

Approved April 6, 1987  
Date

MINUTES OF THE HOUSE COMMITTEE ON AGRICULTURE AND SMALL BUSINESS

The meeting was called to order by Representative Clifford V. Campbell at  
Chairperson

9:07 a.m./~~p.m.~~ on March 26, 1987 in room 423-S of the Capitol.

All members were present except: Representatives Goossen and Teagarden, who were excused.

Committee staff present: Norman Furse, Revisor of Statutes Office  
Raney Gilliland, Legislative Research Department  
Pat Brunton, Committee Secretary

Conferees appearing before the committee: Bob Storey, Topeka (representing Kansas Termite and Pest Control Association)  
Dale Lambley, Director, Division of Plant Health, State Board of Agriculture

Hearings were held on Senate Bill 123 with Raney Gilliland explaining the bill. SB 123 amends the portion of the Kansas pesticide law by requiring that pest control technicians become registered with the State Board of Agriculture. The bill would also make it unlawful for any pesticide business to apply pesticides for the control of wood destroying pests or structural pests unless the applicator is a certified commercial applicator or a registered pest control technician. Uncertified commercial applicators would be permitted to apply these pesticides if a certified applicator or registered pest control technician is physically present. The annual registration fee for registered pest control technicians would be set by rule and regulation, but would not exceed \$25. The registration fee would be paid for by the pesticide business licensee. Provisions of the bill would also establish the means and time limitations for the training of registered pest control technicians.

Bob Storey explained to the committee that SB 123 was introduced at the request of the Kansas Termite and Pest Control Association and was supported in the Senate by the State Board of Agriculture. However, there is some concern now about particular fees being charged. Mr. Storey introduced Vernon McKinzie of Emporia who spoke in support of the concept of Senate Bill 123, Attachment I.

Dale Lambley testified on SB 123 stating the State Board of Agriculture supports this bill if it can be funded, Attachment II.

Representative Solbach made a conceptual motion to amend SB 277.  
Representative Roenbaugh seconded. Discussion was held. The motion passed. This conceptual motion addresses the \$5 refund by the Wheat Commission and other grain commodity commissions.

No final action was taken on Senate Bill 277 as Representative Beauchamp has further amendments to be drawn-up for the bill.

The meeting adjourned at 9:48 a.m.

The next meeting of the House Agriculture and Small Business Committee will be March 27, 1987, at 9:00 a.m. in Room 423-S.



TESTIMONY FOR HOUSE COMMITTEE on  
AGRICULTURE and SMALL BUSINESS

March 26, 1987

SENATE BILL 123

Presented by: Vernon McKinzie

Mister Chairman: Members of the Committee: Thank you for the opportunity to appear before you.

My name is Vernon McKinzie, I am from Emporia. I own pest control businesses in Emporia and Parsons. I have been in business 28 years. I am Legislative Committee chairman for the Kansas Termite and Pest Control Association, (KTPCA) a trade group representing about 150 businesses in the state. We are responsible for 80 to 90 percent of the commercial structural pest control business done annually in the state.

I am a Registered Professional Entomologist and served in 1984-85 as president of the National Pest Control Association (NPCA). Our industry is mostly composed of small family businesses throughout the country and we are responsible for the application of approximately 5% of all pesticides used in the United States each year.

I am here to speak in support of the concept of Senate Bill 123. We supported this bill in the Senate but had some problems with the fees. We had hoped to work out those problems with the Plant Health Division of the Board of Agriculture but at this time have been unable to do so. Our original understanding was to have a three year fee for Registered Pest Control Technicians who had completed verifiable training. As you see on lines 0142 - 0145 and 0187, three years has been changed to one year. That in itself is not a problem, but with the potential impact of SB 282 which increases fees we have moved from a projected cost of \$55.00 per Registered

Pest Control Technician for three years under our initial plan to one that would now cost us \$150.00 for three years. Without SB 123 or 282, we now pay \$10.00 per uncertified applicator per year.

It is our recommendation that an annual fee of \$25.00 be established for Registered Pest Control Technicians, and any fees paid by the licensee for listing the individuals as an uncertified applicator apply toward the Registered Pest Control Technician fee. The current language of SB 123 and SB 282, in our opinion, is a duplication of fees and is an excessive burden. I have asked to appear before you tomorrow and comment further on the impact of SB 282 on our industry.

We also need to change the record keeping requirements from five to three years in line 0240, to maintain consistency with other record keeping. The five year period was important with a three year registration program, but excessive with a one year term.

The federal Environmental Protection Agency (EPA), the regulator of pesticides on a national level, now requires certain pesticides be used by certified applicators, or under the supervision of a certified applicator.

The EPA official position on training and registration is found in the Federal Insecticide Fungicide and Rodenticide Act (FIFRA) amendment introduced into Congress last session as House Bill 2482. HB 2482 reflects our concept of verifiable training and registration. The EPA has recognized the merits of training and registration in their amendment.

Our intent as an industry is to have a workable verifiable training and registered pest control technician program in place before EPA forces some undesirable program upon us.

The KTPCA recognizes the importance of our services as protectors of Health and Property to the people of Kansas who are our customers. We provide essential services for the food processing industry, health care facilities, food service establishments, groceries and super-markets, public & private buildings and private residences. We achieve results by practicing integrated pest management techniques, which include the use of pesticides.

When pesticide applications are necessary, they are made by necessity in an environment that has been, is , or will be occupied by humans. Improper use of pesticides by untrained applicators creates unnecessary risk to persons who must use the buildings receiving treatment. Pesticide applications done properly by trained and registered technicians is safe for the occupants, the building, and the applicator. As you can recognize, our industry is unique because of the need for pesticide application in the close proximity of people and their living and working environment.

We, the KTPCA, believe it is necessary to maintain the present Certified Applicator requirements for a business license, and the competence level for certification should be higher than the Registered Technician who will be performing repetitive service tasks in most cases. However, we perceive a need to enhance the competence of all commercial structural pesticide applicators and we believe Senate Bill 123 is a step in that direction. Many in our industry already practice training programs for their employees, and we believe this bill will not create any hardship on our industry.

A program very similar to this one has already been implemented in Arizona, Florida, Maryland, New Jersey, and Pennsylvania and is working well in those states. The EPA, State, Federal, Issues Research Evaluation Group Certification and Training Task Force endorsed

the concept of verifiable training in the August 1985 report.

So, you see, we are only trying to develop legislation now that most likely will be mandated soon by EPA. By acting now, we can enjoy the luxury of working at our own pace and developing regulations which will best serve the people of Kansas and our industry.

Kansas pest control businesses have, in my opinion, been safer than those in surrounding states. That is reflected in Pest Control liability insurance premiums being quoted at this time. The Kansas rate is 3.23% of our gross revenue, Missouri pays 5.35%, Oklahoma and Nebraska pay between 4 and 5 percent and Colorado's rate is 4.24%. These rates are based on claims made and paid as recorded by the Insurance Services Organization. I believe this demonstrates our ability to be safe and effective, and SB 123 can only improve our competency. We, in Kansas, are fortunate to have had good legislation developed to govern our industry and to have the regulatory people in the Plant Health Division to do a good job implementing the legislation and encouraging our industry to become more competent and work safer.

Senate Bill 123 will enhance our capabilities and I urge your adoption of it with our recommended changes. Thank you. Are there any questions?

T E S T I M O N Y

Senate Bill 123

PRESENTED TO  
HOUSE COMMITTEE ON AGRICULTURE  
AND SMALL BUSINESS

by

Dale Lambley, Director  
Kansas State Board of Agriculture  
Division of Plant Health

March 26, 1987

ATTACHMENT II  
March 26, 1987

Senate Bill 123

PROPOSED AMENDMENT TO THE KANSAS PESTICIDE LAW

March 26, 1987

The Kansas Termite and Pest Control Association seeks to insure that technicians who actually perform pest control services and pesticide applications are properly trained. They recognize that lack of proper training leads to improper pest control procedures, and in some instances, to misuse of pesticides.

This Association has particular cause for concern because the pesticide applications are made by its members in homes, restaurants and similar establishments where the potential hazards to human health caused by misapplication are substantial.

There has also been one recent federal development which relates to the subject matter of the bill. On January 28, 1987, the U.S. Environmental Protection Agency released a press advisory concerning the use of chlordane and some other termiticides. It provides in pertinent part:

"Under registration standards issued earlier this month, EPA is asking registrants to modify their labels to restrict to certified applicators the sale and use of the termiticides chlordane, heptachlor and aldrin. The agency (EPA) took this action to minimize exposure to applicators and occupants of structures treated with these three products while it continues to evaluate the associated potential human health risks to determine whether additional action may be warranted. Under the restricted use classification, application of these products must be made in the actual physical presence of a certified applicator. If the certified applicator is not physically present at the site, each uncertified applicator must have completed a state approved training course in termiticide application that meets minimal EPA training requirements and be licensed in the state in which he is working."

The Kansas State Board of Agriculture has indicated to the Association that we agree with the need for technician training.

The Senate made some modifications to the original bill to provide recordkeeping and verification mechanisms and to make the bill administratively feasible.

The agency supports this bill if it can be funded.