
From: Landon Cooley <landon@pestcom.com>
Sent: Monday, August 10, 2020 1:27 PM
To: Brian Oakey <Brian.Oakey@ISDA.IDAHO.GOV>
Subject: {External}Comments: Pesticide Rule Changes

Hi Brian,

I would like to submit some thoughts and comments in regards to the proposed pesticide rule changes. Overall, I do not have immediate issue with the proposed changes, but would like to submit my support and opposition of new and existing rules and regulations.

1. Commercial Apprentice category (CA)

- I am highly in favor of this category. Apprenticeship licenses are very common in regulated industries and should be in ours. I believe it gives all companies in our industry a reasonable way to fulfill certain needs, without unreasonable licensing requirements. This will be a huge relief for many of us! This also gives a much more realistic, achievable opportunity for new comers to enter our industry, develop experience and become more capable of passing additional licensing categories. I also like that there is a reasonable "expiration" to this category as we do not want people to hold this categories for years on end. This is meant to help them into the industry, learn more and then get additional license categories. This is a great addition to our licensing structure!

2. Rodent Control category (RC)

- I am in opposition of an additional category for rodent control. I see no need for this category. The GP category easily suffices for the needs of the industry and should qualify a technician to fulfill duties specified by the RC category. This seems very contradictory, we are adding the CA category to ease the burden of licensing and create more opportunity for applicators, but then burden them with an additional, unnecessary category. Adding this category will just convolute our already convoluted licensing program. Applicators WILL NOT become more educated, safer, or qualified by just "passing tests". This is obtained by continuing education and proper in field training.

3. Clarification: OI vs GP

- There has been an on going argument between the Dept. of Ag and professional applicators in regards to when an application is covered by GP vs requiring OI. The confusion and disagreement often arises during residential pest control applications. It is industry standard for service providers to treat some of the vegetation around the base of a structure (typically within 6

feet) in order to properly control nuisance target pests. It can be very difficult to control some pests without treating these areas. Some Dept of Ag inspectors have told us that it is ok to treat vegetation as long as it is within 6 feet of the structure, with out holding the OI category. I think this is very reasonable considering the target pests, the overall goal and what we use the GP category for. Some inspectors have indicated that this is not ok and this is where confusion comes in. I do not believe it is reasonable to require GP applicators to obtain OI for these types of applications that are within 6 feet of a structure, GP should suffice for labeled target pests. The exam for OI has very little to do with the “residential pest control industry”, let alone any of the applications commonly performed under GP. GP applicators often struggle immensely in passing OI because of the lack of commonality with what they do in the field on a day to day basis and the material being covered in the OI exam. I would strongly advocate for adding some sort of language to the GP category indicating that vegetation/foliage within a [blank] linear feet of a structure may be treated per label guidelines. My opinion is that the linear footage should be a maximum of 6 feet or less if indicated by the product label. This would provide immense clarification to both Dept of Ag inspectors and professional applicators, while remaining reasonable to the demands of the industry!

4. 400.07- Objection to specific wind speed restrictions

- This section is a little confusing, so I apologize if I am misunderstanding it, but I want to share my thoughts according to how I integrate the language.

- The Dept of Ag governs a variety of application based industries from aerial applicators to urban applicators. I can see the need for specific restrictions, in this case wind restrictions, for certain types of applicators. However, I do not think it is reasonable to enforce “blanket restrictions” on everyone collectively. I would advocate to have the language of “...sustained wind conditions exceeding ten (10) miles per hour...” removed and applied only to industries where it is essential and straightforward (such as aerial applications). I believe this statement should suffice for a generic wind speed requirement, especially in urban settings: “Chemicals shall not be applied when wind speed favors drift beyond the area intended for treatment or when chemical label restricts the use of a pesticide for wind speed.” In urban applications, the 10 mph wind speed is often times subjective and inconsistent. Part of a property may have consistent wind speeds at 10 mph or greater, while the other side has enough wind blockage and a safe application can easily be performed. If this is the case (which it commonly is), should I not be able to treat a problem area in the less windy portion of the property? I believe the specific 10 mph wind requirement is too generic and unreasonable for all industries and as professional applicators we should be able to make a responsible decision as to wether or not an application is subject to drift due to wind. We also should very much so be held responsible for those professional decisions.

5. 1 week waiting time in-between license exams

- I propose this rule/protocol be completely removed. This to me is unreasonable and completely unnecessary. ISDA worries too much about “cheating” and seems to try and detour it with ridiculous rules that make things more convoluted and difficult. The exams are extremely difficult as it is with very high failure rates. Protocols like this just make it worse.

5. Overall concerns with the ISDA testing and licensing program and barriers to entry for business owners

- Although I am highly in favor of the new CA category, I believe this category is being proposed as an attempted solution for high failure rates within ISDA licensing exams. A CA category is only a bandage approach to the real problem, which is the overall structure of the licensing/exam program as a whole. The reality within our local, Idaho industry is that most of the labor force who commonly applies and/or currently works within our industry, does not have either the competency or the resources necessary to pass these exams. This DOES NOT mean they do not have the competency or resources needed to professionally work within the industry. The sad thing is that every year MANY prospective applicators turn of which have the competency and ability to be GREAT professional applicators, turn away from our industry due to inability to pass the licensing exams. THIS IS NOT RIGHT!

The tests are extremely difficult, even for veteran applicators who come from other states. Those that do pass often are barely receiving passing scores! Very few actually score in the 90%+ percentile. Poor study material, poorly developed exams and an outdated/inefficient licensing/exam program do not help this problem, but the REAL PROBLEM is that ISDA gauges a professional applicators competency and ability to become a professional applicator by that persons ability to "pass the exams". This is a very unreasonable. Like most education systems, a given "student" or in our case "prospective applicator", should be given all materials, resources and tools necessary to REASONABLY achieve not only a "passing score", but even an "above average" score! Those that, with this information, still cannot receive a "passing score" should be not get past this barrier and be allowed to enter our industry. This does not mean exams should be "easy", it just means the should be reasonably achievable!

ISDA needs to understand that ones ability to become a responsible, educated professional applicator is not achieve by "passing exams". This is achieve by allowing good prospective applicators into good, reputable companies who will provide in depth training and substantial continuing education. We have many BAD applicators in the industry who were simply able to "pass the exam". Many of these applicators are anything but "professional" due to their employers lack of care for continued education and professionalism. Professional companies should carry this burdens, even if it results in additional requirements form ISDA. Companies that are not willing, should not be providing services and employing applicators in Idaho.

I would propose that ISDA makes the following changes to their exam program:

1. simplify the licensing/exam program and strive for higher passing scores through improved exams, a more simple exam process, and greatly improved (Idaho specific) study material/tools.
 2. make the exams and study material IDAHO based (not Pacific North West)
 3. Stop letting the exams detour so many potentially great professional applicators from our industry and rely on the companies employing professional applicators to educate and encourage professionalism and safety in the industry. EVEN IF this results in more regulation for employing companies! Put the burden and barriers on the companies, not the applicators.
- Require TWICE the amount of continuing education credits to encourage continued professionalism and education long after the "exam is passed".

I would propose that the following barriers of entry be imposed upon prospective business owners in our industry:

1. 2 years minimum of experience as a professional applicator working for a business in Idaho or a reciprocating state. With an exception for business owners who have owned and operated a legitimate, licensed business in another state for 2 years minimum.

- This a VERY common requirement in many other states. It is extremely effective in keeping out the “unprofessional companies” who will turn prospective professional applicators into “unprofessional applicators”. An applicator is rarely more professional than the company they work for!

2. A separate license or certification requirement for business owners in our industry that gauges their ability to run and operate a professional business and keep professional applicators “professional” after they pass exams.

6. Separate division within ISDA for urban applicators

- I recognize that many of my above feelings and concerns are specific to my portion of our industry, all though it is a very large portion. I know this may not be very realistic now, but ISDA should highly consider separating urban applicators into their own division with its own rules, licenses, programs, etc. This is common in many other states and is for good reasons. There are such vast differences in the urban industry vs the traditional agricultural industry that having them all under one umbrella really just isn't fair and does a disservice to everyone. I think this idea should be highly considered for future legislation.

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