

SUBJECT: Transfer to TDA of licensing and regulation of health-related pest control

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 8 ayes — Gonzalez Toureilles, Anderson, B. Brown, Crabb, Hardcastle,
Heflin, Rios Ybarra, Swinford

0 nays

1 absent — Kleinschmidt

WITNESSES: For — Richard Briley, John Nichols, Texas Environmental Health Association; Lee Chastant, Texas Mosquito Control Association, Jefferson County Mosquito Control District; Jason Chessher, City of Garland; Tom Hatfield, City of Richardson, Texas Public Health Association; Steve Killen, Texas Environmental Health Association, City of Garland; (*Registered, but did not testify:* Duane Galligher, Texas Agriculture Aviation Association; Glen Garey, Texas Restaurant Association; Eda Gowdy, Joe Staudt, Texas Mosquito Control Association; Shanna Igo, Texas Municipal League; Elizabeth Love, Harris County; Cindy Mooney, City of Garland)

Against — None

On — Paula Anderson, Department of State Health Services; Catherine Wright Steele, Texas Department of Agriculture

BACKGROUND: Agriculture Code, sec. 76.102(a), authorizes the Texas Department of Agriculture (TDA) to license pest control applicators in areas such as agricultural, forest, aquatic, and ornamental and turf pest control.

Section 76.102(b) authorizes the Texas Department of State Health Services (DSHS) to license pesticide applicators in the area of health-related pest control (e.g, mosquito control).

DIGEST: HB 1530 would make TDA responsible for licensing health-related pest control, removing current DSHS oversight.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 1530 would lead to lower costs for health-related pest control licenses. High licensure fees charged by DSHS have forced small towns and rural counties to scale back mosquito-control programs or to drop programs completely due to a lack of service providers. Almost 50 percent of health-related pest control applicator licenses have been dropped in the last three years due to a \$750 biannual DSHS license fee. This fee is the result of language in HB 2292, enacted by the 78th Legislature, requiring DSHS to recover from its license holders all costs — direct and indirect — associated with administering and enforcing the licensing program.

The cost per license is high because the number of health-related pest control licenses DSHS oversees is low. Conversely, the total number of pest control licenses TDA oversees is high, so licensing costs are low. In addition, TDA is not required by statute to recover all program costs through the license fees. Therefore, the same \$750 license required to perform mosquito-control services under DSHS would be approximately \$24 if obtained from TDA.

Lowering these fees is vital to ensuring public health and safety. West Nile Virus and Dengue Fever are among the mosquito-borne illnesses on the rise. It is imperative that these cost-prohibitive fees not hamper the ability of smaller political jurisdictions to protect Texas residents from potentially harmful mosquito populations.

HB 1530 also would bring all pest-control licensing under one agency. TDA already licenses and regulates all other categories of pest control applicators, regulates all pesticides sold or applied in the state, administers both state and federal law regarding pesticide use and application in Texas, and has staff entomologists and biologists specializing in these public health issues. As the lead agency for all pesticide applications in the state, TDA would do a better job for lower cost to both taxpayers and licenses.

**OPPONENTS
SAY:**

No apparent opposition.