



Mary-Ann Warmerdam
Director

Arnold Schwarzenegger
Governor

March 1, 2010

PML 10-01

TO: County Agricultural Commissioners
SUBJECT: CLARIFICATION REGARDING CATEGORY Q

Background

This memorandum addresses recent questions regarding Category Q for Maintenance Gardeners (MGs). As discussed at the County Agricultural Commissioners and Sealers Association Winter Conferences of 2008 and 2009, Category Q was developed for MGs who are hired primarily for yard and garden work, with only occasional use of general use pesticides and other materials. Beginning with the 2009 renewals, applicants who renewed their Qualified Applicator Certificate (QAC) in Category Q are receiving a card with the following statement: "NO SALE/USE RESTRICT MATERIALS".

Landscape Maintenance Pest Control Category B

Businesses performing pest control for hire in landscaped settings must have a:

- Pest Control Business license, and
- Person responsible for the pest control activities. This person must possess a Qualified Applicator License in Pest Control Category B, Landscape Maintenance Pest Control.

A QAC in pest control category B or Q will not meet this requirement for pest control businesses performing pest control for hire in landscaped settings.

Regulation Change

The Department of Pesticide Regulation (DPR) has been engaged in the lengthy process of rulemaking to accommodate the Category Q as well as Category P, Microbial Pest Control. Once approved, the package will be submitted to the Office of Administrative Law for noticing. DPR anticipates the rulemaking package will be noticed in the Spring of 2010 and will hopefully become effective in the Fall 2010.

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**Restricted
Materials Use**

Several years ago a notice went out during renewal season to licensees indicating that individuals with Category B could downgrade (change) their certificate to a Category Q. They were informed that this would enable them to renew with fewer hours of continuing education. The intent was to make the Category Q available for gardeners who do not use restricted materials and where pesticide applications are incidental to their gardening services. It was unclear to these applicators that they would lose the ability to use restricted materials when the regulations became effective if they chose this downgrade.

Resolution

The Pest Management and Licensing Branch is encouraging anyone receiving the Category Q card, who was licensed previously with a Category B and wishes to reinstate to a Category B, to contact the DPR Licensing Program at (916) 445-4038. Each case will be considered individually, and changes will be made, where appropriate.

**Contact
information**

If you have any questions, please contact Ms. Margie Read, of my staff, at (916) 445-1707 or at <mread@cdpr.ca.gov>.

Sincerely,

Original signed by

David Duncan, Chief
Department of Pesticide Regulation
Pest Management and Licensing Branch
(916) 445-3870

cc: Dr. Nan Gorder, Chief, Enforcement Branch
Mr. Jim Shattuck, Agricultural Commissioner Liaison