

ARIZONA DEPARTMENT OF AGRICULTURE

DEPARTMENT OF AGRICULTURE - PEST MANAGEMENT DIVISION

- 1. Title and its heading:** 3, Agriculture
- Chapter and its heading:** 8, Department of Agriculture – Pest Management Division
- Article and its heading:** 1, General and Administrative Provisions
- 2, Certification, Registration and Licensure; Continuing Education
- 3, Pest Management
- 4, Supervision
- 5, Recordkeeping and Reporting
- 6, Inspections; Disciplinary Procedures

2. Description of the PMD proposed rule package:

This rulemaking is intended to reduce the regulatory burden on the pest control industry, while achieving the same regulatory objectives, provide increased consumer protection and allow the industry to use newer and potentially better termiticide products to Arizona homeowners. For the past 2 years the Pest Management Division PMD temporarily reduced license fees by at least 25% for all pest control related licenses. Due to the Covid-19 pandemic and various economic challenges that have transpired as a result of the pandemic, the proposed rules would make the reduced license fees permanent. Furthermore, the proposed rules extends the time it takes an applicant to be certified to apply pesticides from 90 days to 120 days. The proposed rules also contain language to eliminate conflicting record keeping requirements; eliminate overreaching regulations by dictating the size of lettering on pest control vehicles; allows pretreatments to be label driven (which is something that basically every state in the country allows); and the proposed rules eliminate the burden licensees currently experience with short final grade timeframe requirements. The proposed rules also add context to some of the offenses that could be considered a lack of moral character and adds one additional mitigating option for negotiation relating to matters of discipline.

The following is a list of the proposed Rule changes:

- Under **A.A.C. R3-8-102** the proposed rule will be amended to contain language required by the EPA to ensure the Department maintains primacy in the State of Arizona.
- Under **A.A.C. R3-8-103** the proposed rule will reduce all license fees, thus removing financial barriers toward obtain a license.
- Under **A.A.C. R3-8-107** the proposed rule simply provides clarity to the licensing process.
- Under **A.A.C. R3-8-202** the proposed rule simply corrects the numerical sequence of the rules listed.
- Under **A.A.C. R3-8-203** the proposed rule removes a list of offenses considered a lack of moral character for *applicators* and directs licensees to the Arizona Revised Statute ("A.R.S.") that already defines moral turpitude (A.R.S. § 1-215).
- Under **A.A.C. R3-8-204** the proposed rule removes a list of offenses considered a lack of moral character for *qualifying parties* and directs licensees to A.R.S. § 1-215.
- Under **A.A.C. R3-8-210** the proposed rule corrects expired references.
- Under **A.A.C. R3-8-211** the proposed rule will be amended to contain language required by the EPA to ensure the Department maintains primacy in the State of Arizona.
- Under **A.A.C. R3-8-212** the proposed rule will be amended to eliminate expired references and insert language required by the EPA to ensure the Department maintains primacy in the State of Arizona.
- Under **A.A.C. R3-8-216** the proposed rule will be amended to eliminate redundant listed requirements for continuing education.
- Under **A.A.C. R3-8-301(B)(4)**, the proposed rule will make the rule more specific for following label instructions.
- Under **A.A.C. R3-8-308(B)(1)**: the proposed rule will eliminate duplicative record keeping and fee requirements which could be a burden to the industry.
- Under **A.A.C. R3-8-308(D)(2)**: the proposed rule will allow licensees to use modern pesticides, which may be concentrated and allow less product (that could be argued is as effective as non-concentrated products) to be applied to the environment.

- Under **A.A.C. R3-8-308(F)(1)(2)** the proposed rule will eliminate the burden licensees currently experience with short final- grade timeframe requirements and extend it from 12 months to 18 months.
- Under **A.A.C. R3-8-310(B)(2)(g)(iv)** and (v): the proposed rule will eliminate over-reaching by PMD in precisely dictating the size of lettering that can be used on vehicles.
- Under **A.A.C. R3-8-401** the proposed rule will be amended to extend the time frame to be licensed/certified from 90 days to 120 days.
- Under **A.A.C. R3-8-402** the proposed rule will be amended to correct the reference to an expired rule.
- Under **A.A.C. R3-8-404(2)** the proposed rule will correct references to expired rules.
- Under **A.A.C. R3-8-501(E)(1) and (5)** the proposed rule will be amended to add language required by the EPA to ensure the Department maintains primacy in the State of Arizona. Additionally, the amendment will provide clarity and ease of compliance as it relates to which WDIIR industry members should use.
- Under **A.A.C. R3-8-502** the proposed rule will be amended to add language required by the EPA to ensure the Department maintains primacy in the State of Arizona and corrects references to expired rules.
- Under **A.A.C. R3-8-503** the proposed rule will be amended to reflect the correct acronym of the division (PMD rather than OPM).
- Under **A.A.C. R3-8-606** the proposed rule will be amended to gives the Department more flexibility in negotiating discipline, rather than being rigid, and adds language required by the EPA to ensure the Department maintains primacy in the State of Arizona.

For a more in-depth explanation of the aforementioned proposed Rules, telephone Vince Craig at 602 377 2599.