

Occupational Authorizations

for the meeting of the
ALC-OCCUPATIONAL LICENSING REVIEW SUBCOMMITTEE
Thursday, February 15, 2024 at 2:00 PM

Arkansas State Plant Board

NON-COMMERCIAL APPLICATORS

Authorization Type: Certification # of Individuals Regulated:

Entity Division Name: Plant Industry Division, Commercial Pest Control

Scope of Practice: Performs pest control services including the use of restricted pesticide for employer only.

Statutory Requirement(s): 17-37-201. License requirement.

(a) No person shall, for compensation, engage in pest control service work in any manner as define

in this chapter without first having qualified, including the passing of the board's written examination, and having in force a valid license issued by the board for that purpose.

(b) It shall be unlawful for any person other than a licensed operator, qualified operator, noncommercial applicator, or persons working under their direct supervision to use restricted-use pesticides as defined by the Federal Insecticide, Fungicide, and Rodenticide Act.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Certification to preform pest control services including the use of restricted pesticides for employer and only on properties controlled by employer	\$70.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Circular_6_Effective_7-29-2021.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

LICENSED OPERATOR (6 CATEGORIES AVAILABLE)

Authorization Type: Licensure # of Individuals Regulated:

Entity Division Name: Plant Industry Division, Commercial Pest Control

Scope of Practice: Provides and/or supervises commercial and residential pest control services including the use of restricted pesticides

Statutory Requirement(s): 17-37-201. License requirement.

(a) No person shall, for compensation, engage in pest control service work in any manner as define

in this chapter without first having qualified, including the passing of the board's written examination,

Arkansas State Plant Board (Continued)

LICENSED OPERATOR (6 CATEGORIES AVAILABLE) (Continued)

and having in force a valid license issued by the board for that purpose.
(b) It shall be unlawful for any person other than a licensed operator, qualified operator, noncommercial applicator, or persons working under their direct supervision to use restricted-use pesticides as defined by the Federal Insecticide, Fungicide, and Rodenticide Act.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	License authorizing the holder to provide and/or supervise commercial and residential pest control services	\$150.00	Annually

Administrative Rules Documents

Document Type	Document
Rules	Circular_6_Effective_7-29-2021.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

TECHNICIAN

Authorization Type: Registration # of Individuals Regulated: 2343

Entity Division Name: Plant Industry Division, Commercial Pest Control

Scope of Practice: Registers employees of Pest Control businesses to perform pest control services including the use of restricted pesticides under the supervision of a licensed operator.

Statutory Requirement(s): 17-37-201. License requirement.

(a) No person shall, for compensation, engage in pest control service work in any manner as define in this chapter without first having qualified, including the passing of the board's written examination, and having in force a valid license issued by the board for that purpose.
(b) It shall be unlawful for any person other than a licensed operator, qualified operator, noncommercial applicator, or persons working under their direct supervision to use restricted-use pesticides as defined by the Federal Insecticide, Fungicide, and Rodenticide Act.

Pursuant to Arkansas Code §17-4-104, do you provide an automatic licensure to a uniformed service member stationed in the State of Arkansas, a uniformed service veteran who resides in or establishes residency in the State of Arkansas; and the spouse of a uniformed service member who is stationed in, resides in, or establishes residency in the State of Arkansas; a uniformed service member who is assigned a tour of duty that excludes the uniformed service member’s spouse from accompanying the uniformed service member and the spouse relocates to this state; and a uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state?

No

If NO, the rule establishing the expedited process and procedure:

- [Rule for Expedited Process and Procedure for Military Service Member or Spouse](#)

Fees & Penalties

Fee Type	Fee Description	Amount (\$)	Frequency
Fee	Pest Control registered technician performing pest control services, including	\$30.00	Annually

Arkansas State Plant Board (Continued)

TECHNICIAN (Continued)

Fee Type	Fee Description	Amount (\$)	Frequency
	the use of restricted pesticides, under the supervision of a licensed operator		

Administrative Rules Documents

Document Type	Document
Rules	Circular_6_Effective_7-29-2021.pdf

Supporting Evidence Documents

No Supporting Evidence Documents Provided

ALC – Occupational Licensing Review Subcommittee
Occupational Entity Questionnaire

Responses to the following questions are due via email to Subcommittee staff no later than the 15th of the month immediately preceding the month the occupational authorization is scheduled for review by the Subcommittee.

Arkansas Department of Agriculture / Plant Industries Division / Pest Control Program:

- **Licensed Operators (6 categories)**
- **Non-Commercial Applicators**
- **Technicians**

1. Would consumers be at risk of substantial harm if Arkansas did not have this occupational authorization? What instances of specific and substantial harm have been documented in the past year? **-No human exposures to pesticide have been confirmed in the past year. There have been numerous cases where verified compliance through sub-standard reports of termite treatment have been issued which resulted in getting the treatment for termites to meet minimum treating standards which includes termite damage replacements when the evidence collected show the damage was the responsibility of the company.**
2. How many complaints were made to the occupational entity by consumers being harmed by unauthorized practitioners? – **none / 2023**
What specific action was taken by the occupational entity? – **none / 2023**
3. How many complaints were made to the occupational entity by consumers being harmed by authorized practitioners? **-79**
What specific action was taken by the occupational entity? – **Sub-standard Reports would be issued to the companies found liable for not meeting the minimum treatment standards. These reports are followed up by staff to make sure that the company has met the minimum treating standards or reached a resolution with their customer, for failing to treat their homes properly or for damage replacements which resulted from new termite damage that was not present at the time the home was put under contract. 36 Corrective letter/Sub-standard reports were issued out of the 79 complaints.**

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Occupational Entity Questionnaire

4. Were any applicants who otherwise met authorization requirements denied an authorization in the past year? If so, why? - No
5. How much does the occupational entity collect annually in fees: \$560,000 -fluctuates year to year
and what are annual expenses? \$490,000 also fluctuates year to year
How much money does the occupational entity have in reserves? Approximately \$70,000
6. If the occupational entity has a positive amount in reserves, when was the last time reserve funds were used? FY24
For what purpose? To support program cost when expenses exceed collection also fluctuates year to year
7. Does the occupational entity have any other sources of revenue? No
Could occupational authorization fees be reduced without causing the occupational entity to be underfunded? No
8. How many applicants for the occupational authorization fail each year?
 - Licensed Operator's – 103 Failed
 - Non-commercial Applicators – 10 Failed
 - Technicians – 429 failedDoes the occupational entity track how many applicants that do not progress are veterans, women, or minorities? - No
9. Can applicants complete the training requirements for this occupational authorization with vocational or non-traditional education (e.g., apprenticeships)? – yes
What percentage of applicants complete apprenticeships? – unknown, information is not tracked
10. In what ways would removal of the occupational authorization or reduction of occupational authorization requirements be harmful to current authorization holders?
Conducting their business would be difficult or impossible due to:
 - Businesses and customers require and/or expect a certification or license as proof of being qualified to provide these services
 - Insurance and bond providers require certification or licenses as proof of qualification before offering coverage

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- Federal (EPA) rules and laws require licenses or certifications to purchase and use certain pesticide products.