

Meeting Minutes

2004 Annual Meeting, Board of Directors

August 21, 2004

President George Saxton called the meeting to order at 1:10 pm. Board members present were President George Saxton, Secretary Ray Siegel, Treasurer Grant Bishop, At-Large Members Bob Bailey and Bobby Simoneaux. Vice President Steve Dwinell and At-Large member Mary Ellen Setting were absent. Others present were D. Newbill, T. Wagner, A. James, G. Meindl, F. Crull, C. Martin, D. Scott, J. Kelley, S. Farris, R. Madril, A. Weber, L. James, T. Diederich, B. Mathis, J. Wright, B. Rosenberg, T. Maniscalco, B. Forschler, D. Lastinger, J. Harron, J. McCauley, M. Kyle, B. Wulfhorst, B. Purpera, J. Ballard, D. Howard, F. St. Aubin, P. Hardy, R. Martin, V. McCaskill, B. Turk, and J. Elliot.

President Saxton commented on the TSRP Board and Panel. He met with Lois Rossi with EPA to discuss the revised MOU between ASPCRO and EPA regarding termite control reviews. The meeting went very well and EPA has embraced the TSRP, the TLRC, and the Standards committee to assist in reviewing labels and products. The panel is now in place and all confidentiality agreements have been signed. The panel consists of Dr. Brian Forschler (chair), Dr. Brad Kard, Dr. Faith Oi, Dr. Barbara Thorne, and Dr. Susan Jones. The panel is now ready to review new technologies and products.

President Saxton announced that the Executive Secretary position was filled in March 2004 by Bob Wulfhorst. He will be a non-voting member and support the board in his duties. His contact information will only be available to select members to limit the number and content of tasks he is requested to perform.

Bob Bailey reported that there were 215 registered attendees and guests. The Freedom Passes will be distributed with the packets at registration. President Saxton reported that the hotel for Indianapolis in 2005 has changed hands but will still honor our contract. Bobby Simoneaux reported that the Omni Royal New Orleans has been contracted for the 2006 meeting. Jim Wright requested some guidance for the meeting in Charleston, SC in 2007. He presented the board with three potential hotels, with one, the Charleston Place, the front runner. Carl Falco moved to proceed in contracting with the Charleston Place Hotel with a second by Ray Siegel. The motion passed.

Ray Siegel reported that the minutes from the midyear board meeting were posted on the web page. He requested any comments or corrections to the report. Carl Falco moved and Bobby Simoneaux seconded that the report be approved as posted on the web page. The motion passed.

Grant Bishop gave the treasurer's report. Thirty nine states and territories have paid dues this year. The current balance is \$63,309. A total of \$5,959.60 of meeting expenses has currently been paid out. The remainder of the meeting expenses will be taken out at the end of the meeting. Grant also had breakouts on the budgets for each committee and will provide those reports to each committee chairman. Some committees have utilized the allotted budget and may need to have additional funding. The treasurer's report will be posted to the web page.

Bob Wulfhorst gave the Executive Secretary's report. Bob has been working with George Saxton and Grant Bishop on consolidating the three databases. The next item is to consolidate the mailing

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lists. The new directory has been published and distributed to member states. Bob has been tracking his hours of work for anyone interested in the time he has put into this new position. There is a question about being able to split registration fees when registering online. Ray Siegel will contact Kelly Registration Systems on that issue.

Ray Siegel reported on the New Technologies Committee that a survey will be developed to query the states on some of the possible technologies that Kelly Registration Systems has proposed for ASPCRO to utilize. The web page has been receiving approximately 1000 hits per day with around 75 unique users.

Frank Crull reported on the Structural Inspector's Training manual. This manual is about 90% completed and will be held and available from Texas. This manual will be evolving and continually updated as technologies and regulations change. Frank is also working on developing an interactive DVD at the direction of President Saxton. Most software and hardware has already been obtained. However, the budget for the committee has been use up. Frank requested an additional \$1000 for travel expenses. Jim Wright will assist Frank in developing and editing the interactive DVD and videos submitted for examples. Carl Martin and Jay Kelley will then assist Frank in reviewing the final product.

David Newbill reported on the Termiticide Pretreat Committee. Last year, the committee submitted to the Board the idea of a container tracking number in order to identify how much and where pesticides are purchased and used. The committee created a survey with the assistance of Kelly Registration System and sent the survey to all state regulators. The biggest obstacle was ensuring that the contact information was current and correct. David would like to meet with the manufacturers and RISE to begin discussions on feasibility of instituting a tracking number on termiticides. RISE will contact manufacturers to begin dialog and discussion with the committee.

Tim Maniscalco addressed the Board with regard to a case that the Supreme Court of the United States will hear later in the year that will look at FIFRA preemption. This action will look at allowing local and state courts to regulate pesticides and the label of pesticides. The Federal Appellant Court ruled that FIFRA preempts this issue. If the U.S. Supreme Court overturns this ruling, state imposed rulings and sanctions resulting from litigation or legislation. The industry is requesting that ASPCRO present an Amicus Brief to the U.S. Supreme Court. The Amicus Brief is a brief presented by a "friend of the court," a party that would be affected by the ruling of the court case but not directly involved with the case. Tim presented a possible attorney, Mr. Mandler, to develop the Amicus Brief on behalf of ASPCRO. Mr. Mandler is an experienced attorney in FIFRA issues and would work pro bono. The Amicus Brief would be due to the U.S. Supreme Court by October 18, 2004. The Board discussed the option of contacting Mr. Mandler to represent ASPCRO and the potential implication if the Board uses him, including if he is being paid by anyone on this issue. Bobby Simoneaux moved for the Board to contact Mr. Mandler to draft an Amicus Brief and review the brief afterward, also that the Board look into if Mr. Mandler is being funded by another entity. Grant Bishop seconded the motion. The motion passed with Carl Falco abstaining.

Carl Falco reported on the Building Codes Committee. In March 2004, the International Building Codes Officials met to review several building codes. A few of these codes addressed preconstruction termite treatments and limiting or not allowing preconstruction termite treatments. The codes that ASPCRO was opposed to were defeated but the one that we were supporting was

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also defeated. This process will begin again in September 2004. During this set of code hearings, several partnerships were developed including the National Association of Home Builders, the pesticide industry and the pest control industry.

Allen James with RISE briefly commented on IPM in Schools that other groups are staging to prevent pesticide use in schools and other sensitive areas.

Carl Falco reported on the Termiticide Label Review Committee. The committee has been busy reviewing labels and submitting comments not only on professional use products but also on home owner products. The committee will look at having additional committee meetings as the need arises.

There was no report on the Termiticide Standards Committee since Chairman Steve Dwinell was unable to attend due to the extenuating circumstances in Florida resulting from Hurricane Charley. President Saxton reported that there is an ongoing effort to keep chlorpyrifos at 0.5% use rate. EPA has reportedly been receiving data to support the 0.5% rate. If, in fact, this effort is true and data is being submitted to EPA for this support, the Termiticide Label Review Committee will then review the data and submitted labels and comment back to US EPA.

Carl Martin informed the Board that he was going to be giving a presentation on the Certification and Training Assessment Group and that a resolution will be drafted for full membership consideration during the annual meeting.

Billy Turk and John Elliot with TAP made a presentation to the Board and other members present regarding the dilemma the company is in. The insulation product they produce and install is a registered pesticide that bears an EPA Registration Number. The insulation makes claims that it helps keep a structure insect free. Therefore, this product must be installed by a certified and licensed pesticide applicator in most states. TAP was requesting any assistance that the Board may give to attempt to rectify this problem of requiring a licensed applicator to install the insulation. Pest control operators do not wish to get into the insulation business and insulation installers do not wish to go into the pest control business.

FMC then gave a closed door presentation to the Board and members of the TLRC.

President George Saxton adjourned the meeting at 5:17 pm.