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OFFICE OF THE
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DEPUTY AUDITOR GENERAL

September 26, 2012

The Honorable Carl Seel, Chair
Joint Legislative Audit Committee

The Honorable Rick Murphy, Vice Chair
Joint Legislative Audit Committee

Dear Representative Seel and Senator Murphy:

Our Office has recently completed a 24-month followup of the Office of Pest Management—Regulation regarding the implementation status of the 3 audit recommendations (including sub-parts of the recommendations) presented in the performance audit report released in October 2010 (Auditor General Report No. 10-L1). As the attached grid indicates:

- All 3 recommendations, which require legislative action, are in the process of being implemented.

Unless otherwise directed by the Joint Legislative Audit Committee, this concludes our follow-up work on the Office of Pest Management's efforts to implement the recommendations from the October 2010 performance audit report.

Sincerely,

Dale Chapman, Director
Performance Audit Division

DC:sjs
Attachment

cc: Donald Butler, Director
Department of Agriculture

Office of Pest Management—Regulation
Auditor General Report No. 10-L1
24-Month Follow-Up Report

Recommendation

Status/Additional Explanation

Finding 1: Arizona’s nonagricultural pesticide regulations compare favorably with other states’ regulations, but the Office believes limiting statutory exemptions is advisable

1.1 To more closely align Arizona’s structural pest management statutes with the State’s agricultural pest management statutes, the Legislature should consider amending Title 32, Ch. 22, to establish penalties for misuse of pesticides by unlicensed people.

Implementation in process

The Legislature passed Laws 2011, Ch. 20, which established a nine-member task force to review, among other things, the laws and regulations governing structural pest management in the State. The task force must submit its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 12, 2012. The task force held its initial meeting on August 24, 2011, and is in the process of developing its recommendations regarding the laws and regulations governing structural pest management.

The task force has developed proposed statutory changes that modify the definition of “applicator” so that all persons who use pesticides, and not just licensees, will be subject to penalties for misuse of pesticides.

1.2 If the Legislature agrees with office officials regarding exemptions to licensing requirements, it should consider:

a. Modifying A.R.S. §32-2311(A)(2) to limit the exemption to homeowners; and

Implementation in process

See explanation for 1.1.

In addition, the task force’s proposed statutory language would alter the licensing exemption for persons applying pesticides on property that they own and occupy, which the Office of Pest Management has interpreted as applying to employees of corporations that own property. The proposed revision would limit the exemption to persons applying nonrestricted use pesticides on residential property that they occupy or unoccupied residential property that they own.

b. Modifying A.R.S. §32-2311(A)(6) regarding the exemption from licensing requirements for people using herbicides for weed control to specify the total quantity of liquid herbicide that can be applied to a property under the exemption.

Implementation in process

See explanation for 1.1.

In addition, the task force’s proposed statutory language would further specify the amount of liquid herbicide that can be applied.