2) Liability for civil litigation which is a matter of torts or common law.

(Mr. Carlton (Louisiana) suggested that the Certified Operator should be considered a "knowledgeable expert" throughout the PEPS. Mr. Hunt responded that he would consider that the PCO would be considered a "knowledgeable expert" under PEPS No. 5 - Use of Registered Pesticides for Control of Pests Not Named on the Label in Agricultural and Other Non-Structural Pest Control (15 September 1976). The operator himself would be able to supply his own "knowledgeable expert").

PEPS No. 5 - Our speaker read the definition of "knowledgeable expert" from this PEPS. He commented that you can have an applicator who is not himself the "knowledgeable expert". (Mr. Houser (Missouri) commented that PEPS have scared their Extension Service people to the extent that they will back off from making recommendations because of the risk of liability under FIFRA. He suggested that EPA may be trying to regulate outside "knowledgeable experts" under FIFRA where there is no provision for this. He offered that there is no provision to his knowledge for certifying pest control management consultants under FIFRA. It was suggested that ASPCRO recommend to the State Federal Implementation Advisory Committee (SFFIAC) and/or EPA directly that the certified user be considered the "knowledgeable expert". Considerable discussion followed from the floor).

A new PEPS No. 6 is to be issued on minimum standards for information to appear on service containers, but not necessarily on application equipment. It would not be required that the diluted formulations be registered because they are not new pesticides and therefore not registerable products. Section 3 of FIFRA on registration of pesticides is not triggered by dilution and use of service containers.

Establishment inspections and use observations are performed by EPA regional offices. Inspection of SPC firms is being carried out even though they (the firms) perform pest control services. With consent of firm, EPA is interested in training program and use of equipment. Use observations will follow, e.g. use of phosphorous paste, Compounds 1080/ 1081, fumigations, uses in food processing plants, certain rodenticide uses, use of any unregistered pesticides, use in a manner which violates a pesticide cancellation or suspension order, use of dosage rates higher than directed by label, use of any pesticide in violation with prohibition of label provisions, etc.

ADJOURN FOR LUNCH 12:25 p.m.

Monday afternoon, 12 October

TRAINING AS RELATED TO CERTIFICATION IN ARIZONA

Dr. Roger E. Gold, Arizona Pesticide Coordinator, College of Agriculture, University of Arizona, Tucson, Arizona

Dr. Gold gave a most interesting and informative presentation, well-illustrated and greatly enhanced with clear slides on the subject. (Ed. note: Unfortunately your secretary was unable to keep pace with Dr. Gold's fast moving talk with the lighting dimmed and therefore the following notes are sketchy at best).

The speaker outlined EPA ~ State cooperative agreements, aid and training provided under Section 23 of FIFRA amended. He also touched on enforcement matters.

The formats used for training in Arizona have been correspondence courses and intensive-type (programmed) training. They found the former to be unsuccessful and ineffective and they were dropped. The intensive training consists of three programs:

- (1) 4 days intensive training at central locations at the beginning and end of each month;
- (2) 3 day intensive training, Monday through Wednesday from 8 a.m. to 5 p.m., and
- (3) Training sessions meeting one night a week for 1½ hours for 13 weeks. State certification exams are given on the 14th week in Phoenix and Tucson. To date they have trained over 2,000 commercial applicators through these programs.

As yet Arizona has not decided on the mechanism for training private applicators. The State Plan has not as yet been approved by EPA.

The speaker then turned our attention to Section 24(c) of FIFRA which authorizes states to provide registration for pesticides formulated for distribution and use within that state to meet special local intrastate needs etc. In Arizona the registrants submit applications to a review board and final determination is made by the state chemist. The application is then submitted to EPA for approval.

The speaker called attention to a legal opinion of 30 September 1976 from EPA providing that in the event a state does not have an approved State Plan by 21 October 1976, EPA has no authority to take action requiring certification. If after 21 October 1976 a state does not have an approved State Plan, EPA is not in a position to enforce provisions of FIFRA with respect to certification. The agency has the option of coming in and setting up its own certification program or requiring applicators to go to a nearby state having an approved State Plan to be examined and become certified.

U.S. ENVIRONMENTAL PROTECTION AGENCY ENFORCEMENT ACTIVITIES

Mr. K. R. (Bob) Kaneshiro, Chief, Investigation Section, Surveillance and Analysis Division, Enforcement Branch Region IX, EPA, San Francisco, California (Ed. Note: In the absence of the complete text of Mr. Kaneshiro's presentation, the following notes are somewhat incomplete and accuracy is not guaranteed).

Mr. Kaneshiro explained that if a PCO formulates, packages and sells pesticides he is considered to be a producer and is subject to establishment inspection. His

branch has authority to make inspections of establishments. They have no authority to go onto private premises to observe private use of pesticides. They must obtain voluntary consent of property owner to make inspections of this nature. (Pesticide) "producer" and "establishment" are terms defined under Section 2., Definitions, of FIFRA. "Registration of Establishments" is covered under Section 7. of FIFRA. If a PCO applies pesticide that the homeowner or farmer owns then the PCO is not considered a distributor. But if the PCO uses his own material he is considered to be a distributor.

The speaker emphasized that EPA policies are still constantly undergoing review. When they go out on use inspections, their inspectors always try to have latest labels at hand. The agency has a Pesticide Misuse Review Committee (PMRC). The reporting procedure involves writing up and documenting the use inspection case locally, this case report is then forwarded to the Office (Division) of Pesticide Registration and the Toxic Substances Division in Washington, from where it goes to the PMRC and then to the Office of General Counsel.

They try to balance establishment inspections and use investigations in Region IX. They would like to see voluntary compliance. The agency considers criminal penalties for serious, willful and/or repeated violations. It is difficult to prove intent. They (Region IX) have not come across willful or repeated violations to date.

Mr. Kaneshiro explained that Mr. Terrell Hunt was in the Office of General Enforcement Activities. Besides this office, EPA has an Office of Pesticide Programs in which there are Registration and Enforcement Divisions and the Office of General Counsel.

In response to a question, the speaker advised that in the event a state does not have a State Plan by 21 October 1976, then EPA will (can?) come in and certify applicators so that restricted-use pesticides will be available within the state.

As an example of an alleged pesticide misuse/accident investigation, Mr. Kaneshiro commented on a recent case involving a PCO in California cited as a distributor in a Notice of Complaint on four alleged misuses of fumigant used on a job. As understood, the PCO used methyl bromide to fumigate a structure (house) and failed to seal (wet down) the tarp edges (at ground line) with moist soil or sand as directed by the label. There was apparent leakage of gas from beneath the tarps into a nearby occupied structure (home) located down slope from the fumigated structure. One or more occupants of the affected structure became cyanotic and were rushed to the hospital. Additionally, the fumigant was allegedly released outside the tarps, allegedly no area warning signs were posted, and allegedly the fumigator did not have halide leak detector and failed to have an assistant at the site.

The PMRC recommended issuance of a Civil Complaint. The company apparently contended it should have been issued a Letter of Warning rather than a Civil Complaint. It was determined by EPA in Washington that the applicator was a distributor of pesticides because the operator not only sells services but also sells pesticides. (Ed. Note: The question as to whether a PCO is a distributor of pesticides operating an establishment is apparently headed for final determination by the courts).

Following is the wording ex parte of a working DRAFT of EPA's position on the matter, courtesy of Mr. Kaneshiro, who cautiously stressed that it is a DRAFT and not to be considered as the final form:

"It is the policy of the Agency that a pest control operator who supplies the pesticides which he applies commercially is not only selling a service (the application), but is also distributing a product (the pesticide). The price paid by the customer for the application necessarily reflects the cost of the service and the cost of the pesticide. As such, within the clear meaning of the statute such a PCO is engaged in the sale and distribution of a pesticide in addition to the application The agency believes that compliance motivated by (such) professionalism is superior to compliance resulting solely from the threat of enforcement liability".

COFFEE BREAK

OFFICIAL BUSINESS: President Chapman appointed the following committees -

- (1) Resolutions Committee - Louisiana, Michigan and Missouri
- (2) Nominating Committee - New Mexico, Oklahoma and South Carolina

STATE CERTIFICATION and LICENSING EXAMINATIONS

Mr. Robert McCarty, Assistant Director, Division of Plant Industry, Mississippi Department of Agriculture and Commerce, Mississippi State, Mississippi

Mr. McCarty enthusiastically described his state's program and procedures for certification under FIFRA amended. Mississippi has been licensing through examination since 1938. The EPA agreed that those individuals who passed their written exams would not have to take category exams already taken and passed, but would be required to take the CORE Manual exam over required general information.

Our speaker displayed, explained and distributed numerous publications such as study manuals, study and test questionnaires now being used in their program. His agency gives exams in about 47 different categories and subcategories. There are certain minimum qualifications for admission to various exams and these were outlined. The speaker portrayed the composition and functions of their Pest Control (Pesticide) Advisory Board. Mississippi's present training, testing and certification program was begun in 1975. They developed a manual and a set of study questions for each category examination. The exams are made up from the study questions.

Discussion: There was some confirmation from the members present of reports of a trend on the part of the larger casualty/liability insurance carriers to discontinue coverage for pest control operators partly because of the increasing pesticide related damage claims and civil litigation.

The session adjourned at 4:55 p.m.

Tuesday evening, 5:30 p.m. - 'til: Visit and tour of Rawhide, Arizona's authentic 1880 town, north of Scottsdale. This was a nostalgic and memorable experience "reliving" bygone days in a town dating back to Arizona territorial days almost a century ago. The excursion was climaxed with a hearty and superb steak or chicken dinner served to the members and guests in the style of the Old West in the Golden Belle Restaurant, in olde Rawhide Towne. We couldn't have wished for a more enjoyable evening. (Rumor has it that some members continued to enjoy themselves at Wild Bill Moses Club enroute back to the Ramada Inn. Inspector Ben Krentz may be able to confirm or deny this rumor).

Wednesday morning, 13 October

CALL TO ORDER, 9:00 a.m.

HISTORY and COMMENT on ARIZONA'S CERTIFICATION EXAMINATIONS

Dr. Gordon Bender, Professor of Zoology, and former member of Arizona SPCB, Arizona State University at Tempe, Arizona

(Ed. Note: In the absence of the complete text of Dr. Bender's presentation, the following notes are respectfully submitted with apologies for any shortcomings as to completeness or accuracy. Dr. Bender has the distinction of having served on the Arizona SPCB from 1 July 1971 to 30 June 1976).

Dr. Bender prefaced his remarks by noting that even prior to EPA they had divided their exams into appropriate categories, and hence when EPA requirements came about they had already laid the necessary groundwork on exam parts.

The speaker continued that the Arizona Pesticide Board (APB) is the lead agency in Arizona. They developed an examination program completely independent of APB. At the time the State Plan was submitted to EPA for approval, EPA was asked to look over their exams and determine whether the exams met with their approval and accreditation for certification under FIFRA amended. Representatives of EPA came down and spent two days looking over their questions, and as a result they (Arizona SPCB) subsequently received approval that the exams were adequate, met EPA standards, and would qualify for certification purposes.

The exams are divided into CORE and specific category sections; and applicants are allowed to be reexamined once. They started certifying applicants in the Fall of 1975, and have now certified 435 commercial applicators. Dr. Bender estimated there is a potential list of about 2,500 commercial and public applicators in the state. Arizona and some other states are ruggedly independent and are apparently awaiting to see if they can do without private applicator certification (?).

The certification fee of \$15 (and \$5 renewal fee) is too low in Dr. Bender's view as he believes the fee should be high enough to be self-sustaining (program). Their licensing fee is separate and distinct from certification fee.

Our speaker expressed the view that he does not believe in (completely) multiple choice and true - false tests. He is of the opinion that the people requiring (commercial) certification should be able to make the correct choice from many possibilities to demonstrate their competence. We should expect and demand more of them than objective-type testing only. With the kinds of chemicals these applicators are handling they should be capable of more than marking a blank (on an exam).

Arizona has received two grants in aid from EPA (for implementation and enforcement of the certification program). The Arizona SPCB depends entirely upon licensing fees, and 10 percent of such fees collected go into the state's general revenue fund. Financing is a problem, Dr. Bender lamented, because fees alone at the present rate do not allow the program to be self-supporting.

Professor Bender expressed his strong personal objection to any connection between SPC certification examinations and the training courses so ably conducted by Dr. Roger Gold of the University of Arizona, Tucson, Extension Service. In his judgment, you lay yourself open to considerable criticism.

Arizona's SPCB is an autonomous agency independent of the University system, the Department of Agriculture and the Extension Service. In conclusion, the speaker, advised that the Board had not as yet addressed the question of reciprocity.

Discussion: Mr. McCarty (Mississippi) noted that his state would reciprocate with any other state that has an approved State Plan and wherein the applicator has been certified by that state. In response to discussion questions, Dr. Bender opined that training given by most PCO's is ineffective. He also explained that their list of licensees will not only show licensed firms (addresses), but will list all those employees who are certified. The board is composed of three industry members and two public members. Their legislature is business oriented and sympathetic to the industry.

REPORTS by STATES of LICENSING, CERTIFICATION, LEGISLATIVE and ENFORCEMENT ACTIVITIES
(in the order given)

Please refer to Appendix for titles and addresses of reporting state member representatives.

VIRGINIA - Charles Rock, complete report is appended.

Virginia was second state to receive final approval of State Plan with no contingencies. They give a 30 question open-book exam and have a 95 percent passing average to date. Do not require a state business license. Computerization of permits runs $2\frac{1}{2}$ cents per individual exclusive of mailing costs.

Dr. Bender commented that in his opinion if one is getting a five percent failure rate he is not accomplishing anything and is just wasting his time.

COFFEE BREAK

REPORTS FROM THE STATES CONTINUED

MISSISSIPPI - Robert McCarty, complete report is appended.

Mississippi requires certification in appropriate category, proof of bonding, reports of all wood-infesting organism (WIO) control work performed, has minimum WIO control treatment standards, take random tank and soil samples for analysis. Acceptable soil concentration is considered to be 100 ppm. (0.5%^{cont.}/at rate of 1 gal./10 sq. ft.). A schematic treatment diagram is required. Approval for spot treatment must be obtained from the state. Mr. McCarty stressed the importance of good working relations and liaison with prosecuting and judicial authorities.

LOUISIANA - Richard (Dick) Carlton

Their state has five SPC categories: wood-destroying organisms (WDO), household insects, fumigation, rodent control and Entomology. The greatest fear they have is that EPA requirements will be less than present state requirements and standards. All termite (WDO) jobs must be reported. The state prescribes a standard termite treatment contract. Mr. Carlton also stressed good, healthy rapport with other state and local law enforcement agencies whereby they receive good cooperation. They have termite control minimum standards. Have had problems with overselling and unnecessary fumigation for powder-post beetles and other WDO, and also with so-called "moisture control". This has now forced the requirement that the state inspector make an inspection of all proposed fumigation prior to work being done for information to the property owner.

Discussion: Several members commented that pentachlorophenol, penta paste (e.g. Woodtreat-TC emulsion), lindane and fumigation are being used for powder-post beetle and wood borer control, and that previously used proven materials such as chlordane and dieldrin are no longer available due to label registration restrictions. There was considerable sentiment that ASPCRO should consider throwing its weight behind applications to register chemicals effective for liquid treatment for control of powder-post beetles.

MINNESOTA - Michael (Mike) Fresnik and Howard M. Deer

Mr. Fresnik complimented Arizona highly for its magnificent scenery and abundant fauna and flora. This official stated that he doesn't think there are a dozen termite jobs done in his state in a year. They simply do not have the termite problem some other states do have. They are working with the EPA Regional Office in Chicago.

They have private, commercial and non-commercial certification classes. The non-commercial category includes public or governmental applicators and includes such applicators as food plant, mill and elevator applicators.

Commercial applicators are licensed in 13 categories whether they are using restricted- or general- use pesticides. They have licensed SPC operators since 1969. Their commercial applicators will be licensed and certified regardless of pesticide type used. They test each and every applicator. At present there are 40 licensed firms with about 250 employees.

Minnesota provides for the following four applicator classes or categories (apparently within each special category): Apprentice, journeyman, master and fumigator. EPA approved and accredited their SPC applicator exams. They have liability insurance requirements. The category of SPC allows work within structures or within six feet of a structure. Mr. Fresnik allowed that, in his judgment, exams do not mean too much and are not fool proof. He does not place high reliance on passing exams, as they do not mean as much as they are thought to mean. There was a 65 percent passing number of applicants examined on their first SPC certification exam.

Adjourn for lunch, 12:00 p.m.

Wednesday afternoon, 13 October

REPORTS FROM THE STATES CONTINUED

NEVADA - Lawrence E. Blalock

Mr. Blalock informed the members that Nevada requires direct, on-site supervision. The supervising applicator must be physically present. They provide general (CORE) and specific category exams. The state requires a certification exam fee and a business license fee.

At present they have 64 ground applicator firms with about 206 employees. In northern Nevada the majority of applicators are engaged in outdoor pest control for control of pests of shade trees, ornamentals, etc. In southern Nevada most of the applicators do urban and structural pest control work.

The State Plan has been approved by EPA on a contingency basis. The state has trained 725 commercial applicators to date. The exam failure rate has been 24 and 16 percent for commercial and private applicators respectively. Structural pest control deals strictly with wood-infesting pests. Among others, they have categories for fumigation, predatory pest control and mosquito control.

The certification training and testing program has been set up cooperatively by the University of Nevada at Reno and the Nevada Department of Agriculture. It is estimated that the cost of training is \$9.00 per person excluding salaries and \$15 when salaries are included.

A report of all wood-infesting organism inspections is required to be made on state prescribed form. The original of five copies goes to the person requesting the inspection. This was begun in 1973 and about 2,000 reports per year are received.

NEW MEXICO - Barry Patterson

The New Mexico State Plan is under review by EPA. Their certification categories include structural pest control (which itself includes both general household and wood-destroying pest control), fumigation and rodent control. The exams are composed of three parts: (1) general CORE Manual exam, (2) laws and regulations and (3) the specific category exam. Servicemen and routemen are required to take the CORE exam only.

The New Mexico Department of Agriculture does the training of commercial applicators. They now have three full-time inspectors. The state has received \$45,000 in grants from EPA for development of the State Plan and for training of applicators. The Pesticide Control Act requires only one certified applicator for each business entity for the entire state. There is a \$35 license fee for commercial pesticide applicators and the license is renewable annually.

OKLAHOMA - Ray Elliott

The Oklahoma State Plan is being reviewed by EPA in Washington at this stage. They have applied for and hope to obtain an EPA grant for training and certification of applicators.

Mr. Elliott advised that the accident which occurred in Oklahoma and received wide publicity involving the children's deaths from Compound 1081 rodenticide was not a violation of the Oklahoma SPC Act. The operator's license was revoked in the general pest control category but not in the termite control category (apparently on the basis of applicable state law or regulations). The law provides for one

business license for each business entity for the entire state. It requires a certified operator for each business.

MICHIGAN - Robert (Bob) Mesecher

The State Plan has been approved by EPA contingent upon passage of enabling legislation. They will begin certifying commercial applicators about 1 November of this year. EPA, Washington office, advised they did not like provisions in the Michigan Pesticide Applicators Act exempting public officials from certification requirements.

The Cooperative Extension Service is spearheading training in cooperation with the Michigan Department of Agriculture and Industry. Applicants will have up to a year to complete the requirements for certification. They have developed self-study general CORE and specific category manuals designed as a training program. There are no formal training sessions planned. Mr. Mesecher briefly described with sample illustrations the development and operation of their computerized program for certification records, issuance, etc. The records will be readily retrievable from microfilm.

Both private and commercial applicators will take certification examinations as required for the type of work they do. They anticipate processing some 25,000 private and 5,000 commercial applicators.

TENNESSEE - John A. Hammett

Mr. Hammett explained that they issue a SPC business charter, the fee for which is based in proportion to the gross amount of business done by the chartered firm (person). The law provides for first and second class certified applicator licenses and also for a solicitor's license (registration). The first class license is required for the main or supervisory office, while the second class applicator's license is required for branch offices of the same firm.

Monthly reports of all wood-destroying organism (WDO) control contracts issued (jobs performed) are required. They currently have about 360 licensed (chartered) operators. Fee receipts from the filing of WDO reports total about \$45,000 annually.

MISSOURI - E. C. (Tim) Houser, complete report is appended.

(Ed. Note: Your secretary exercises his prerogative at this point to commend and thank all those members who submitted summary reports for inclusion with the Minutes and Notes. It makes the job a whole lot easier and, what is more important, accurate. Thank you very much).

Missouri has an EPA contract grant for developing a pesticide accident reporting system. The Cooperative Extension Service, University of Missouri, Columbia, provides training -- one-half day on CORE material and one-half day on category subject matter. This training is followed in two weeks to 20 days by certification exams conducted by Mr. Houser's office.

This official noted that there is a growing complaint of too much legislation being done by rule making. He told of the complaint of one unsuccessful certification applicant who complained that he was at a disadvantage when he took the exam because he didn't know it was fair to cheat.

SOUTH CAROLINA - H. B. Jackson, complete outline report is appended.

The State Plan was approved in December 1975. The applicant must pass CORE examination (first) and if this is not passed the category exam is not graded. They cull out exam questions that are missed by about 50 percent or more of the examinees. The failure rate to date has been about 20 percent. The exams are given quarterly. Their category 7 (IISHRPC) exam is subdivided into structural, general household and fumigation subcategories.

All certification information and issuance is computer programmed. Information is entered into desk-type computers from which one can obtain printouts, and is stored for ready retrieval. They will require pesticide dealers to be examined and certified. The law provides that if the technology changes significantly the state can require recertification through training.

COFFEE BREAK

REPORTS FROM THE STATES CONTINUED

ARIZONA - Betty B. Sisk, complete report is appended.

The Arizona law does not provide for minimum qualifications for admission to the exams. The exam fee is \$100 for one or more category exams. The law requires one qualifying (operator) party for each business entity. Identification cards are issued although there is no fee and they have no control over them.

Their SPC Board is represented by counsel from the Attorney General's Office. The Board received \$23,000 in reimbursement grants and is making application for another.

The Board adopted the FHA Wood Infestation Report form (FHA Form 2053) which must be completed by the operator (inspector) on site. Their lone inspector, Mr. Ben Krentz, makes routine licensee inspections about every three months for each licensee.

Arizona's State Plan is undergoing review by EPA for approval and approval is anticipated shortly.

FLORIDA - F. R. Du Chanois, complete report is appended.

The State Plan submitted by the Department of Agriculture and Consumer Services, the Lead Agency, with the cooperation of the Office of Entomology, Department of Health and Rehabilitative Services (in matters concerning SPC and mosquito control categories), was given conditional approval for one year on 24 June 1976, contingent upon passage of enabling legislation and adoption of regulations conforming with EPA standards and requirements. Those applicators who currently hold Florida PCO certificates gained by written examination are considered fully certified. In other words, the exams are accredited for certification purposes. Those individuals "grandfathered in" and who have never taken and passed the written certification exams must take a written exam.

Additional information and details of the past year's activities will be found in the Appendix.

TEXAS - Charlie Chapman

The Texas SPC Board is a separate and distinct state entity answerable only to the Governor. They started giving EPA approved exams in February 1976 and have examined 1,886 applicators to date. All those persons examined since 1972 are not required to be reexamined. They give one examination and this is given to all operators who were "grandfathered in" under the SPC Act in 1972 when the law was enacted. Revenue collected from all licensing fees is currently about \$205,000 annually. They presently have about 2,450 certified applicators and 1,950 licensed companies.

The Texas State Plan has been approved on a contingency basis until September 1977.

Their regulations provide for five SPC subcategories: (general) pest control, termite control, lawn and ornamental pest control, weed control and fumigation. They do not have minimum termite treatment standards, nor do they have minimum experience qualifications for admission to the exams. They have had liability insurance requirements since 1 March 1976. Upon loss of certified operator, the licensee (business) has until the next examinations to obtain a qualified (certified) applicator to fill the vacancy.

As a matter of information to the members, especially those states having insurance requirements, unless the operator has care, custody and control coverage, a claim for damages to treated property can be disclaimed by the insurance carrier.

The session adjourned at 5:15 p.m.

Wednesday evening, 7:00 p.m. - An evening at the races, Phoenix Greyhound Park. The members and guests all enjoyed dinner together in the glass-enclosed Clubhouse Restaurant at the greyhound track, and then had great fun watching the sleek, graceful dogs "fly" around the track after the white bunny.

Following the ASPCRO - Phoenix Special race the Association was honored by having its officers photographed on the track with the Track Manager and the winning greyhound and its proud owner.

Thursday morning, 14 October

FINAL EXECUTIVE AND BUSINESS SESSION

President Chapman called the meeting to order at 8:30 a.m. o'clock. He expressed appreciation to Ms. Sisk and associates and the State of Arizona for the outstanding activities and festivities provided. This seconded by F. R. Du Chanois (Florida) and by unanimous acclaim.

The President called for the report of the Nominating Committee. Chairman Ray Elliott (Oklahoma) announced the slate of officers:

Robert McCarty (Mississippi), for President
Richard Carlton (Louisiana), for Vice-President
F. R. Du Chanois (Florida), for Secretary

There being no further nominations it was moved by Betty Sisk (Arizona),

seconded by Barry Patterson (New Mexico) that nominations be closed and that the secretary cast a unanimous ballot for the nominees. The motion passed unanimously.

President Chapman then called for the report of the Resolutions Committee. Chairman Dick Carlton (Louisiana) read the report. The report consisted of four resolutions, three of which are appended in final form as adopted. The fourth resolution expressed sincere appreciation to the State of Arizona, and to Betty Sisk and associates for making such an outstanding meeting possible.

The adoption of the Report of the Nominating Committee was moved (Carlton, Louisiana) and seconded, (Houser, Missouri). The motion passed unanimously, with the provision that the originator of each resolution review and send final draft to the President for approval and transmittal to EPA officials and others.

Mr. Patterson (New Mexico) called for discussion on whether the following would be indicated and appropriate as a resolution with respect to any further extension of the certification provisions of FEPCA:

Further delay in implementing pesticide applicator certification provisions of FEPCA would cause irreparable harm to the states' programs and such programs would fall apart (from inaction and lack of interest).

It was decided that member states express their views and sentiments on this individually.

The President requested the secretary to write individual letters of appreciation to the speakers, the motel management and Mrs. Sisk (the State of Arizona). (Ed. Note: Letters of appreciation were written to Dr. Bender, Dr. Gold, Messrs Hunt, Kaneshiro, Mrs. Sisk and to the Ramada Inn on 19-21 October 1976).

There being no prior invitation for the location of the 1977 meeting, Mr. Carlton suggested the meeting be held in either Mississippi or Louisiana in order that a visit and tour of the USDA, Forest Service, Wood Products Insect Laboratory, Gulfport, Mississippi, could be arranged as a valuable addition to the program.

There being no further business it was duly moved and seconded that the 1976 meeting be adjourned. Motion carried. The President declared the meeting adjourned at 9:24 a.m. o'clock.

Respectfully submitted, FRDC, Secretary.

(Ed. Note: A few copies of Minutes and Notes of previous years' meetings are available on request to the Secretary).

* - - - - - * * - - - - - *

RESOLUTION ADOPTED

AT

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS MEETING

SCOTTSDALE, ARIZONA

October 12-14, 1976

RESOLUTION NO. I

WHEREAS, the Administrator of the Environmental Protection Agency has indicated that state review of Rebuttable Presumption Against Registration of Pesticides is an integral and necessary part of the Rebuttable Presumption Against Registration process, and

WHEREAS, in several recent instances, several State Agencies, responsible for review have not been allowed adequate time to review and respond to Rebuttable Presumption Against Registration,

THEREFORE, Association of Structural Pest Control Regulatory Officials in annual session at Scottsdale, Arizona, hereby resolves that the Administrator of the Environmental Protection Agency be urged to distribute the notice of Rebuttable Presumption Against Registration to the proper State Agencies of the various states with an adequate time frame for a thorough and complete review of the Rebuttable Presumption Against Registration, and to respond to the risks and benefits involved.

NOW, THEREFORE, BE IT RESOLVED, the secretary be directed to send copy of this resolution to the Chairman of Oversight Committee, and Administrator of Environmental Protection Agency, and National Pest Control Association and each State Pest Control Regulatory Agency.

RESOLUTION ADOPTED

AT

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS MEETING

SCOTTSDALE, ARIZONA

October 12-14, 1976

RESOLUTION NO. II

WHEREAS, the Environmental Protection Agency in their review of their cancelled uses for Chlordane included the cancellation of Chlordane for the use on wood destroying beetles infesting wooden understructures of buildings, and

WHEREAS, the substitutes stated by the Administrator of Environmental Protection Agency as available pose a greater danger to the operator and have inadequate research on efficacy, and

WHEREAS, the available research well establishes that none of the substitutes are as effective as Chlordane, and

WHEREAS, Chlordane is registered for use at the same concentration and site for termite control,

NOW, THEREFORE, BE IT RESOLVED, that Association of Structural Pest Control Regulatory Officials urges the Administrator to reconsider the cancellation of the use of Chlordane for wood destroying beetle control,

BE IT FURTHER RESOLVED, that this use be limited to the understructure of the infested buildings at a concentration not be exceed 1 per cent.

BE IT FURTHER RESOLVED, the secretary be directed to send copy of this resolution to the Administrator of Environmental Protection Agency.

RESOLUTION ADOPTED

AT

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS MEETING

SCOTTSDALE, ARIZONA

October 12-14, 1976

RESOLUTION NO. III

WHEREAS, the Environmental Protection Agency has interpreted the amended FIFRA as requiring Structural Pest Control Operators to be classified as establishments, and

WHEREAS, this classification was determined, based on the Structural Pest Control Operators selling or distributing pesticides as well as performing a service, and

WHEREAS, amended FIFRA and some, if not all state plans, require that anyone purchasing, applying or supervising the use of a Restricted-Use Pesticide must be a certified applicator, and

WHEREAS, the customers of the Structural Pest Control Operators understand they are purchasing a service, not a pesticide as such, and care little what pesticide is used so long as it does not endanger their health or environment and achieves the desired results,

NOW, THEREFORE, BE IT RESOLVED, that the Association of Structural Pest Control Regulatory Officials in session at Phoenix, Arizona, on October 14, 1976, does hereby resolve that this interpretation goes far beyond the intent of Congress and agrees that the Structural Pest Control Operator does indeed sell a service and does not sell any of the tools involved in performing this service, such as electricity, water, gasoline, pesticide, etc.

BE IT FURTHER RESOLVED, that the Association of Structural Pest Control Regulatory Officials opposes this interpretation by Environmental Protection Agency and strongly urges that agency to reconsider their interpretation and seek definitive legislation for what they hope to achieve by this unnecessary and unwise interpretation, and

BE IT FURTHER RESOLVED, the secretary be directed to send copies of this resolution to the Administrator of Environmental Protection Agency.

REGISTRATION AND ATTENDANCE ROSTER

ANNUAL MEETING

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

Scottsdale Arizona, 12-14 October 1976

Dr. Gordon Bender (guest speaker)
Professor of Zoology
Arizona State University at Tempe
Tempe, Arizona 85281

Lawrence E. Blalock
Pesticide Specialist
Nevada Department of Agriculture
Division of Plant Industry
P.O. Box 11100
Reno, Nevada 89510

Richard Carlton
State Entomologist-Secretary
Structural Pest Control Commission
Bureau of Entomology and Plant Industry
Louisiana Department of Agriculture
P.O. Box 44153, Capitol Station
Baton Rouge, Louisiana 70804

Charlie Chapman
Executive Director
Texas Structural Pest Control Board
313 East Anderson Lane
Chevy Chase III
Austin, Texas 78752

Howard M. Deer
Minnesota Department of Agriculture
2133 Mount View Avenue
Minneapolis, Minnesota 55405

F. R. Du Chanois
Entomologist-Chief Inspector
Office of Entomology
Department of Health and Rehab. Services
P.O. Box 210
Jacksonville, Florida 32201

Orin Ray Elliott
Supervisor, Pesticide Applicator Laws
Oklahoma Department of Agriculture
Entomology and Plant Industry Division
122 State Capitol Building
Oklahoma City, Oklahoma 73105

Mike Fresnik
Minnesota Department of Agriculture
2592 Martin Way
White Bear Lake Branch
St. Paul, Minnesota 55110

Dr. Roger E. Gold (guest speaker)
Council for Environmental Studies
College of Agriculture Ag 415
University of Arizona
Tucson, Arizona 85721

John A. Hammett
Division of Plant Industries
Tennessee Department of Agriculture
P.O. Box 40627, Melrose Station
Nashville, Tennessee 37204

E. C. (Tim) Houser
Supervisor
Missouri Bureau of Pesticide Control
P.O. Box 630
Jefferson City, Missouri 65101

Terrell E. Hunt (guest speaker)
Assistant Director
Division of Enforcement Activities
U. S. Environmental Protection Agency
Washington, D. C. 20460

Herman B. Jackson, Jr.
Division of Regulatory and Public Service
Programs
212 Barre Hall
Clemson University
Clemson, South Carolina 29631

K. R. (Bob) Kaneshiro, Chief (guest speaker)
Investigation Section
Surveillance and Analysis Division
Region IX
U. S. Environmental Protection Agency
100 California Street
San Francisco, California 94111

Ben Krentz, Inspector
Arizona Structural Pest Control Board
2207 South 48th Street, Suite M
Tempe, Arizona 85282

Paul Wyckoff (guest)
Tempe, Arizona

Robert L. Mesecher
Staff Assistant
Michigan Department of Agriculture
Lewis Cass Building
Lansing, Michigan 48913

Robert McCarty (speaker)
Assistant Director
Division of Plant Industry
Mississippi Department of Agriculture and Commerce
P.O. Box 5207
Mississippi State, Mississippi 39762

Barry Patterson
Acting Chief
Division of Pesticide Control
New Mexico Department of Agriculture
P.O. Box 3189
Las Cruces, New Mexico 88001

Mike Peeples, Supervisor
Pest Control Section
Division of Plant Industry
Mississippi Department of Agriculture
P.O. Box 5207
Mississippi State, Mississippi 39762

Charles G. Rock
Assistant Supervisor
Pesticide, Paint and Hazardous Substance Section
Division of Product and Industry Regulation
Virginia Department of Agriculture and Commerce
P.O. Box 1163
Richmond, Virginia 23209

Betty B. Sisk
Executive Director
Arizona Structural Pest Control Board
2207 South 48th St., Suite M
Tempe, Arizona 85282

Doug F. Zoller
Division of Plant Industry
Nevada Department of Agriculture
Mail Room Complex
Las Vegas, Nevada 89158

DONATIONS CONTRIBUTED TO ASPCRO MEETING - OCTOBER 12-14, 1976 *

Scottsdale, Arizona

Jim Hymer
Target Chemical Co.
3407 N. 35th Avenue
Phoenix, AZ 85017

Target Chemical Company
1280 N. 10th Street
San Jose, California 95112

Charles Hromada, VP
Terminix International, Inc.
P. O. Box 17167
Memphis, Tennessee 38117

Target Chemical Co.
17710 Studebaker Road
Cerritos, California 90701

Phil Gregory, Manager
Terminix International, Inc.
P. O. Box 6218
Phoenix, Arizona 85005

Truly Nolen
Truly Nolen Exterminating, Inc.
P. O. Box 6168
Tucson, Arizona 85733

Dean Donaldson, John Courter,
Henry Zepeda
Arizona SprayEquip
2613 W. Northern Avenue
Phoenix, Arizona 85021

Mark Boren, Manager
Van Waters & Rogers
P. O. Box 1431
Phoenix, Arizona 85001

Nick Borze
Arizona Agrochemical Company
2602 South 24th Street
Phoenix, Arizona 85034

Donated Donuts at each coffee
break.

Peter T. Yu
Agricultural Products Sales
Dow Chemical U.S.A.
P. O. Bin 48
Pasadena, California 91109

Donated Coffee and Cold Drinks
at each coffee break.

John Gilder
Orkin Exterminating Company
4747 N. 16th St., Suite E-101
Phoenix, Arizona 85016

Donated the Hospitality Room
Suite 27 - October 11, 1976.

J. E. Elkins, Vice President
Orkin Exterminating Company
8585 North Stemmons Freeway
Dallas, Texas 75247

GIFTS IN SHOPPING BAGS:

| | |
|---|--------------------------|
| AAA Exterminating, 648 E. Main, Mesa | Ramada Scottsdale Inn |
| Arizona Bank, 19th Ave. & Osborn, Phx. | Scottsdale, Arizona |
| Arizona Exterminating, 210 S. 24th St., Phx. | Fifth Avenue Association |
| Arcadia Exterminating, 2911 N. 26th Ave, Phx. | Scottsdale, Arizona |
| Ferris Exterminating, 13025 N. Cave Creek Rd., Phx. | |
| Interstate Pest Control, 9835 N. 21st Ave, Phx. | |
| Sears Roebuck & Co. Termite & Pest, 2931 N. 30th Ave., Phx. | |
| Target Chemical Co., 3407 N. 35th Avenue, Phoenix | |
| Terminix International, Inc., P.O.Box 6218, Phx. | |
| Valley National Bank, 47th Ave. & Glendale, Glendale | |
| Western Exterminating, 618 N. 24th Street, Phoenix | |

* The Officers and Members of ASPCRO express their gratitude to all the above.

Virginia Plan For The Regulation
Of The Structural Pest Control Industry

Presented To

ASPCRO, Phoenix, Arizona
October 13, 1976

By

Charles G. Rock

The Virginia Pesticide Law was amended in 1975 by the Virginia Pesticide Use and Application Act. Until the passage of this amendment, Virginia had no form of structural pest control operator (SPCO) regulation. This amendment was prompted primarily by amendments to the Federal Insecticide, Fungicide and Rodenticide Act. The amended Virginia Law now presented the Department of Agriculture and Commerce with the authority to develop, implement and enforce a state plan for the certification and licensing of applicators of (EPA classified) restricted use pesticides, including SPCO's.

The Law did not establish a SPCO licensing board, but adopted the EPA Private and Commercial Applicators classes, including the ten(10) commercial applicator categories. Category 7 (Industrial, Institutional, Structural and Health Related Pest Control) will include SPCO.

Virginia's Law deals primarily with the safe and effective use of pesticides and does not address business fraudulent practices. This appears to be the major difference between states that have on going SPCO programs and Virginia's chosen directions. Business frauds are handled by the State's Attorney General.

The Virginia State Plan, which has received full EPA approval, states that all persons who use or supervise the use of restricted use pesticides must demonstrate competence in the safe use and application of the vital chemicals. This will be done by satisfactorily completing a two part written examination consisting of 30 questions each. Part I is considered to be the "Core" or general knowledge portion, while Part II consists of the specific knowledge related to the particular category that an individual is interested in becoming certified and licensed in.

The Extension Service of the Virginia Polytechnic Institute and State University is providing all necessary training and materials for certification while the Virginia Department of Agriculture and Commerce is serving as the overall responsible agency.

Mississippi Report
to
Association of Structural Pest Control Regulatory Officials
Scottsdale, Arizona, 12-14 October 1976
Robert McCarty
Mississippi Department of Agriculture and Commerce

Table 2A. LICENSE CATEGORIES

1. Control of termites and other structural pests
 2. Control of pests in homes, business and industries
 3. Control of pests of ornamental plants, shade trees and lawns
 4. Tree surgery
 5. Control of pests of orchards
 6. Control of pests of domestic animals
 7. Landscape gardening
 8. Control of pests of pecan orchards
 9. Control of pests by fumigation
-
- A. Agricultural weed control
 - B. Aquatic weed control
 - C. Forest and right-of-way weed control
 - D. Ornamental and turf weed control
 - E. Industrial weed control
 - F. Soil Fumigation

LICENSING ACTIVITIES

| <u>License Category</u> | <u>Applications Received</u> | <u>Passed Exams</u> | <u>Failed Exams</u> | <u>New Licenses Issued</u> | <u>Licenses Current June 30, 1976</u> |
|-------------------------|------------------------------|---------------------|---------------------|----------------------------|---------------------------------------|
| 1 | 54 | 30 | 12 | 10 | 211 |
| 2 | 58 | 35 | 15 | 14 | 223 |
| 3 | 21 | 5 | 2 | 1 | 57 |
| 4 | 10 | 5 | 3 | 5 | 68 |
| 5 | 6 | 1 | 2 | 0 | 14 |
| 6 | 0 | 0 | 0 | 0 | 3 |
| 7 | 36 | 10 | 1 | 8 | 276 |
| 8 | 7 | 1 | 1 | 0 | 3 |
| 9 | 2 | 1 | 0 | 1 | 1 |
| A | 3 | 1 | 0 | 0 | 5 |
| B | 3 | 0 | 0 | 0 | 5 |
| C | 5 | 2 | 0 | 1 | 6 |
| D | 13 | 5 | 0 | 3 | 16 |
| E | 12 | 3 | 2 | 1 | 11 |
| F | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> | <u>0</u> |
| TOTAL | 230 | 99 | 38 | 44 | 899 |

Number of new identification cards issued to employees of licensed companies---792

TABLE 2A
(continued)

STRUCTURAL PEST CONTROL TREATMENTS REPORTED BY LICENSED COMPANIES

| <u>KIND OF TREATMENT</u> | <u>KIND OF STRUCTURE</u> |
|---|--------------------------------------|
| Termite----- 15,957 | Crawl Space----- 7,644 |
| Beetle----- 1,791 | Slab----- 6,899 |
| Other----- 1,215 | Combination Crawl &
Slab----- 639 |
| | New Construction----- 8,144 |
| Inspections made of properties treated for structural pests- | 915 |
| Treatments found to be satisfactory----- | 632 |
| Treatments found to be unsatisfactory----- | 177 |
| Houses inspected that had not been treated----- | 106 |
| Chemical samples collected from pest control operators while
properties were being treated for termites----- | 11 |
| Samples found to be satisfactory----- | 9 |
| Samples found to be unsatisfactory----- | 2 |
| Action taken against persons in court----- | 20 |
| Court fines assessed----- \$,3,159.00 | |
| ----- 1 year, 9 months | |
| Pest Control Operators Attending Pest Control Workshops----- | 215 |

TABLE 2B

ENTOMOLOGY - PLANT PATHOLOGY - WEED CONTROL

| <u>LICENSE CATEGORIES</u> | <u>NO. LICENSE
ISSUED</u> |
|---|-------------------------------|
| 1. ENTOMOLOGICAL CONSULTANT | |
| a. Agricultural Entomology----- | 420 |
| b. Forest Entomology----- | 136 |
| c. Household, Structural, and Industrial Entomology--- | 150 |
| d. Medical, Veterinary, and Public Health Entomology-- | 136 |
| e. Orchard and Nut Tree Entomology----- | 150 |
| f. Ornamental Entomology----- | 168 |
| 2. PLANT PATHOLOGICAL CONSULTANT | |
| a. Agricultural Plant Pathology----- | 308 |
| b. Forest Plant Pathology----- | 84 |
| c. Orchard and Nut Tree Plant Pathology----- | 105 |
| d. Ornamental and Shade Tree Plant Pathology----- | 116 |
| 3. WEED CONTROL CONSULTANT | |
| a. Agricultural Weed Control----- | 359 |
| b. Aquatic Weed Control----- | 133 |
| c. Forest and Right-Of-Way Weed Control----- | 136 |
| d. Ornamental and Turf Weed Control----- | 162 |
| e. Industrial or Commercial Site Weed Control----- | 150 |
| Number of persons licensed in one or more of the above
categories----- | 449 |
| Consultants attending pest management workshops----- | 421 |
| Workshop Locations | No. Attended |
| Greenville----- | 28 |
| Greenwood----- | 201 |
| Grenada----- | 45 |
| Jackson----- | 109 |
| Mississippi State----- | 108 |

TABLE 2B
(continued)

CONSULTANT EXAMINATIONS

| <u>LICENSE CATEGORIES</u> | <u>EXAMINATIONS
TAKEN</u> | <u>NUMBER
FAILED</u> | <u>NUMBER
PASSED</u> |
|---|-------------------------------|--------------------------|--------------------------|
| 1. ENTOMOLOGICAL CONSULTANT | | | |
| a. Agricultural Entomology | 10 | 1 | 9 |
| b. Forest Entomology | 0 | 0 | 0 |
| c. Household, Structural, and
Industrial Entomology | 1 | 0 | 1 |
| d. Medical, Veterinary, and
Public Health Entomology | 2 | 0 | 2 |
| e. Orchard and Nut Tree Entomology | 0 | 0 | 0 |
| f. Ornamental Entomology | 2 | 1 | 1 |
| 2. PLANT PATHOLOGICAL CONSULTANT | | | |
| a. Agricultural Plant Pathology | 3 | 1 | 2 |
| b. Forest Plant Pathology | 1 | 0 | 1 |
| c. Orchard and Nut Tree Plant
Pathology | 1 | 0 | 1 |
| d. Ornamental and Shade Tree
Plant Pathology | 1 | 0 | 1 |
| 3. WEED CONTROL CONSULTANT | | | |
| a. Agricultural Weed Control | 7 | 1 | 6 |
| b. Aquatic Weed Control | 1 | 0 | 1 |
| c. Forest and Right-of-Way Weed
Control | 1 | 0 | 1 |
| d. Ornamental and Turf Weed Control | 3 | 0 | 3 |
| e. Industrial or Commercial Site
Weed Control | <u>1</u> | <u>0</u> | <u>1</u> |
| TOTAL | 34 | 4 | 30 |

TABLE 4

COMMERCIAL PESTICIDE APPLICATORS CERTIFIED JULY 1, 1975 - JUNE 30, 1976

Number of Training and Testing Sessions Held - 44 1,984
 Number of people Passing Exam for General Standards (Core Manual) ~~1,818~~
 " " " Failing " " " " (" ") 42

| CATEGORY | | NUMBER |
|---|---|-------------|
| 1. | Agricultural Plant | 84 |
| 2. | Agricultural Animal | 74 |
| 3. | Forest | 142 |
| 4. | Ornamental | 153 |
| 5. | Seed Treatment | 38 |
| 6. | Aquatic | 50 |
| 7. | Right-of-Way | 54 |
| 8. | Industrial, Institutional, Structural, and Health Related | 51 |
| 9. | Public Health | 160 |
| 10. | Demonstration Research | 374 |
| 11. | Aerial Application | 362 |
| Total Number Passing Category Exams for Certification | | 1,542 - 160 |
| " " Failing " " " " | | 20 |

Private Applicators Certified During FY 76 --- 10,214

Private applicators are producers of agricultural commodities, or farmers and may meet certification requirements by attending an approved training course or by taking an examination.

TABLE 5

APPLICATION OF HORMONE-TYPE HERBICIDES BY AIRCRAFT

Number of licenses issued to aerial applicators----- 49
 Aircraft inspected and approved----- 67

ACRES TREATED BY AERIAL APPLICATION

| <u>Crop</u> | <u>Herbicide</u> | <u>Acres</u> |
|--------------------|------------------|--------------|
| Rice | 2,4,5-T | 56,000 |
| Other Small Grains | 2,4-D | 7,929 |
| Forest Lands | 2,4,5-T | 15,429 |
| Soybeans | 2,4-DB | 5,031 |
| Other | 2,4,5-T | 2,448 |

Number of inspections where crop damage occurred----- 63
 Damage Claim Reports Received----- 49

TABLE 6
INSPECTION OF HONEY BEES

| | |
|--|--------|
| Estimated colonies in Mississippi | 45,000 |
| Colonies inspected for disease | 25,521 |
| Queen nucs inspected for disease and/or indemnity claims | 4,406 |
| Colonies found infected with American Foulbrood (AFB) | 160 |
| Percent (%) found infected with AFB | .62 |
| Colonies found infected with European Foulbrood | 11 |
| Colonies with AFB which were destroyed | 160 |
| Colonies inspected for ASCS-USDA indemnity claims | 7,275 |

MISSOURI REPORT
to
ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

Scottsdale, Arizona
October 12-14, 1976

by
E. C. Houser, Supervisor
Bureau of Pesticide Control

The state of Missouri passed its certification law in 1974. Since that time we have been steadily making progress toward the implementation of that law by October 21 of this year -- the date on which the law becomes effective.

The rules necessary for the implementation of the Missouri Pesticide Act of 1974 have been formally published and will take effect on the date the law takes effect. The rules were deliberately minimized in order to simply provide for the needs of a fledgling regulatory program. These rules will be expanded as time and experience indicate the necessity for expansion and improvement.

Amendments to the existing law have been drafted based on suggestions of the EPA, the pest control industry and on what the lead agency feels should be added to or deleted from the existing law. These amendments will be placed before the Senate Committee on Agriculture this week.

The Missouri State Plan for the certification of applicators has been written in what we hope is a form acceptable to the EPA for the purpose of receiving contingent EPA approval. The Plan is now in the hands of the review committee of the Office of the Attorney General.

Training for commercial pesticide applicators and for pesticide dealers in restricted use pesticides has been provided by the University of Missouri

Extension Service, and will again be provided during the coming winter.

We have been giving examinations to the commercial applicators and the pesticide dealers of restricted use pesticides since February of 1976, and these examinations are now continuing on a monthly basis. At the last count, we have given examinations, either applicator examinations or dealer examinations, to 2,819 people. A breakdown of the numbers of people involved can be found on the last page of this report.

We have mailed license application forms to those people who have passed the examinations, and are now in the process of approving the applications and issuing licenses. I signed the first commercial applicator license issued in Missouri on October 7, 1976.

Since I last reported to this group in Austin, Texas, we have added to the staff of the Missouri Bureau of Pesticide Control. We now enjoy the services of a Plant Industries employee, the State/Federal Programs Coordinator, who has helped to write the State Plan. We have one man who is developing a Pesticide Incident Reporting System under an EPA grant contract. And, we have recently filled two of the five pesticide inspector positions which have been awarded use by the State Legislature.

It is my pleasure to report that, on the whole, the state of Missouri is progressing nicely toward the certification and licensing of pesticide applicators, and that we are fairly well on schedule.

NUMBERS OF PERSONS INVOLVED IN THE MISSOURI PESTICIDE APPLICATOR
AND PESTICIDE DEALER CERTIFICATION AND LICENSING PROGRAM

| | <u>Commercial
Applicators</u> | <u>Pesticide
Dealers</u> |
|---|-----------------------------------|------------------------------|
| Persons Registered with the Lead Agency (Missouri
Department of Agriculture) | 2,854 | 728 |
| Examinations Given | 2,241 | 578 |
| Examinations Passed | 1,966 | 550 |
| Examinations Failed | 275 | 28 |

| | <u>Household</u> | <u>Termite</u> |
|--|------------------|----------------|
| Persons Tested as Structural Applicators | 938 | 820 |
| Examinations Passed | 899 | 797 |
| Examinations Failed | 39 | 23 |

South Carolina Report
to
Association of Structural Pest Control Regulatory Officials
Scottsdale, Arizona
October 12-14, 1976
H. B. Jackson, Jr.
Clemson University, Clemson, South Carolina

1. Organizational Structure

a) Located at and considered part of the land-grant institution-Clemson University.

b) Has a Division of Regulatory & Public Service Programs.
There are three departments within the Division-

a) Plant Pest Regulatory Service, b) Fertilizer Inspection & Analysis, c) Seed Certification Department

2. South Carolina Pesticide Control Act of 1975

Always had a law requiring registration of pesticides, so old law was rescinded and above act passed to include use and application of pesticides. Our law basically parallels FEPCA and meets only minimum standards.

3. Training for Certification

It is set forth in act that Cooperative Extension Service will conduct training. Training is not mandatory. Ten to twelve professionals are involved at each session.

4. Certification of Applicators

a) Department of Plant Pest Regulatory Service is state lead agency and responsible for certification. Aim of South Carolina's program is to maintain simplicity. We are meeting only minimum standards of EPA and FEPCA. State Plan has been approved by EPA.

b) Categories-South Carolina adopted the ten categories as outlined by EPA. Category II is aerial application.

c) Examinations-Consist of two parts: core exam and category specific exam. Examinations are administered at conclusion of training sessions. Exam only sessions are scheduled the first month of each quarter. Seventy percent (70%) is required as a passing grade on each part, but individual must pass core exam before category specific exam is even considered. Exams are multiple choice, fill in the blank, true-false and are changed regularly. They are developed in this manner to facilitate electronic machine grading.

5. Licensing

Licenses are issued by computer. Once individuals are certified, they are sent application forms to complete and return with required fees and evidence of financial responsibility. Upon processing, licenses are issued. They consist of two parts: wall license and pocket cards specifying category in which certified. Licenses expire on December 31 of each year. Those licenses issued currently will be good through 1977.

6. Applicators Certified to Date

As of October 1, 1976, approximately 2,000 commercial applicators have been certified, 409 of which are in category 7.

Approximately 5,700 private applicators have been certified.

The state has received EPA certification grants.

7. Dealer Licensing

This is also required in the state law.

ANNUAL REPORT
ARIZONA STRUCTURAL PEST CONTROL BOARD
ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

SCOTTSDALE, ARIZONA

OCTOBER 12-14, 1976

THE STRUCTURAL PEST CONTROL LAW WAS SIGNED INTO LAW IN 1965. THE BOARD CONSISTS OF FIVE MEMBERS WHO ARE APPOINTED BY THE GOVERNOR. THREE MEMBERS REPRESENT THE INDUSTRY AND TWO MEMBERS REPRESENT THE PUBLIC. BY LAW, THE BOARD MUST MEET NOT LESS THAN TWICE A YEAR, HOWEVER, THE IMMENSE AMOUNT OF WORK MAKES IT NECESSARY FOR THE BOARD TO MEET ONCE A MONTH. THE BOARD IS OPERATED ON THE FEE BASIS ONLY. THE AGENCY IS A 90-10 AGENCY WHICH MEANS THAT ALL FEES COLLECTED, THE BOARD GETS THE 90% AND THE STATE - 10%.

THE EXAMINATION FEE IS NOW \$100.00 AND THE APPLICANT MAY APPLY BY SENDING IN FEE AND TWO LETTERS OF RECOMMENDATION ALONG WITH THE APPLICATION. EXAMINATIONS ARE ADMINISTERED ONCE A MONTH. AT THE TIME OF MAILING NOTICE TO APPLICANT OF THE RESULTS OF ANY EXAMINATION, THE BOARD WILL CAUSE THE PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION, AND THE FACT THAT THE BOARD WILL, FOR TWENTY DAYS THEREAFTER, CONSIDER ANY OBJECTIONS AS TO WHY SUCH APPLICANT SHOULD NOT BE QUALIFIED FOR LICENSING, APPLICANT THAN SUBMITS APPLICATION FOR A BUSINESS TO BE LICENSED WITH THE PROPOSED NAME ALONG WITH HIS PROOF OF FINANCIAL RESPONSIBILITY AND THE LICENSE FEE (\$100.00). PROOF OF FINANCIAL RESPONSIBILITY MUST BE IN CASH, CERTIFIED CHECK, INSURANCE OR BOND IN THE AMOUNT OF \$25,000 FOR PUBLIC LIABILITY AND \$25,000 PROPERTY DAMAGE, EACH SEPARATELY. THE ENTITY IS ISSUED THE LICENSE SUCH AS THE INDIVIDUAL OWNER, CORPORATION, PARTNERSHIP OR ASSOCIATION. EACH ENTITY MUST HAVE A QUALIFYING PARTY WHO IS THE ONE THAT IS EXAMINED BY THE BOARD. AT THE TIME THE APPLICANT APPLIES FOR THE LICENSE, HE ALSO SUBMITS A STATEMENT AS TO NUMBER OF EMPLOYEE IDENTIFICATION CARDS WHICH ARE SIGNED BY HIMSELF BEFORE HE ISSUES THEM TO HIS EMPLOYEES. IF A PERSON DOES NOT WISH TO KEEP HIS LICENSE ACTIVATED MAY PLACE IN INACTIVE STATUS FOR \$25.00 PER YEAR. ALL FEES ARE RENEWED ANNUALLY BY DECEMBER 31ST OF EACH YEAR.

CERTIFICATION WILL BE BASED ON THE FISCAL YEAR.

IN MAY 1974, THE GOVERNOR SIGNED NEW LEGISLATION FOR THE CERTIFICATION OF STRUCTURAL COMMERCIAL APPLICATORS GIVING THIS BOARD THE AUTHORITY TO CERTIFY APPLICATORS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ACT.

THE LEAD AGENCY APPOINTED BY THE GOVERNOR IS THE PESTICIDE CONTROL BOARD.

THE STATE PLAN, WHICH WAS PREPARED BY BOTH AGENCIES, WAS SUBMITTED TO THE GOVERNOR IN JUNE AT WHICH TIME IT WAS SIGNED AND MAILED TO EPA, REGION IX, SAN FRANCISCO. AFTER THAT OFFICE IN THEIR REVIEW REQUESTED CERTAIN AMENDMENTS PRIOR TO THEIR APPROVAL, BOTH BOARDS MET AND THESE AMENDMENTS HAVE BEEN APPROVED BY THE BOARD OF PESTICIDE CONTROL AND ARE TO BE SUBMITTED TO EPA FOR THEIR FINAL APPROVAL AND WILL BE PLACED IN FEDERAL REGISTER. THE AGREEMENT REACHED BETWEEN THE TWO BOARDS, THE STRUCTURAL PEST CONTROL BOARD CERTIFIES IN THE THREE CATEGORIES, SUCH AS III - ORNAMENTAL AND TURF; V - AQUATIC PEST CONTROL; AND VII - INDUSTRIAL, INSTITUTIONAL, STRUCTURAL PEST CONTROL.

THE STRUCTURAL PEST CONTROL BOARD BEGAN GIVING EXAMINATIONS IN NOVEMBER 1975 AND TO THIS DATE HAVE CERTIFIED APPROXIMATELY 400. THE EXAMINATIONS ARE ADMINISTERED ONCE A MONTH IN TUCSON AREA AND ONCE A MONTH IN THE PHOENIX AREA. FEES FOR THE INITIAL EXAMINATION AND CERTIFICATION EXPIRING JUNE 30, 1977 ARE \$15.00. RENEWALS YEARLY THEREAFTER TO BE \$5.00 PLUS A \$1.50 PICTURE CHARGE. WE RENT A CAMERA AND THE PICTURE IS TAKEN WHEN THE EXAMINATION IS GIVEN. WHEN THE APPLICANT IS NOTIFIED OF RESULTS OF EXAMINATION, (IF SUCCESSFUL) THE PICTURE IS ENCLOSED. FAILING APPLICANTS ARE GIVEN A SECOND CHANCE AT THE EXAMINATION. THE TRAINING OR EDUCATIONAL PROGRAMS HAVE BEEN DEVELOPED BY THE EXTENSION SERVICE - II OF A, OR PRIVATE AGENCIES.

TO DATE THE BOARD HAS APPROXIMATELY 240 LICENSED PCO COMPANIES AND ONLY APPROXIMATELY 100 QUALIFYING PARTIES HAVE BEEN CERTIFIED. CERTIFICATION INTEREST AND EXAMINATIONS HAVE BEEN ADMINISTERED TO THE MUNICIPALITIES.

MUCH WORK IS STILL TO BE ACCOMPLISHED. THE ENFORCEMENT IS BEING COVERED STATE WIDE BY ONE INSPECTOR WHO TRAVELS APPROXIMATELY 2500 MILES PER MONTH.

THE BOARD EXPECTS TO CERTIFY 1500 TO 2000 BY OCTOBER 1977.

PERSONNEL CONSISTS OF MYSELF AND ONE CLERK TYPIST PLUS THE ONE INSPECTOR FOR THE ENTIRE STATE.

SUBMITTED BY

PAGE 2

BETTY B. SISK, Ex. DIRECTOR

Betty B. Sisk

FLORIDA

1975 ANNUAL REPORT * COMMERCIAL PEST CONTROL

For the 28th consecutive year the Entomology Program (formerly Bureau) through its commercial pest control office carried out its duties and responsibilities for the health, safety and protection of the public, particularly consumers of pest control services, and to the commercial pest control industry itself by authority of the Pest Control Act, Chapter 482 F.S., and allied regulations, Chapter 10D-55 FAC (see Table 13). There were no statutory or regulatory amendments during the year. Legislative reorganization of DHRS changed the Bureau of Entomology to the Entomology Program although organizationally and functionally it remained intact.

On 1 July the office began to implement a 1974 amendment to Section 482.071 F.S. providing for renewal of business licenses and identification cards on a fixed anniversary date set for each licensee. This issuance procedure has proven to be more efficient, orderly and timely. It has been well received by the industry.

Experience to date has apparently shown that elimination of the regulatory requirement for fumigation guards effective 2 May 1974 has not increased the public health and safety hazard factor from fumigation operations.

The Entomology Program office met three times during the year with the legislative committee of the Florida Pest Control Association (FPCA) to consider desirable changes to and revision of the Pest Control Act, preparatory to convening of the 1976 legislative session. This dialogue has been notably beneficial in protecting proper interests of both public and industry and has preserved well-established, healthy agency-industry rapport. Acting upon recommendation from the Entomology Program office, in December 1975 FPCA appointed a liaison committee to further solidify and reinforce good working relations with the agency in matters of mutual concern. The office and FPCA jointly continued to study proposed legislation intended to reduce and resolve perennial complaints from home buyers who discover termites or termite damage in their newly purchased property which had been inspected and "cleared" by a licensed operator.

Submitted by F. R. Du Chanois, Florida Department of Health & Rehabilitative Services, Jacksonville, Florida, at the Annual Meeting of the Association of Structural Pest Control Regulatory Officials, Scottsdale, Arizona, 14 October 1976. * FY 1975-76.

The Entomology Program chief, staff members and chief counsel assigned to HPO by DHRS met with representative from the U. S. Environmental Protection Agency (EPA) to take the necessary steps to resolve and implement EPA requirements contingent to approval by the administrator, EPA, of the overall State Plan for certification of applicators of restricted-use pesticides. The necessary requirements applicable to commercial pest control will be satisfied through appropriate amendments to DHRS Pest Control Rules, Chapter 100-55 FAC. The U. S. Congress extended the date for full implementation of the Federal Insecticide, Fungicide and Rodenticide Act (amended) to 21 October 1977.

During calendar year 1975, the Entomology Program reviewed 1,125 examination applications; and examined 965 qualifying category applicants for pest control operator's certificate and special (fumigation) identification card, compared to 1,049 in 1974. As a result, DHRS issued 321 new certifications of which 136 were new certificates, 144 were additions to existing certificates and 41 were new special ID cards. For fiscal year 1974-75 DHRS renewed 1,221 certificates and 124 special ID cards in force and good standing, compared to 1,140 and 119 in 1973-74; acted upon 154 applications for emergency certificates, vis-a-vis 145 in 1973-74, to enable firms losing their certified operators to temporarily continue in business; made 565 fumigation inspections; issued 95 inspection-violation notices; held nine informal disciplinary hearings on violations and two on reinstatement of credentials; and collected and accounted for all fees.

In September 1975 the agency was advised by EPA that individuals engaged in commercial pest control and holding pest control operator's certificates under a "grandfather" provision, and who had never taken and passed a certification examination, would be required to pass a written examination given by the agency as a condition for continuing operations. Approval by EPA of the State Plan, referred to in this report, would be contingent upon the agency's examination of these individuals. In order to comply with this EPA requirement, 223 "grandfathers" were given written

examination on 18 and 19 December 1975. Additional examinations will be given to stragglers in early 1976.

Business licenses and identification cards issued, including change-of-address issues, tallied 1,002 and 9,129 respectively for fiscal year 1974-75 (an increase of 9.5 and 4.7 per cent in that order over 1973-74). On a direct fee basis, these documents yielded \$41,848 in revenue, up from \$38,949 the previous year. Fee receipts actually deposited in the general revenue fund account during fiscal year 1974-75 were \$7,585, down from \$47,077 in 1973-74. This marked decrease reflects consolidation of the general revenue fund account with the Trust Fund Account on 6 August 1974 as provided for by statutory authority taking effect 1 July 1974. In addition, the sum of \$85,105 was collected and credited to the Trust Fund Account from certificate and special ID card renewal, original issuance, emergency certificate and examination fees, (and from license and ID card fees after 6 August 1974), up 52.4 per cent from \$55,830 in 1973-74. Additional, collection-issuance, fiscal record-keeping requirements imposed by the Legislative Auditors were implemented. All fees are now deposited in the Trust Fund Account.

The headquarters administrative-enforcement staff was augmented in August 1975 by the necessary addition of an experienced graduate entomologist to serve the citizens in 21 northeast Florida counties. Two headquarters-based entomologists devoted full time to duties involving pest control administration, examinations, inspections and enforcement. The agency's enforcement, complaint response, and public and industry assistance and service program was effectively and capably supported by six well-qualified, university graduate, district entomologist-inspectors stationed in Miami, Panama City, St. Petersburg, Tampa, West Palm Beach and Winter Park for the full year. All of these professionals were engaged much of their time in commercial pest control related duties. The present headquarters and field staff was able to provide these essential services to the public and industry with greater responsiveness

and clientele satisfaction during 1975 than ever before, even in the face of greatly increased requests/demands from industry growth and by a larger number of residents and visitors to the Sunshine State than ever.

TABLE 13
SUMMARY OF COMMERCIAL PEST CONTROL
REGISTRATION AND ENFORCEMENT
FLORIDA, 1971-75

| REGISTRATION | 1971 | 1972 | 1973 | 1974 | 1975 |
|--|--------|--------|--------|--------|--------|
| Pest Control Business Licenses issued..... | 800 | 821* | 826* | 851 | 929 |
| Pest Control Business Change-of-Address Licenses issued..... | 65 | 72 | 118 | 64 | 73 |
| Pest Control Business Licenses revoked..... | 0 | 0 | 0 | 0 | 0 |
| Pest Control Business Licenses placed on probation..... | 0 | 0 | 0 | 0 | 1 |
| Pest Control Certificates revoked, suspended or placed on probation..... | 0 | 0 | 0 | 0 | 0 |
| Employee Pest Control Identification Cards issued..... | 6,275* | 7,224* | 7,397* | 8,383* | 9,129 |
| Employee Change-of-Address Identification Cards issued..... | 239 | 322 | 310 | 336 | - # |
| Employee Identification Cards revoked or stopped..... | 0 | 7 | 6 | 9 | 23 |
| Employee Identification Cards placed on probation..... | 0 | 1 | 0 | 0 | 0 |
| Pest Control Operator's Certificates renewed | 1,161 | 1,056 | 1,038 | 1,140 | 1,221 |
| | | | | | |
| ENFORCEMENT | | | | | |
| Property holder complaints investigated..... | 114* | 153* | 168 | 178 | 234 |
| Unlicensed illegal pest control operators investigated..... | 58 | 46 | 35 | 68 | 87 |
| Warrants filed against unlicensed operators**..... | 5 | 0 | 1 | 9 | 2 |
| Letters of warning issued to unlicensed operators..... | 44 | 15 | 29 | 56 | 69 |
| Accidental poisonings reported by licensees..... | - | 17 | 14 | 11 | 15 |
| Inspections made of licensees..... | - | 608 | 868 | 971 | 1,462 |
| Enforcement miles traveled (Jacksonville office only)..... | 21,117 | 12,214 | 12,166 | 11,726 | 10,609 |

*Revised from previous annual reports. **Includes direct informations. # Included in total for regular ID cards.
Licenses, identification cards and certificates issued are based on licensing (fiscal) years.
All other entries are based on calendar year.

PURPOSE AND GOALS OF SEMINAR

1. Introduce methods of better understanding and efficiency in administration between states.
2. Utilize a variety of expertise in the field of structural pest control.
3. Present a new approach to encourage other states to become interested in ASPCRO.
4. Open new ideas to promote protection of health and welfare of the citizens of each state.
5. To bring together States in the need to promote the protection of the environment against misuse of pesticides.
6. Emphasize the importance of the laws of each State in the enforcement activities and label compliance.
7. Present an opportunity for States to ask questions of leading experts.

EVALUATION

1. Assess goals and purpose of program.
2. Which goal or goals do you feel were covered sufficiently?
3. Which goal or goals were not covered to your satisfaction?
4. Do you feel the meeting met your expectations?
5. Do you feel the annual meetings are sufficient?
6. Based on your needs, list three preferred subjects for future meetings.
7. Do you feel you gained information useful for your State?
8. Which do you prefer - please check:

☐ Speeches
☐ Individual States Reports
☐ Questions and answers
9. Please add any further comments you feel would be valuable in a meeting of this type.



1020 N STREET, SACRAMENTO, CALIFORNIA 95814

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BUREAU OF ENTOMOLOGY

October 27, 1976

Dear Administrator:

Some months ago, you responded to a survey of state agencies licensing pest control operators. At that time you indicated an interest in being informed of the results of that survey. The major items of interest which are revealed in this study are summarized below for your information.

Number of states responding to survey: 16

Number of responding states presently licensing
pest control operators: 13
(Alaska, Florida, Georgia, Maryland, Michigan,
Mississippi, Nevada, North Carolina, Oregon,
South Dakota, Tennessee, Vermont, Washington)

Range of volume of applications per year: 972 (Michigan)
to 4 (Alaska)

Range of number of licensees: 1,944 (Florida) to 4 (Alaska)

Age Requirement: 18 yr. minimum in 5 states

Citizenship: Required only in Florida

Residency: Required only in Florida and Washington

Good moral character: Required in Florida, Georgia, and
Mississippi

Medical requirements: None in any state

Sponsorship: Required only in Washington

Minimum Education: High School (Florida and Mississippi);
16 college units (Nevada); 2 years college (Maryland);
none in all other states

Accreditation of educational institutions: None in any
state

Minimum experience: 4 years (Mississippi); 3 years (Florida)
2 years (5 states); no such requirement in any other state

Substitute education for experience: 3 states

Apprenticeship Requirement: No state

Application Form Questions:

Place of Birth: 3 states

Maiden Name: No states

Mother's Maiden Name: No states

Marital Status: No states

Spouses Name: No states

Aliases: No states

Driver's License #: No states

Citizenship: Florida only

Previous Licensure: 5 states

Suspensions and Revocations: 4 states

Medical/Psychiatric Record: No states

Height/Weight/Physical Characteristics: No states

Photograph: 4 states

Fingerprints: 2 states

Arrests: 3 states

Convictions: 4 states

Rap Sheet: No states

Reasons for denying licensure:

Convictions: Felony (Florida, Tennessee); Moral
Turpitude (Georgia);

Liens or Judgments: Unsettled judgments (South Dakota,
Tennessee)

Narcotics Involvement: No states

Probation/Parole: Florida only (to determine eligibility)

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BUREAU OF ENTOMOLOGY

Dishonorable discharge: No states

Bankruptcy: No states

Other requirements:

Bank reference: Mississippi, Tennessee

Character reference: Mississippi

Insurance carrier: 6 states

Financial statement: Mississippi (credit report)

Examinations:

Written: Multiple choice/True-False exams used by
all states

Oral: Nevada and Georgia only

Exam Development: Advisory Committees (4 states);
staff (7 states); State University (2 states)

Revisions: Quarterly (3 states); semi-annually
(1 state); annually (1 state); as needed (6 states);
never (2 states)

Item analysis: Oregon; North Carolina

Reliability estimates: North Carolina only

Your participation in this survey has been greatly appreciated. If you have any questions on specific aspects of our study, please contact the IPA Project staff at (916) 322-2703, or at our Sacramento address.

Howard Posner

HOWARD POSNER
Associate Governmental
Program Analyst

HP:st



SCENES AT RAWHIDE ARIZONA'S 1880 TOWN



COOKOUTS*

Breakfasts & Dinners Around Open Fires In Arizona's Beautiful Desert

You'll board horse-drawn wagons at the Butterfield Stage depot, and head out into the Arizona desert to begin an exclusive adventure. A cowboy cookout . . . complete breakfasts or dinners for parties of 25 or more. Breakfast on the range features juice, sour dough biscuits, steak and beans . . . all cooked over open fires on the beautiful Arizona desert.

Groups who choose dinner arrangements will see the cowboys prepare giant sizzling steaks . . . cooked to perfection over the glowing coals of an outdoor mesquite fire, while cowboy beans simmer in the pot nearby and garlic bread is prepared for a wholesome appetite.

Whether it's breakfast or dinner, it's always a good time. Now, as in the 1880's — eating, drinking, dancing and singing around the campfire under Arizona's skies, surrounded by the natural beauty of mesquite, iron-wood and Palo Verde Trees. A special dance floor is prepared for your pleasure and a 3 piece western band will be furnished if requested.

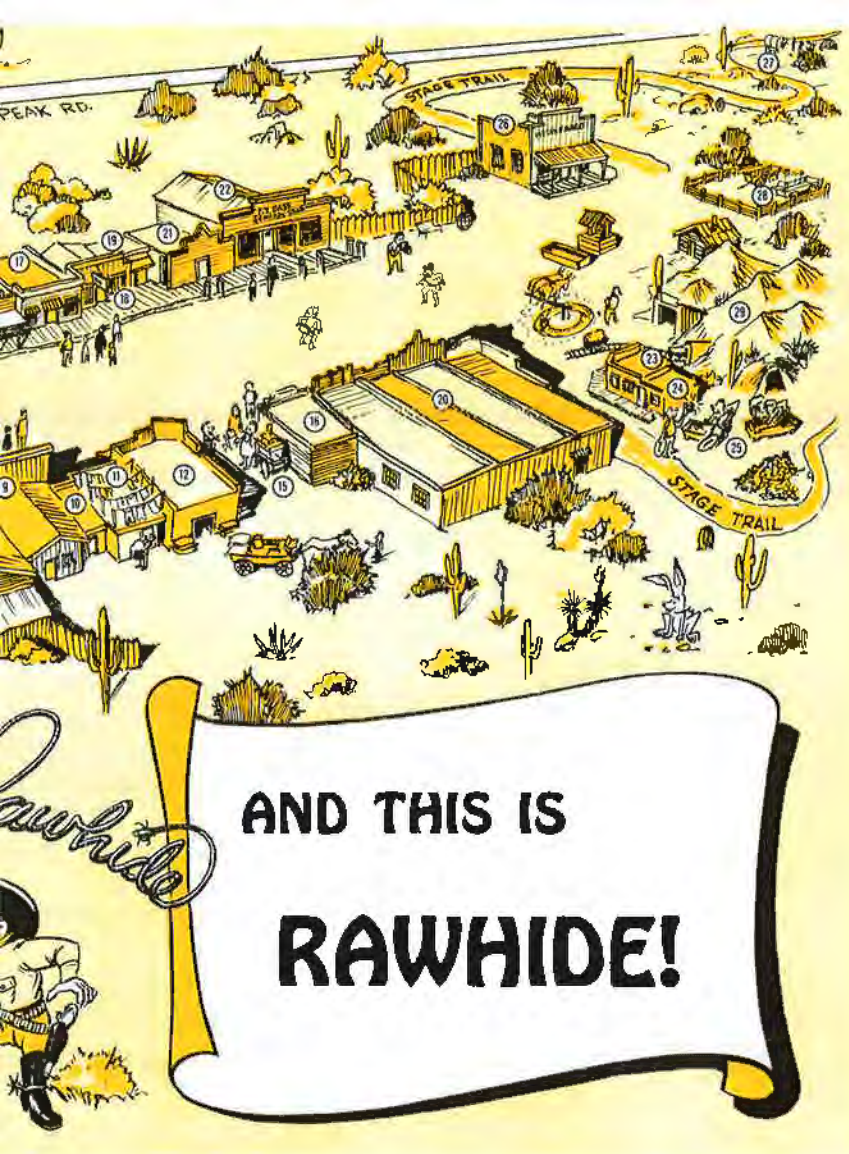
RAWHIDE cookouts are ideal for visiting convention groups, clubs and friends. Transportation to RAWHIDE can be arranged if needed.

Give us a call to plan your special party. Like everything else about RAWHIDE, we promise, "you'll have a good time at our cookouts."

*By Special Arrangement



On
For
Free



A VISIT TO RAWHIDE IS A JOURNEY BACK TO THE ARIZONA TERRITORY DAYS

1. Cross the arroyo over the wooden bridge and you are in the days of the 1880's.
2. See the authentic Conestoga wagon train that was used in the motion picture, "How The West Was Won". The train is animated with a narration of the trek across the nation.
3. Visit the Wainwrights' and see how wagon wheels and parts are being repaired. The equipment in this shop came from Ouray, Colorado where it was used to build and repair the wagons in that famous mining community.
4. Watch the village woodcraftsman make you a custom sign.
5. Gift Shop and village glass blower.

6. The Museum will be one of your most delightful visits while in Arizona. See many relics of the past including Geronimo's moccasins, Tom Mix's boots and hat and Belle Starr's buffalo-horn table and settee and over 2000 other articles all over 100 years old. Authentic antiques and collectibles for sale.
7. Mission Patio and Cantina. (Also available for private parties).
8. A Western Clothing Shop for the whole family.
9. You can pick up the fresh weekly news at the Rawhide Sentinel.
10. Doctor of horses and humans.
11. Sing Hop Lo irons all day to keep up with business.
12. Leather tooling of master craftsmen in the Leather Shop.
13. See the Indian jewelry made by Chief Shatkabear Step, internationally known silversmith.
14. In the Barber Shop, you will see Black Bart about to get his whiskers trimmed and an early dentists chair. Yup, in early Arizona you went to the barber to get a tooth pulled.
15. Enjoy freshly cooked popcorn or pink lemonade.
16. This bank was reconstructed from photographs of Arizona's first bank.
17. R. T. Smith — Indian Agent.
18. You will notice the sheriff asleep at his desk while the prisoner is trying to get the keys to escape.
19. You will see a variety of Frontier Vintage Firearms.
20. The "Golden Belle" Restaurant, finest steaks, chicken and ribs in the west. Western entertainment nightly and gambling in the Saloon. (Facilities available for private parties).
21. Restrooms.
22. General Store, Enjoy a cold drink or sandwich at the old fashioned soda fountain, or see candy being made.
23. Candle and gift shop.
24. A complete rock display, and polished rock jewelry.
25. Pan for gold until you get rich!
26. Stages are constantly arriving and leaving for a stagecoach ride into the beautiful desert.
27. Breakfast and dinner cookouts are arranged for groups. (See other side for details.)
28. The old corral features a wagon display of the 1880's.
29. Enter the old mine and see if you can find the trapped miner.