

Qualifying Party Discussion Paper

There are differing views on the need for and the requirements for becoming a Qualifying Party (QP). They range from not needing a QP on one hand and on the other wanting to increase the requirements to obtain a QP license and to make the QP carry greater responsibility. The argument for the QP is they are the responsible party to ensure things are being done properly. There is a business license that the owner(s) obtain (may or may not be engaged in the business) and carry insurance. There is the applicator license that those applying the pesticides maintain which shows they know how to use pesticides. But in between these, who is responsible. You do not want applicators working as separate parties, under a company umbrella with no consistency or guidance. There is a need for a responsible party, the quality assurance person for the company, ensuring records are kept, proper use by the applicators is occurring, maintenance of insurance, proper storage of pesticide, proper personal protective equipment is available and used, and there is someone to deal with should something go wrong – complaints, state inquiries etc. This paper is a start in trying to lay out options to help narrow the focus of what the TF feels the requirements should be going into the future. This is written with the thought that the QP will remain part of the regulatory scheme. We also understand that insurance requirements, business licensure, recordkeeping and other regulatory issues will play into this as well and that there are also some differing thoughts on what role the OPM should play.

As a basis for the discussion, here is the current law on QPs:

- "Qualifying party" means an individual who is licensed by the office to ensure the supervision and training of all employees of a business licensee in the business of structural pest control.¹
- A person acting as a qualifying party shall:
 1. Be active in the management of the business licensee by being present at the business office location each month to review pesticide use, storage and disposal and by ensuring the supervision and training of the employees of the business.
 2. During normal business hours, be readily available to the licensed applicators and employees of the business licensee.²
- In order to get licensed as a QP, an applicant must:
 1. Pass an examination that tests the person's knowledge of pests and the use, storage and application of pesticides and other devices used in the eradication of pests within the category for which the person is applying.

¹ A.R.S. § 32-2301(24).

² A.R.S. § 32-2314(G).

2. Present evidence of sufficient education or experience in the use of or supervising the use of a pesticide covered by each category for which the person is applying. The evidence must relate to the previous five years and consist of:
 - (a) 3000 verifiable hours of practical experience in the business of pest management; or
 - (b) 2000 verifiable hours of practical field experience in the business of pest management and twelve semester hours of relevant education.
3. Be of good moral character.

Going forward, here are some options for the TF's consideration:

Options for Obtaining a QP License

Keep in mind that licensure as an applicator is the only thing we can presently verify without outside cooperation. A mechanism to help document practical experience would be to require submittal of all application records.

- 1) The same requirements for all categories. Should there be time requirements? (4 can relate).
- 2) Varying requirements for differing categories.

Three categories seem to require special attention as it is easy to cheat consumers or cause harm. The categories are aquatics, fumigation and management of wood destroying insects. For the other categories, is a lesser amount of applicator licensure time (without any hour requirement) and passing the QP exam adequate?

- 3) Passing the QP exam for a category, without any requirement of previous experience.
- 4) No QP license required if an applicator is applying Ready-to-use (RTU) materials in a category other than aquatics, fumigation and management of wood destroying insects.
- 5) Make one QP exam that covers all categories – very difficult.

Options for Broadening a QP

- 1) The same requirements as initial licensure
- 2) Varying requirements for differing categories – again the 3 mentioned above would carry additional requirements. This will drive everyone to the easiest route. So an option: require QP licensure in general pest control, weed and right of way, and Turf and Ornamental before being allowed to test.
- 3) Once a QP is obtained, all that is needed is passing the new category exam to broaden (without any experience requirement in the new category).
- 4) Make one QP exam that covers all categories – very difficult.

Associated Discussion Items

- 1) Currently experience must be within the past 5 years. Is this appropriate?

- 2) Should educational degrees or courses taken count for anything?
- 3) Currently at branch offices, it is only allowed to spray in categories of the branch manager. Should we make the QP responsible and have branch office applicators limited only by the QP's categories?
- 4) Wood Destroying Insect Inspections and house sales. When only an inspection is needed, can it be handled by people licensed under the Board of Technical Registration? When dealing with inspection and potential treatments, can it be handled by those licensed through the OPM – as it deals with the application of pesticides?
- 5) Should a QP be required to pay for and maintain an applicator license in addition to the QP license?
- 6) Currently, a person needs to be licensed in management of wood-destroying insects (category B2) and wood-destroying insect inspection (category B8) just to perform an inspection. Should a wood destroying insect inspection license be sufficient for performing an inspection where no treatment proposal is provided?
- 7) Currently, there is a lack of responsibility for recordkeeping with political subdivisions (PS) – this needs to be fixed?
- 8) Should a PS be required to have a QP? Currently, they do not.
- 9) If a QP license expires – what should the requirements be to re-qualify and how long should a requalification period be? In agriculture, pest control advisors (PCA) have to meet certain educational or educational and experience requirements to qualify to take the exam to be licensed. If they let it drop, they remain in our database for 5 years, our current records retention schedule. So if they come back into license, they do not have to come back and prove to us that they have the right educational background. They would be required to retest.
- 10) For the RTU materials, should there continue to be a record keeping requirement and for how long.
- 11) For the RTU materials, should they be required to provide this to their customers?
- 12) For RTU, what about insurance?