

# STRUCTURAL PEST CONTROL ADVISORY COMMITTEE

## MINUTES

**Meeting Date: April 23, 2020**  
**Meeting No. 2**

**Place: Stephen F. Austin Building**  
**Skype Meeting**

### **MEETING ATTENDANCE:**

#### **Advisory Committee Members**

Warren Remmey  
Jeffrey Sheets  
Brien Binford  
Roger Borgelt  
Clint Lehew – unable to attend  
Dr. Robert Puckett  
Dr. Ketki Patel – unable to attend  
Randy McCarty  
Nancy Zaiontz  
Robert Schoppe – unable to attend  
Dr. Nancy Crider

#### **Agency Staff**

Michael Kelly  
Allison Cuellar  
Aaron Curiel  
Leslie Smith  
Skyler Shafer

#### **Affiliation**

TDA  
TDA  
TDA  
TDA  
TDA

#### **Program**

ACP  
ACP  
ACP  
ACP  
GC

#### **Interested Parties**

Todd Kercheval  
Bob Davis  
Debbie Aguirre  
Jose ‘Santos’ Portugal  
Alan Brown

#### **Affiliation**

TPCA  
BASF  
Elite Exterminating  
ABC Home and Commercial Services  
ABC Home and Commercial Services

### **I. Call to order**

The meeting was called to order at 9:08 a.m. by Roger Borgelt, Chairman of Structural Pest Control Advisory Committee, he asked if there were any interested parties in attendance that would be making public comment.

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

Debbie Aguirre with Elite Exterminating, asked if she could add a subject to new business. Her request was to put the TDA complaint process on the agenda; and bed bug fumigation and the need for disclosure documents when fumigating for pests that are not wood destroying insects.

Bob Davis with BASF asked if the committee could discuss how online CEU options are working during the COVID – 19 restrictions, and to consider how to streamline reporting attendance.

## **II. Review and approval of minutes of the January 23, 2020 meeting**

Nancy Crider motioned to approve the minutes from the January 23, 2020 meeting. Randy McCarty seconded the motion.

## **III. TDA Update**

### **a. Review of inspection and enforcement data for second quarter of FY 2020**

Allison Cuellar reported TDA inspection data for the 2<sup>nd</sup> quarter. Roger Borgelt asked what effect has COVID – 19 had on inspections. Allison responded that the TDA is still conducting inspections. Mainly commercial inspections, some of which are being conducted off site following COVID – 19 protocols. Complaints are being handled on a case by case basis.

Report totals for enforcement actions taken for the 2<sup>nd</sup> quarter were reported to the committee. Roger Borgelt commented that these numbers seemed low from previous reports and was wondering if there was a particular reason for this. Allison reported that some of these cases have gone to SOAH, and structural program has been behind in reviewing cases. Enforcement was also down to one case preparation officer during that time.

### **b. COVID – 19 response**

Mike Kelly reported on the TDA response to COVID – 19. He reported that the TDA has minimized the amount of people working in the office. Most employees have transitioned to teleworking. The queue lines are being answered from home through the Jabber application. Field inspectors are completing inspections adhering to COVID – 19 protocols.

Nancy Crider asked if there have been reports of rats becoming cannibalistic due to food establishment closures and if there are disreputable operators taking advantage of the public due to this situation.

Warren Remy mentioned that he has seen an increase of people contacting him looking to get a hold of poisons to treat for rodents. Randy McCarty

commented that he has not heard of any occurrences of companies doing bad things due to this pandemic. Mike Kelly commented that there has not been an uptick in complaints regarding rodents.

A committee member asked what is being done about regulating disinfecting services currently taking place.

Mike Kelly responded that the TDA does not have any type of category for disinfecting in our code. We would investigate any allegations of misuse of bactericide or virucide but currently there is not category or license required for disinfecting services.

Roger Borgelt suggested that this subject should be taken up later legislatively since the TDA does not have authority under the current license structure.

Todd Kercheval commented that this subject is on the TPCAs list of things to look at during the next session.

Allison Cuellar commented that she checked with TDLR because they have a sanitarian license, but that license does not cover disinfecting applications.

#### **IV. Discussion and Possible Action – Topics to be placed on agenda for upcoming meeting(s)**

Roger Borgelt mentioned that from previous meetings there are plenty of subjects to discuss for future meetings. One thing he would like to see is discussion about the old nursery floral certificate, the overlap with the structural Weed and Lawn and Ornamental categories with the Ag Pesticide 3A - Landscape Maintenance and 5 -Vegetation Management categories.

Warren Remmey suggested deciding on the WDIR Category.

Roger Borgelt said it is on the list and most pressing.

#### **V. Public comment**

Debbie Aguirre expressed concerns about the agency's complaint back log. She stated that a customer of hers is involved in a lawsuit regarding a previous termite inspection. It's another one of those situations involving a home inspector who also is a termite inspector. The customer filed a complaint in May of 2019 and the customer still has not heard anything back from the TDA. It will be a year in May of 2020 since the complaint was filed and it was her understanding that the complaint process should be completed within a six-

month time frame. She is wondering if this is an issue the advisory committee could address. She claims there are several other complaints she has about unlicensed individuals but does not see the point of filing them, since the process takes too long. She feels like it is a waste of her time.

Debbie Aguirre also expressed concerns about the disclosure process for structural fumigation of bed bugs. Vikane has reduced the volume of gas needed when fumigating for bed bugs, but Zythor is still at a 3x rate. Without a requirement to issue disclosure documents when fumigating for bed bugs, there is a concern that homeowners are not being properly informed about the fumigation. She is requesting guidance from the advisory committee regarding these two concerns.

Roger Borgelt said these are both interesting issues and encouraged Debbie to speak with Mike Kelly privately regarding the issues she has had with the complaints that were filed. Roger explained that we've already heard there has been a back log at the TDA due to staffing issues and we will see where we are at the next meeting. We will see if the TDA has caught up or if it is something that needs to be addressed. Roger encouraged her to move forward with any complaints she currently has.

Mike Kelly mentioned that complaints are processed in the order they are received, and human exposure cases require a time sensitive response.

Warren Remmey commented that we do need to straighten out disclosures for bed bugs and Nancy Crider agreed.

Alan Brown asked about the purpose of a disclosure when it came to bed bug treatments. He was curious why a disclosure would be needed for bed bugs if all the other treatment documentation is being provided. ABC provides an agreement, a diagram, notifies the state of the fumigation, monitors the fumigation and is still doing the fumigation report.

Debbie responded that the disclosure is about consumer protection and currently it is not required. Therefore, we are not educating people about the type of treatment, we are not required to provide a label or warning agent information to the consumer, we're not giving them the estimated volume of gas, etc. There is no formal disclosure required when fumigating for bed bugs as there is for termites.

Roger Borgelt mentioned that the disclosure topic can be discussed at the next meeting.

Bob Davis spoke regarding online training logistics and presenting CEUs over the computer. He described a course he gave for the San Antonio Pest Control Association where he offered an hour-long presentation. He used Webex where you must send out invitations. He had two attendees that participated on the

phone (voice only), a few that were on the phone and could be seen on the computer, and the rest that were on the computer with both audio and visual capability. He spoke of how his attendees can interact via phone and chat screen and how he provides a key word at the end of his presentation. The key word must then be submitted by the attendees by email along with their full name and license number to verify attendance so they could obtain their certificates. Mr. Davis asked the committee how we can do this more efficiently and how can we assure attendance.

Randy McCarty asked about how a group of 400 can comply with online training.

Nancy Crider stated that this is a problem in the health care industry also and suggested an invitation or registration for each individual; put a poll question in the middle of the presentation to get the feel if the audience is there; follow-up with a question afterward about something in the presentation; and the possible use of Survey Monkey.

Bob Davis said he uses Webex and the invitation thing he has not quite figured out; you may end up with 3-4 people sitting behind one desktop; he did use a poll question and did not get great response; but you can tell who accepts an invitation.

Nancy Crider suggested that those situations where there are multiple people sitting at one desktop, the individual who accepted the invitation be required to list all others there.

Roger Borgelt mentioned that the committee will be looking at how to verify attendance for webinar type CEU presentations.

**VI. Confirmation of next meeting date – July 23, 2020**

After discussion by the committee, the date for the next meeting is July 23, 2020.

**VII. Adjourn**

Roger Borgelt adjourned the meeting at 10:30am.