



Telephone: 512-305-8250
 Fax: 512-305-8253
 www.spcbtx.org
 spcb@spcbtx.org

Executive Director
 Murray Walton

Board Members

John Lee Morrison
 Chair
 Industry Member
 San Antonio

Madeline Kirven-Gamble
 Vice-Chair
 Public Member
 Dallas

Richard Rogers
 Industry Member
 Euless

Charles Brown
 Public Member
 Bryan

Tomas Cantu
 Industry Member
 McAllen

Brenda Hill
 Public Member
 Nacogdoches

Elias Briseno
 Ex-Officio Member
 Representing Commissioner,
 Texas Department of Health

Dr. Roger Gold
 Ex-Officio Member
 Representing Head of
 Department of Entomology
 Texas A & M University

Randy Rivera
 Ex-Officio Member
 Representing Commissioner,
 Texas Department of
 Agriculture

Texas Structural Pest Control Board

A State Agency
 PO Box 1927
 Austin, Texas 78767-1927

RECEIVED

SEP 21 2005

OPINION COMMITTEE

September 19, 2005

RQ-0398-GA

The Honorable Greg Abbott
 Attorney General of the State of Texas
 Office of the Attorney General
 P.O. Box 12548
 Austin, TX 78711-2548

FILE # ML-44418-05
 I.D. # 44418

RE: Request for Interpretation of the Texas Structural
 Pest Control Act; Occ., Code Chpt. 1951

Dear Attorney General Abbott:

Pursuant to Gov.'t Code §402.045, the Texas Structural Pest Control Board (Board) requests an Opinion as to the interpretation of the Occ. Code, Chpt. 1951.

The attorney for the apartment association has previously submitted materials to the Board on the apartment association's interpretation of the law. Those materials are attached to this letter.

The Board is having increasing interaction with apartment complexes over the usage of pesticides and licensing of apartment employees who perform pesticide applications. This increased interaction has led the Board to seek an Opinion.

1. May the Board regulate and require apartment employees whose regular duties include the application of pesticides to or on an apartment's landscape to obtain a license?

Thank you for your assistance in this matter.

Sincerely,

Murray Walton
 Executive Director

MW:mw:fc

cc: Mr. Larry Niemann
 Niemann & Niemann
 1122 Colorado St, Suite 313
 Austin, TX 78701 (without attachments)