

HCS HB 1125 -- PESTICIDE CERTIFICATION AND TRAINING

SPONSOR: Rone

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Agriculture Policy by a vote of 17 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 12 to 1.

The following is a summary of the House Committee Substitute for HB 1125.

This bill modifies provisions relating to pesticide certification and training. In its main provisions, the bill:

- (1) Repeals the ability of the Director of the Department of Agriculture to provide by regulation for the one-time emergency purchase and use of a restricted use pesticide by a private applicator;
- (2) Authorizes the Director to, by regulation, classify licenses, including a license for provisional private applicators and noncertified restricted use pesticide (RUP) applicators;
- (3) Specifies that no individual may engage in the business of supervising the determination of the need for the use of any pesticide on the lands of another without a certified commercial applicator's license issued by the Director;
- (4) Prohibits a certified commercial applicator from knowingly authorizing, directing, or instructing an individual to engage in determining the need for the use of any restricted pesticide on the land of another unless he or she is licensed as a noncertified RUP applicator while working under the direct supervision of a certified commercial applicator. The certified commercial applicator is liable for any use of a restricted use pesticide by an individual operating under the his or her supervision;
- (5) Prohibits a certified noncommercial applicator from knowingly authorizing, directing, or instructing an individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or his or her employer unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified noncommercial applicator. The certified noncommercial applicator is liable for any use of a restricted use pesticide by an individual operating under his or her direct supervision;

(6) Prohibits a pesticide technician from using or determining the need for the use of any pesticide unless there is a certified commercial applicator working from the same physical location as the licensed pesticide technician;

(7) Allows a pesticide technician to complete retraining requirements and renew the his or her license without a certified commercial applicator working from the same physical location;

(8) Prohibits a certified private applicator from knowingly authorizing, directing, or instructing an individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified private applicator or his or her employer unless such individual is licensed as a certified private applicator or a certified provisional private applicator;

(9) Requires a private applicator to attend an approved program, complete an approved certification course, or pass a certification examination to qualify for a certified private applicator's license or a certified provisional private applicator's license.

(10) Requires the University of Missouri extension to collect reasonable fees for training and study materials, for enrollment in an in-person or an online certification or recertification training program after certain requirements are met;

(11) Requires a certified private applicator holding a valid license to complete recertification training or pass the required private applicator certification examination in order to renew the license;

(12) Specifies that on the date of the certified provisional private applicator's 18th birthday, his or her license will automatically convert to a certified private applicator license with the original expiration date from issuance;

(13) Prohibits a certified public operator from knowingly authorizing, directing, or instructing an individual to engage in using any restricted use pesticide on lands or structures unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified public operator. The certified public operator is liable for any use of a restricted used pesticide by an individual operating under his or her direct supervision;

(14) Authorizes a person who volunteers to work for a public agency to use general use pesticides without a license under the supervision of the public agency on lands owned or managed by the agency;

(15) Creates requirements for the application for a noncertified RUP applicator's license;

(16) Requires that a pesticide dealership location or outlet from which restricted use pesticides are distributed, sold, held for sale, or offered for sale at retail or wholesale have at least one individual licensed as a pesticide dealer;

(17) Prohibits an individual from being issued more than one pesticide dealer license and requires each mobile salesperson possessing restricted use pesticides for distribution or sale to be licensed as a pesticide dealer;

(18) Requires each applicant for a pesticide dealer's license to pass a pesticide dealer examination;

(19) Requires licensed certified applicators, licensed noncertified restricted use pesticide applicators, licensed pesticide technicians, and licensed pesticide dealers to notify the Department within 10 days of any conviction of or plea to certain offenses;

(20) Authorizes the Director to issue a pesticide applicator certification on a reciprocal basis with other states without examination to a nonresident who is licensed as a certified applicator in accordance with the reciprocating state's requirements and is a resident of the reciprocating state;

(21) Repeals the requirement that a nonresident applying for certain pesticide licenses to operate in Missouri must designate the Secretary of State as the agent of the nonresident upon whom process may be served unless the nonresident has designated a Missouri resident agent;

(22) Prohibits any person from using or supervising the use of pesticides that are canceled or suspended; and

(23) Specifies that it is unlawful for any person not holding a valid certified applicator license in proper certification categories or a valid pesticide dealer license to purchase or acquire restricted use pesticides and that it is unlawful for any person to steal or attempt to steal pesticide certification examinations or examination materials, cheat on pesticide certification examinations, evade completion of recertification or retraining requirements, or aid and abet any person in an attempt to steal examinations or examination materials, cheat on examinations, or evade recertification or retraining requirements.

The provisions of this bill will become effective July 1, 2024.

This bill is similar to HB 2532 (2020).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill was the culmination of a two-year stakeholder process to update the pesticide applicator requirements to bring the state in compliance with new U.S. Environmental Protection Agency rules.

Testifying for the bill were Representative Rone; Missouri Farm Bureau; Missouri Soybean Association; Missouri Department of Agriculture; University of Missouri System; Missouri Agribusiness Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say they recognize that Missouri must update its program to come into compliance but would like to set parameters on some of the requirements, such as the in-seat training and the fee for training.

Testifying on the bill was the Missouri Corn Growers Association. Additional written testimony was submitted for information purposes.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.