



Arizona Department of Agriculture

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Meeting Minutes for the Golf Course Subcommittee of the Task Force on the Regulation of Structural Pest Management

The following minutes are for the meeting held on June 18, 2012 in Room 229 at 1688 West Adams Street, Phoenix, AZ 85007 (the Department of Agriculture Building)

The minutes the meeting is as follows:

1. Roll Call – 2:03 P.M.

Present:

Jimmy Fox (telephonically), Phil Hemminghaus (telephonically), Carmella Ruggiero (telephonically), Robert L. Tolton, Jr. - Subcommittee Chairman, and Staff Members

2. Approval of practice of Subcommittee members participating by telephone.

MOTION:

To allow members of subcommittee to participate by telephone by Carmella Ruggiero

Second by Phil Hemminghaus

VOTE:

4-0

3. Discussion of what statutory changes may be needed to move the Golf Industry under the regulatory authority of the Environmental Services Division of the Department of Agriculture;

Mr. Tolton began by stating currently the golf courses are in one of two situations. He explained either the golf course itself holds the license and there is a QP on staff (typically the superintendent) and licensed applicators, or a golf management company holds the business license and the QP associated with the company is at the main location and each other location the golf management company oversees has applicators. Ms. Ruggiero stated she did not see a point of having a QP. She indicated that in her experience, a QP was hardly ever around. They'd just stop in once every 30 days but they are not really a part of the business. Mr. Hemminghaus stated he felt there needed to be someone at the golf course who would be in charge of what the QP would have been responsible for. He explained that normally that responsible party would be the superintendent. He also explained that the change in law and rule would make it easier for a superintendent to obtain a QP license which would eliminate any "rent-a-QP" issue.

Mr. Fox indicated that the golf course individuals would have to obtain all of the proper agricultural licenses. Mr. Casey Cullings, Assistant Attorney General, stated on a farm under the Department of Agriculture (ADA) you only need to be certified if you are applying a restricted use pesticide. Mr. Fox asked if those applying non restricted use pesticides need a

handler's card. Casey confirmed that the individuals using non restricted use chemicals would need a handler's card. Mr. Fox stated that a handler's card would be equivalent to an OPM applicator license. Mr. Gary Christian, Environmental Service Division Licensing Manager, stated they are not the same. He explained to obtain a handler's card you just have to attend a class, but to obtain an applicator license it is more detailed and required a person to pass a test.

Ms. Ruggiero stated there was a large turnover rate for superintendents at golf courses. She indicated superintendents change courses approximately once every 5 years, but there are other individuals who are around indefinitely. Mr. Vince Craig, OPM Compliance Manager, asked "If a QP left who remained at a golf course." Ms. Ruggiero stated the superintendents stayed at the golf courses. She indicated that typically there is a QP at every facility and if not there is at least one applicator there. She stated that typically the QP is the superintendant and that the two individuals at the course were usually the superintendant and the assistant superintendant. She explained usually the superintendant is not the one who is applying chemicals, but rather they are in charge of record keeping and other QP responsibilities, and the Assistant Superintendant is the one who typically applies the pesticide. Ms. Ruggiero indicated that if another individual were to be hired they would only hire someone who already had their license or was able to obtain it within 60 days.

Carmella asked if the OPM's certified applicator was equivalent to the ADA's Commercial Applicator. Mr. Tolton stated the certified applicator was equivalent to both the Commercial Applicator and the Private Applicator.

Mr. Hemminghaus stated he felt there was confusion with the name Qualified Applicator(QA) when it came to golf courses because most of the time the QA would not be the one applying pesticide. Ms. Ruggiero stated she agreed with Mr. Hemminghaus. She explained the QA would mostly be in charge of record keeping.

Ms. Ruggiero stated if golf courses were placed under the ADA, the superintendant would be the regulated grower and the assistant superintendant would be the private or commercial applicator. She indicated that most golf courses have 2 applicators. Mr. Cullings explained the regulated grower would actually be the golf course and the representative would be the superintendant. Mr. Christian confirmed Mr. Cullings explanation was correct. He explained that if there were a compliance issue the golf course itself would receive the penalty.

Mr. Tolton asked if things on the OPM side were made easier for a superintendant to obtain a QP and not require the courses to have a separate business license would it be more appealing to stay with OPM. Ms. Ruggiero stated from her perspective that is not the issue. To make it slightly easier would not make golf courses want to stay with OPM. Mr. Fox stated he agreed with Ms. Ruggiero. He asked if the golf course was currently holding a business license. Mr. Tolton stated each individual golf course is not always holding a separate business license. He explained there are some courses that do hold individual business licenses, but there are also golf management companies who oversee many golf courses. In the case of a golf management company, a QP would be associated with the main location and would oversee the applicators what work the other courses. Ms. Ruggiero stated in the case of golf management companies the QP is not a part of the business operations. She explained her goal is to try to make the golf courses more responsible and not hire a company to do the work on their grounds.

Mr. Craig asked why the golf industry feels it does not fit under OPM. Ms. Ruggiero responded that OPM is mostly pest control companies. She does not feel that golf courses are

comparable to pest control companies. She explained they do not work with chemicals that may affect the elderly or children, and they do not enter people's homes. Mr. Craig asked if the golf industry felt they fit better with farms. Mr. Hemminghaus and Ms. Ruggiero both stated they felt they fit better. Ms. Ruggiero indicated there are only 3 states left that golf courses are not under the Department of Agriculture. Mr. Tolton clarified that everyone is in the process of moving under the ADA. He explained it will just be a matter of what division each industry is under. He asked if the golf industry wanted to be away from OPM because the pest control industry is mostly for hire while the agricultural industry takes care of property they own. Mr. Fox and Ms. Ruggiero both stated that was the reasoning behind wanting to switch to Environmental Service Division(ESD) under the ADA. Mr. Tolton stated that OPM is currently restructuring to be more "inline" with current agricultural requirements. If golf courses were placed under ESD there would need to be changes made to require all parties applying pesticide to be certified because of the high public traffic, their proximity to residential homes and commercial buildings. Ms. Ruggiero stated she had no issue with everyone having to be certified. Mr. Craig asked what the ramifications would be if ADA statues were altered to require one group of people to hold licenses even if not applying restricted use pesticide. He explained there would need to be more inspection staff on the agricultural side.

Ms. Ruggiero state she would like to see how things are run in other states for golf courses. Mr. Craig stated he would contact other states to gather information.

4. Discussion of what rule changes may be needed to move the Golf Industry under the regulatory authority of the Environmental Services Division of the Department of Agriculture.

See above

5. Discussion of what impact this change will have on the Golf Course Industry, the OPM, & the Dept. of Ag. (i.e. agency resources, revenue impact, inspection scheme).

Mr. Tolton explained that removing golf course regulation from the OPM would have a negative impact on the OPM's revenue although it would more than likely have a positive impact on the ADA's revenue. He added that the move would have an impact on ADA resources because of the number of golf courses that would become part of ADA Compliance's inspection scheme. Mr. Fox asked what OPM's current inspection scheme was. Mr. Tolton explained that the OPM's current inspection scheme requires that each licensed business is inspected at least one every two years.

Ms. Ruggiero stated the golf courses are accustomed to paying a certain amount and it would be easier to make that same amount applicable to what they would need to pay if moved to ESD. Mr. Tolton stated to make the transition smoother it would be easier to create a golf applicator license. Mr. Fox felt a golf applicator license would be a good idea.

Ms. Ruggiero asked if there was extra money given to the OPM for having the golf courses under them. Mr. Tolton stated the agency is funded by its fees, unlike an agency that is funded by the State General Fund. Mr. Cullings clarified that the golf course fees help pay expenses for the agency, but there are no additional fees collected by the agency outside of what the industry pays.

Mr. Fox asked how often inspections occur. Mr. Tolton stated currently golf courses are not treated any differently than any other licensed business. All businesses are currently inspected

at least once every 2 years. He explained that the inspections may be more frequent if an inspection shows deficiencies. Mr. Fox asked if the inspections would continue to occur once every 2 years. Mr. Tolton responded currently agricultural inspections occur approximately once every 4 years. He explained, with the influx of applicators and golf courses ADA may need more inspectors.

Ms. Ruggiero asked if the change from OPM to ESD would greatly affect revenue for OPM. Mr. Tolton stated it would affect the revenue, how severely is unknown.

Mr. Fox asked if there have been a large number of compliance issues with golf courses. He asked if there are more or less regulatory issues than other businesses. Mr. Craig stated normally golf courses are investigated when a neighbor of the course complains about an odor or dead animal. He explained often times the compliance issues are in regards to pesticide storage. He stated that there have been many times when there are chemicals that cannot be verified as to when they were obtained, and sometimes there are chemicals that are no longer in use but are still kept.

Mr. Christian stated he is not sure if the intent is for golf courses to move to current agricultural licenses or if there will be a separate category created just for golf courses. He stated he believed it would be easier to create a separate category.

Mr. Cullings stated A.R.S. 3-363 covers all pesticide use except for things covered by OPM. He explained there is nothing in licensure for non restricted use pesticides. He stated statute would have to be changed to accommodate golf courses. Mr. Cullings stated that he'd heard that the agricultural industry does not want to change Title 3. Mr. Shuler asked if there was a onetime exemption needed to make the changes that would be needed in agricultural law and rule. Mr. Cullings stated typically an exemption to make changes would be good either for one year or indefinitely. He explained he has not seen an exemption made to allow just for a one time change. He also stated that the agricultural industry would have to agree with the changes that needed to be made. Mr. Shuler stated all associations he represents are in favor of and support the move from OPM to ESD.

Mr. Christian stated he wants to find the easiest course of changes. He asked if it would be easier to just create a golf course category out of OPM rather than move it to ESD. He stated he felt going through legislature to make the necessary changes would not be an easy process. He stated he would like to look at the history of other states to see how they manage golf courses.

6. Drafting of language that will move the Golf Course Industry under the regulatory authority of the Environmental Services Division of the Department of Agriculture or continue under the OPM.

Mr. Tolton stated the he and other staff members would look at options and look to see how other states regulate golf courses. He stated he would work with Mr. Cullings to see what changes would have to be made on both sides to see what would be the best fit.

7. Call to the Public (2 minute limit per speaker)

8. Set Next Meeting Date and Topic Discussion

Monday June 25, 2012 at 2:00 P.M.

9. Adjourn – 3:03 P.M.