



Department of Pesticide Regulation

Gavin Newsom
Governor

Yana Garcia
Secretary for
Environmental Protection

Julie Henderson
Director

Agricultural Pest Control Advisory Committee Meeting Summary

April 13, 2022

10:00 AM - 12:00 PM

Members Present (9): **Ronald Berg**–Pesticide Dealers, **Glen Foth**–Commercial Applicators, **Dan Gudgel**–Pest Control Aircraft Pilots, **Michael Huffman**–Agricultural Pest Control Advisers (Alternate), **Phil Mullins**–Agricultural Pest Control Businesses, **Jhalendra Rijal**–University of California, **Matt Scally**–Pest Control Maintenance Gardeners, **Stephen Scheer**–California Agricultural Commissioners and Sealers Association, **Wayne Steel**–Pesticide Registrants

Department of Pesticide Regulation (DPR) Staff (5): **Joseph Damiano**–Branch Chief Enforcement Headquarters, **Laurie Brajkovich**–Environmental Program Manager, **Alicia Scott**–Senior Environmental Scientist, **Kenneth King**–Staff Services Analyst, **Rebecca Olson**–Staff Services Analyst

Guests (4): **Ruthann Anderson**–California Association of Pest Control Advisers, **Ruben Arroyo**–Riverside County Agricultural Commissioner, **Nathan Desjarlais**–DPR Enforcement HQ Branch, **Terry Gage**–California Agricultural Aircraft Association

Members Absent (5): **Margaret Ellis**–Board of Trustees of the California State University System, **John Erisey**–Agricultural Pest Control Advisers, **Jeanette Heinrichs**–General Public, **Kenneth Oneto**–Producers, **Timothy Smith**–Board of Governors of The California Community College System

- I. **Welcome – Laurie Brajkovich, Environmental Program Manager, DPR-Licensing and Certification**
- II. **Administrative Topics – Laurie Brajkovich, DPR Licensing and Certification**
 - Introductions – Jhalendra Rijal was introduced as a new APCAC member representing The University of California Division of Agriculture and Natural Resources.

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- There were no requested revisions to the December 2021 APCAC meeting notes.

III. DPR Update – Joseph Damiano, Branch Chief DPR-ENFHQ

- The only new regulations that have gone into effect since January 1, 2022 are citrus/bee area regulations, which went into effect on January 1, 2022. The action updates notification procedures for apiary operators who wish to receive advance notification of pesticide applications and for pesticide applicators who intend to apply pesticides labeled toxic to bees. This action also repeals the notification service and fees in the counties of Butte, Glenn, and Tehama, and updates requirements during the citrus bloom period within a citrus/bee protection area.

IV. Licensing and Certification Update – Laurie Brajkovich, DPR Licensing and Certification

- DPR mailed 9,688 renewal packets to individual license holders (M-Z) in August 2021
 - All individual renewals were completed by the third week of February (except 185 that have problems).
 - All renewals that DPR received by October 1 were renewed by the first week of December.
 - All renewals that DPR received by November 1 were renewed by the end of the year.
- DPR mailed 1,853 renewal packets to business license holders (M-Z) in September 2021.
 - As of last week, 93% of business renewals mailed by DPR had been returned to DPR for processing; 86% of renewal received by DPR had been renewed. The remaining 245 renewals are missing required information.
- Processed renewals kept pace with received renewals throughout the season, with one bottleneck occurring in mid-January to mid-February as renewals mailed during the last week of December arrived in our office.
- The timeline for the 2022 renewal season is:
 - Postcards will be mailed regarding notification to DPR of any address changes.
 - June – Early renewals mailed.
 - August – Individual renewal packets printed and mailed.
 - September – Business renewal packets printed and mailed.
- Valid license data and new licenses issued data was presented, comparing 2020 to 2021. The number of valid licenses in 2021 was slightly down compared to 2020, and

the number of new licenses issued in 2021 increased over 2020.

- 2022 renewals target dates are:
 - October 1, 2022 – Submit renewals by this date and be able to register with the county(ies) before December 31, 2022.
 - November 1, 2022 – Submit renewal by this date to be renewed by December 31, 2022.

V. Certification and Training of Pesticide Applicators (C&T) Regulations Update – Jessica Teague and Kayla Surprenant, DPR Licensing and Certification

The original Title 40, Code of Federal Regulations Part 171 (40 CFR Part 171) was published by U.S. EPA on October 9, 1974. In 2017, U.S. EPA revised 40 CFR Part 171. The revisions to 40 CFR Part 171 set stronger standards for people who use and supervise the use of restricted use pesticides (RUPs).

California must meet the revised standards of 40 CFR Part 171 set by U.S. EPA. Due to the state's unique regulatory framework, the revisions to 40 CFR Part 171 impact users of both Restricted Materials which include restricted use pesticides, as well as general use pesticides. As a result, DPR must implement these required changes in Title 3, California Code of Regulations (3 CCR).

1. New Commercial Applicator Fumigant Categories
 - ✓ New Soil Fumigation Category - Category L
 - ✓ New Non-Soil Fumigation Category - Category M

2. Elimination of Existing Subcategories
 - ✓ Sewer Line Root Control (Subcategory N)
 - ✓ Wood Preservation (Subcategory L)
 - ✓ Anti-fouling Tributyltin (Subcategory M)
 - ✓ Microbial Pest Control (Subcategory P)
 - ✓ Field Fumigation (Subcategory O)

3. Expansion of Private Applicator Competencies
 - ✓ Expanded competency standards for the private applicator certificate (PAC) examination
 - ✓ All existing PAC holders must take and pass a revised PAC (initial) examination, which includes the revised competencies, prior to the expiration of their certificate

4. New Private Applicator Burrowing Vertebrate Pest Fumigation Certificate
 - ✓ Private applicators using fumigants must be certified in fumigant use
 - ✓ Certificate option allows PAC holders to use fumigants labeled for the control of burrowing vertebrate pests
 - ✓ All other fumigant activities will require a private applicator to obtain a commercial applicator certification in the appropriate category(ies) (i.e. non-soil or soil fumigation)

5. Revision to 3 CCR Definition of 'Householder'
 - ✓ The definition of 'householder' is being removed from the 3 CCR private applicator definition
 - ✓ Individuals who currently conduct 'householder' activities under a private applicator certificate will be required to obtain a commercial applicator license or certificate with the appropriate category(ies)

6. Minimum Age Requirements
 - ✓ Applicants for a commercial or private license or certificate must be a minimum age of 18 years old
 - ✓ Anyone under 18 years old cannot be allowed to handle a pesticide identified as a restricted material

7. Improved Standards for Direct Supervision of Noncertified Applicators and Handler Training
 - ✓ Increased responsibility of commercial applicators supervising noncertified applicators
 - ✓ Increased handler training requirements

Timeline for Proposed Regulations and Compliance Dates

- ❖ June 2022 – C&T Regulatory Changes Are Scheduled to Be Published for Public Comment
- ❖ July 2023 – C&T Regulatory Changes Are Scheduled to Be Approved and Finalized by the Office of Administrative Law (OAL)
- ❖ Approx. July 2023 – January 2024 – DPR Will Work to Get Commercial and Private Applicators in Compliance with New Regulatory Requirements (Outreach, Examinations, etc.)
- ❖ **January 1, 2024** – **C&T Regulatory Changes Are Effective.** All Commercial Applicators and Private Applicators with last name 'R-Z' must be compliant
- ❖ January 1, 2025 – Private Applicators with last name 'A-H' must be compliant

❖ January 1, 2026 – Private Applicators with last name ‘I-Q’ must be compliant

Sign Up for DPR’s Electronic Mailing List: Notice of Proposed and Final Decisions and participate in the Public Comment Period Once It Begins (est. June 2022).

VI. Ramifications of Unmanned Aerial Systems (UAS) Applications – Dan Gudgel, California Agricultural Aircraft Association Representative

- All agricultural aircraft pilots are required by the Federal Aviation Administration (FAA) to possess the FAA certificate 14 CFR Part 137, which requires knowledge and skills tests.
 - The knowledge test for 14 CFR Part 137 covers topics including surveying the area to be worked, safe handling of poisons and disposal, effects of economic poisons on plants, animals, and persons, primary symptoms of poisoning and emergency procedures, performance capabilities and operating limitations of the aircraft, and safe flight and application procedures.
 - The skills test for 14 CFR 137 covers topics including short-field and soft-field takeoffs, approaches to working area, pullups and turnarounds, and rapid deceleration.
- The United States Department of Agriculture (USDA) Aerial Application Technology Research Unit has a call out for research and development, underway at least through September 2022. The objective is:
 - “To evaluate swath width, displacement, and uniformity as well as downwind spray drift as a function of nozzle type and configuration, and wind speed. The data generated will support the development of unmanned aerial vehicle (UAV) specific best management practices for spray application to optimize performance under varying operational and meteorological conditions.”
- UAV aircraft issues may include design, structural strength, powerplant time before overhaul/inspections, aircraft control reliability, operating limitations, aircraft accidents, wing loading impact, and spray boom lengths, and micro-scale meteorology effects and knowledge.
- Summary: The US EPA, USDA, and FAA are beginning to recognize that research is needed to safely assess environmental issues, evaluate efficacy for crops, and establish aviation safety guidelines before UAVs should be used for widespread aerial application work.

VII. Next Meeting Agenda

Date of next meeting: December 14, 2022 (Location tentatively at DPR Enforcement Headquarters)

Time: 10:00 am -12:00 pm

Possible Topics: Pesticide Notification update, Budget update

Please direct questions to Alicia Scott at 916-603-7795 or via email at Alicia.Scott@cdpr.ca.gov.