

EMERGENCY EXTENSION OF CERTAIN PESTICIDE APPLICATOR LICENSES

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House Bill 5730 as introduced
Sponsor: Rep. Brandt Iden
Committee: Government Operations
Revised 4-30-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5730 would amend Part 83 (Pesticide Control) of the Natural Resources and Environmental Protection Act (NREPA) to provide that all three-year certificates for commercial applicators, private applicators, and registered applicators of pesticides issued under Part 83 that expired on December 31, 2019, remain unexpired until June 30, 2020. The bill is largely a codification of Executive Order 2020-52.

On March 10, 2020, Michigan's first patient tested positive for COVID-19, at which time Governor Whitmer declared a statewide state of emergency.¹ On March 23, the governor signed a "Stay Home, Stay Safe" executive order directing all state businesses and operations to temporarily suspend in-person operations not necessary to sustain or protect life.²

Executive Order 2020-52,³ issued April 17, temporarily extends the validity of pesticide applicator licenses⁴ issued under NREPA that would otherwise expire or not be renewed during the period of response to the COVID-19 pandemic. Specifically, under the order, all three-year certificates for commercial applicators, private applicators, and registered applicators issued under Part 83 of NREPA that were set to expire on December 31, 2019, are declared to be unexpired and will not expire until 60 days after the end of the declared states of emergency and disaster.

House Bill 5730 would amend NREPA to add a provision specifying that all three-year certificates for commercial applicators, private applicators, and registered applicators⁵ issued under Part 83 that were to expire on December 31, 2019, are unexpired and remain unexpired until June 30, 2020.

MCL 324.8312 and 324.8317

¹ Executive Order 2020-04, issued March 10, 2020 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-04.pdf>), rescinded and replaced on April 1 with Executive Order 2020-33 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-33.pdf>).

² Executive Order 2020-21, issued March 23, 2020 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-21.pdf>), extended through April 30, 2020 on April 9, 2020 by Executive Order 2020-42 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-42.pdf>).

³ Executive Order 2020-52: <https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-52.pdf>

⁴ See https://www.michigan.gov/mdard/0,4610,7-125-1569_16988_35289---,00.html

⁵ Note: Both the EO and the bill refer to "commercial applicators, private applicators, and registered applicators." However, as indicated by the current language of section 8317(7), the reference should perhaps instead be to "commercial applicators, private **agricultural** applicators, and registered applicators." As described in **Fiscal Impact**, there are four pesticide applicator certifications.

FISCAL IMPACT:

Part 83 of NREPA provides for the regulation of pesticides and gives authority for the state pesticide regulatory program to the Michigan Department of Agriculture and Rural Development (MDARD). Part 83 requires the registration or licensing of certain defined types of pesticides and certain persons who sell, distribute, or use pesticides. Section 8317 establishes pesticide application fees for the various “certifications” (registrations and licenses) established in Part 83.

There are four different applicator fees: Commercial applicator certification, \$75; Private agricultural applicator certification, \$50; Commercial registered applicator, \$45; and Private registered applicator, \$50. Under current law, these four certifications are valid for at least three years. The bill would extend, to June 30, 2020, the expiration date for certifications that were set to expire on December 31, 2019.

The bill would extend the time for those registrants with certifications that expired on December 31, 2019, to renew those certifications. This action could delay the receipt, by as much as six months, of some portion of pesticide regulatory fee revenue. However, the bill would not directly reduce fee revenue.

Fees from three-year pesticide application certifications generate approximately \$700,000 annually for credit to the Agriculture Licensing and Inspection Fee Fund.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.