

NOTICE OF OPEN MEETING SUBMISSION

DATE OF SUBMISSION: October 11, 2021  
NAME OF AGENCY: Texas Department of Agriculture  
BOARD:  
COMMITTEE: Structural Pest Control Advisory Committee  
DATE OF MEETING: October 28, 2021  
TIME OF MEETING: 9:00 AM  
STREET LOCATION: Stephen F. Austin Building  
Room 1104A  
1700 North Congress Avenue  
CITY LOCATION: Austin, Texas 78701

**STRUCTURAL PEST CONTROL ADVISORY COMMITTEE**

**MINUTES**

**Meeting Date: October 28, 2021  
Building**

**Place: Stephen F. Austin**

**Meeting No.**

**Microsoft Teams Meeting**

**MEETING ATTENDANCE:**

**Advisory Committee Members**

Roger Borgelt

Dr. Nancy Crider

Dr. Ketki Patel

Randy McCarty

Warren Remyey

Brien Binford

Dr. Robert Puckett

Jeffrey Sheets

Clint Lehew

Nancy Zaiontz

Robert Schoppe – unable to attend

<u>Agency Staff</u>	<u>Affiliation</u>	<u>Program</u>
Michael Kelly	TDA	ACP
Allison Cuellar	TDA	ACP
Leslie Smith	TDA	ACP
Rebecca Senski	TDA	ACP
Chris Gee	TDA	GC
David Castillo	TDA	GC
Danielle Mitchell	TDA	GC
Skyler Shafer	TDA	GC
Phil Wright	TDA	ACP
Robin Johns	TDA	ACP

<u>Interested Parties</u>	<u>Affiliation</u>
Dr. Bob Davis	BASF
Kevin Lipscomb	Pest Inspection Network
Debbie Aguirre	Elite Exterminating
Santos Portugal	ABC Home and Commercial Services
Tommy Kezar	CTN Education Services
Dale Burnett	Burnett's Pest Control
Todd Kercheval	Texas Pest Control Association (TPCA)

**I. Call to Order**

- a. The meeting was called to order at 09:05 AM by Roger Borgelt, Chairman of Structural Pest Control Advisory Committee

Mr. Mike Kelly of the TDA took roll of attending committee members, TDA staff, and public attendees; and identified the following individuals wanting to make public comment:

**II. Review and Approval of Minutes of the July 22, 2021, meeting**

- a. Dr. Nancy Crider moved to accept the minutes and Dr. Ketki Patel seconded. There was no discussion, the minutes were approved.

**III. TDA Update**

- a. **Review of Inspection and Enforcement Data for Fourth Quarter of FY 2021-  
*Mike Kelly, Director for Consumer Service Protection***

- i. Mr. Mike Kelly began by thanking the field staff for their hard work. The commercial business inspections with a goal of 980 inspections, 1,103 inspections were completed. This put us at 112.5% of the goal. The non-commercial inspections (hotels, motels, nursing homes, lodges) there was a goal of 460 inspections, 484 inspections were completed. This put us at a 105.2% of the goal. School district inspections with a goal of 250, and 259 inspections were completed. This put us at 103.6% of our goal. Use observations, where field staff is out in the field observing the use of pesticides, we have a goal of 190 and there were 219 use observations completed. This put us at 115.2% of our goal.
- ii. The enforcement data for the fourth quarter FY21. There were 77 notices of violations. Some highlights are: 10 notices of violations for failure to comply with training and supervision requirements, 27 notice of violations for operating without a license, 9 notice of violations for failure to timely register employees, and others. There were 20 warnings issued. Some highlights are: 9 for incomplete pesticide use records, 9 for failure to comply with IPM requirements, and 2 others. The total number of notice of violations and warnings is 97. The TDA assessed \$43,150 in penalties and collected \$29,350 in penalties.

**IV. Discussion and Possible Action**

**a. Suggested Rule Revision, Review and Comment(s)- *Allison Cuellar, Coordinator for SPCS***

- i. Ms. Cuellar stated that she will begin with the rule revisions. This is for discussion purposes, and we are looking for recommendations from the advisory committee for the rules that will be presented. The program area looked at the rule for the purpose of their content, what practical updates needed to be made with what is most needed in the state. Any rules that have been substantially changed have been underlined. Some non-substantial or house cleaning changes that fixed some grammatical errors. Where you see an asterisk to a rule, there is a change from what was seen in the July meeting. This change is a result of the feedback that was provided by the committee in July. You will also see some rules that are bolded, in July the general rule review was mentioned. These rules did go into the register on August 13, and these rules are bolded.
- ii. Rules being revised
  - 1. 7.114 Definition of Terms**
    - a. These changes have been seen. The new definition is for Continuing Education Unit.
      - i. Dr. Nancy Crider posed a question on why work location, anywhere services are performed was struck. Ms. Cuellar stated that this was removed by Texas Department of Agriculture attorneys, this was only mentioned in one section of rule. In this section it was understood what was meant by on-the-job training.
        - 1. No other questions or comments.**

2. **7.115 Structural Pest Control Enforcement**
  - a. There are two sections, there is the matrix and some language.
    - i. In the language there was an update to the subchapter.
    - ii. Based on the feedback from the last meeting, the matrix was updated from “failure to timely register an employee” to “failure to register an employee within 10 days”.
      1. No other questions or comments.
3. **7.121 Types and Requirements of Licenses**
  - a. The committee has already looked at these changes in July except for the non-substantial changes. For example, spelled out number that are nine (9) or under.
    - i. No other questions or comments
4. **7.122 Applications for Licensing, Registration, Certification and Approval**
  - a. The changes shown were already presented in the July meeting.
    - i. There were no questions or comments
5. **7.123 Insurance Requirements**
  - a. Dr. Crider posed a question on the discussion of this rule since a strawman rule is being proposed. Chairman Borgelt stated that all discussion should be saved for when the strawman rules are being discussed.
    - i. No other questions or comments
6. **7.124 Structural License Categories**
  - a. All changes were discussed in July
    - i. No questions or comments
7. **7.125 Examinations**
  - a. Dr. Crider commented that last time when the rules were reviewed, conscious efforts were made to change termite and wood destroying insect control to wood destroying insect control. Dr Crider asked in section B(2) is this still the correct examination, or was this changed? Ms. Cuellar stated that in the previous meeting, that discussion was related to disclosure documents updating the name in Rules 7.172 and 7.173 and may also include 7.174. This category title is correct, we had not proposed now or previously in July to change the category title.
    - i. No additional comments or questions
8. **7.126 Licensing Qualification Requirements**
  - a. Seeing non-substantial changes. Chairman Borgelt suggested removing the reference to the Structural Pest Control Board.

- i. No other questions or comments

**9. 7.127 License Expiration and Renewal**

- a. All changes are non-substantial, all grammatical changes.
  - i. No questions or comments

**10. 7.128 Fees**

- a. Non-substantial changes, numerical and grammatical clean-up.
  - i. No questions or comments

**11. 7.129 Loss of Responsible Certified Applicator or Business License Holder**

- a. Non-substantial changes
  - i. No questions or comments

**12. 7.130 Licensing of Persons with Criminal Backgrounds**

- a. Non-substantial changes
  - i. No questions or comments

**13. 7.132 Requirements for Apprentice Registrations**

- a. Ms. Cuellar stated that this rule did have an update. This update includes, “An apprentice **registration application for technician license** must **be submitted** within ten (10) days of beginning employment and training. **Any training completed prior to the date of hire will not count toward required training needed to test and work without physically present supervision**”. An additional clarification was added stating, “**if the training event is completed outside of the business by a third-party trainer, proof of completion of the training must be maintained with the verifiable training records and referenced therein**”. This is the extent of the additional changes, all other changes have been previously seen in the July meeting.
  - i. Dr. Crider asked for additional clarification on the changes, and Ms. Cuellar stated that this is guidance on how business should list this information on the verifiable training record if the required training is completed outside of the business.
  - ii. No additional questions or comments.

**14. 7.133 Technician License Requirements**

- a. Vast majority of the changes, including the one that is most prevalent, were seen and discussed in the July meeting. The other changes being seen now are non-substantial and are there to fix grammatical errors.
  - i. Clarification on this rule was requested.
    - 1. Ms. Cuellar stated that is a tech wants to add a category, the technician must do 40 hours of category specific on the job training as

well as 8 hours category specific classroom training.

ii. No additional questions or comments

**15. 7.134 Continuing Education Requirements for Certified Applicators**

a. There was a mix up in discussion, this rule only contains updates that were discussed in the July meeting and various grammatical clean ups.

i. No additional questions or comments

**16. 7.135 Criteria and Evaluation of Continuing Education Training**

a. This section does have substantial changes due in part to general rule review. The Texas Department of Agriculture received comment from TPCA and other suggesting that CEUs should be offered online. That suggestion has been codified into rule.

b. The other changes seen in this rule were discussed in the July meeting.

c. Dr. Crider posed the question, if the requirement having to be approved annually be the department been in place or was this changed. She stated she does not want to burden the staff if the requirement was two (2) years, and if the information has not changed as quickly as others.

i. Ms. Cuellar stated that the TDA already approved CEUs annually. The only thing that is being done here, is clarifying that requirement.

ii. No additional questions or comments

d. Ms. Robin Johns asked if Ms. Cuellar is she noticed Mr. Davis' comment in the chat

i. His comment was noticed

e. Another question was posed asking for clarification on the section of rule that states the TDA must be notified 24 hours in advance of all changes\

i. Ms. Cuellar explained this is to let the TDA know of any changes. For example, if a speaker is sick and can no longer present the course and the speaker needs to be changed, the TDA will need to be notified 24 hours of the change. The goal is to keep the line of the communication open.

f. No additional questions or comments

**17. 7.136 Criteria and Evaluation of Technician/ Noncommercial Certified Applicator Training**

a. The updates made here were made based on the July advisory committee meeting, and grammatical clean up.

i. No additional questions or comments

**18. 7.141 Identification of Licensees and Apprentices**

- a. No substantial changes
  - i. No questions or comments.
- 19. 7.143 Employee Supervision**
  - a. Only grammatical clean up
    - i. No questions or comments
- 20. 7.144 Pest Control Use Records**
  - a. Dr. Crider commented that the TDA may want to spell out EPA as Environmental Protection Agency since this was done previously in the rules, and it should be consistent
    - i. No other questions or comments
- 21. 7.145 Contracts and Invoices**
  - a. Only grammatical changes
    - i. No questions or comments
- 22. 7.146 Pest Control Sign**
  - a. Only grammatical changes were made
    - i. No questions or comments
- 23. 7.147 Consumer Information Sheet**
  - a. Only grammatical changes were made
    - i. No questions or comments
- 24. 7.148 Responsibilities of Unlicensed Persons for Posting and Notification**
  - a. Only grammatical cleanup was done
    - i. No questions or comments
- 25. 7.149 Inspections**
  - a. Only grammatical changes
    - i. No questions or comments
- 26. 7.150 General Standards for Use of Pesticides**
  - a. Only non-substantial grammatical changes were made
    - i. No questions or comments
- 27. 7.151 General Standards for Storage and Disposal of Pesticides**
  - a. Only minor grammatical changes were made
    - i. No questions or comments
- 28. 7.152 Advertising**
  - a. The only change to this rule was adding a comma
    - i. No questions or comments
- 29. 7.154 Incidental Use Situation Fact Sheet**
  - a. Grammatical changes were made by closing the quotes
    - i. Dr. Crider questioned if this was the correct address
      - 1. It was confirmed that this is the correct address
    - ii. Mr. Randy McCarty stated that the phone number listed in this rule is incorrect.
      - 1. Ms. Cuellar stated that this number will be updated as well as the number listed on the incidental use fact sheet.
- 30. 7.156 Entry and Access**

- a. Clean ups were made from the July meeting and to correct grammar
  - i. No additional questions or comments

**31. 7.161 Grounds for Revocation, Suspension, Penalties, Reprimanding, Refusal To Examine, Refusal To Issue or Renew License**

- a. The clean up that comes from the legal department
  - i. No questions or comments

**32. 7.162 Suspension of Revocation**

- a. Only grammar corrections were made
  - i. No questions or comments

**33. 7.163 Unlawful Acts**

- a. Clean up was performed
  - i. No questions or comments

**34. 7.172 Subterranean Termite Post Construction Treatments**

- a. This rule was discussed in July, the changes being made are mostly clean up
- b. Dr. Crider asked since we changed the rule to read wood destroying insect disclosure, should we also change the title of this rule?
  - i. Ms. Cuellar stated that with post construction we could just call it wood destroying insect post construction treatments
  - ii. Dr. Crider stated that is mainly for consistency.
  - iii. Chairman Borgelt stated that is would be good to change the title of the rule if we would like to be consistent
  - iv. Ms. Cuellar stated that once we get to the next rule, she will not suggest that the title be changed for the fact that pre-construction is generally done for termites. For post construction, it is appropriate to change this to Post Construction Wood Destroying Insect Treatment, but the next rule you cannot do a treatment for something that is not there.
  - v. Mr. Robert stated their definition of wood destroying insects.
  - vi. Ms. Cuellar stated that there is a definition for Wood Destroying Insect Reports, but Wood Destroying Insect is not defined.
  - vii. Mr. Robert stated that it would be helpful to add the definition for wood destroying insect
  - viii. Ms. Cuellar will update the title of the rule to “WDI Post Construction Treatments” and add a definition in 7.114 of what a wood destroying insect is.
- c. No additional questions or comments

**35. 7.173 Subterranean Termite Pre-Construction Treatments**



- a. This is mainly clean-up. The changes in this rule were looked at in July.
    - i. No questions or comments
- 36. 7.174 Subterranean Termite, Drywood Termite and Related Wood Destroying Insect Treatment Disclosure Documents**
  - a. Mr. Mike Kelly pointed out there is kind of a definition for WDIs, but it is not all inclusive
  - b. Dr. Crider suggested we check the address and phone number in this rule.
    - i. It was confirmed as correct
  - c. Mr. Brian Binford stated that this excludes carpenter ants, and he asked if they still need to list them on the WDIR
  - d. Ms. Cuellar said that you would list that there is damage to the structure due to carpenter ants, but the reason you do not have a disclosure is because many times you are protecting something like a tree. Carpenter ants can also be treated with the pest category.
- 37. 7.175 Official Wood Destroying Insect Report Inspection Procedures**
  - a. Minor grammatical updates and changes
    - i. Dr. Crider caught an additional grammatical error
  - b. No additional comments or questions
- 38. 7.176 Real Estate Transaction Inspection Reports**
  - a. The changes that you are seeing in subsection A were changes that were discussed in July
  - b. Dr. Crider wanted to confirm the address and phone number
    - i. The address and phone number were confirmed as correct
  - c. No additional questions or comments
- 39. 7.177 Posting Notice of Inspection**
  - a. The update being made was changing the word inspector to licensee
  - b. No comments or questions
- 40. 7.178 Structural Fumigation Requirements**
  - a. We have looked at some changes here, a comma was added. On the second page, **may** was changed to **must**
  - b. There was some grammatical cleanup
  - c. No questions or comments
- 41. 7.192 Rules Governing Operation of the Committee**
  - a. Grammatical clean up
    - i. No questions or comments
- 42. 7.193 Appointment of Committee Members**
  - a. Only grammatical corrections
    - i. No questions or comments
- 43. 7.195 Disqualification of Members**

- a. Ms. Cuellar stated that whole rule has been struck and appealed, and it was added to another rule

**44. 7.196 Committee Meetings**

- a. There was an update to the quorum
  - i. No questions or comments

**45. 7.201 Responsibility of School Districts of Adopt an IPM Coordinator**

- a. Made updates to this rule based on the feedback provided in the July meeting.
- b. You will also see clean ups.
- c. No questions or comments

**46. 7.202 Responsibilities of the IPM Coordinator**

- a. There are some changes here that have been seen previously, and a lot of this is clean up
  - i. No questions or comments

**47. 7.203 Responsibilities of Certified Applicators and Licensed Technicians**

- a. Dr. Crider questioned that in the other ones we had certified commercial or certified non-commercial or are you saying an uncertified in this
- b. Ms. Cuellar said this could be a commercial or non-commercial certified applicator because a district may hire someone who would be a commercial applicator or someone that they choose to employ which would be non-commercial
- c. Dr. Crider suggested that we update it to put certified before the non-commercial as well
- d. Ms. Cuellar stated that this can be updated to match what was done in other rules
- e. No other questions or comments

**48. 7.204 Pesticide Used in School Districts**

- a. All the substantial changes were seen in the July meeting, there were just some grammatical changes made
- b. Dr. Crider asked if the biggest change in this rule is all the work Dr. Puckett and other did to get rid of the EPA categories and going by the designations
  - i. Ms. Cuellar confirmed that we are removing the tox categories
- c. No other questions or comments

**49. 7.205 Incidental Use for Schools**

- a. The only change is adding the numerical 2 to the rule after the word is written
    - i. No questions or comments
- iii.** Ms. Cuellar stated that many of these changes were non-substantial changes. In the aim of transparency, we wanted to show you the addition of commas, the closing of parentheses, and the lower-case ds.

1. Chairman Borgelt asked where this process is at procedurally
  2. Ms. Cuellar stated that she believes the next step is the rules go to the register
- iv. Dr. Crider moved to accept the rules as amended this morning. Dr. Puckett seconded. Chairman Borgelt asked if there was any further discussion, no comments were made. Chairman Borgelt started a vote, and the committee voted in favor.

**b. Structural Pest Control Insurance Requirements- Allison Cuellar**

- i. Ms. Cuellar stated this is a strawman rule, there were comments placed at the top to make it clear that what you are looking at is for the purposes of discussion.
- ii. Based on advisory committee feedback, there was a suggestion to increase the requirements from \$200,000 for bodily injury and property damage and \$300,000 for all occurrences to \$500,000 and \$500,000. This is what you will see reflected in this rule. The only update in this rule is striking the old requirements and putting in the new requirements. This was done based off discussions from several advisory committee meetings.

**c. Separate Category for WDIR Inspections Only- Allison Cuellar**

- i. Ms. Cuellar started with **Rule 7.124 Structural License Categories**, the discussion is to split the Termite and Wood Destroying Insect Category into two. One for only performing inspections and one for only performing treatments. When this was discussed, it was discussed that it would have to be two separate categories. You will see number two (2) **Termite and Wood Destroying Insect Control Treatment**. The only update to this rule is **an inspection completed for the purpose writing a treatment proposal. This category does not include inspections for the purpose of completing a Wood Destroying Insect Report**. You will be able to do the inspection for the purpose of a treatment because you will need to inspect to do a treatment. Whereas number three (3) is entirely new. **Termite and Wood Destroying Insect Control Inspections- the inspection of termites, beetles, or other wood destroying insects and wood preservation in buildings, including homes, warehouses, stores, docks, or any other structures. This category does not include the treatment of termites in structure or in tree in and around structures**. These are the only major changes to the rule, the only other changes being made is to renumber [the other categories].
- ii. Moving to **Rule 7.125 Examinations**. This rule is for our examinations, if an additional category is created, we will need to create an additional exam. This update reflects that additional exam.
- iii. **Rule 7.174 Subterranean Termite, Drywood Termite and Related Wood Destroying Insect Treatment Disclosure Documents** is the next applicable rule that will have a change. This is the disclosure rule, and it is still showing the old titles because we have not changed the rule. This is to

clarify, that to do a treatment, you will need to have the treatment category. This is the only change to this rule.

- iv. **Rule 7.175 Official Wood Destroying Insect Report Inspection Procedures.** This strawman is just showing that you would need the Termite and Wood Destroying insect Control Inspection category to do a Wood Destroying Insect Report (WDIR). Everything else in this rule remains as it currently is.
- v. These are the changes, and it not that much to do a change in rule. Where you are going to see the changes in the exams. We could not change the training because apprentice and technician training is guided by statute, and 1951.351 requires they do training in those general standards subjects. We can add training by rule, so we can add additional training in things like construction, but we are not able to take away that application without changes from the legislature. The legislature would have to change the requirements in 1951.351 for us to remove training be done in application.

**d. Public Comment**

- i. Chairman Borlegt opened the floor for public comment on the strawman rules. He stated that he will go with the forms he had first, then he will call folks that attended virtually that he cannot see. He will go in the order in which he received them.

**1. Kevin Lispcomb with**

- a. Mr. Lispcomb is questioning about the new category for WDI. There are several points here. The first is a WDIR is strictly for the sale of a piece of property. It is a real estate transaction, so having it mixed in with pest control causes a huge conflict of interest. Believes it should be changed out to a totally separate license. Simply because if you are doing the pest control and the WDIR it is very simple for someone to, and he knows from experience that this does happen, say if it is a VA loan and you have conducive conditions for another \$75 that can be fixed right now so you do not have a delay on your mortgage. This happens a lot in this industry, he sees it all the times, he has had it happen to himself personally. He does not think it is good for the consumer, it is just a bad policy. As far as the insurance goes there is no insurance requirements for WDIRs. His company, as far as he knows, is the only company that carries WDIR insurance at 1 million dollars, not the 500,000 or any of that. If you get sued your going up there anyway. They carry a million dollar policy E & O on all of their technicians, and he would prefer to see all of his technicians strictly required to have so they cannot do chemical treatment. As it currently stands, they can do chemical treatments, they can go out and buy chemicals, they can do whatever they want, and that is not what their training is for their guys. His guys are strictly reports. They

strictly find evidence of termites or conducive conditions. He feels as if the consumer is getting a real shaft from this deal. An example of this is when Mr. Lispcomb bought his home on a VA loan, he was unable to do the termite inspection on his house and he had to hire a company. He was told by this company that he could have his cleared report just by putting bait stations around the house for an extra \$75. He stated he did this, of course, because he did not want to delay his loan.

## **2. Dale Burnett**

- a. Mr. Burnett wanted to take a few seconds to congratulate the TDA for their success on enforcement. He went on to say that it was a great improvement from 2017ish, and he is very proud of where the TDA has come from the inspectors, up to program, enforcement, and the commissioners. Mr. Burnett has been following the discussion of the WDI category and had not seen the strawman but had heard it was coming. He stated he had an employee come and speak once and he has attended via zoom to keep up. He has discussed this with committee members as well as pest control association leadership. He is here again to discuss this subject. Mr. Burnett is wondering what the problem is that we are trying to solve? As pointed out a few minutes ago, there are some unscrupulous people, and that is what this agency is for. If there are some deceptive practices that need to be dealt with on an enforcement basis. Mr. Burnett stated he sees unscrupulous practices in every category, so termite is not by itself. He stated he was a regulator for near 30 years and has been on the enforcement side for many years and he has also been an administrator looking at regulations. He stated that so many times they have tried to find their solution by adding regulations and adding training and you need to discern what time you do which, which time do you do both, and which time do you do neither. This is the burden the TDA faces. He would say in this case, with the enforcement you are doing, the TDA is looking for things such as deception. This gentleman, this may have been a case you could have looked at through one statute or another. He is thinking as he goes, and there are a couple questions he would like to ask because he may be referring people and he does not know what agency to send them to. The things he is seeing may be better referred to the Real Estate Commission, when he hears of companies offering to do a termite inspection for free, but they are unlicensed, but they are doing a home inspection to him that sounds like it is illegal

because it is deceptive. He goes on to state if someone offered a \$400 WDIR and gives you a free home inspection, that would not work. When his people, his employees see an unlicensed person and they can document to some extent that homes inspection companies are offering free WDIRs, to him this is a violation to be found somewhere between the two agencies or both. He asked if we are concerned if there is a shortage of WDI inspectors, he sees no evidence of this. Mr. Dale Burnett is vehemently opposed to there being any short cuts to obtaining a business license separate or technician license. He has two home inspectors that work for him, they went through the process to get licensed. He has worked for him for 4 years and he welcomes that type of person. If they fit his business model, they could be a great addition to their company even though they are working for two companies. There is a business model for that, possibly, in the industry. He does not want to be exclusive; he just believes everyone should follow the same rules or he too wants a short cut for home inspections. He believes he could live with a separate category, he not crazy about it. He sees a workload issue for the TDA. Knowing Allison, she continues to accept more and more load. It is a load, and he has spoke with Dr. Puckett and it sounds like he is ready to accept a load. Training can be good; he just hesitates to see the additional load. He is not sure that this will solve what can be business model issue. As an industry have some licensed people doing WDIR in five minutes, there is something wrong with that picture. He does not know if training was an issue. He thinks it may be that company decided to be a McDonalds instead of a Ruth's Chris. He stated that depending on how all of this shapes up and settles out, he has talked with leadership at the Texas Pest Control Association and if they need to they will remediate it down town at the Capitol. This is a major issue to them, and he wants to thank everyone again for their service to Texas both the staff and the volunteer committee. He has attached a written summary of his industry experience and some comments. Thank you.

**3. Mr. Tommy Kezar**

- a. Mr. Tommy Kezar started off by saying believed that Mr. Burnett made some good points in his presentation. All he sees is a title change, the training requirements will still be the same as it is. He does not quite understand the difference between the chemical issue and the fact that as an inspector but they do no do treatments and that is okay,

but they could provide a treatment if they wanted to. He does not understand why we need to take a look at adding another type of category. He does continuing education in many states, and all of them typically work under the termite category and do not have a specific wood destroying insect inspection category in other states. He thinks the comment period should take it place and see how it comes out, and the decision will be made by Texas Department of Agriculture in regards to how they are going to handle it. He does not see anything that will necessarily expedite things to get them any faster. He stated that they get people all the time that say, "well how fast can I get my termite license?" and he says a year, there is no choice the rules say a year. He goes on to say these individuals may say, "well who can I contact". Mr. Kezar then states that they better find a home inspector that has the termite category. He stated that many want to hurry up and get that license so they can do the termite inspections. Mr. Kezar stated that the people Mr. Burnett was talking about, he liked to call them 'Drive-bys for 35s'. Mr. Tommy Kezar has no more comment.

#### **4. Dr. Bob Davis**

- a. Dr. Bob Davis does have a few comments about some other things but will address the strawman rules right now. He wants to thank the committee for being allowed to join the meeting. Dr. Davis goes on to say that the termite category being separated from the inspector it looks to him like there will be a duplication of training. If a company has an employee that they wish to do WDIRs, proposals, and treatments they will have to go through a duplication in training on what these animals are about, the inspections, and conducive conditions. They are going to have to go through two sets of training to get two different types of categories. Is there going to be duplication there? Will there be a little separation because the WDIR requirements versus other things certainly that can happen too. The reading through the wording, I think there is some wording there we have to look at, he is not sure what happens if termites are in trees that are not associated with structures. He would not know where this would fall into treatment opportunities and control opportunities with the way this is being separated. Also, Dr. Davis thinks that technicians or a certified applicator that has the termite category they also go out and do inspections not for WDIRs and not for treatments, they do them for annual inspections. They do them for customers who want an inspection for peace of

mind, but it not so much for a treatment proposal or WDIR and he does not think that this is covered in either of these strawman wordings. Just a couple of comments, and we will see what happens during this comment period. Dr. Bob Davis stated his thanks, and he appreciated their time.

**5. Todd Kercheval- TPCA**

- a. Mr. Todd Kercheval wanted to thank the members, the chairman, the staff, the Department of Agriculture. He also wanted to echo the congratulations that Mr. Burnett gave. He stated as it relates to the strawman on the insurance he would defer to those working in the industry that know whether or not that is reasonable, and he heard that they are and he thinks that is fantastic. Mr. Kercheval went on to thank Mr. Lispcomb for his service, then stated what Mr. Lispcomb identified is a consumer protection issue, and one of the things Mr. Kercheval has always applauded Commissioner Miller for talking about how the Department of Agriculture is a consumer protection agency. If those things are out there happening, certainly he both offers and encourages the help of TPCA as an association to the agency, and how they can jump out there and stop those. Mr. Kercheval is also actively engaged in the real estate industry as a licensed realtor, and the short fall is the transactions don't have an inspection for pest control it has to do with surveys most of the time, there are not enough survey folks out there. He appreciates the issue that Mr. Lispcomb brings up, he looks forward to working together to solve those problems. Mr. Kercheval does not encourage anything that will create more workload on the Department of Agriculture. He thinks that they have seen some real struggles on getting licenses renewed and a variety of different things that really kind of hurt the industry from time to time that creates mass confusion and concern out there. If there becomes a point in time there the agency can handle some additional workload, he also has no problem with not changing any of the hours. He stated that if it takes 1,000 hours today, it needs to take 1,000 hours tomorrow. What is taught within those 1,000 hours, if it is something that they can a better opportunity to a home inspector to be able to identify and do that. He believes that could be looked at, but he does not see a problem that exists that they would want to try to solve that would put the agency at risk of having too much to do. He believes the agency already becomes over cast in the regulatory duties they have with the limited resources. Though he is sensitive to the home inspectors and the things that they want, he will



not belabor the issue. He believes that if these are some very serious things to look at from the Texas Pest Control Association standpoint. He has not found of their members and they have actively recruited insight, he has not found any member that supports any type of short cut. He knows that is not what is on the table because that has to happen down the street at the capitol, and from an association they would oppose any type of measure that would shorten the education requirements. Mr. Kercheval appreciates the well thought out and lengthy discussion on this issue, but he feels like from their standpoint there is nothing else to say. He offered to sit for questions if there are any from the association's standpoint. Mr. Kercheval thanked Chairman Borgelt for his time.

6. Ms. Leslie Smith wanted to clarify that the TDA licensing is up to date, and the TDA is current. Ms. Smith stated that things happen and the TDA is trying their best to stay that way.
7. **Dr. Bob Davis**
  - a. Dr. Davis stated that he would like to make a comment on something Ms. Cuellar mentioned earlier in the meeting. The comment he has is on 7.1359(c) about the live webinar type of offerings. The question Dr. Davis has is, he has a distributor is hosting an event where the presentations are pre-recorded, but the presenter is live on chat to answer questions. The way that is written today, if that was to be passed, he believes this option may not be supported through the wording. He just wanted to bring this up as something that has been happening in the last few approved webinars. There have been recordings, but the presenter is live in the chat during the recording. The other part of this is, he understands how this is working for certified applicators, but he is not understanding how a live webinar will work for technicians and apprentice credit.
    - i. Ms. Cuellar wanted to clarify on the last point that the TDA are not changing the tech training rule to be online. That course on January 1<sup>st</sup> will probably be required to be in person. There is no drafted change for this, it is only CEUs. However a tech or an apprentice can attend a CEU.
  - b. Dr. Davis went on to question that the 8 hours that are required per year, not the initial 8 hour course, but their ongoing training per for a technician to maintain and hour of CEU would count toward one of those 8 hours? If it is a webinar
    - i. Ms. Cuellar stated that yes, it could if it is webinar. They could do it that way. Frankly, the technician

has to do 8 hours of training in a calendar year and 2 of those hours may be on the job training, but prior to COVID they were able to do this online because the RCA ultimately has say on how that is completed. What the TDA gives them is the subject matter, it has to be within the general standards subjects because of 1951.351, and the TDA gives them how they can do it. It needs to be classroom for at least 6 of those hours. Ms. Cuellar stated that the RCA has always had the ability to say, for example, I have put together a YouTube playlist for you, I want you to watch this YouTube playlist, or there is this course online by the one course provider, I want you to do this online course. Maybe this online course is 8 hours in pest that they would want them to redo. That has technically been allowed. Ms. Cuellar thanked Dr. Davis for his feedback on 7.135. Ms. Cuellar wanted to quickly clarify that speakers are playing a video of a presentation they did and at the end of the video they are there to answer questions, correct?

1. Dr. Bob Davis stated that he has actually done two of these. He stated he did the actual CEU training by recording 4 weeks ago, but then he was actually on chat during the presentation offering this morning to interact with any questions, comments, thoughts as it was being played.
  - a. Dr. Nancy Crider asked Chairman Borgelt if she may be recognized to speak.
    - i. Chairman Borgelt welcomed Dr. Crider's comments
  - b. Dr. Crider thanked Dr. Davis for his comments. Dr. Crider wanted to add that she thinks the is if it a synchronous thing. What the platforms are set up like is avoid us going into that bad gray zone when you have hundreds of people on that you don't have a faulty internet and broadband delays. They are pre-recorded, and there is a technical name, and that is pre-recorded but that is synchronous real-time with the presenter there and if you have

not told the committee just right now, the committee would have thought you were presenting live because that is the way it is set up to be. Dr. Crider supports Dr. Davis doing this, it is important if it is synchronous or asynchronous. If you are trying to give credit for them after the fact, she would say no. Dr. Crider stated that this is still considered a live webinar from the standpoint of other agencies because the American Association of Nursing and Credentialing their C&E accepts that. You just need to tell them that is what it is.

- i. Mr. Tommy Kezar questioned if the zoom classes would be allowed?
- c. Dr. Crider clarified that this is different, this is a live presentation and he is doing it where you are attending and you get credit for it. She asked if this was correct.
  - i. Dr. Bob Davis stated that yes this is correct. The presentation is pre-recorded, weeks in advance, the presentation was offered today, and he was in the chat live.
- d. Dr. Crider then asked if the participants are to receive credit, they needed to be live today, correct?
  - i. Dr. Davis stated that they need to watch the recording today.
- e. Mr. Kezar then asked if Ms. Cuellar if all technician training classes will have to be live?
  - i. Ms. Cuellar stated that that there are no plans to extend that policy to allow for remote learning on the technician training course. That has been a policy and

there are no plans to extend that past January 1<sup>st</sup>. CEUs will be, by rule, hopefully extended past that.

- ii. Mr. Kezard then stated that the training class on zoom provides people from all over the state to come at one time. The other way if you do the live classes, it will be regionalized. People will then either have to wait to travel and the expense of that will increase in their training costs. Therefore it may prevent some of those technicians or certified applicators from sending their people and they will role them as apprentices. They will not have the opportunity to go to a class that is local. Zoom provides is easy access for those in the state of Texas for apprentices to go through a technician's training class.
- iii. Dr. Crider stated that she believes Mr. Kezar made a point to that live can mean live like today can be face to face or virtual, but the key is live real time have to be there versus she would not be considered present at this meeting if she looked at this recording later.
- iv. Mr. Kezar stated that zoom is live present day.
- v. Dr. Crider then stated what Dr. Davis was describing is also live because, if correct, they have to be there today and this is not a video that is just left out there on YouTube that anyone can go

look at and get credit. They have to be there to get the credit. Dr. Crider then asked if this was correct.

- vi. Mr. Kezar stated that zoom is he can see them and they can see him they can talk and chat back and forth. They share information He puts information up for them. They do the same thing for both the CEU courses and the Technician's Training class.
  - vii. Dr. Crider thanked for the clarification
  - viii. Mr. Kezar stated that it is not a webinar it is a zoom presentation.
  - ix. Chairman Borgelt stated that it is a live presentation.
  - x. Dr. Crider stated that this is not something that is self-study this is happening today, be there or be square.
  - xi. Dr. Bob Davis wanted to clarify that he was speaking about a CEU course not the 8-hour seminar that Mr. Kezar is talking about.
- c. Mr. Mike Kelly wanted to offer further clarification. What was proposed in rule is that it is going to be okay to do these types of virtual of trainings indefinitely. What has also been said I that there is no plan for the technician training course to be given that way. The technician training would be the way it has previously been where you have to go somewhere and attend a one-day event for a minimum of 6 hours. Just for clarification, it is not the way the CEU courses would be.
- i. Chairman Borgelt questioned if there was a reason as to why the technician's training course cannot be offered like this.
    - 1. Ms. Cuellar stated that the primary reason why the TDA does not plan to allow the technician's training course to be offered like this is because one because there has

been no comment toward that fact and secondly apprentices are brand new employees, generally. These are generally on their first time. A certified applicator has a degree or at least a year of experience in the industry. There is a difference in the aptitude of knowledge and there is a difference in learning for some people online versus in person. For an in person course, you will hopefully have the attentiveness of that individual person who is attending your course. Online the TDA does not know what providers are doing so far as verifying attendance. Ms. Cuellar stated that Mr. Kezar said that cameras are on, but TDA does not know if all cameras are on.

- a. Mr. Kezar stated that everybody's cameras are on
2. Ms. Cuellar stated that the TDA does not know if that is being done by every provider. Ms. Cuellar has stated that she has heard news of two people on one computer, and sometimes more than two people on one computer. There are concerns about knowledge being lost because this is the only training that the individual has to do outside of the company.
  - a. Dr. Crider questioned if they have to take a test afterwards.
    - i. Ms. Cuellar stated that they could have to take a test.
    - ii. Mr. Kelly clarified further stating that the Technician's Training Course is a prerequisite for taking the technician's exam.
  - b. Dr. Crider wanted to clarify that there were no revisions to the requirements for the technician's training course at this time, correct?
    - i. Ms. Cuellar stated that this is incorrect, the committee looked at Rule 7.136 earlier today.

- d. Chairman Borgelt stated that the committee may want to take another look at this, and it is too big of a subject to decide on right here and now. He suggested it be looked at in the January meeting. He stated that we should look at how we are going to handle the technician's training course whether that be by satellite, zoom, or whatever. He believes there needs to be some accommodation made for doing it that way. He does not know if it needs to be a total accommodation to always to all of it that way because he understands what the staff is saying about there needing to be some in person instruction. He stated that this should be reviewed at the January meeting to determine in which direction they would like to go. Chairman Borgelt stated that what was done today was clean up, but what is being spoken about now is a major change.

**8. Debbie Aguirre- Elite Exterminating**

- a. Ms. Debbie Aguirre stated that her comment will be related to the separate categories for WDI inspections. She stated that they do wood reports at her business and they are done by certified applicators only and they have been for 35+ years. She is just confused as to why we would want to change something that is not broken. It is just a waste of time, energy, and forethought to be looking at anything that is not broken. Ms. Aguirre wanted to go back to a thought on how changing or adding a category would prevent somebody from doing a treatment. She stated that it is not. She stated that someone can go out and do an inspection for a real estate transaction and still propose a treatment, it is not going to fix that and it should not. Most in the industry do a wood report for purposes of doing a termite treatment, but it is important to understand that the quality of that inspection is important. She stated that this is probably one of the most libelous things that this industry does. It is not the application of a pesticide; it is doing these types of inspections. Ms. Aguirre stated that in her opinion, it is one of the most dangerous things that they do when it comes to the liability of a company. A well educated team, a well trained team is very important, and she will not disagree with that. She stated that she believes the most experienced folks will tell you, having a different classification will not make a difference. Ms. Aguirre stated regarding Mr. Lispcomb's comments about having experienced issues with conducive conditions, she does not understand how that is an issue. She went on to state that the problem is within the document itself is that if conducive conditions exist during an inspection, the report says you have to get it

fixed if it is a VA loan. It is a VA rule, they do not like to see any conducive conditions on their wood reports so it has to be cleared. Ms. Aguirre explained that this is not on the pest control operator, that is on the inspector that understands the rules that apply. It is up to them to come up with a solution to remedy that problem, so if you have a wooden fence that is attached to the structure do you recommend treatment? No, you would detach the fence from the structure. This is a mechanical remedy. When it comes to conducive conditions, if you have a wooden deck with wood to ground contact and the pest control operator just said put bait stations around that area and charged \$75, Ms. Aguirre thought this was a good deal because she would have charged a lot more. She stated that these are not rules that the industry or the state of Texas puts out there, these are federal rules that are required on MPMA-33 form that must be figured out how to get it done. It is not the industry taking advantage of a situation, it is the industry's responsibility to get it fixed so that the transaction can go through. These are mandates that the federal government or a mortgage company will instill, and it is up to the inspector to figure out how to get it done. Ms. Aguirre stated in regards to separating it or it being some sort of immoral or unethical method, it is what it is based on the fact that somebody else is making the rules and not the industry. It is up to the industry to be able to resolve it by the rules or methods that are given to them. There is no reason to create a separate category or create more confusion within the industry. She appreciates the TDA coming in to clean up verbiage and making it easier to comprehend. Ms. Aguirre stated that many of the folks in the industry are lay folks, they are not lawyers, most of them do not have a degree in business. They are just trying to follow the rules. To make things more difficult is not a good idea. Ms. Aguirre stated that if this is trying to satisfy a completely different industry that is not what is done here. That is not an issue for the pest control industry. She appreciates the forethought, but it is not broken this rule is fine the way that it is. She agrees that there is more training that is needed, she stated she see it every single day. She stated that she files complaints constantly on people who do not know how to file wood reports, people will use their home inspection number instead of their CA number on reports, and it is confusing when you are the second company that goes out to try and fix something. A lot more training is needed for folks trying to come into this industry



and do just termite reports. She will say that come across no charges for wood reports or they will throw in a wood report with your home inspection report. She stated that she does not know how this is ethical and this is hard to compete against, but that is something that the folks in her industry will have to deal with. She wanted to make comments in regards to the non-issue of having to add a category for just inspections.

## **9. Chairman Borgelt**

- a. Chairman Borgelt asked if there was any more public comment. He did not receive a response. He then stated that he would like to have a discussion with just the committee members on the two strawman rules. He stated that these are two things that have been in discussion for a long time, and he would like to get some feedback from the committee on where they would like to go and if they have heard enough.
  - i. Chairman Borgelt stated that he would like to discuss the insurance requirements change first.
    1. Mr. Randy McCarty asked how much this possible insurance change has been made public.
      - a. Chairman Borgelt stated that TPCA knows, and asked Ms. Allison Cuellar to state if she knows
        - i. Ms. Cuellar stated that TDA has spoken at a few CEUs in the past month. They have spoken at a Versaris event in September, they spoke at a TPCA event in September. They spoke at a Target specialty products event in October. In total those talks may have reached about 500 applicators on the high end and about 250 on the low end. She stated that the talks she was at were well attended. She stated that Mr. Aaron Curiel's event was virtual so she is unsure what type of reach that one had. She stated she know TDA has had that type of communication and hopefully

word of mouth has passed it. She stated she made sure to state that the category split and insurance change will be on it. It was a slide on the presentation, and posting the information on the website. Ms. Cuellar stated that the TDA is happy to speak at CEU events because they love to spread the word about laws and regulations.

- b. Mr. McCarty said he is in favor of the change, but his concern is to make sure that the pest control community in the state of Texas is aware of this. He stated that there are a lot of applicators and business owners out there and he wants to make sure the committee hears from them as well.
  - i. Chairman Borgelt stated that he is unsure of the best way to do that besides publishing the rule for comment and letting folks know about it more generally.
- c. Dr. Crider stated that she is in favor of this change, and she has heard a lot from Ms. Nancy Zaiontz and what would be the estimated costs to applicators and the licenses to increase the limit from 200 and 300 to 500 and 500. She then asked if Ms. Zaiontz could speak about this for a moment.
  - i. Mr. McCarty stated that he believes this was spoken about last time and he recalls that it was minimum.
  - ii. Dr. Crider stated that she also believes that it was minimal and not a “significant” change or unaffordable. She cannot guarantee this and this may be something that the

committee is asked by the pest control providers. She stated again that she supports this change because we live a very litigious society, she believes this would help protect the providers. The benefits may outweigh the costs.

- iii. Mr. Mike Kelly stated that he recalled Ms. Nancy Zaionts stating that many people carry insurance of 1 million and 1 million already.
  - iv. Ms. Cuellar stated that from the talks she has given she has seen that very few companies carry insurance under 1 million
2. Chairman Borgelt stated that it should be put out for comment to see how folks will react. He then asked if he could get a motion
    - a. Dr. Nancy Crider moved to motion that 7.123 Insurance requirements be put out for comment
      - i. This was seconded by Mr. Randy McCarty
  3. Ms. Nancy Zaiontz stated that the change will be minimal. She stated that majority of the claims are paid in the lower limits anyway. She stated that there are always minimal premiums to issue the policy. A lot of the 1 man or small operators will run into, but the changes will be minimal. Ms. Zaiontz stated that in her case she does not write anything below a million. She stated that none of her clients will be effected and she doubts anybody online here today will be effected anyway. She stated that she would recommend advertising that some how to the pest control public, so they may prepare for it. She does not have an exact premium dollar to offer, but she can say it will be minimal. She went on to state that the one man operators that only do 10,000 in sales it will cost the insurance companies 'x'

amount of dollars to issue that policy whether it be 200, 300, or 500 thousand. She stated that she has spoken with a few other insurance agents and none of them were really concerned about.

- a. Dr. Robert Puckett thanked Ms. Zaiontz for the response to that question, but for the record could she possibly give a cost range in definition of the amount she is using for this change.
  - i. Ms. Zaiontz stated that she would have to check with some of the other insurance agents writing this, but she will check and try to get that done for the committee. She did not want to throw numbers out until she can get some pure numbers.
- b. Dr. Crider asked Ms. Zaiontz if the aggregate should be more
  - i. Ms. Zaiontz stated that she write 1 million for occurrences with a 2 million aggregate
  - ii. Dr. Crider suggested 1 million with 2 million aggregate
  - iii. Ms. Zaiontz stated that this is what she would recommend. She stated that there is a provision in one of the rules that if the aggregate drops below. She stated for example, as the insurance stands now, if there is a \$50,000 claim that will come off of the aggregate. You have a provision if the aggregate drops below \$300,000 they will have to buy more insurance to cover that. She stated that she does not know of an insurance company that will sell

someone more insurance after they have a big claim. Therefore, in her opinion, it should be 500 and 1 million aggregate that way if there is a bad claim, that aggregate is still up there. It will still be more than the all occurrences. Ms. Zaiontz gave an example from 20 years ago where an individual needed to make a big claim and reached the minimum of \$300,000 and this individual was unable to be sold more insurance. This is around the time she stopped writing minimum coverage and went to only writing 1 million and 2 million.

4. Chairman Borgelt asked if there was anymore discussion needed and if this proposed rule is ready to be published
  - a. Dr. Crider stated that she will withdraw her motion and modify the limits.
  - b. Ms. Zaiontz stated that she would like to make another comment. She asked Ms. Cuellar to maybe change the rule about the aggregate or take it out completely to buy more insurance because she does not know how one will buy more insurance if the aggregate drops that low within the policy year.
    - i. Ms. Cuellar wanted to clarify that in this case that nobody would be able to write them another policy.
    - ii. Ms. Zaiontz it will be tough and with that claim from 20 years ago, it was difficult to get another policy.
    - iii. Ms. Cuellar stated that this specific subsection has existed before her time, and

- she imagined that it has existed probably under Chairman Borgelt's time
- iv. Ms. Zaiontz stated that it may be okay if you do 500 and 500 if you take that provision out. She is just suggesting ideas. She then stated that 500,000 with a 1 million aggregate would be fine.
  5. Ms. Nancy Zaiontz made the motion to amend the minimum liability to \$500,000 per occurrence to with 1 million aggregate.
    - a. Dr. Nancy Crider seconded it
  6. Chairman Borgelt asked for more discussion. He received no response. He then asked for all in favor.
    - a. He received an all in favor response then stated that this will go from being a strawman to being a proposed rule and will through the registers process.
- ii. Chairman Borgelt stated that he would like to discuss the second strawman rule and where the committee is at in this process and do they need more discussion
1. Mr. Randy McCarty asked for clarification on what Chairman Borgelt means by table it.
    - a. Chairman Borgelt stated that by table it he means the discussion is over and they are done looking at it. Unless there is a reason to speak about it again.
  2. Mr. Randy McCarty stated that he would like to table it and not bring it back up
    - a. Mr. Brien Binford stated that he agrees with Mr. McCarty
  3. Chairman asked if this was a second
    - a. Mr. Binford stated that this was a second
  4. Chairman Borgelt asked if there was any more discussion on this
    - a. There was no responses
  5. He asked for an all in favor to table this idea
    - a. The committee was all in favor to table this idea.

6. Chairman Borgelt wanted to offer his thanks for the discussion and the time and effort put into it by the staff. He believes that part of this commission is to consider things that are brought before them and thoroughly vet them and make decisions and they just took a good shot at doing that.
7. Dr. Crider wanted to acknowledge everyone in the public who came to give testimony and comments today. She believes the committee understands both sides and understands the risks to the consumers and the risks to the pest control operators.

V. **Topics to be placed on the agenda for upcoming meeting(s)- Allison Cuellar**

- a. Chairman Borgelt stated that they would discuss the technician training issue, and then asked if there were any other issues that should be looked at
  - i. Dr. Crider stated that this may be the time of year when Dr. Patel will do an update on the pesticide information that she has.
    1. Chairman Borgelt stated that this would be great to hear.
  - ii. Mr. Todd Kercheval stated that they have had some issues come up in their office that may be should be addressed at the next meeting
  - iii. Mr. Tommy Kezar asked for one clarification.
    1. Chairman Borgelt allowed it
      - a. Mr. Kezar went on to ask, in 7.144 the added the EPA registration number that is another major change that the industry needs to reflect when filling out their use records
        - i. Ms. Cuellar stated that this is correct and the reason this is not substantial this time is because it was showed in July's meeting. The reason why this change is coming primarily because we have a work plan with the EPA, and the EPA is requiring the use records to have the EPA registration number. This is also like to what the Ag side does. She stated the EPA said it has to be done, so the TDA has to do it.
      - b. Mr. Kezar then went on to ask what type of grace period will applicators have once this passes
        - i. Ms. Cuellar stated that there will be no grace period, it is a rule, and we will be enforcing it. However, if you have this issue, it is not a major issue at a routine inspection. If this was found during a routine inspection and this is the only issue, as far as TDA is concerned this is a complaint inspection. Now if this was a complaint inspection and this was found, this may be a situation where enforcement may take action, but they would be

able to consider this is a new rule. Frankly, a lot of companies already do this. When this is made a rule, the TDA will have a presentation already built to talk about the changes to the rules and this will be one that is highlighted.

- c. Ms. Cuellar stated that there will be more changes from the EPA coming, but the TDA is waiting until they get the full agreement to their work plan before they make that change.
- iv. Dr. Crider suggested there may be something to watch with the new OSHA rules that will impact the pest control industry for PPE
  - 1. Ms. Cuellar stated that this OSHA for respirators is mainly due to COVID and on the Ag side, the main thing is that the TDA will enforce the label
    - a. Dr. Crider just wanted to make sure that the TDA did not want to monitor this change

**VI. Conformation of Next Meeting Date- January 20, 2022**

- a. This date was confirmed as the next meeting date

**VII. Adjourn**

- a. Dr. Nancy Crider moves to adjourn the meeting at 11:44 AM

Auxiliary Aids or Services for Persons with a Disability. If you would like to attend the meeting and require auxiliary aids or services, please notify the Texas Department of Agriculture as far in advance as possible, but no later than Thursday, October 15, 2021, so that appropriate arrangements can be made. Requests may be made by telephone to Michael Kelly, at (512) 463-2586, TTY (800) 735-2989; or by e-mail to Michael.Kelly@TexasAgriculture.gov.