

Re: Vote no on SB 1290

Dear Senator/Representative,

I am a yard worker and I use the existing yard worker herbicide exemption (ARS 32-2311.A.6) to spray for weeds as part of my normal yard work. SB 1290 proposes to severely restrict the existing exemption (proposed 32-2311.02, page 16 line 31) and sets the stage for the Office of Pest Management to harass me and my company without showing any harm to the public.

The herbicides I use are classified by the EPA as UNRESTRICTED. This means that anyone can safely use these herbicides without any prior training by simply reading and following the Federal label. These are the same UNRESTRICTED herbicides that homeowners are already using. These are the same UNRESTRICTED herbicides that professional weed control companies are using. These are the same UNRESTRICTED herbicides that are sold at garden shops and do-it-yourself shops to anyone without any restrictions.

Yard workers have been working under a general herbicide exemption for decades - without a license and without any documented public harm. I repeat - WITHOUT ANY DOCUMENTED PUBLIC HARM. Office of Pest Management (OPM) went back through their records and was unable to find a single case. Not one.

The WHOLE point of SB 1290 section 32-2311.02 (page 16 line 31) is to CRIPPLE the existing exemption. The SPCC (Structural Pest Control Commission) and the State of Arizona got sued in September 2005 by the Institute of Justice when the SPCC tried to get rid of the then existing exemption. The current exemption (ARS 32-2311.A.6, 2006) was quickly passed as a result of the State loosing.

The existing statutes limit me to application equipment with a capacity of no more than 8 gallons. The current exemption allows me to have two 8 gallon sprayers and I am allowed to refill them as needed. SB 1290 says that if I have multiple sprayers with a combined capacity of over 4 gallons I am in violation. This means that if I bring 5 separate one gallon sprayers to the same project on the same day, I am in violation of the new law - 32-2311.02.B.4. Note that a project may consist of multiple addresses or a significant amount of land.

The existing statutes allow anyone on my team to spray for weeds without any restrictions as long as they follow the Federal label. SB 1290 makes it a violation for more than one of my team to spray weeds while working on the same project on the same day - 32-2311.02.B.6.

The existing statutes allow me to perform yard work around schools and day care facilities. The existing statutes already provide for advanced notification prior to spraying weeds at schools and day care facilities - a statute primarily intended for interior insecticide applications. SB 1290 makes it a violation for me to spray for weeds around schools and day care facilities under any conditions - 32-2311.02.B.7.

The existing statues allow me to return to a project on a second day to complete work not completed on a previous day. SB 1290 makes it a violation for me to return to a project just to finish spraying the yard if time or supplies did not allow me to finish on the prior day - 32-2311.02.B.8.

The existing statues allow me to advertise my weed management services. SB 1290 makes it a violation for me to advertise weed management services - 32-2311.02.B.3.

SB 1290 allows OPM to "monitor compliance" while someone is working - 32-2304.D - without any probable cause. This is an open invitation to harassment.

The statute changes proposed by SB 1290 are spiteful. Their purpose is to destroy as much of the yard worker exemption as possible without actually abolishing the exemption - and to destroy one aspect of my yard care business. None of the proposed changes are based on public harm. None of the proposed changes are related to public health, safety or welfare. These changes are being pushed by the large pest control companies and their "industry association" AzPPO (Arizona Pest Professional Organization).

The problem that SB 1290 wants to solve is an economic one: I can offer my customers a better service at a lower price than the supporters of SB 1290. I am not doing any public harm and there is no history of public harm in my industry. SB 1290 is AzPPO's attempt to regulate me out of the business of spraying weeds so their licensed pest control companies can take that business away from me.

If SB 1290 passes, my customers will have to pay more for weed control and my customers will get nothing in return for the higher price. It is that simple.

Please vote NO on SB 1290. Or at least amend SB 1290 to remove sections 32-2311.02 and 32-2304.D and leave the existing exemption (ARS 32-2311.A.6) in place.

Sincerely,

Name: _____

Address: _____
