

Legislative Action At The State Level To Support PSEP

National Stakeholder Team For PSEP Funding, State Work Group

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Operating budgets of state Pesticide Safety Education Programs (PSEP) can vary considerably from one another. PSEP use dramatically different approaches to support their work. The federal piece of this has been shrinking over the years and those states that have aggressively sought to become self-supporting (with little or no federal funds) are the ones that are often thriving. No one approach is necessarily preferred, but three main resources are commonly used. They are:

1. Aggressive cost recovery from users of their program. This can mean, but is not limited to: [training fees, manual sales, curriculum sales, sponsorships etc.](#)
2. Close collaboration with their State Lead Agency (SLA) to secure state/federal resources through some sort of Memorandum of Understanding (MOU) or work agreement.
3. Dedicated funds directed through state laws. This would include, but not be limited to registrations fees, funds from enforcement actions, and or applicator fees mandated by statute.

This paper will focus on number three above, especially with respect to how stakeholders at the state level can advocate for legislative change. *

Laws that direct enforcement fines to PSEP—A few states direct fines levied in enforcement actions to be paid to PSEP. This is the case in [Indiana](#) and North Dakota. The amount directed to the PSEP on an annual basis is highly variable. The amount depends on the number and severity of the incidences as well as the enforcement philosophy used to determine fines. In Indiana for example, the total sanctions may be well under \$15,000 and may range as high as \$40,000 per year if there is a high profile incident. In both states, the variation from year to year is so great that the PSEP uses these funds for special projects, one time equipment purchases, or other needs that do not require reoccurring expenditures. The funds are seldom used to support on-going operations or salaries.

Laws that direct a portion of pesticide registration fees go to PSEP—Relatively few states employ this method of directing funds to PSEP. [Indiana](#), in response to declining federal support decided in 2008 to dedicate \$10 per product towards PSEP. This generates about \$150,000 annually for the PSEP and there is not much fluctuation from year to year. Thus the PSEP is able to use the funds to cover the infrastructure of the program. During the law amendment process to create this funding mechanism, both the state lead agency and the University were able to successfully argue for the long-term value added benefits to the state and the industry by having a stable training and education program.

An approach for stakeholders to support PSEP at the state level

The development, enhancement, and/or advancement of any successful PSEP is governed, at its core by dedicated people who earnestly want to educate and motivate people to utilize pesticides efficaciously, responsibly, and within the boundaries of the law. So, who starts the ball rolling; university extension (PSEP), the SLA, and/or industry?

- An existing university extension PSEP Coordinator is the obvious person to initiate the process. (If they have an active program.) However, the downside is that in a dozen states across the country, the PSEP Coordinator is either non-existent or pesticide safety plays a small part (as low

as 6%) of the staff or faculty member's job responsibility. In those situations, the responsibility of building up a program may inevitably fall to the people who actually need a strong PSEP.

- The SLA has statutory responsibility to execute FIFRA and state pesticide laws. The SLA provides a regulatory function, but compliance is predicated on the principle that well trained applicators will tend to use pesticides appropriately when they have the knowledge and tools necessary to do so. That is where a thriving PSEP becomes important. Thus in states without an active PSEP, the SLA may well have to begin the process.
- In other situations, the PSEP and the SLA may not have a close working relationship. In still others, both entities are occupied with their own workload. In those cases, the burden of getting things moving will fall on industry stakeholders who believe that a well educated population of competent applicators/dealers is good for their businesses, institutions, or members.

A state stakeholder team should be formed--Identify a small group of committed people to serve as a steering committee. Then bring key stakeholders into the team. Next, consider options for obtaining funds through legislative action. The state team should provide the nucleus for the ideas and the energy for developing a legislative strategy. All three entities (university extension, SLA, and industry) should be well represented and there should be relatively close agreement on what the legislative approach should be. This effort should be viewed as an effort with lead times of 12 to 20 months before the legislature meets in session.

State level legislative action to support PSEP--Generally, the SLA should have the best handle on the mechanics of introducing and moving proposals through the legislative process. So they will play an important role. However, neither the SLA or the university extension (PSEP) will be in a position to lobby for legislative action. (They are both public entities and in most situations are prohibited by law.) This is where industry stakeholders will be key. They are ultimately going to have to carry the weight of the legislative effort. This is appropriate because:

- They will be a primary beneficiary of a strong PSEP effort
- They will directly or indirectly pay the user fees and/or registration fees
- Their reputation suffers the consequences of enforcement actions

Industry support at the national level--The National Stakeholder Team For PSEP Funding recognizes that interested parties at the state level will be best suited to judge what strategy or direction should be taken in their respective state. However, sometimes it will be desirable and even a necessity to reach out to interests and associations that are national in scope. These entities can often bring experience to bear to help state level initiatives. Thus, if a stakeholder group at the state level chooses to advance a legislative agenda, they are encouraged to look to members and institutions that are on the [national team](#) for support.

* **Sometimes state laws inhibit PSEP financial support**—in these situations, legislative action may include revoking or modifying existing statutes. For example, in Missouri and South Dakota, Private Applicators may not be charged a fee for their certificate. In other states, laws may place a maximum on what can be charged. While the fact that a PSEP is directed to get a set sum to support their work is helpful, getting a change in the fee can be difficult. In [Montana](#), the law directs a set amount to the Montana State University PSEP of \$15 per Private Applicator for a five year certificate. Since the fee is in statute, it is difficult to change and has not been modified in 10+ years.