

To: Jack Peterson, OPM Task Force, John Boelts, Lin Evans, Jimmy Fox, Ken Fredrick, Philip Hemminghaus, Will Rousseau, Kirk Smith, Dave Burns, and Its-Our-Turn.com

Subject: **Expand the unrestricted herbicide gardener exemption to licensed operators**

Letter: Greetings,

I just signed the following petition addressed to: OPM Task Force.

Expand the unrestricted herbicide gardener exemption to licensed operators

Gardeners - those who are conducting lawn, garden, shrub or tree maintenance - are currently exempt from pesticide application licensing requirements if they use unrestricted herbicides, are not primarily involved in weed management, apply less than 8 gallons of final mixed liquid or 25 pounds of non-liquid herbicide and they follow the Federal pesticide label.

The gardener exemption was created by the legislature due to the serious barriers to entry from unrealistic regulations that serve no public interest. A one man gardener was required to have not only an applicator's license but a QP license which required 3000 hour of field experience working for someone else. All this to spray a small amount of herbicide that any homeowner could purchase and spray without a license. History has shown that no real public harm has resulted from the gardener exemption.

The exemption should be kept. However, there are two items that can be streamlined.

The first item is the definition of how much herbicide can be applied. The law makes no reference to herbicide concentration or application area even though the Federal label prescribes application rates. A typical herbicide is mixed to a concentration that allows 1 gallon to be applied over 300 square feet. Therefore, 8 gallons should cover 2400 square feet.

Being able to state a treatment in terms of coverage area rather than gallons of finished mix or pounds of non-liquid allows the gardener options in how the

herbicide is applied. For instance, pre-emergents should be "incorporated" into the soil, which takes a lot more water per square foot. If the pre-emergent was premixed to the higher dilution, the gardener will quickly exceed the 8 gallon limit without covering the needed area. The limit should be changed to a total treated area. 2500 square feet is a convenient figure and easy to calculate.

The second item is the definition of who is exempt. The exemption should be expanded to anyone who is not applying herbicides as a significant part of their job. In other words, remove the restriction that the exempt person is conducting lawn, garden, shrub or tree maintenance. This means that a licensed pest control operator who's not licensed in weed control will be able to use the exemption to expand their service offerings.

To summarize, the definition of how much herbicide can be used should be based on treated area and should allow 2500 square feet of treated area and the exemption should include anyone who meets the basic criteria and should not be limited to gardeners.

See <http://its-our-turn.com/> for a detailed white papers on the Arizona pest control industry.

Sincerely,

Signatures

Name	Location	Date
Its-Our-Turn .com		2012-04-02
Trina Morrison	Surprise, as 85379, AZ, United States	2012-04-02
Raymond Rodriguez	Peoria, AZ, United States	2012-04-02
Glenn Hamblin	TUCSON, AZ, United States	2012-04-02
Donald Bowles	Mesa, AZ, United States	2012-04-02
Florida Boy	Orlando, FL, United States	2012-04-02
darren hunsaker	Queen Creek, AZ, United States	2012-04-02
Keith Kronback	tonopah, AZ, United States	2012-04-02
Warren Wheat	Mesa, AZ, United States	2012-04-02
Brandon Ingram	Tucson, AZ, United States	2012-04-02
paul strait	El Mirage, AZ, United States	2012-04-09
Henry Hight	Peoria, AZ, United States	2012-04-09
Mark Noriega	Phoenix, AZ, United States	2012-04-10
Janice Bruse	Marana, AZ, United States	2012-04-10
Rich Saehr	Glendale, AZ, United States	2012-04-13
Rodney O'Dell	Glendale, AZ, United States	2012-04-16
Ervin Wagner	Prescott Valley, AZ, United States	2012-04-16
lewis huggins	mesa, AZ, United States	2012-04-16
Andy Banks	Phoenix, AZ, United States	2012-04-16
Kristen Boe	Scottsdale, AZ, United States	2012-04-16
LADORA LUCERO	SUN LAKES, AZ, United States	2012-04-16
Bernardo Aillon	Gilbert, AZ, United States	2012-04-16
Gerald Sanchez	Phoenix, AZ, United States	2012-04-17
David Boe	Scottsdale, AZ, United States	2012-04-18
Jason Fletcher	Tucson, AZ, United States	2012-04-18
Phyllis Farenga	Marana, AZ, United States	2012-04-18
virginia brydle	tucson, AZ, United States	2012-04-19
Wendy McCroskey	Peoria, AZ, United States	2012-04-19
Liz Illg	Phoenix, AZ, United States	2012-04-19
Ernie Muir	Phoenix, AZ, United States	2012-04-19

Name	Location	Date
hunter west	scottsdale, AZ, United States	2012-04-19
Chad Gappa	Scottsdale, AZ, United States	2012-04-19
Derek Herndon	Phoenix, AZ, United States	2012-04-19
Newton Smith	Glendale, AZ, United States	2012-04-19
patrick hassett	Phoenix, AZ, United States	2012-04-20
Tiffany Zettler	Phoenix, AZ, United States	2012-04-20
Dominic Pisaro	Phoenix, AZ, United States	2012-04-20
Char Boe	El Mirage, AZ, United States	2012-04-20
john gerodimos	Surprise, AZ, United States	2012-04-23
Mike Jasones	glendale, AZ, United States	2012-04-24
Greg Flippen	Prescott, AZ, United States	2012-04-24
Rick De Luca	Phoenix, AZ, United States	2012-04-24
Gary Obenstine	Phoenix, AZ, United States	2012-04-30
Paula Gross	Prescott, AZ, United States	2012-04-30
Jeremy O'Dell	Glendale, AZ, United States	2012-04-30
Jeremy Spilsbury	Mesa, AZ, United States	2012-04-30
Barry Bales	AZ, AZ, United States	2012-04-30
Shelley Long	Tucson, AZ, United States	2012-05-16
Raymond Gunn	Chandler, AZ, United States	2012-05-29
Mike Simon	Willcox, AZ, United States	2012-06-19
Lyle Ferguson	United States	2012-06-28
Norman Nipperus	Tempe, AZ, United States	2012-08-27
Robert Lee	Prescott, AZ, United States	2012-08-27
Tony Long	gilbert, AZ, United States	2012-09-17
Richard Reardon	Gilbert, AZ, United States	2012-09-21
shedy berrios	jacksonville nc, NC, United States	2012-10-02
Richard Strickland	Surprise, AZ, United States	2012-10-07
LARRY CIULLA	PEORIA, AZ, United States	2012-11-14
Tyler Hahn	Fayetteville, NC, United States	2012-11-15
Laura Saxon	morrison, FL, United States	2012-12-23

Comments from petitioners:

Greg Flippen, Prescott, AZ 86304, 4/24/12: It is only fair that the best qualified applicators take first position when permissions are granted. This law smacks of political B.S.

Norman Nipperus, Tempe, AZ 85281, 8/27/12: I've been in the pest control business for over 18 years.

Tony Long, gilbert, AZ 85295, 9/17/12: Make it fair and it should swing both ways.....

LARRY CIULLA, PEORIA, AZ 85345, 11/14/12: 2ND GENERATION PCO, 36 YEARS EXPERIENCE. COLLEGE GRAD. MORE QUALIFIED THAN ANY LANDSCAPER W/ PICK UP TRUCK AND NO LICENSE.