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Meeting Minutes – February 27, 2013

Illinois Structural Pest Control Advisory Council (SPCAC)

General Meeting Information

A meeting of the Illinois Structural Pest Control Advisory Council was held on February 27, 2013. The meeting was held at the Illinois Department of Public Health (IDPH), 525 W. Jefferson, in Springfield, Illinois.

Participants and SPCAC Members Present

Subcommittee Members Present:

- Scott Beckerman, United States Department of Agriculture
- Warren Goetsch, Illinois Department of Agriculture
- Chris Haggerty, American Pest Control
- Dr. Susan Ratcliffe, North Central IPM Center
- Eric Ruesken, Arab Termite & Pest Control
- Gary Pietrucha, Envirosafe Pest Management Inc.
- Michael Boyle, Grundy County Health Department

Subcommittee Members Not Present:

- Rachel Rosenberg, Safer Pest Control Project

IDPH Representatives Present:

- Joe Mitchell, Division of Environmental Health
- Dr. Curt Colwell, Division of Environmental Health

SPCAC Meeting Summary

- Curt Colwell, acting as Chairman designee for Chairman Ken McCann, called the meeting to order after determining a quorum was present. He welcomed the new and reappointed members to the Advisory Council. He advised that one former member, Joe Kath of the Illinois Department of Natural Resources, was yet to be reappointed, and a final member, representing the food industry, was still being sought. Copies of the Agenda and accompanying information were distributed to members.

- Minutes of the Council's meeting of April 18, 2012 were motioned for approval by Warren Goetsch and seconded by Gary Pietrucha. The Minutes were then approved by unanimous vote. Colwell also called for a vote on the Council's By-laws. Michael Boyle motioned to approve and was seconded by Susan Ratcliffe.
- Chris Haggerty asked if the IDPH could provide the Illinois Pest Control Association with a list of violations the Department's Structural Pest Control Program had issued during the year 2012 to date. Haggerty also asked for statistics on the passing rates for the various IDPH structural pest control exams. Colwell replied that the requested information could be provided, but thought it best to wait until the end of March because he had previously issued exam passing rate statistics through that date. In light of the IDPH's recent spate of pest control vehicle inspections, Gary Pietrucha questioned why a lock was required on pesticide-containing tanks in service vehicles. Colwell stated that without a locking mechanism, any pesticide in such tanks must be considered accessible per the Structural Pest Control Code.
- Curt Colwell reported that the IDPH Structural Pest Control Program had worked to establish certification reciprocity with neighboring states – something that had not been previously available to out-of-state technicians. Chris Haggerty praised the endeavor, saying he'd already had experience with it, and that the process had been seamless. Scott Beckerman asked about the Department's procedure for discovering when a reciprocally certified out-of-state resident loses his/her home state certification (which must result in loss of the technician's Illinois certification). Colwell explained that the states are tasked with notifying each other in such events, but also that upon receiving a reciprocally certified technician's renewal application, the IDPH would send a form to the individual's home state regulatory agency, asking for verification that the technician's certification was in good standing.
- Colwell next circulated summaries of proposed rule modifications, i.e, additions to the Structural Pest Control Code. He advised that the new rules had been approved and would become law, perhaps by the end of the month (February). He advised that most of the changes were administrative and had been implemented some time ago. He commented though, that the new rules would give the IDPH the authority to fine public schools and licensed day care centers for noncompliance with Integrated Pest Management (IPM) regulations. Moreover, the Department could now approve other organizations or individuals to conduct the IPM seminars that school and day care personnel are required to attend if their facility "opts out" of implementing IPM as described in the Code.
- Susan Ratcliffe stated that even though a facility may be in compliance with the Code, they may not in reality be implementing IPM. Colwell and others agreed that verification of the intent of the IPM regulations was indeed difficult, especially considering the limited number of inspectors available for this purpose. Ratcliffe asked if the IDPH might fund other entities to conduct inspections to determine school and day care compliance and perhaps verify that IPM was being done. Colwell

explained that the Illinois Department of Children and Family Services (DCFS) had been asked to help in this regard. He said that DCFS was given a list of noncompliant facilities, with the understanding that DCFS inspectors visiting those facilities would advise the management of any noncompliance and provide a handout detailing the regulations and instructions on how to comply. He hoped that this would help determine which facilities would be subject to future fines. Chris Haggerty pointed out with respect to schools that often IPM responsibilities would be handed down from the school administrator to the school's head of maintenance who, despite regulations to the contrary, would continue to believe that the pest management professional was being paid "by the ounce of chemical applied," thus refusing to recognize that there was a better way to control pests that might use less pesticide. Gary Pietrucha said that helping to conduct the mandated IPM seminars in 2012 was sobering in that he was surprised at the low level of IPM understanding among school and day care employees.

- Revision of some IDPH Structural Pest Control exams was the next topic of old business. Chris Haggerty related that the pest control industry would like the IDPH to offer a single manual which technicians could review for their General Standards Exams, for example, a single manual from which all Exam questions would be drawn. He offered that the new general standards manual recently revised by the University of Illinois Extension office, presented to the Council by Colwell, would not be acceptable because it referenced agricultural pesticide use rather than structural pest control use. He went on to say that a downloadable PDF file would be sufficient, that a hard copy of such a manual might not be necessary. Gary Pietrucha posed that not everyone was computer literate and capable of accessing a PDF file. Haggerty and Susan Ratcliffe discounted that as a significant problem to making a PDF file available on the IDPH website. Scott Beckerman voiced that a PDF file would also be inexpensive to update. Ratcliffe wondered if other states might have manuals specific to structural pest control. Colwell suggested Indiana's Core Exam manual, saying he would try to get one for consideration.
- Scott Beckerman advised that, due to staff vacancy, he was unable to continue work on revision of the IDPH bird control sub-category exam. However, Beckerman stated that the vacancy had been filled, that work would resume in April, and that he would try to send a list of potential questions to Colwell thereafter. Gary Pietrucha reported that he was unable to make contact with a person from Archer-Daniels-Midland Corporation to assist in helping rewrite the Fumigation Exam, because the person did not return his phone calls. Beckerman said he would provide Colwell with the name of another possible candidate.
- Gary Pietrucha asked about the questions most missed on the Termite Control Exam. Curt Colwell said he had looked at the questions most missed on the Termite and Insect & Rodent Exams. He revised the language on some and added the changed verbiage into those exams. He added that he was considering removing those questions entirely, but would wait to see the latest passing rates for those exams.

Chris Haggerty said there are not enough termite baiting questions, as opposed to liquid treatment questions, on the Termite Control Exam. Colwell suggested that if he would take out the 5 most missed questions from the Exam, that they could be replaced by questions involving baiting, if the current Exam was indeed biased toward liquid treatment. Pietrucha agreed the Council should wait to judge if such exam revisions were needed, until Colwell could present the new passing rates. Haggerty said he would ask the National Pest Management Association to see if there was an all-inclusive reference that might be used as *the* manual for the Termite Exam.

- Discussed next was the topic of Illinois legislation regarding bed bugs. Curt Colwell related that Safer Pest Control Project had had a so-called “bed bug bill” written for legislative consideration, based on the Advisory Council’s report on bed bugs to the Legislature in early 2012. He added that the IDPH had been interested in rewriting the language in the bill, to make it more workable from an enforcement standpoint, but that other priorities had intervened, leaving no resources for such a revision. It was his opinion that Safer Pest Control Project and others would now wait to see what happens with the proposal for a bed bug ordinance currently being considered by the City of Chicago. Joe Mitchell added that, if the Ordinance passed, there would be more impetus to push a statewide bed bug bill forward.
- Colwell then circulated to members the comments of Council member, Rachel Rosenberg, regarding the Chicago Ordinance. A discussion of the proposed Ordinance’s language ensued. Chris Haggerty disapproved of requiring pest management professionals to “certify” a residence as being free of bed bugs, i.e., issuing a “Clearance Letter.” He also suggested that best-practice guidelines are not intended to become law, and deviation from those guidelines is sometimes necessary and dependent upon the situation. Colwell sought the Council’s opinion on regarding apartment complex employees to be specially trained before doing bed bug management in their facilities. Michael Boyle said he would not be in favor of that. Boyle said that only government should be regulating bed bug technicians. Haggerty commented that most states’ required a pest management professional to do bed bug work. Susan Ratcliffe wondered who or what authority was advising the City of Chicago in their consideration of an Ordinance. Gary Pietrucha said he foresaw the Ordinance leading to excessive litigation. Ratcliffe and Haggerty said the Ordinance might end up hurting the people who least can afford to be hurt – residents of low-income housing. Colwell stated that Chicago had a humungous task in coming up with a viable Ordinance because the City was not only attempting to recreate what the Advisory Council’s Subcommittee on Bed Bugs had done in 6 lengthy meetings – over a year of deliberation, but also taking it a step further in writing bed bug regulations. Pietrucha added that the Ordinance as-is essentially “throws landlords under the bus.” Boyle advised that the International Code Council Codes that municipalities and health departments operate from already have provisions regarding landlord responsibility for controlling bed bugs, just as they are responsible for repairing items in their units. Boyle suggested that the Ordinance puts the onus on

pest management professionals for discarding infested items, which should be the responsibility of the tenant in preparing the unit for treatment.

- Electronic service records, being used by some pest control companies in lieu of paper records, were the next topic under discussion. Colwell reminded that regulations require a company's certified technician to sign and add his/her license number to each record, in order to signify his/her review of the record. However, this can't easily be done where companies are using handheld devices to record services digitally. To allow for this, Colwell offered a form that the certified technician could sign and use to take responsibility for reviewing a company's electronic records. Warren Goetsch pointed out that this procedure seemed to be that the certified tech would fill out the form prior to the applications being made, and wondered if the form should be filled out after the services were rendered, as with paper records. Colwell added that the form does not actually verify the certified technician's review of the records, as required by law, but it was perhaps the best solution with regard to electronic service records. Goetsch said that technicians might be required to fill out the form once a week or once a month, but that mandating this might require a rules change. Colwell said he realized the limitations of the form, but did not want to put undue burden on companies using electronic service records. He added that this might be an example of where the Advisory Council would exercise its authority in suggesting rules changes that might improve the IDPH's ability to verify that certified technicians have reviewed the services performed by uncertified technicians. Goetsch added that you can't actually confirm this, that you can only confirm that the certified technician took the time to "certify" that the/she provided the required review.
- A final topic considered a program that might provide no-cost bed bug control to residents unable to afford it, such as tenants in low-income or no-income housing. It was suggested that pest control product distributors might be engaged to provide free product to companies performing such *pro bono* work. But the general consensus seemed to be that the current economic climate would prohibit such a program.
- It was determined that late August might see the next meeting of the Advisory Council.
- Warren Goetsch motioned to adjourn the meeting, Gary Pietrucha seconded the motion, and the meeting was adjourned.