

- SUBJECT:** Authorizing emergency mosquito control by a municipality
- COMMITTEE:** Agriculture and Livestock — favorable, without amendment
- VOTE:** 9 ayes — Springer, Anderson, Beckley, Buckley, Burns, Fierro, Meza, Raymond, Zwiener
- SENATE VOTE:** On final passage, April 3 — 31-0
- WITNESSES:** For — (*Registered, but did not testify:* Tammy Embrey, City of Corpus Christi; Guadalupe Cuellar, City of El Paso; Jamaal Smith, City of Houston Mayor's Office; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Michelle Romero, Texas Medical Association; Arthur Simon)
- Against — None
- On — (*Registered, but did not testify:* Dan Hunter, Texas Department of Agriculture)
- BACKGROUND:** Agriculture Code sec. 76.105 prohibits a person from buying or using restricted use pesticides or state-limited pesticides unless the person is licensed as a commercial applicator or is under the direct supervision of a licensed applicator.
- 4 TAC ch. 7, subch. D, sec. 7.31 states that a licensed pesticide applicator supervising unlicensed persons must ensure that those persons have either obtained five continuing education units for licensed commercial and noncommercial applicators or have been trained in pesticide law, regulation, label information, and safe use.
- DIGEST:** SB 1113 would allow a municipal or county health department to request a waiver from the Texas Department of Agriculture (TDA) authorizing the application of pesticides for mosquito control by unlicensed employees under the direct supervision of a licensed applicator if the municipality or county was in a state of disaster declared by the governor or the

municipality or county health department had determined that immediate action was needed to control the threat of mosquito-borne disease. TDA could grant the waiver upon request.

Licensed pesticide applicators and unlicensed persons applying pesticides under this waiver would be required to execute an affidavit issued by TDA describing the supervision arrangement and return the affidavit to TDA.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

**SUPPORTERS
SAY:**

SB 1113 would aid local governments in disaster recovery by allowing them to request waivers to let unlicensed employees rapidly assist with mosquito control in flooded areas by applying pesticides to standing water. Enabling local governments to access these waivers is an important tool for preventing public health threats from vector-borne diseases, particularly the Zika virus.

Mosquito-borne diseases become prevalent in flooded areas, exacerbating the threat to public health in areas already struck by disaster. This bill would codify the protocol and procedure that would have to be adhered to in order for a local health department to be eligible for a waiver for emergency mosquito control.

**OPPONENTS
SAY:**

No concerns identified.