

NEW LAW CHANGES

Effective September 17, 2003, there are several law changes. Below is an outline of the changes. This is NOT a complete, nor an official, version of the law. Please study the full, official version of the law. For a complete copy of the current law, with the old and new language, click on the Arizona Legislature's Web site at <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/legtext/46leg/1r/laws/0115.htm>

House Bill 2341 Changes to Current Law

Definitions (Arizona Revised Statutes section 32-2301)

Deletes the worker status formerly termed "apprentice employee"

Deletes the worker status formerly termed "registered employee"

Deletes the term "spot treatment"

Deletes references to toxicity categories I & II

Adds "microbes" to the list of pests treated by pesticides

Adds areas "along rights-of-way" and "fungi to the business of structural pest control

Changes "pretreatment" to "a treatment made before or during construction"

Changes Wood-destroying Organisms to Wood-Destroying Insects

Changes "wood infestation reports" to "wood-destroying insect reports" which still are prepared in connection with the sale or refinancing of real property, whether or not they are used in the transaction

Changes "chemical" to pesticide in describing devices

Changes "certified" to "licensed" throughout the law

Changes Qualifying Party to the person who ensures the supervision and training of all employees of a business license

Defines "Initial Termite Corrective Treatment"

Defines "Inquiry"

Defines "Integrated Pest Management"

Defines the credentials issued by SPCC as "Licenses"

Defines "Wood-Destroying Insects"

Defines "Fungi Inspection Report"

SPCC Composition (A.R.S. § 32-2302)

Requires that the appointees not representing the industry be unaffiliated with the industry for a minimum of 5 years prior to appointment (was 2 years)

Powers & Duties of the Commission (A.R.S. § 32-2304)

Requires rulemaking procedures to include submissions to the Governor's Regulatory Review Council instead of the Attorney General

Extends the notification to all licensees after the SPCC initiates a complaint from 2 to 10 days

Moves industry-specific requirements/duties to A.R.S. § 32-2321
Reduces license approval time frame from 10 to 5 years for an applicant with a prior revocation
Moves SPCC-specific requirements/duties from throughout the law to A.R.S. § 32-2304
Requires SPCC to reject business names not registered with the Arizona Corporation Commission or the Arizona Secretary of State. Permits rejection of business names that are misleading or imply a distorted representation of the business
Requires SPCC to adopt a Wood-Destroying Insect Inspection form
Permits the SPCC to provide technical information to the public and industry
Permits the annual preparation of an SPCC strategic plan
Places authority over unlicensed activity in A.R.S. § 32-2304 and deletes felony designation, changing action against respondents from a minimum of \$500 on the first offense, and \$750 on the second offense to a maximum of \$1000 and \$2000, respectively, and/or a cease and desist order
Permits SPCC to issue a corrective work order before or after a hearing

Pesticide Applications to Schools (A.R.S. § 32-2307)

Mandates that only licensed applicators may make pesticide applications at schools
Redefines “school” to include all K-12 institutions (public, private, charter, etc.)

Persons NOT Required to be Licensed (A.R.S. § 32-2311)

Requires **occupancy of owned** property for treatment without a license
Deletes all other exemptions, except educational institution and state agency-based researchers, political-subdivision employees engaged in emergency response or rescue services, and any person using a non-restricted, ready-to-use disinfectant, sanitizer, or deodorizer

Persons required to be applicators but not business licensees or qualifying parties (A.R.S. § 32-2311.01)

Repeals exemptions for business licensure and qualifying party licensure

Applicator Licensure (A.R.S. § 32-2312)

Redefines the license categories as “B1” through “B9”, combining some and establishing additional ones
Establishes a “good moral character” standard for applicator licensure
Establishes a one-to-one immediate supervision limit (licensed applicator to unlicensed applicator)
Permits SPCC to establish required Continuing Education Units attendance levels - not tied to 6 hours

Business Licensure (A.R.S. § 32-2313)

Permits “surplus-lines insurance” coverage for liability requirements
Increases surety bond and rider amounts from \$50,000 to \$100,000, and for Wood Destroying Insect Inspections and Fungi Inspections
Establishes a \$300,000 liability minimum (up from \$100,000)
Requires a “pollution transit” endorsement for licensees in addition to previously required insurance for specific licensing categories

Qualifying Party Licensure (A.R.S. § 32-2314)

Redefines the license categories, combining some and establishing additional ones (same as applicator categories), "B1" through "B9"
Changes experience requirement from years to hours of practice (3,000 hours; or 2,000 hours and 12 semester hours in various subjects per category) to qualify for QP testing

Experience is changed from an eight-year time frame to a five-year time frame

Requires a Qualifying Party to be present at the business office monthly to review pesticide use, storage, disposal; and ensure supervision and training of all employees

Adds requirement of education or experience in the use or supervising the use of pesticides used in each category for which an applicant applies for a license

Identification Cards (A.R.S. § 32-2316)

Repeals ID Card Issuance

Disciplinary Action (A.R.S. § 32-2321)

Moves industry-specific requirements from throughout the law to *A.R.S. § 32-2321*

Establishes a standard for appropriate training and supervision of applicators in the "misuse" language

Requires establishment of "final grade" within 12 months (up from 6 months)

Repeals a "waiver" request option for untimely final grade treatments

Establishes a violation for immediately supervising more than one employee at a time

Requires business records be kept for 5 years (up from 3 years)

License must supply records to a property owner or their agent within 3 business days of a request

Establishes a violation time frame of 5 years (up from 3 years)

Changes SPCC records retention time frames

Treatment Proposal (A.R.S. § 32-2323)

Establishes clear requirements for proposal content (re-establishes prior rule requirements)

Establishes that only a licensed applicator (not QP) may make a proposal

Establishes a 5-year time frame for records of treatments made pursuant to a proposal

Removes full-treatment requirement for warranty in property sale or re-financing

Wood-Destroying Insect Inspection Reports (A.R.S. § 32-2324)

Establishes that only a licensed applicator (not QP) may make a WDII report

Requires Business licensees to keep WDII report training records for SPCC review

Fungi Inspection Reports (A.R.S. § 32-2324.01)

Establishes that only a licensed applicator (not QP) may make a FI report
Requires inspectors to have received 8 hours of documented post-licensure training
Allows licensees who are licensed in the (current) wood-destroying organism category by September 17, 2003, to continue performing the business of structural pest control in the fungi category until June 30, 2004. After which a fungi category license must be obtained to continue operating in this category.
Requires SPCC to establish a FI report form by December 31, 2003

Unlawful Acts (A.R.S. § 32-2325)

Adds that records of the 5 hours of post-licensure wood-destroying insects training be maintained and be reviewable by SPCC

Classifying violations as class 3 misdemeanors (A.R.S. § 32-2326)

Repealed

Unlicensed Activity (A.R.S. §32-2328)

Language moved to *A.R.S. § 32-2304(B)* and fines increased

Summary Suspension (A.R.S. § 32-2329)

Establishes procedures for summarily suspending a license without a prior hearing

Additional Repealed Sections re: Certification of Structural Commercial Applicators (A.R.S. §§ 32-2331 through 32-2338)

Deletes Article 4 definitions as they are unnecessary
Moves Certification authority to *A.R.S. §§ 32-2304* and *32-2312*
Deletes repetitious statement of authority to investigate/prosecute violations
Deletes redundant mandate to offer certification examinations
Moves the 75% pass score to *A.R.S. § 32-2312*
Deletes redundant cooperative agreement authority
Deletes redundancy for unlawful use of a Restricted Use Pesticide
Deletes redundant authority for denial, revocation, or suspension of a license
Deletes the \$1000 limit on fines for violations by QPs and Licensed applicators
Deletes classification of violations by licensees as misdemeanor criminal acts
Deletes repetitious authority to seek injunctive relief from a court

For questions/comments, feel free to contact Lisa Gervase, Executive Director of the SPCC, at (602) 255-3664 or lisagervase@sb.state.az.us

