

Re: Vote NO on SB 1290 and SB 1143

Dear Senator/Representative,

SB 1290 and SB 1143 are bad law for opposite reasons. SB 1290 significantly increases regulation in the structural pest control industry without any justification from a public health, safety or welfare perspective. SB 1143 completely exempts golf courses - but only golf courses - from the over regulation of the structural pest control industry. Both bills serve strong special interests to the detriment of the public.

Please vote NO on SB 1290 and SB 1143.

Here is what you must to do to help the consumer:

1) Start by recognizing the difference between UNRESTRICTED pesticides and restricted pesticides. The EPA has determined that UNRESTRICTED pesticides are sufficiently low impact and low risk that they can be sold to any untrained (and unlicensed) person - from middle school students to the elderly - without any restrictions. They are reduced risk (low impact) to the environment, to children, to pets and to the person applying the pesticide. All pesticides come with a Federal label. The Federal pesticide label describes the proper use of the pesticide and everyone is required to read and follow the label. Over the last few decades, the whole technology of pest control has changed so that UNRESTRICTED pesticides are used by everyone and there are relatively few uses - or needs - for restricted pesticides.

UNRESTRICTED pesticides are available to anyone at garden supply stores, hardware stores, do-it-yourself stores or even your local grocery stores. It is estimated that homeowner purchase and apply more UNRESTRICTED pesticides than the entire structural pest control industry without any significant documented harm to the public. Clearly all of the proposed restrictions in SB 1290 are not justified for public health, safety or welfare.

Restricted pesticides are high risk items and should only be used by trained and licensed persons. Restricted pesticides are potentially dangerous to the environment, to children, to pets and to the applicator.

Organizations like AzPPO (Arizona Pest Professional Organization) would have you believe that UNRESTRICTED pesticides are a serious hazard and must be tightly controlled. These positions are not based on science or professionalism. They try to confuse the issue by talking about restricted pesticides in the same sentence as UNRESTRICTED pesticides. Or by talking about banned products that are no longer used. Or by making claims that UNRESTRICTED pesticides - if swallowed - are poisonous. Of course swallowed pesticides are poisonous. But we deal with poisonous and harmful substances all the time without excess concern. For instance: bleach, gasoline, drain cleaner, break fluid, solvents, antifreeze, epoxy. The list goes on and on and on. The reality is that today's UNRESTRICTED pesticides are no more harmful or risky than the rest of the stuff under the kitchen sink or in the shed.

2) Get rid of the Qualifying Party (QP) requirements and the associated license. This is purely a barrier to entry and serves no legitimate purpose. The applicator license takes care of the person applying the pesticides and the business license takes care of the record keeping and financial liability aspects. The reality is that today's UNRESTRICTED pesticides are deemed safe enough to sell to ANYONE. Untrained homeowners regularly buy and apply UNRESTRICTED pesticides without any documented harm to the public. The scare tactics employed by organizations like AzPPO are just that - scare tactics. There is NO documented harm to the public taking place.

3) Do not increase the scope of the QP to include political subdivisions - not even school districts. The legislature has said NO to this many times in the past. There is NO documented harm taking place that needs to be corrected and so adding a new QP requirement cannot be justified based on public health, safety or welfare. It is important to note that exempting political subdivisions from the QP requirement has been an embarrassment to organizations like AzPPO because it shows there is no justifiable need for a QP and that the QP is nothing more than a barrier to entry.

4) Get rid of the TARFs. Although there may be a few cases where this information has been useful, the expense to the industry and the general public far outweighs the limited benefit. The stored data is way too sparse to be of any real use and gives the public a false sense of security when no data is found in the database. The data cannot be relied upon and is therefore essentially worthless. Lousy data supporting unreliable conclusions is just bad science. This system does nothing to foster public health, safety or welfare. You will have people from organizations like AzPPO claim that TARFs are needed to protect the consumer but there are no documented benefits. There are, however, documented abuses including data mining to market to consumers who are not interested in abusive high pressure sales practices. Or people making fraudulent representations based on the TARF data. Other states do just fine without TARFs.

5) Leave the yard worker exemption alone. If anything, the exemption should be expanded. Any licensed applicator should be able to use the exemption. After all, a licensed applicator has way more pesticide training than a yard worker and probably much better equipment. In addition, any employee (or subcontractor) of the land owner should be able to use the exemption. I see no justifiable difference between a yard worker and any other employee as far as their ability to read and follow the Federal label. Again, you will have people from organizations like AzPPO claim that the sky is falling but there is no documented public harm. Remember, we are talking about using UNRESTRICTED herbicides that are available to anyone at all garden supply shops or do-it-yourself stores. These are the same UNRESTRICTED herbicides being used by homeowners without any documented public harm.

6) SB 1143 seeks to exempt golf course owners and employees from structural pesticide regulations. What makes the golf course industry so special? Hundreds of people a day are exposed to pesticide residues when they walk the golf course fairways and greens. The residue gets all over their shoes, pants and legs as they walk. More

residue is transferred to the golfer's hands when they play with their balls, take their shoes off or change cloths. And then to their mouth when they eat, drink or smoke. If that is not a problem then this exemption should become a general exemption for all property owners and their employees. No property owner is in the business of pest control but does have a legitimate need to perform pest management on his own property - just like any homeowner. Remember, the EPA has classified pesticides as UNRESTRICTED because they pose a low risk when used by untrained personnel. And untrained homeowners are already using these same pesticides with no documented public harm. Of course this terrifies organizations like AzPPO because their members are afraid of loosing customers.

It should be pointed out that many golf courses are still using restricted pesticides. There is no way that restricted pesticides should be used in a deregulated environment. Regulated pesticides should only be used by licensed pesticide applicators.

7) Don't give the Office of Pest Management or the Department of Agriculture the ability to take retaliatory ("disciplinary") actions against a licensee for refusing to allow a search without a warrant. This just opens the door to abuses and harassment. There is NO historical problem that this power is needed to fix.

8) Make Arizona follow the Federal label. The Federal label works for every other state in the union. Only Arizona has chosen to "exceed" the Federal label in an effort to prevent the adaption of better termite treatment technology. If a building is protected through the use of termite-proof materials or treatments, there is no benefit to the building owner by requiring a "wrap-around" or "final grade" treatment. Organizations like AzPPO will tell you that this is for a "higher standard" but it is really to protect their large termite company members. By pricing the new technology out of the market by forcing the use of an additional unneeded expensive treatment, they can prevent consumers from using semi-permanent or permanent treatments that stop future termite infestations. If you stop future termite infestations, the termite industry will loose future termite business.

9) Let building inspectors check for termites when performing a normal building inspection without requiring them to have a termite pesticide license. A building inspector does a much more thorough job of inspecting a building than a termite inspector and is trained in structural issues that a termite inspector has not been trained for. In the end, a building inspector doing a 4 hour building inspection is likely to provide a much better termite inspection than a typical 20 to 30 minute termite inspection. And the combined inspection will typically be less expensive than two separate inspections. Yes, the building inspector will need some additional training to understand and look for conditions conducive and evidence of an active infection. But there is nothing difficult about this training.

10) Force the proposed rule package for SB 1290 to go through GRRRC review before allowing it to be adapted. The regulatory rules are overdue for review and the new rules have serious issues that should be addressed before adoption.

I hope you will take the time to research and understand the issues and then vote NO on this bad legislation. The Its-Our-Turn.com web site has extensive documentation on these issues, including white papers, petitions signed by lots of family businesses and the historic corruption and abuses of the structural pest control industry. Contrary to what the AzPPO lobbyist says, SB 1290 is NOT supported by the whole pest control industry - it is only supported by a small well funded segment of the industry that stands to gain financially from all of this regulation - roughly 60 out of 1200 licensed pest control businesses.

Sincerely,

Name: _____

Address: _____
