

**2009 Innovations Awards Program  
APPLICATION**

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ID # (assigned by CSG): 09-S-28TX

**Please provide the following information, adding space as necessary:**

State: Texas

Assign Program Category (applicant): Government Operations (Use list at end of application)

1. **Program Name:** Structural Pest Control Service
2. **Administering Agency:** Texas Department of Agriculture
3. **Contact Person (Name and Title):** Bryan Black, Assistant Commissioner for Communications
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7. **E-mail Address:** Bryan.Black@TexasAgriculture.gov
8. **Web site Address:** www.TexasAgriculture.gov
9. **Please provide a two-sentence description of the program.**

This program transfers the licensing and regulation of persons involved in the business of structural pest control from the Texas Structural Pest Control Board to the Texas Department of Agriculture. The Texas Structural Pest Control Board was abolished effective the same date.

**10. How long has this program been operational (month and year)? Note: the program must be between 9 months and 5 years old on March 2, 2009 to be considered.**

The transfer became effective September 1, 2007.

**11. Why was the program created? What problem[s] or issue[s] was it designed to address?**

The program was originally created in 1971, and assigned to the Texas Structural Pest Control Board to provide for the licensing and regulation of the business of structural pest control. The purpose of the program is to provide exceptional customer service to the public and the structural pest control industry; enhance the educational and professional standards of license holders; and ensure the health, safety and welfare of the public.

## **12. Describe the specific activities and operations of the program in chronological order.**

Upon abolishment of the Texas Structural Pest Control Board and the transfer of the duties and responsibilities for the licensing and regulation of structural pest control to the Texas Department of Agriculture (TDA), the following activities were performed:

- A transition plan was developed in July 2007 to detail how the transition would be integrated
- Existing business practices were evaluated to determine how the functions would be integrated into TDA's existing infrastructure
- All existing positions were evaluated and reviewed to determine the accuracy of current job descriptions, and new job descriptions for each position were developed to ensure the continuity of services was maintained while integrating the functions into TDA's business model and descriptions were consistent with similar positions of the agency
- Newly created positions were posted, applicants were interviewed and positions were hired by August 2007
- Offices and staff were physically relocated to the TDA headquarters in September 2007. New employee orientation was conducted to educate the employees on the expectations and business practices of TDA
- Existing regulations from the previous Structural Pest Control Board were transferred to the TDA in September 2007
- Field staff was issued new equipment, including laptops, printers, cellular telephones, cameras and state-owned vehicles, to be used in the administration of regulatory responsibilities
- Training of field inspectors was conducted in October 2007 to educate inspectors on implementing new inspection procedures conducted for compliance with structural pest control laws and regulations. A new component incorporating a compliance assistance approach was presented to field inspectors
- Regulations for a newly created Structural Pest Control Advisory Committee were adopted in October 2007
- Applications for advisory committee membership were developed and made available in November 2007
- Advisory committee applications were reviewed and members were appointed in January 2008
- Structural pest control field inspectors were integrated into the statewide pesticide inspector training in April 2008 to begin the process of harmonizing the field inspection staff
- The initial advisory committee meeting was held in March 2008, followed by another meeting in May 2008
- Existing regulations were evaluated and amendments were presented to the advisory committee for input in May 2008
- Proposed amendments to the regulations were published in July 2008 for public comment
- Field inspector training was conducted in October 2008 to educate field inspectors on the proposed regulation changes and to introduce new procedures established for the investigation and reporting of structural pest control complaints to be consistent with other pesticide complaint investigations conducted by TDA
- Amendments to proposed regulations were adopted in December 2008

- Additional amendments to the structural pest control regulations addressing the implementation of integrated pest management (IPM) programs by school districts were provided to the advisory committee for input in January 2009
- Proposed regulation changes for IPM programs in school districts were published for public comment in March 2009.

### **13. Why is the program a new and creative approach or method?**

The Texas Department of Agriculture has long been designated as the lead agency in Texas for the regulation of pesticides, primarily regulating pesticide use in agricultural production. However, there are two other agencies in the state that had jurisdiction for licensing and regulation of pesticide use the Structural Pest Control Board for structural pest control use and the Texas Department of State Health Services for health-related pest control. This created obstacles in regulating pesticides by having agencies that have overlapping jurisdictions creating confusion for pesticide users in understanding which requirements they must comply with. It also created an obstacle to a cohesive regulatory rationale to be used in the state for coordinating pesticide related activities. The integration of the transfer and responsibilities of structural pest control to TDA provides opportunities to decrease duplicity of effort, harmonize laws and regulations pertaining to pesticide use and distribution in the state, and provide for a centralized regulatory oversight entity. This will create less confusion by the regulated community fostering greater protection of consumers, the public and the environment, when pesticides are used. It further provides the opportunity for the state to realize greater efficiency and reduce the costs associated with pesticide regulation.

### **14. What were the program's start-up costs? (Provide details about specific purchases for this program, staffing needs and other financial expenditures, as well as existing materials, technology and staff already in place.)**

Start-up costs for the first year of operation were projected to be approximately \$1.7 million dollars. The initial costs were attributable to the purchase of state-owned vehicles for field staff to use in conducting regulatory responsibilities; the purchase of new laptop computers, cellular telephones, printers, and cameras for field staff; new employee start-up costs for headquarter staff (i.e. computers, telephones, office furniture and space), and training costs for field inspectors to assure that they were knowledgeable and equipped to implement their regulatory responsibilities according to new procedures and consistent with established agency policies. It was necessary to continue utilizing the existing licensing system from the Structural Pest Control Board, until such time that the licensing and regulation processes could be integrated into TDA's licensing and information management system. The staff in place was not transferred to TDA, but rather new positions were developed to address the needs of TDA in assuming the responsibilities for the licensing and regulation of structural pest control. Some functions previously conducted by the abolished agency were absorbed into TDA's existing infrastructure (such as purchasing, accounts payable, human resources administration).

**15. What are the program's annual operational costs?**

Succeeding years' operational costs are budgeted to be approximately \$1.6 million, with additional efficiencies being possible as processes continue to be evaluated and harmonization of activities is implemented.

**16. How is the program funded?**

The program is funded by fees collected from the issuance of licenses to users and penalties collected for violations of laws and regulations. All fees are generated in the state General Revenue fund and the appropriated back to the agency by the Texas Legislature for a biennium.

**17. Did this program require the passage of legislation, executive order or regulations? If YES, please indicate the citation number.**

Yes. The abolishment of the Texas Structural Pest Control Board and the transfer of the duties and responsibilities for the licensing and regulation of structural pest control to the Texas Department of Agriculture was necessitated by the passage of House Bill 2458 during the 80<sup>th</sup> Session of the Texas Legislature.

**18. What equipment, technology and software are used to operate and administer this program?**

The existing licensing system is a custom application based on the FoxPro database software application, for both the licensing and compliance applications.

**19. To the best of your knowledge, did this program originate in your state? If YES, please indicate the innovator's name, present address, telephone number and e-mail address.**

No, but the program is a pesticide regulatory program that was established by the Texas Legislature in 1971. The program was created as a separate state agency, with the oversight of the agency vested in a nine-member board appointed by the governor.

**20. Are you aware of similar programs in other states? If YES, which ones and how does this program differ?**

Yes. Similar programs exist in all states. Most states have pesticide regulation under the jurisdiction of the state agriculture agency, however, some states may assign the responsibility to an environmental protection agency or a consumer protection oriented agency. This program does not differ significantly from other states in its administration, but most states will have differences within the requirements or laws and regulations for structural pest control services. This program differs in that the intent and emphasis of the legislation expands the purpose of the program to go beyond merely providing regulatory oversight, but to also provide mechanisms to facilitate customer service to the regulated industry and the public, to develop resources to enhance the educational and professional standards of licensees, while ensuring that the practice of providing structural pest control does not compromise the health, safety and welfare of the public.

**21. Has the program been fully implemented? If NO, what actions remain to be taken?**

Yes. However, TDA continues to evaluate ways in which it can improve and streamline its regulatory responsibilities.

**22. Briefly evaluate (pro and con) the program's effectiveness in addressing the defined problem[s] or issue[s]. Provide tangible examples.**

The integration of the licensing and regulation of structural pest control into TDA has been a success. The limitations of a smaller agency have been overcome by incorporating functions into a larger agency. Resources have been available to upgrade equipment which has increased the professionalism of field inspectors in conducting their activities. The implementation of a compliance assistance approach rather than a strict criminal and civil enforcement approach has led to a greater respect and improved working relationship with the regulated community, and overlapping areas of jurisdiction have been harmonized resulting in a better understanding by the regulated community of compliance requirements which ultimately leads to enhanced protection to consumers, the public and the environment. The regulated community has begun to view the regulator more as a resource to compliance.

The cons include an industry perception, that might lose its identity by now being regulated by a larger agency. In order to overcome this perception TDA has created the Structural Pest Control Service within its Pesticide Division, which has its own Web-site and toll-free hotline dedicated to providing direct access to customer service for the industry and the public for structural pest control related inquiries. The formation of the Structural Pest Control Advisory Committee has also assisted in the transition to provide a conduit of information to occur between TDA and structural pest control stakeholders.

**23. How has the program grown and/or changed since its inception?**

The program continues to evolve as the alignment and harmonization of requirements continue to be evaluated. One of the bigger changes has been the implementation of a criminal background history check to occur on all applicants for a license. The previous Structural Pest Control Board conducted periodic audits of licensees for criminal background evaluation, but this was usually conducted after a license had been issued.

**24. What limitations or obstacles might other states expect to encounter if they attempt to adopt this program?**

Primary obstacles would be the apprehension of persons that are required to be licensed due to the change of the authority that has the responsibility for providing regulatory oversight. The other obstacle that has to be overcome is the meshing of cultures that have unique differences and issues, such a structural pest control industry that is now being regulated by an agriculture-oriented agency. There is always the apprehension that needs will not be understood nor received. As with any change, the effectiveness of communication is one of the major keys to success.

## **2009 Innovations Awards Program Program Categories and Subcategories**

Use these as guidelines to determine the appropriate Program Category for your state's submission and list that program category on page one of this application. Choose only one.

### *Infrastructure and Economic Development*

- Business/Commerce
- Economic Development
- Transportation

### *Government Operations*

- Administration
- Elections
- Public Information
- Revenue

### *Health & Human Services*

- Aging
- Children & Families
- Health Services
- Housing
- Human Services

### *Human Resources/Education*

- Education
- Labor
- Management
- Personnel
- Training and Development
- Workforce Development

### *Natural Resources*

- Agriculture
- Energy
- Environment
- Environmental Protection
- Natural Resources
- Parks & Recreation
- Water Resources

### *Public Safety/Corrections*

- Corrections
- Courts
- Criminal Justice
- Drugs
- Emergency Management
- Public Safety

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This application is also available at [www.csg.org](http://www.csg.org), in the Programs section.

**Deadline: March 2, 2009**