

BILL ANALYSIS

Senate Research Center
87R4876 MP-D

H.B. 1070
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Water, Agriculture & Rural Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Background

Currently, the Texas Department of Agriculture (TDA) operates two separate and distinct pesticide applicator license programs. The structural pesticide applicators and the "ag" applicators both allow applicators to purchase and apply restricted-use pesticides. A structural pesticide applicator license allows these applicators exclusive ability to apply pesticides in and around homes, businesses, and industries. The applicators identify pests that are problematic for human health and structural integrity. Commercial and non-commercial TDA applicators allow for application of fertilizer, herbicide, and pesticide for weeds or ants in the lawn.

There is an overlap in some types of application, as structural licensees can do lawn, ornamental, and weed management applications as well.

Many landscapers choose to utilize the TDA commercial/non-commercial applicator license for some of the following reasons:

- doesn't require a degree before the license test;
- doesn't require an applicator to be a technician or "apprentice" before they can get a license;
- allows for the use of "direct supervision" of unlicensed, but trained employees.

Bill Summary

H.B. 1070 / S.B. 395 codify the longstanding interpretation by TDA that allows for "direct supervision" of unlicensed employees by owners of the Agriculture Pesticide Licensing Program. It allows the continuation of one license to be purchased for supervision rather than several, which can be a costly burden to the industry and a gain for the agency. This bill is a necessary piece of legislation to help the industry and TDA reinforce the status quo.

H.B. 1070 amends current law relating to the performance of pest control work by persons who hold a commercial or noncommercial applicator license issued by the Department of Agriculture.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1951.053(a), Occupations Code, as follows:

- (a) Provides that Chapter 1951 (Structural Pest Control), except as provided by Sections 1951.212 (Integrated Pest Management Programs for School Districts) and 1951.457(c) (relating to the authority of the Department of Agriculture (TDA) to adopt certain rules regarding the distribution of certain pest control information), does not apply to, among other persons, a person who performs pest control work on certain plants if the person holds a commercial or noncommercial applicator license from TDA and issued under

Chapter 76 (Pesticide and Herbicide Regulation), Agriculture Code, that covers the pest control work or is under the direct supervision of a person who holds a commercial or noncommercial applicator license from TDA and issued under Chapter 76, Agriculture Code, that covers pest control work.

SECTION 2. Effective date: upon passage or September 1, 2021.