

**SUBJECT:** Continuing education requirements for a pest control business license

**COMMITTEE:** Agriculture and Livestock — committee substitute recommended

**VOTE:** 4 ayes — Hardcastle, Anderson, B. Brown, Herrero

0 nays

1 present not voting — Burnam

2 absent — Farrar, Olivo

**WITNESSES:** For — Ken Myers, Texas Pest Control Association; Chris Shields, Texas Pest Control Association and Texas Agricultural Aviation Association; Mitchell Wasson, Collin Services, Inc.

Against — David Fincannon

On — Dale Burnett, Texas Structural Pest Control Board

**BACKGROUND:** The Texas Structural Pest Control Board issues a number of licenses, including a structural pest control business license and a certified commercial applicator's license. A person cannot conduct the business of pest control until a business license is issued. In order to obtain a business license, the applicant must either be a certified commercial applicator or employ a certified commercial applicator. The applicant also must maintain the required insurance coverage and pay the licensing fee.

In order to receive a certified commercial applicator license, an applicant must meet initial training requirements, pass an exam, and pay the licensing fee. A certified commercial applicator is defined as the person responsible for providing training and direct supervision for pest inspections, identifications, and control measures of a licensed business. This person may be a certified commercial applicator for only one business license location.

As a condition of renewal of the certified commercial applicator license, the holder must take continuing education courses approved by the board. The board sets rules regarding the number of courses required. Business

license holders are not required to meet continuing education requirements.

**DIGEST:** CSHB 3318 would direct the pest control board to establish continuing education requirements for renewal of a structural pest control business license. The board would have to require the license holder to take at least four hours of board-approved classes per year in relevant areas of state law.

The bill would take effect September 1, 2005. On or before January 1, 2006, the board would be directed to adopt the necessary rules and fees to recover the relevant agency costs and implement the provisions of the bill.

**SUPPORTERS SAY:** CSHB 3318 would help ensure that business license holders understood the law relating to the business of pesticide application and to businesses in general. A continuing education requirement to renew a license is standard operating procedure in many industries and professions. Applying this requirement to business license holders would raise the standards of the pest control profession. Not only do professionals in this business need to know about bugs, they also need knowledge in areas such as labor laws, equal employment rules, and harassment prevention training. Taking continuing education courses would greatly benefit these professionals.

By helping companies improve business practices, the bill would help them stay in business. Continuing education would help prevent detrimental business practices and might allow an owner to bypass legal potholes by learning to address potential problems before they occurred, which could save court costs and attorney fees.

The required continuing education classes would be geared specifically to the business license holder. Therefore, a dual-license holder would learn about new subject areas when he or she took courses related to the business license.

**OPPONENTS SAY:** This bill would hurt small businesses. There are a number of pest control business license holders who perform the work themselves and lose money if they are pulled off the job, even for a short amount of time. Such people are required to have a certified commercial applicator's license, which has its own continuing education requirements. Requiring such owners to take law classes that might not even apply to these small

businesses would be unwarranted. The cost of the class and the time away from work would be a hardship. At the very least, this bill should not apply to dual-license holders.

Many business license holders have been in the pest control business for decades. They know virtually all there is to know about the industry through years of experience in the field. Business-related classes would be a waste of time for these owners.

**NOTES:**

The committee substitute would allow the board to adopt the necessary fees to recover the costs of implementing this section.