

**SUBJECT:** License fees for government pesticide applicators

**COMMITTEE:** Environmental Regulation — committee substitute recommended

**VOTE:** 6 ayes — Chisum, Jackson, Allen, Dukes, Hirschi, Puente  
2 nays — Howard, Talton  
1 absent — Kuempel

**WITNESSES:** For — Lee Chastant, John Marshall, and Jimmy Olson, Texas Mosquito Control Association  
  
Against — None  
  
On — Larry Soward, Texas Department of Agriculture; Key Vaughn, Texas Department of Health

**BACKGROUND**  
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Three agencies currently license noncommercial pesticide applicators in Texas: the Texas Department of Agriculture (TDA), the Structural Pest Control Board (SPCB) and the Texas Department of Health (TDH).

The TDH licenses government employees who work as noncommercial pesticide applicators, mostly for mosquito control in the public health sector. The TDH licenses 447 noncommercial pesticide applicators at this time. Noncommercial pesticide applicators who work for government agencies are exempt from paying license and renewal fees. TDH licensed applicators can apply restricted-use and state-limited-use pesticides, but if they wish to apply general-use pesticides, they must purchase a license from the SPCB.

The TDA currently licenses most noncommercial pesticide applicators who apply pesticides for agricultural use. About 2,000 of these noncommercial pesticide applicators are exempt from license fees because they are government employees. Licenses for non-exempt applicators cost \$100 a year.

The SPCB licenses noncommercial applicators who are often hired by others to apply pesticides as part of their employment around residences,

businesses, apartment complexes and other structures. The SPCB charges licenses fees to noncommercial applicators who are government employees because the Structural Pest Control Act allows them to do so. SPCB noncommercial applicator licenses cost \$66 annually.

**DIGEST:** CSHB 1759 would eliminate a statutory provision in the Agriculture Code exempting employees of governmental entities from having to pay noncommercial pesticide applicator license fees. The bill would allow the governing body or head of an agency that issues noncommercial applicator licenses to set fees as necessary to defray the costs of administering a pesticide applicator certification program.

An individual to whom a noncommercial applicator license was issued by the Texas Department of Health (TDH) would be authorized to use and supervise the use of general-use pesticides, as well as restricted-use and state-limited-use pesticides.

The bill would take effect September 1, 1997, and would apply only to an applicator's license filed on or after that date.

**SUPPORTERS SAY:** Allowing TDH to impose licensing fees on pesticide applicators would help cover the department's expenses in licensing applicators and generate enough revenue to defray the administrative cost of following federal Environmental Protection Agency (EPA) guidelines concerning pesticide applicators who control mosquitoes. The bill would not necessarily raise costs for cities, since most cities contract for these services with a licensed commercial applicator who already pays the fees.

For over 20 years the TDH has been testing and certifying pesticide applicators, who are often employees of local governments working to control mosquito populations in various areas of the state. Mosquito control is important to protect state residents from such mosquito-borne diseases as encephalitis and dengue fever.

The EPA guidelines call for continuing education for pesticide applicators and on-site inspection of operations. This would result in more efficient eradication of mosquitos as well as increased protections for the public. It is

important that TDH begin to follow EPA guidelines so as not to risk the loss of federal funds.

Requiring TDH noncommercial applicators to obtain a licence from TDH before they could use general-use pesticides would be more efficient and less confusing than the current system. Now noncommercial applicators must also obtain a SPCB license to use general-use pesticides, since a TDH license only authorizes them to use restricted-use and state-limited-use pesticides. Under CSHB 1759, a TDH noncommercial license would authorize applicators to use and supervise the use of all three categories of pesticides.

**OPPONENTS  
SAY:**

The cost of repealing the license fee exemption for governmental employees would end up being paid by Texas cities and counties. CSHB 1759 would shift the expense of licensing applicators from the state to local governments at a time when they can little afford it. According to the bill's fiscal note, the cost to local governments could be as much as \$63,750 annually. TDH may need the money to set up a licensing program and comply with federal guidelines. However, TDA certainly does not need extra revenue since it has a full licensing program in place and already licenses most of the exempted noncommercial applicators.

**NOTES:**

The bill's fiscal note estimates that implementation of the bill would result in a positive net impact to general revenue of \$387,613 for the biennium.

The committee substitute did not include a provision in the original version of the bill that would have appropriated \$50,000 from the Waste Tire Recycling Fund to TDH to administer a pesticide use and application program. The original bill also would have removed current statutory language allowing applicators to use and supervise the use of restricted-use and state-limited-use pesticides. The committee substitute added provisions specifying TDH as the agency issuing licenses and the kinds of pesticides TDH-certified applicators would be authorized to use.

A related bill, HB 1144 by B. Turner, revising state pesticide and herbicide regulations, which would also eliminate the current statutory exemption from licensing fees granted to pesticide applicators who work for certain governmental agencies, passed the House on May 8.

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House Research Organization  
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