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Meeting Minutes – March 22, 2018

Illinois Structural Pest Control Advisory Council (SPCAC)

General Meeting Information

A meeting of the Illinois Structural Pest Control Advisory Council was held on March 22, 2018. The meeting was held at the Illinois Department of Public Health (IDPH), 525 W. Jefferson, in Springfield, Illinois.

Participants and SPCAC Members Present

Council Members Present:

- Jamie Byrd, Egyptian Health Department (via telephone)
- Warren Goetsch, Illinois Department of Agriculture (IDA)
- Chris Haggerty, American Pest Control
- Joe Kath, Illinois Department of Natural Resources
- Cynthia Stricker, Archer Daniels Midland (ADM)
- Gary Pietrucha, EnviroSafe Pest Management

Council Members Not Present:

- Scott Beckerman, United States Department of Agriculture (USDA)
- Ruth Kerzee, Midwest Pesticide Action Center (MPAC)
- Dr. Susan Ratcliffe, North Central IPM Center
- Eric Ruesken, Arab Termite & Pest Control

IDPH Representatives Present:

- Dr. Curt Colwell, Division of Environmental Health
- Kevin Jacobs, Legal Services

Guests Present:

- Tim Baietto, Quik-Kill Pest Eliminators
- Katherine Wade, Macon County Health Department

SPCAC Meeting Summary

- Dr. Curt Colwell, acting as Chairman designate, called the meeting to order after determining a quorum (6) was present.

- Approval was sought for the Minutes of the Council’s meeting of November 14, 2017. Gary Pietrucha motioned to approve. Chris Haggerty seconded the motion. The Minutes were unanimously approved.
- The first order of business was discussion of an “Illinois Bed Bug Act” which Dr. Colwell had drafted in response to the Council’s desire to have statewide regulations specifically written to define the roles of landlord, tenant, hotelier and guest in managing bed bug infestations in Illinois. Kevin Jacobs, IDPH attorney, presented his suggestions for revision of the draft document. Most notably he advised that the draft’s term “verifiable knowledge” was difficult to define, such that instead of allowing persons with verifiable knowledge to perform bed bug control treatments in rental properties, that treatments should only be performed by a licensed pest control company. Mr. Jacobs also advised that the draft section written to facilitate enforcement of the Act by municipalities, should be modified to allow state’s attorneys and the Attorney General’s Office to enforce the Act and prosecute violators. Chris Haggerty said that persons with “verifiable knowledge” should be allowed to do the bed bug inspections (but not treatment) specified in the Act, as this was in keeping with the Committee’s 2011 Report of the Subcommittee on Bed Bugs, and that pest management professionals (PMPs) might, as a result of the Act’s stipulation, be inundated with calls to do such relatively minor work for which they might not have the motivation or wherewithal to do. Gary Pietrucha added that the City of Chicago’s City Services had so been overwhelmed when the City adopted its own bed bug regulations in the form of the Chicago Bed Bug Ordinance. Kevin Jacobs offered that “training, education and experience” with regard to bed bugs might be substituted for “verifiable knowledge” so as to allow persons knowledgeable of bed bugs to do the required inspections. Curt Colwell posed that persons other than those employed with commercial pest control companies might still be permitted to do bed bug treatments, so as not to *force* capable landlords and their employees to contract with pest control companies, *if* such persons demonstrated pest control knowledge by becoming certified as structural pest control technicians through the IDPH. Warren Goetsch agreed, stating that his Illinois Department of Agriculture requires licensing of anyone who applies pesticides in public areas. Colwell continued the discussion by explaining that his draft’s intent was to make regulations specific to bed bug management that municipalities could enforce, regulations that are not currently written in municipal codes. He said the IDPH did not have the resources to enforce and prosecute violations of the Act as it does with the Structural Pest Control Act, further, he wondered if state’s attorneys and the Attorney General’s Office would be able to devote attention to doing so – thus the intention to allow for local (municipal) enforcement. Kevin Jacobs advised that municipalities could enact ordinances that adopted the Bed Bug Act’s provisions and thereby be empowered to enforce those provisions and penalize violators. Jacobs’ revisions suggested making violation of the Act a Class A Misdemeanor punishable by fines up to \$2500. He also suggested that the draft be revised with regard to the renting of units known to be infested in the past, posing that landlords should be able to rent such units after an effective treatment was rendered. As the Council believed “effective” could not be

sufficiently defined, members decided that evidence of any documented treatment should be sufficient to all renting of units with presumably past bed bug infestation. It was added that before renting such units, a 14-day waiting period after treatment should be imposed to allow for follow-up inspections and treatments to be rendered as necessary to further help ensure units' infestations were not ongoing. In a final comment on the topic, Tim Baietto, owner and operator of Quik-Kill Pest Eliminators, replied to a question posed by Curt Colwell, stating that he was informed by an attorney that landlords could not write into leases any provision mandating that tenants would be required to pay for all bed bug treatments in their units, according to the notion of a "Warranty of Habitability" which legally obligates landlords to maintain their properties in habitable condition.

- Dr. Colwell next presented from handout material aspects of his Structural Pest Control Program's examinations. These include a listing of 2017 exam passing percentages, and the 2018 schedule of exam dates and locations. Colwell advised that four more dates were added for 2018 as compared to 2017, but that one in Marion had been cancelled as on four persons had signed up for it as the date approached. Chris Haggerty remarked that he and others appreciated the Program's expansion of testing dates as it allowed more persons to examine more conveniently.
- The next topic was the Program's potential allowance of continuing education credits. Heretofore, Colwell explained, the only credits obtainable online were those granted to persons completing one of five approved correspondence courses presented by Purdue University. Colwell advised that the Program had been approached by at least one pest control company, and that he anticipated more interest to surface in that regard, seeking credits for employees sitting through in-house online training. Thus far no company had been able to comply with all requirements of the statute, Colwell added, asking for the Council's thoughts. Warren Goetsch suggested the Program allow a certain percentage of recertification credits to be obtained online, e.g., 3 of the 9 required. Colwell explained the difficulty of verifying online training, though he said he realized some state regulatory agencies were indeed allowing a percentage of credits to be obtained online. He suggested that online training sponsors be required to submit their programs, in lieu of submitting the usual detailed agenda for face-to-face training, and the Council members agreed that this should be required.
- As members Dr. Susan Ratcliffe and Ruth Kerzee were not present, discussion of progress made on presenting Integrated Pest Management training online for school and daycare staff, was tabled until the Council's next meeting, since the two were the only members currently working on the project.
- The last topic of Old Business was that of the Program's proposed changes to the Structural Pest Control Act and Code, currently up for adoption by the Illinois Legislature. There was no discussion other than the questioning of why the Act's "sunset" date would be changed to four years hence from the currently listed date of 12/31/19. That is, could the sunset date simply be eliminated? Warren Goetsch

remarked that his department's statute regulating pest control had no sunset date, wondering why one had been added to the IDPH's statute in the first place. Colwell said the statute could be amended at any time in the future, and Chris Haggerty suggested that as the amended sunset date approached, it should then be amended to do away with the sunset date as it served no apparent purpose.

- Finally, a New Business discussion of rodent control by carbon monoxide (CO) centered on two product advertisements for such control devices. The Council expressed doubt after seeing the advertisements, one for a carbon monoxide generator to pump CO into rodent burrows, and the other selling an attachment to connect the exhaust pipe of an automobile to a garden hose which would then be threaded into a rodent burrow to suffocate the rats within. Gary Pietrucha asked if companies using such products would be required to have an employee certified in the category of Fumigation. Colwell advised no; carbon monoxide was not registered as a restricted-use pesticide, and therefore could be used by companies without Fumigation certification.
- With no further comments, the Council was adjourned after the motion by Warren Goetsch and a second by Jamie Byrd.