Department of Agriculture Occupational Licenses

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| Pesticide Applicator: Commercial, non-commercial, consultant, technician | There are no specific educational requirements; however, a working knowledge of the occupation is necessary. | Applicator certification requires the successful completion of at least two examinations. | 2 O.S.§ 11-97         | Private applicator - $20  
Commercial applicator - $100  
Consultant license - $100  
Service technician - $50 |

State Comparison:
All states license pesticide applicators as EPA has federal standards states must abide by.

Additional fiscal information:
Pesticide Applicator fee revenue: $4,525,638  
Department of Agriculture is a state appropriated agency.
Occupational Regulation Blueprint

License Details
What is the certification/license? Certification for Pesticide Applicators, including Service Technicians and Commercial Applicators; Pesticide Applicator Consultant License

What does the certification/license cover? The application of pesticides on others’ property

What Board regulates the license? State Board of Agriculture

Compelling Public Interest
What is the compelling public interest (see Annex, item 1)? Public health, public safety, substantial fiduciary interest; The Federal Insecticide, Fungicide and Rodenticide Act requires the certification of individuals applying pesticides. The U.S. Environmental Protection Agency (EPA) implements this federal law and has delegated authority to the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) to administer the program according to ODAFF’s Certification and Training Plan. Without the administration of the program through an agency with this delegated authority, producers cannot use Restricted Use Pesticides in the state of Oklahoma. This would greatly impact farmers and small businesses throughout the state, as they depend on these products and their proper application to safely and efficiently grow crops. This would also impact small businesses as it would prohibit the commercial application of pesticides in restaurants, hotels, and other integral Oklahoma businesses as well as in individuals’ homes and yards.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)? Yes—demonstrated, real, significant, probable

Least Restrictive Means
What means is used to protect the public interest? Command and Control: Certification holders must prove adequate knowledge of pesticides and application by passing a test. They are also required to carry insurance for losses due to improperly applied pesticides, and complete continuing education. The certification must be renewed every five years.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes—For the certifications, this is what EPA requires under ODAFF’s Certification and Training Plan in order for the agency to maintain delegated authority from EPA.

If the answer to the above question is “No” then do not use that type of regulation to protect the public interest.

----------------------------------------Continue only if Occupational Licensing was Used----------------------------------------

Controlling Number of Market Participants on the Board
How many members are on the regulatory board? 5

How many of them are active market participants (see Annex, item 5)? One board member is a certified private applicator. All board members are ag producers and several utilize restricted use pesticides for agricultural production.

Is the board controlled by these active market participants (see Annex, item 6)? No

----------------------------------------Continue only if the Board is Controlled by Market Participants----------------------------------------

Active Supervision of the Board
Is there active state supervision of the board (see Annex, item 7)? If the answer to the above question is “No” then board’s conduct may violate the Sherman Act and the board’s actions are not protected by state immunity.
Additional Questions

- Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board;

  A private applicator certification is $20, service technician is $50, and a commercial applicator is $100. Fees collected go back into ODAFF’s Pesticide Program. These funds are used for administration costs, such as providing cards to prove certification, tracking continuing education credits, and investigating pesticide drift complaints. These fees also help fund production of study materials and training that OSU provides applicators.

- How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670; and,

  ODAFF will work with applicants on a case-by-case basis to address questions or concerns that may give rise to denial of an application due to a felony conviction. For military members, ODAFF will grant reciprocity for those certified under a program with equivalent requirements and work on a case-by-case basis with those that are certified under lesser standards.

- How your Agency/Board has, or will, implement provisions in last session’s HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

  ODAFF will comply with the law and grant the waiver to those who qualify.