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Robert M. Russell

Orkin Exterminating Co. Atlanta, Georgia

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COOPERATION BETWEEN PEST CONTROL OPERATORS AND REGULATORY AUTHORITIES

Robert M. Russell National
Service Director Orkin
Exterminating Co. Atlanta,
Georgia

When Dr. Jackson called me to speak on the rights of the individual I told him he probably had the wrong person because I am an individual and I believe my company is an organization very prone to say "what is, is and you've got to go on with it." If I'd have heard some of the talks here today before he called me, I wouldn't be here at all, because I'm not sure what individual rights there are left! So let me change this thing around a little bit and state that instead of speaking of the rights of the individual I'd like to speak about the cooperation that we can achieve between the commercial pest control operator and regulatory authorities. I have to look at this thing primarily from the point of view of the pest control operator.

The question: "Is this problem one we can control within a complete framework of federal authority and state authority, conservation, Audubon, and everything else? Well, not really. I think this is one that we'd better be very, very careful about what we teach our man to say. If we teach him to say too much, I'm afraid he might reach the error of our very high judicial authorities, and pest control for birds will be in much the same kind of situation as criminal control. We'll probably have to get permission from the bullies before we can conduct any control measures.

Really, I think in commercial pest control, there are three areas we have to consider. One, of course is regulation that includes state, federal, municipal, or whatever domain may be involved. Second, is the commercial aspect of what we do. This may include the chemicals from the commercial companies, the cost of application, the price we have to pay for the material, and, of course, a moderating effect of what the competitor gets for the same type job. Third, is this individual right that we mentioned. In any commercial work we do, I think we must consider the individual right of our customer, the rights of the neighbors adjacent to our customer, and any others in the community who might be interested.

Now when we get into the areas of need, I basically believe there are three areas of cooperation and improvement open to us. The first is our state area; I think we can improve our control of pest birds from the state control or regulation standpoint. Second is federal; I think we can work a little more closely in this federal area. And third is in the area of killable control itself—the use of pesticides or what pesticides we may be permitted to use.

If we look at the state area first we see that we have some real complexities facing us there. Actually it's illegal to control birds in about ten of the states, and if we take an additional nine, we must secure a state permit for any control measures we carry out. Then we can add one more state in which it's only legal to control birds between December 1 and March 15. So in about 40% of the states in which we work we face either a restraint or at least some complication in trying to do the work we need to carry out.

In this getting a permit, I think it behooves us to consider just how close we can be to our federal authorities. We saw earlier that there is a little pamphlet describing all birds that are protected. But, we do have the opportunity to control those pest species with which we are most concerned, and those are the pigeon, starling, and sparrow. Pigeons are not written on the list, but some of my more learned friends tell me that this introduced, foreign exotic species is a pigeon, and I've never seen them get such a good write-up before.

Also, as has been mentioned before, we do have the possibility of securing from the federal authorities a permit where any of the birds on the protected list, which may be causing economic damage, can be controlled. This I think is important to us, and in our commercial work we should let our Fish and Wildlife people know what we're doing. I think that they have become very realistic in many ways toward our efforts. And if we go in and kill a thousand starlings and ten robins, and we have advised them ahead of time, I think we have a much better case than if they just hear that we've killed ten robins and don't know the complete circumstances involved. In this respect I think all of us, and particularly those in commercial work, should be very familiar with this directory, so that we can know in the areas in which we work just who the federal officials are; we need to make their contact.

When we get into this third area of killable birds, we are in the most sensitive area which we deal with. Even though each of us here is interested in bird control, there is conflict here in the room on how we look at it. Every position is relative, and each of us comes with the base position of our own interest. Kind of reminds me of the story of the international car competition judging in Sweden. There were only two cars entered—the American Ford and the Russian Zeb; the Ford won quite handily. But when the Russians went back home, they wrote up the story up for Pravda like this: "We're happy to announce that in the foreign car competition judging in Sweden, the Zeb was second. We're also glad to report that the American Ford was next to last."

All of us are here with an interest in bird control, but we have a little conflict in the way we look at it. This conflict, as Dr. Elder pointed out, is greatly enhanced by the aftermath of the emotionalism of Rachael Carson. This emotionalism affects us all in some way, but it affects all of us in reverse, regardless of how we may feel about it. Here again is an area where we can try to work things out. There's a directory, a policy statement, for animal damage control. I think this gives us a framework, if not for interpretation, perhaps at least for some slight adjustment or clarity of understanding between all of us as to how we can do a little bit better in these three areas of state regulation, federal regulation, and the use of controls.

As far as the state is concerned, if we turn to page 2 there is a paragraph there about the cooperation that the federal authorities will extend to states, and also if we turn to page 7 there's something about education that the federal agencies will be willing to do for the individual. This again is what somebody pointed out earlier—that we've got quite an educational job to do with the public that we work with.

If we move to the federal regulation, on page 9 there is a paragraph explaining how there will be an exchange of information from the Fish and Wildlife on down to the individual or the organization. On page 11 they go a bit further to state that they will be very happy to carry out cooperative projects with the commercial pest control operator. While we're talking about cooperation, I'd like to go back to page 10 because here's a paragraph that states that on need they will engage in a project for an individual or organization with their permission. I'd like to examine that "on need" and say that let's be sure that a commercial pest control operator didn't have the opportunity, or possibly could not do this job, before we negotiate just between the federal agency and the private individual, who may just want to get it for nothing. I don't know too many cases of that, but I hate to see anything written that may establish a precedent that some overzealous person in the future will perhaps use to his advantage.

As we get into the third field of chemicals on page 7 it points out that you can do field testing. I know in the past there has been some criticism of the field testing—one product might perhaps be tested and another commercial company might feel that the same treatment was not given to their product. I think the framework is there for the testing and I think we should look together to see what the techniques should be for cooperative field testing, because I think the Bureau can supplement the activities of a commercial company to help make the product available. If we go to page 12 they point out that they do research, and I think this carries further the field testing and research and the probability that commercial companies and the Bureau can work together to bring better products to us for pest control.

If we have an opportunity to share our problems, then we also should have an opportunity to share the benefits that we receive from those products. And I think this conference is perhaps a very fine step in that direction and one that we should all utilize to advantage.

Now if you've got any of these tricky or complex questions, don't embarrass me by making me try to answer them off the top of my head or anything like that—I'll just refer you to Dr. Phil Spear, Technical Director of our National Pest Control Association; he's quite competent to handle any question you might have!

DISCUSSION:

BOSAK: Gentlemen, I won't offer a summation of all that's been said this afternoon. All I'll say is thank you for your indulgence, and I also want to thank Dr.

Jackson for setting up this portion of the program. I personally feel that the only way that we can ever attain anything is by working together. Thank you.

SCHENDEL: I'd like to extend this thing a bit further before we break up. Just what are the ground rules for federal agencies to go out and conduct a feed lot job on starling control? For instance, where does the pest control man fit into it? Can he be a part of this operation? What are the ground rules for a large cattle company to be able to call in a federal agency and say, "Look, we've got 30,000 starlings; we want you to come out and get rid of them?" How do we work together in this type of thing?

FAULKNER: We're talking about two situations here. Number one, the bureau has two types of programs—the western program which is operational, and here the cooperator is paying his way. There are 17 states involved in this type of program, and if the cooperator is paying the fare, he can request the Bureau to come in, and participate in a good control program providing an agreement is established in the state for this type of program. If it involves a cattle feed lot, we cannot use a product which is commercially available, such a Starlicide, because we are in direct competition with a product. In the eastern side of the United States we do not become operational even by request. So consequently, we may work in competition with the pest control industry in agricultural lands in the western part of the United States, if the pest control industry is indeed involved in the agricultural interest. In some states, in some situations we may be in direct conflict; I don't know how deeply involved the pest control industry is in other regions of the United States in agricultural lands. I don't think we are in conflict nor in competition with the pest control industry. If we are, they haven't stepped forward and told me so. If you feel we are in conflict, then step forward and say when and where, and I'm quite sure the difference can be ironed out.

Also I hope you aren't confusing operational work with investigational work. We do a lot of field investigations, and here you might feel we're in conflict, but I don't think we are mainly because of the guidelines to which we adhere when we conduct field investigations. When we conduct a field investigation we must submit proposals to the regional office, through Washington where they are reviewed by Fish & Wildlife research, by M & E (Management and Enforcement), by all the various divisions involved before it comes back to us for the go-ahead. Then when we go ahead with the field investigations we cannot use a product which is a commercial one; the product must come from Denver Wildlife Research Center. They must have given us the guidelines under which we conduct this control program, and they must have gone through their search before we can even apply for field conditions. We cannot take an unknown; it must come from Wildlife Research, a known product, a product with the side effects researched before we can apply it. So if we're in conflict with you only in the operational aspects, and you feel we're in conflict with you, don't just live with it. Come out with it and we'll contact the field people. I feel that if we are in conflict, we should withdraw and not be in conflict with you on the job.

SCHENDEL: I don't think there is a great matter of conflict yet, but we do look a little anxiously over the hill at large cattle companies being able to call in federal help in what seems to be direct competition to us, or what could be, let's say it that way. So I'm glad we do have this avenue of approach where we can deal, if we find people in a competitive situation.

BECK: I'd like to address myself to the problem you're discussing; I think that if you have any anticipated difficulty, or if you have gotten yourself involved in a contract (urban rat control, for instance) contact the state office that services your area. And if you have any question at all, I think there is room to sit down and discuss it right then. But if we don't hear from you, we assume there is no problem. I'm sure in Region 4 which is the southeastern United States, this is generally our approach, and if it isn't we want to know about it.

SPEAR: May I comment, because I've been somewhat in the middle of this? I think what we're all saying is that we need more to communicate one with another. I would encourage those who are not familiar with it to go back and read our Technical Releases 5-67 and 6-67, which means they were issued early in 1967, encouraging communication between pest control operators and state people, between pest control operators and the federal officials, because there is a street down which we all have to go and we can't possibly travel it unless we work together.

COURTSAL: I'd just like to make a comment on this, so the pest control industry will understand the problem from a state supervisor's position. We have been conducting a number of rat control dump demonstrations in different towns and cities. When we contact a cooperator because of a request, the first thing we ask him is, "Are you under contract with a PCO, or do you have a bid submitted by a PCO for this job?" If the answer is yes, we tell him we will not put on the demonstration, so that there is no conflict there.

JACKSON: Any more questions? Thanks very much Bob for a very interesting presentation. I realize that the mind can absorb only as much as the seat can bear. We're just about done; a couple of minor short things yet. One more thumbnail sketch from John Kiel.