Department of Agriculture and Consumer Affairs

Pest Control Regulation
August 1998 Public Meetings Report

Overview

During the month of August, The Department of Agriculture and Consumer Affairs (DACS) held a series of five meetings to discuss potential rule and law changes to Chapter 482, the statute regulating the pest control industry. The purpose of the meeting was to provide an open format for DACS, pest control associations, pest control operators, and interested citizens to present proposals and receive feedback from each other on the pros and cons of the various proposals.

The process allowed DACS and the associations to submit up to five proposals for potential discussion, and for individuals to submit one proposal. Each party presented their proposal, provided their rational for the proposal, and responded to any clarifying questions participants had on the proposal. During this phase of the meeting opinions and discussion on the merits of the proposal were not allowed. The process allowed for questions only, and all discussion would be reserved for when and if the full group decided to discuss that particular proposal. After all proposals were presented, each participant voted for the four proposals they wanted to discuss. Votes were tallied and the order of discussion was determined according to vote count.

The second segment of the meeting was the discussion phase. The process called for each speaker to raise their hand and be acknowledged by the facilitator prior to speaking. This prevented dialoguing, personal attacks, and any individual from dominating the discussion. The proposals were discussed in order (according to vote count). At the completion of the agreed upon time for each proposal, the presenters were asked to describe what they learned from the discussion and what they intended to do next.

The process worked extremely well and the comments from the participants were universally positive. For the first time the pest control industry felt that DACS was listening to their concerns, and that they had an opportunity to be heard. The industry also felt the process allowed for them to listen to each other in a fair and neutral process that prevented any individuals from controlling the agenda and discussion. In addition, the pest control industry was able to receive some feedback from a group of chemically sensitive people whom the industry has traditionally considered as an adversary. In short, the facilitated meeting process was well received by all the participants and a
sense of real and productive dialog was achieved. The consensus from the participants is that the process works well and should be continued on a regular basis.
Process Considerations

There is a growing recognition that public involvement in developing legislation and rules can be enhanced. The Administrative Procedures Act was amended in 1996 to establish the use of negotiated rulemaking and facilitated rule workshops. Both processes seek to engage affected and involved parties in joint problem-solving that build consensus on mutually acceptable, practical rules. This is seen as an alternative to traditional public hearings that too often limited to a series of presentations without feedback from the agency or other participants. When consensus is reached prior to publishing a rule it avoids often costly and time consuming challenges.

The Bureau of Entomology and Pest Control is to be congratulated for its efforts to use a facilitated process as a way to identify acceptable changes in regulation. Some of these changes will require legislative changes and others can be addressed in rule changes. The attached results of participant evaluations show that the participants were very satisfied with the results and unanimously said that this type of process should be used in the future. The following are some of the factors that contributed to this success.

1. Involvement of the full range of interests in a process where all views are considered.
2. Establishment of ground rules and explanation of every aspect of the process prior to conducting the meeting allowed participants to openly discuss potentially divisive and controversial issues without fear of attack or ridicule.
3. Invitation for affected parties to submit proposed changes that were considered equally with staff proposed changes.
4. Use of a structured agenda that presented proposals, prioritized the discussion of issues and sought suggestions for refining proposals, rather than a traditional public hearing where participants present statements with little or no response from the agency or discussion among those present.
5. Hiring a neutral facilitator to help plan and manage the meetings.

This process was excellent in developing potential proposals that can be incorporated into proposed rule and statute changes. In the future the Agency may want to hold similar workshops on an annual basis and to provide more notice so that other affected parties may participate. In some situations where consensus is sought on contentious rule or statute language, it may be helpful to:

6. Have a work group of designated stakeholder representatives that produce products that constituencies and others can review. Public workshops can be held at the beginning to define the problem and select representatives, and the end to refine the products.
7. Provide neutral technical and scientific support to the stakeholder work group. This may be from agency staff, universities or private providers agreed to by the stakeholders.
8. Get agency agreement to publish the negotiated rule as a proposed rule.
The Florida Department of Agriculture and Consumer Services, Bureau of Entomology and Pest Control held a series of meetings with stakeholders in August, 1998 to develop proposed changes in pest control statutes and rules. These meetings were held in five locations around the state. This report compiles the participants rankings of various aspects of the meetings and their comments.

<table>
<thead>
<tr>
<th>Location</th>
<th>Number of forms turned in</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fort Myers</td>
<td>25</td>
</tr>
<tr>
<td>Fort Lauderdale</td>
<td>18</td>
</tr>
<tr>
<td>Orlando</td>
<td>31</td>
</tr>
<tr>
<td>Gainesville</td>
<td>20</td>
</tr>
<tr>
<td>Marianna</td>
<td>33</td>
</tr>
</tbody>
</table>

Ranking of the following items was on a scale from: Good = 5 to Poor = 1

How well were the meeting objectives achieved?

<table>
<thead>
<tr>
<th>Objective</th>
<th>FL</th>
<th>FM</th>
<th>OR</th>
<th>GN</th>
<th>MA</th>
<th>Avg.</th>
</tr>
</thead>
<tbody>
<tr>
<td>To present agency and stakeholder proposals</td>
<td>4.71</td>
<td>4.92</td>
<td>4.37</td>
<td>5.00</td>
<td>4.85</td>
<td>4.76</td>
</tr>
<tr>
<td>To respond to questions of clarification</td>
<td>4.78</td>
<td>4.80</td>
<td>4.49</td>
<td>4.70</td>
<td>4.61</td>
<td>4.66</td>
</tr>
<tr>
<td>To generate suggestions for refining the proposals</td>
<td>4.56</td>
<td>4.80</td>
<td>4.39</td>
<td>4.55</td>
<td>4.55</td>
<td>4.56</td>
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<tr>
<td>To test the acceptability of the proposals</td>
<td>4.50</td>
<td>4.71</td>
<td>4.25</td>
<td>4.65</td>
<td>4.57</td>
<td>4.52</td>
</tr>
</tbody>
</table>

Comments:

Rate the following aspects of the meeting

<table>
<thead>
<tr>
<th>Aspect</th>
<th>FL</th>
<th>FM</th>
<th>OR</th>
<th>GN</th>
<th>MA</th>
<th>Avg.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarity of the meeting purpose and plan</td>
<td>4.95</td>
<td>4.84</td>
<td>4.58</td>
<td>4.80</td>
<td>4.85</td>
<td>4.79</td>
</tr>
<tr>
<td>Balance of structure and flexibility</td>
<td>4.62</td>
<td>4.92</td>
<td>4.52</td>
<td>4.55</td>
<td>4.85</td>
<td>4.70</td>
</tr>
<tr>
<td>Group involvement and productivity</td>
<td>4.62</td>
<td>4.92</td>
<td>4.44</td>
<td>4.53</td>
<td>4.55</td>
<td>4.61</td>
</tr>
<tr>
<td>Facilitation</td>
<td>4.84</td>
<td>4.88</td>
<td>4.60</td>
<td>4.90</td>
<td>4.84</td>
<td>4.80</td>
</tr>
<tr>
<td>Facility</td>
<td>4.78</td>
<td>4.52</td>
<td>4.47</td>
<td>4.48</td>
<td>4.91</td>
<td>4.64</td>
</tr>
</tbody>
</table>

Comments:
What did you like best about the meeting?

**Ft. Lauderdale:**
Bringing regulator and industry together.
Input from associates is invaluable.
Well organized, covered many subjects, all who wanted to speak spoke.
Joint participation.
A lot of good discussion.
Allows open discussion to gauge opinions on possible changes.
The coming together of DACS and all three associations for the betterment of our industry.
Group participation.
Openness.
Organized. Knowledgeable people from DACS.
Good input and ideas on each proposal. I can’t wait for the summary! a really neat format to keeping meeting running smoothly. Having a true facilitator was excellent.
Give and take.
The open discussions on all topics.
Great open discussion. Lots of give and take.
Overall atmosphere between participants.
Everything.
Intensity of discussion between the 3 associations, and DACS involvement.

**Ft. Myers:**
Free exchange of ideas.
The openness and professional environment was exceptional. A lot of depth was explored on the various proposals.
Openness of entire meeting.
The open forum and discussion.
Gave everyone a chance to state their views.
Open forum for discussion.
Good input.
Open minded involvement of people attending meeting.
Open atmosphere.
Openness, sharing of information - both ways.
Very interesting. Gives a better insight of how things work in government and what you have to go through to get there.
Communication effort.
Cooperative spirit among all present. Exposure to varied and vast experience.
I liked the give and take on the issues. We seemed to hear all sides of the issues, thereby getting a consensus that can be easily enforced and hopefully make the state regulator’s job a little easier.
Openness.
The attendees participation and exchange of opinions.
I’m glad you went through all proposals, even those that didn’t “make the ____.”
Speed. 
Good info. 
Multiple input on issues. 
Well structured and well directed.

**Orlando:**
Good participation. Well facilitated.
Great input from everyone and glad state registrants came and said their piece. 
The facilitation keeping us focused. 
The neutral facilitator's sense of order. 
Involvement. Everyone wanted to respond, however is the input beneficial? 
Interplay between. 
Meeting Sherri Decker who has been an incredible help to our family over the past years. 
Openness. 
Openness, material covered. Respect for other participants and their views. 
Good, open forum. DACS willingness to support our industry and focus on unlicensed operators and loopholes, such as the yardman exemption. 
Openness, speaking out. 
A change to have input into changes that are proposed. 
Cross-section of views. 
Exchange of ideas. 
Well organized, attended and facilitated. Equal opportunity to speak given to attendees. 
Fairness - openness - everyone had equal opportunity to speak their views. 
Good flow, good way to stay informed. 
Well facilitated. Orderly and expeditious to discuss the suggested changes. 
Involvement. 
The issues. 
Effectively facilitated. Very equitable discussion. 
The discussion of common goals of PCOs. 
To discuss common goals of CPOs to get things done. 
Honesty. 
The way it was facilitated by writing everyone's name on a list. 
Openness.

**Gainesville:**
Industry involvement with our regulators. 
Facilitation and ability to talk to each other about the different aspects, and DACS openness. 
Open process to discuss topics. 
More input on proposals, and seeing different viewpoints. 
Open discussion and controlled atmosphere. 
Open forum. 
Well organized, facilitated, good input. 
Intervention between industry and regulators. 
The compilation of proposals in advance and structure/format of the process.
Informative.
Very organized and kept on track.
I think we all realized each others point of views more clearly. We also found that some of the issues have workable solutions without a legislative effort.
Ability to have input in process that affects my ability to earn a living.
We had a cross section of ideas.
Organization.
Fluidity, discipline atmosphere was positively charged.

**Marianna:**
Structure and flow.
Good discussion.
Good discussion.
Well organized.
Input from industry, assorted perspectives.
Group discussion.
Flow.
Openness.
Steve Dwinell’s input - he seemed open to ideas and suggestions and explained himself well.
The order/input.
Open discussion.
I liked the list of places to eat. It was not so easy in other locations to find somewhere.
Getting to hear other’s input.
Very organized.
Well controlled. Got opportunity to exchange ideas with regulators.
Discussions.
The facilitation of the meeting to get responses and results without getting lost.
Information.
Clear flow - list of questioners.
It was organized very well. The Dept responded very good to question/answers.
The facilitation was excellent. Without a firm grasp of the meeting, this thing could easily have lasted into the evening.
Gave everyone an equal opportunity to voice their opinions. Very open. The facilitator was a big hit. The process was great and Jeff did a fine job controlling the meeting.
Well organized and allowed a good discussion about the areas of concern. Discussion was controlled and allowed all to participate. Appreciate the opportunity DACS provided for.
Well conducted.
How could the meeting have been improved?

**Ft. Lauderdale:**
Include other industries, i.e., real estate, construction, lawn maintenance
Some people tried to dominate the discussion too. FPLA had some really good ideas.
More attendees in audience.
Very little.
More people.
I partially understand the reason for letting one individual speak out of turn, but it is a
dangerous precedent and should not happen at future meetings. At a public forum,
there are rules and people show up on time and wait their turn. NO ONE who shows
up 3 hours late should be allowed the special privileges given. (I know the group
voted on bending the rules).
Discuss fewer topics which would allow more time to be devoted to each topic.
No song singing?
More advance notice.
Leave a good thing alone.

**Ft. Myers:**
Microphone.
Would like to have seen some of the adversarial groups would have shown up - maybe
they could have seen more of “the light.”
Having other representatives involved.
Loud speaker.
Public relations no show? Would like them to be there.
More public involvement.
Very good as is.
Given more notice of the meeting and process of what was to be accomplished and
discussed. So could have been more prepared, by going over rules and been more
thorough.
Entomologists (unbiased) should be present. Other experts such as a toxicologist,
chemist, consumer representation. Perhaps “pesticide registrants” should attend.
Use different colored stickers to designate priority of items that need to be addressed.
Have advanced copies of the agenda to allow more time to survey how these issues
directly apply to our company.
Much too long.
It was difficult to hear all discussions. Provide microphone or ask group speaker to
stand and speak loudly.
Microphone.
We will see if anybody is listening to us.
**Orlando:**
Pre-print DACS, CPCO and FPCA proposals rather than hand write; a time consuming process.
It would have been nice to know we needed $5 in quarters for the meeting (not a biggie).
Limit # of proposals
Coffee Pot.
Parking very expensive. Stick to the issues.
Distribute the format earlier.
Limit some long-winded responses.
Better way of notifying public for larger turnout.
1. Hold meeting in Tampa/St. Pete area; 2. Notification of dates/locations further in advance.
I have participated with a facilitation on four other occasions. In the other four you were allowed discussion “prior” to voting. This discussion may have a profound effect on how you vote after hearing the pros and cons.
PA System.
Microphones - it was difficult to hear comments and concerns.
Use of PA system - could not hear.
More locations.
Have a microphone(s) available for those who are difficult to hear.

**Gainesville:**
More participation - inviting other groups.
More PCO involvement.
Perhaps a more comfortable facility.
Through no fault of anyone there, attendance was poor. Most of these people came to Orlando (even Jacksonville people could have come too). Not much discussion, but that was no one’s fault. I was very disappointed that the state registrants left before the discussion (I don’t thing they even used their dots).
More people in attendance.
More participation by more PCO.
More participation from real estate, builders, public.
I would prefer to have discussion before the voting process takes place. It could have had a major effect on the way people voted after hearing the different views.
It would be difficult.
Great as is.
More food!, More Drinks beside coffee!

**Marianna:**
Have it in Tallahassee!
More meetings.
Just more meetings.
I don't believe you could.
Improve facility, more refreshments etc.
Great Job.
Have cokes and donuts in addition to the peanuts and coffee.
Continue with same attitude.
Doughnuts.
Donuts.
It seems as though that the only people present were from the pest control industry and not the public or realtors. It would have been nice to see them and get their input.

Was this meeting worthwhile to you?  122 yes;  0 no

Should the Bureau of Entomology and Pest Control use facilitated meetings on regulatory issues in the future?  122 yes;  0 no

Orlando:
I think these types of meetings should be mandated in the rules. Flush out or increase type of participants.
Don’t forget to include FTGA (Florida Turfgrass Association) in your invites (guess who!).
I am very interested in seeing where this info and “all day” time will go from here. What will DACS do with this information.

Gainesville:
The facilitator was INSTRUMENTAL in keeping things going smoothly. Without one, typically a few individuals dominate the meeting. The “stacked name” concept is OUTSTANDING. The “What I learned,” was something I’d never heard of and was also good.
There are entirely too may suppliers and Co reps at these meetings. Attendance should be limited to PCOs and owners.

Marianna:
I thought the facilitation was good - he kept tempers and opinions in check while getting to the essence of the objection etc. I have felt a very positive relationship between bureau and PC industry. Mr. Dwinell and Mr. Owens have a good DACS focus but they are also sympathetic and willing to work closely with PCOs. The PCOs applaud the openness and spirit of cooperation which as been illustrated by Steve Dwinell and DACS. Thank you.