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FISCAL IMPACT REPORT

SPONSOR	SPAC	ORIGINAL DATE	03/08/09	HB	
		LAST UPDATED	03/15/09		
	Public Peach, Health, Safety & Welfare				
SHORT TITLE	Pesticide Applicator Licensing Requirements	SB	715/SPACS/aHAGC		
				ANALYST	Williams

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
	\$6.0	\$5.0	Recurring	NMDA Operating Budget

(Parenthesis () Indicate Expenditure Decreases)

Companion to House Bill 715

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of HAGC Amendment #1

The House Agriculture and Water Resources Committee amendment #1 removes the proposed changes to the definition of a noncommercial applicator in the Pesticide Control Act. The substitute had expanded the definition to include any general use pesticide, when applied to certain eligible sites or conditions. Further, the House Agriculture and Water Resources Committee amendment #1 would not allow a noncommercial applicator to use a restricted use or state restricted use pesticide without having a valid current noncommercial applicator license.

Synopsis of Original Bill

Senate Public Affairs Committee Substitute for Senate Bill 715 amends 76-4-3 NMSA 1978 changing the definition of and requirements for pesticide license types for public applicators and non-commercial applicators. The amendment requires a license be obtained when a public or noncommercial pesticide applicator is applying general use pesticides to sites or under conditions to be specified by rule to include: schools, daycares, parks, medical facilities, apartments, or other multi-family dwellings.

The bill also makes technical corrections and updates to existing statute.

FISCAL IMPLICATIONS

House Bill 715 does not contain an appropriation.

On the revenue side, NMDA reports that it will receive minimal revenue since there is currently no fee for licensing and testing for public applicators. Noncommercial applicators who choose to become licensed, pay a \$10 exam fee and \$50 annual licensing fee. NMDA estimates that no more than 100 individuals will obtain noncommercial licensing.

NMDA states that it can absorb the additional cost from current resources. NMDA estimates an additional cost to support the processing and issuance of additional licensing, and personnel and travel expenses to support inspections and training. The agency plans to add one FTE inspector position to cover the additional regulatory activities. Initial cost of implementation will also include conducting multiple informational sessions to educate affected entities.

SIGNIFICANT ISSUES

NMDA states:

Licensed pesticide applicators are required to demonstrate adequate knowledge to properly apply pesticides by passing a written examination. Licensees attend further training to meet the continuing education requirement necessary for renewal of the license.

Public and noncommercial applicator licenses are currently only required for use of restricted use pesticides (RUPs). RUPs are rarely used in urban situations due to high toxicity and label restrictions. Currently, the New Mexico pesticide control act (NMPCA) requires, public applicator licensing for employees who apply RUPs as part of their job for federal, state, local government agencies or other designated political subdivisions. This includes parks department employees, school maintenance and grounds personnel, and building maintenance personnel, among others. The NMPCA also requires noncommercial applicator licensing to apply RUPs to business property they or their employer owns. Examples include greenhouse workers, apartment managers, and commercial bakery personnel.

Licensing, and therefore demonstration of adequate knowledge and training, is not required for public and noncommercial applicators using general use pesticides, which are the majority of pesticides used in urban settings. General use pesticides can still be toxic and cause environmental damage when misused. Employees not trained or knowledgeable in the proper use and safety of pesticides create increased risk for others working, living, and playing in these areas, even when using only general use products. NMDA currently has limited authority to adequately address misuse involving general use pesticides applied by unlicensed persons.

The sites identified in regulation to require further licensing for public and noncommercial applicators will be schools, daycares, parks, medical facilities, apartments, or other multi-family dwellings.

NMDA lacks a mechanism to ensure violations of pesticide misuse by unlicensed persons applying pesticides in public settings are addressed, corrected and further problems prevented. Compliance by licensed applicators is ensured through annual inspection, compliance assistance, and enforcement actions directed to prevent pesticide misuse.

The commercial pesticide industry is required to maintain licensing for anyone applying any pesticide at the above sites and supports others falling under the same licensing, recordkeeping, and compliance requirements.

This action is a step to reduce need for further restrictions affecting currently licensed pesticide applicators in response to misuse by those lacking the same professionalism and knowledge.

OTHER SUBSTANTIVE ISSUES

NMDA reports that efforts are underway at the national level to develop standards and requirements for school integrated pest management (IPM) programs. Enactment of the bill will place NMDA in a proactive position to appropriately and effectively implement and oversee IPM in schools if national legislation mandates these programs in schools and other educational institutions.

AW/svb:mt