



ARIZONA

Janice K. Brewer
Governor

Office of Pest Management

Ellis M. Jones
Acting Director

9535 E. Doubletree Ranch Road
Scottsdale, Arizona 85258-5514
(602) 255-3664 - (602) 255-1281 fax
<http://www.sb.state.az.us>

October 19, 2010

The Honorable Debbie Davenport
Auditor General, State of Arizona
2910 North 44th Street, Suite 410
Phoenix, Arizona 85018

Re: Performance Audit: Regulation of the Nonagricultural pest
management industry

Dear Auditor General Davenport:

The Office of Pest management has reviewed the performance audit of October 10, 2010, and concurs with the findings. The audit confirms our position as being in the forefront in some operational areas and on-par compared to other states.

The office supports the report's recommendations and submits the attached documentation to encourage the changes.

Sincerely,

Ellis M. Jones, M.A.
Acting Director

OPM Proposed Statute Changes

The following are the final draft of the statute changes proposed by this office regarding the exemptions and the verification of practical experience requirement.

A.R.S. § 32-2311. Persons not required to be licensed; civil penalties

- A. This chapter does not apply to:
1. A person licensed or certified pursuant to title 3, chapter 2, article 6.
 2. A person applying pesticides on residential property in which they reside.
 3. Authorized representatives of any educational institution engaged in research in the study of pest management or a state agency engaged in research or the study of pest management.
 4. Employees of political subdivisions or their designated agents while performing emergency response or rescue services.
 5. A person using a nonrestricted, ready to use disinfectant, sanitizer or deodorizer.
 6. Persons who are conducting lawn, garden, shrub or tree maintenance and who apply herbicides for the purpose of weed management, except as provided in section 32-2307. This exemption does not apply to:
 - (a) the use of herbicides that are labeled with the words "restricted use" or "danger" and that are not commercially available to the general public.
 - (b) the use of sterilants.
 - (c) a person who offers weed management as their primary service.
 - (d) a persons who uses application equipment that holds more than eight gallons or applies more than eight gallons of total mixed liquid herbicide at a site on the same day.
 - (e) a person who uses more than twenty-five pounds of a nonliquid herbicide at a site on the same day.
 - (f) a person who does not follow label and labeling directions.
 7. A utility and the utility's employees if pest management services are needed for an employee's health and safety in order for the employee to continue performing work tasks.

- B.** A person who is exempt pursuant to subsection a, paragraph 6 of this section shall provide treatment records to each customer on application of herbicides for the purpose of weed management and shall retain records containing the same information provided to customers. For the purposes of this subsection, treatment records shall include all of the following:
1. The address of the location of the herbicide application.
 2. The date of the herbicide application.
 3. The trade name or common name of the herbicide applied.
- C.** If a person is not licensed under this chapter and the person is not exempt pursuant to subsection a, paragraph 6 of this section as a result of doing something prescribed in subsection a, paragraph 6, subdivisions (a) through (f) of this section, the person is subject to section 32-2304 subsection d paragraph 12.
- D.** An employee of a political subdivision who engages in pest management:
1. Is not required to be licensed under section 32-2313 or 32-2314.
 2. Must be licensed as an applicator under section 32-2312, except as provided by subsection a, paragraph 4 of this section.

(This language was drafted prior to the Volunteer Exemption was drafted and signed into law)