

- SUBJECT:** Updating requirements for structural pest control technicians
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 8 ayes — Gonzalez Toureilles, Anderson, B. Brown, Crabb, Hardcastle, Heflin, Kleinschmidt, Swinford
- 0 nays
- 1 absent — Rios Ybarra
- WITNESSES:** For — Vancal Wilson, Texas Pest Control Association; (*Registered, but did not testify*, Michele Gregg, Texas Apartment Association)
- Against — (*Registered, but did not testify*, Donnie Dippel, Texas Agricultural Industries Association, Texas Vegetation Management Association)
- On — (*Registered, but did not testify*, Jimmy Bush, Texas Department of Agriculture; Dennis Gissell, Texas Parks and Wildlife Department)
- BACKGROUND:** The Texas Structural Pest Control Board (SPCB) was created by the Legislature in 1971 to regulate the structural pest control industry. Structural pest control consists of the prevention, management, and eradication of pests in and around households and other structures. The 80th Legislature enacted HB 2458 by B. Cook, which abolished the SPCB as an independent agency and transferred its duties to the Texas Department of Agriculture (TDA).
- DIGEST:** CSHB 2038 would eliminate a requirement for structural pest control applicators and technicians to provide a safety information sheet directly to clients or to leave one in a visible location. Applicators and technicians instead would be required to make available an information sheet for clients.
- Clerical or manual workers would not be considered as engaged in the pest control business if they did not:

- identify pests;
- make inspections, recommendations, estimates, bids or contracts;
- provide estimates, bids, or contracts based on an inspection; or
- apply insecticides or other related regulated substances.

The bill would require an employer's name to be printed on licenses for commercial applicators and technicians. The bill would not require licensed and certified technicians and applicators to obtain different licenses for each branch office of a single employer.

The bill would allow TDA to determine the date licenses would expire. The bill would require the structural pest control advisory committee to meet quarterly, operate under Robert's Rules of Order, and record the minutes of each meeting.

The bill would require TDA to reference Occupations Code, ch.1951 when adopting rules governing the practice of structural pest control. Consumer advocacy groups would no longer be required to provide recommendations for the consumer interest slot on the structural pest control advisory committee.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 2038 would streamline operations in the pest control industry by updating the Occupations Code to reflect best practices for the industry. Current law contains a number of unnecessary and burdensome provisions that affect competition and prices in the pest control industry. For example, the bill would specify that clerical and manual workers should not have to be licensed if they do not perform any services related to pest control. The bill also would allow TDA to determine when pest control licenses expire. These changes would allow the pest control industry to operate more smoothly.

The bill would help protect consumers from pest control technicians or applicators who attempted to operate outside of their employers. Pest control technicians and applicators are regulated and insured through their employers, and when they operate on their own, consumers are not entitled to the same insurance protections that are provided while operating under their employers. CSHB 2038 would require employer names to be printed on all technician and applicator licenses so consumers would be aware that pest control services were not being performed by independent operators.

The bill would not eliminate safety information sheets, but would require technicians and applicators to make them available to clients. The requirement that technicians and applicators physically hand information sheets to clients is excessively cumbersome and impedes the flow of business. Most consumers have had pest control services performed in the past and are well aware of the use of chemicals. The bill simply would reflect the difficulty involved with ensuring that every single consumer received a safety information sheet in their hand.

**OPPONENTS
SAY:**

CSHB 2038 would remove the requirement for pest control technicians to provide important safety information to their clients. Safety information sheets contain valuable information about chemicals used during pest control operations and precautions that can be taken to protect an individual's health and safety. Consumers have the right to know the possible dangers associated with structural pest control services.