

HOUSE BILL REPORT

HB 2448

As Amended by the Senate

Title: An act relating to pesticide licensing.

Brief Description: Changing pesticide licensing laws.

Sponsor(s): Representatives Rayburn, Nealey and Rasmussen; by request of Department of Agriculture.

Brief History:

Reported by House Committee on:

Agriculture & Rural Development, January 31, 1992, DP;

Passed House, February 13, 1992, 96-0;

Amended by Senate.

**HOUSE COMMITTEE ON
AGRICULTURE & RURAL DEVELOPMENT**

Majority Report: *Do pass.* Signed by 8 members: Representatives Rayburn, Chair; Nealey, Ranking Minority Member; P. Johnson, Assistant Ranking Minority Member; Chandler; R. Johnson; Lisk; McLean; and Rasmussen.

Staff: Kenneth Hirst (786-7105).

Background: The registration and distribution of pesticides and the offering of technical advice regarding pesticides is regulated under the Pesticide Control Act. The use and the possession for use of pesticides is regulated under the Pesticide Application Act. Both acts require persons to be licensed to perform certain pesticide-related activities.

Summary of Bill: License Terms and Fees. The following licenses are converted from five-year licenses to annual licenses: pesticide dealer manager licenses, private-commercial applicator licenses, and demonstration and research applicator licenses. Instead of a licensing fee of \$50/five years, the fee for each such license is \$15/year. Licenses issued before the effective date of this bill continue in effect until the expiration of their five-year term unless revoked for cause.

The licensing fee for private applicator certification is waived for an individual licensed as a pest control consultant or dealer manager under the Pesticide Control Act. The fee is also waived for those licensed under the

Pesticide Application Act, except those licensed as public operators who are otherwise exempted from fee requirements under the act.

Structural Pest Inspections. The activities for which a structural pest control inspector's license is required are altered. Non-commercial activities are no longer exempted. However, the following is exempted: inspecting for damage caused by wood-destroying organisms if such inspections are solely for the purpose of (1) repairing or making specific recommendations for the repair of such damage, or (2) assessing a monetary value of the structure inspected. Activities which must be licensed under a structural pest control inspector's license now expressly include inspecting the damage caused by wood-destroying organisms and the conditions conducive to their infestation.

Other. An exemption from licensure as a commercial applicator currently provided to a farmer who occasionally applies pesticides to the lands of other farmers now applies to the farmer's occasionally applying pesticides for any other person. This new version of the exemption is provided as long as the application is done without compensation, other than an exchange of services between agricultural producers.

A distinction between a ground-based commercial pesticide operator and an aerial-based commercial pesticide operator is no longer made by statute.

EFFECT OF SENATE AMENDMENT(S): Under the terms of the bill, a farmer who owns ground application equipment need not have a commercial pesticide applicator's license to apply pesticides to the lands of others without compensation, other than the trading of services between agricultural producers. The licensing exemption applies only if this activity is done on an occasional basis not amounting to a principal or regular occupation. This restriction on the activity's being occasional and not amounting to a principal or regular occupation is removed by the Senate amendment.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (1) Bank appraisers and repair contractors are inadvertently included within the category of persons who must be licensed as structural pest inspectors. The bill removes these people from this requirement. (2) Some persons with five-year licenses are applying for new licenses before the termination of their old licenses, thus

circumventing continuing education requirements. (3)
Duplication of fees for licensing similar activities is not warranted.

Testimony Against: None.

Witnesses: Mike Schwisow and Margaret Tucker, Department of Agriculture (in favor).

VOTE ON FINAL PASSAGE:

Yeas 96; Excused 2

Excused: Representatives Basich, Wineberry