



Val Dolcini
Director

Department of Pesticide Regulation

Gavin Newsom
Governor

Jared Blumenfeld
Secretary for
Environmental Protection

Agricultural Pest Control Advisory Committee Meeting Summary March 10, 2021 10:00 AM - 12:00 PM

Members Present (11): **Ronald Berg**–Pesticide Dealers, **Lisa Blecker**–University of California, **John Erisey**–Agricultural Pest Control Advisers, **Glen Foth**–Commercial Applicators, **Dan Gudgel**–Pest Control Aircraft Pilots, **Katrina Hunter**–University of California (Alternate), **Phil Mullins**–Agricultural Pest Control Businesses, **Kenneth Oneto**–Producers, **Matt Scally**–Pest Control Maintenance Gardeners, **Stephen Scheer**–California Agricultural Commissioners and Sealers Association, **Wayne Steel**–Pesticide Registrants

Department of Pesticide Regulation (DPR) Staff (6): **Joseph Damiano**–Enforcement Headquarters Branch Chief, **Laurie Brajkovich**–Environmental Program Manager, **Alicia Scott**–Senior Environmental Scientist, **Laura Pauli**–Staff Services Manager, **Kenneth King**–Staff Services Analyst, **Rebecca Olson**–Staff Services Analyst, **Jessica Teague**–Environmental Scientist

Guests (15): **Ruthann Anderson**–California Association of Pest Control Advisers, **Lori Apodaca**–California Citrus Mutual, **John Attebury**–Federal Aviation Administration, **Francie Bishop**–DPR, Pesticide Registration Branch, **Izabella Czaja**–DPR Licensing & Certification, **Nathan Desjarlais**–DPR Pesticide Programs Division, **Ken Everett**–DPR Assistant Director, **Terry Gage**–California Agricultural Aircraft Association, **Brad Hooker**–Agri-Pulse, **Michael Huffman**–APCAC Alternate (PCAs), **Katrina Hunter**–APCAC Alternate (University of CA), **Joe Marade**–DPR Agricultural Commissioner Liaison, **James Nakashima**–Office of Environmental Health Hazard Assessment, **Dave Reaves**–Federal Aviation Administration, **Michelle Rodriguez**–Western Agricultural Processors Association, **Christina Wilkinson**–DPR IPM Branch

Members Absent (3): **Margaret Ellis**–Board of Trustees of the California University System, **Jeanette Heinrichs**–General Public, **Timothy Smith**–Board of Governors of the California Community College System

I. Welcome - Laurie Brajkovich, Environmental Program Manager, DPR-ENFHQ

II. Familiarizing Attendees with Using Zoom - Kenneth King, DPR-ENFHQ

- Instructions and guidelines for today's APCAC live cast (via Zoom software) quarterly meeting.

III. Administrative Topics - Laurie Brajkovich, DPR-ENFHQ

- Introductions
- December meeting notes: There were no requested revisions to the December APCAC meeting notes.
- Staff changes in Licensing & Certification – Introduction of Alicia Scott, Senior Environmental Scientist (Supervisory)

IV. DPR Update – Joseph Damiano, Enforcement Headquarters Branch Chief

- The [2018 Pesticide Use Summary](#) is now posted on the DPR Web site.
- DPR announced the [2020 IPM Achievement Awards](#) in February.
- The [DPR 2021 Rulemaking Calendar](#) is now posted on the main page of the DPR Web site.

V. Federal Aviation Administration (FAA) Unmanned Aerial Systems (UAS) Requirements (John Attebury, FAA)

- Definitions:
 - “Agricultural aircraft operation” means the operation of an aircraft for the purpose of dispensing any economic poison; dispensing any substance for plant nourishment (even just water), soil treatment, propagation of plant life, or pest control; or dispensing activities directly affecting agriculture, horticulture, or forest preservation (such as seeds, firefighting).
 - “Economic poison” means any substance intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses. Note: spraying disinfectant for COVID-19 must be conducted under [14 CFR part 137](#).
 - “Small UAS (sUAS)” has a takeoff weight of less than 55 pounds, and operates under [14 CFR part 91](#) (normal airplane regulations).
 - “Large UAS” has a takeoff weight of 55 pounds or more and operates under 14 CFR part 91.
- Approval Documents:
 - All UAS will need an Exemption letter, as UAS cannot comply with certain regulations covering normal airplane operations.
 - A [Part 107 Remote Pilot Certificate](#) or Part 61 Pilot Certificate (not “Student”) is required.
 - Obtain an Operating Certificate for agricultural aircraft operations – part 137 (FAA Form 8430-21).

- A [Certificate of Authorization \(COA\) form 7711-1](#) (Airspace authorization) is required.
- Civil Operator Requirements (the operator of the company, which may or may not be the pilot)
 - An Exemption letter is required for both large and small UAS.
 - Obtain an Operating Certificate for agricultural aircraft operations – part 137 (FAA Form 8430-21).
 - A [Certificate of Waiver](#) (small UAS only for night, multiple UAS, beyond visual line of sight, etc.) is optional.
 - A COA is required for large UAS only.
 - Pilot Requirements are: [Part 107 pilot certificate](#) (both large and small UAS) or Part 61 pilot certificate if 333 exemption, and FAA Class II medical certificate (large UAS only).
- Public Operator Requirements:
 - COA
 - The operator must comply with applicable sections of 14 CFR part 137.
 - Pilot – FAA does not require a pilot certificate. Public operators self-certify their pilots.
- How to Get Started as a Public Operator
 - Read [FAA Advisory Circular 00-1.1B](#).
 - Confirm that your department qualifies as a Public Operator (Fire Department, State Forestry, etc.).
 - Obtain a Public Declaration Letter (PDL) from city/county/state legal office.
 - Operator must have UAS ownership or control for at least 90 days.
 - Register your UAS.
 - Apply for a COA.

VI. General Overview of Antimicrobial Products and Antimicrobial Workload in 2020 – (Aisha Iqbal, Pesticide Registration Branch)

- Antimicrobial Pesticides: Brief History and Types
 - Antimicrobial pesticides are substances used to destroy or suppress the growth of harmful microorganisms, such as bacteria, viruses, or fungi on inanimate objects and surfaces.
 - Antimicrobial products began to be reviewed soon after the adoption of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 1972 by the California Department of Food and Agriculture (CDFA).
 - In 1999, DPR began allowing companies to submit concurrent applications for products classified by the U.S. EPA as “Public Health Pesticides” or “Antimicrobial Pesticides.”

- The DPR Pesticide Registration Branch processes applications for public health and non-public health antimicrobial pesticides.
- Scientists in the Pesticide Evaluation Branch, with expertise in microbiology, review scientific data to determine if antimicrobial products are efficacious.
- Public health antimicrobial pesticide products include sterilants, disinfectants, sanitizers, germicides, fungicides, virucides, and tuberculocides.
- Nonpublic health antimicrobials pesticide products include algaecides, slimicides, preservatives, and deodorizers.
- Disinfectants:
 - Disinfectants active ingredient classifications are acids, alcohols, aldehydes, alkalis, biguanides, halogens, oxidizing agents, phenols, and quaternary ammonium compounds.
 - The best disinfectants for viruses are alcohol, bleach, hydrogen peroxide, and quaternary ammonium compounds. These ingredients are the most common on the US EPA list of registered disinfectants effective against the coronavirus.
- What is List N and Emerging Viral Pathogens?
 - In early March 2020, U.S. EPA released its initial [List N: Disinfectants for Coronavirus \(COVID-19\)](#). A disinfectant on List N means U.S. EPA expects the product to be effective against SARS-CoV-2 (COVID-19) on surfaces when used according to label directions. The current list contains over 500 products.
 - Emerging Viral Pathogens are viruses that cause an infectious disease that have appeared in a human or animal population for the first time, or that may have existed previously but are rapidly increasing in incidence or geographic range. SARS-CoV-2, the coronavirus that causes COVID-19, is a pathogenic virus.
- Processing Statistics for Pesticide Registration Branch in 2020:
 - Expedited packages: 608
 - New Products: 75
 - Sub-registrations: 181
 - Label amendments: 352
 - Emergency exemptions: 2 pending requests and 7 inquiries
- Label Changes and Efficacy Data Requirements for SARS-CoV-2:
 - The Microbiology program of the Pesticide Evaluation Branch handles the scientific evaluation data related to various label changes such as adding or revising viral pathogen claims, adding SARS-CoV-2 (COVID-19) claims, and adding surrogate viruses to the label.
 - Currently, DPR is reviewing efficacy data for SARS-CoV-2 for both “product end-use labels” and “master labels.” At this time, DPR is not allowing the use of surrogates for the addition of SARS-CoV-2 efficacy claims.

VII. Emerging Viral Pathogens – 2009-H1N1 to COVID-19 (Brian Portoni, Pesticide Evaluation Branch – Microbiology Program)

- Concepts in Microbiology:
 - Sterilants - $\geq 99.9999\%$ reduction of microorganism/spores and no viable microorganism/spores
 - Disinfectants - 99.999% reduction of bacteria
 - Sanitizers – 99.9% reduction of bacteria
 - Virucides - $\geq 99.9\%$ reduction of viral particle
- Concepts in Virology
 - Small, non-enveloped viruses:
 - Highest resistance to Virucides
 - Protein capsid with DNS or RNA (Norovirus)
 - Large, non-enveloped viruses:
 - Modest resistance to Virucides
 - Protein capsid with DNA or RNA (Adenovirus, Rotavirus, Papillomavirus)
 - Enveloped Viruses:
 - Lowest resistance to Virucides
 - Phospholipid bilayer with protein and DNA or RNA
- Recent Emerging Viral Pathogens:
 - 2009 – H1N1 Influenza A Virus (formerly called Swine Flu):
 - H1N1 is an enveloped virus.
 - H1N1 was first detected April 2009.
 - Specific language is used in pesticide labels claiming effective against 2009 H1N1.
 - Ebola Virus:
 - Is an enveloped cylinder/tubular virus.
 - On August 1, 2014, the CDC released “[Infection Prevention and Control Recommendations for Hospitalized Patients Under Investigation for Ebola Virus.](#)”
 - [List L: Disinfectants for Use Against the Ebola Virus.](#)
 - Severe Acute Respiratory Syndrome Associated Coronavirus (SARS-COV-1, China 2002 – later became COVID-19)
 - Middle East Respiratory Syndrome Coronavirus (MERS-COV, Saudi Arabia 2012)
 - Severe Acute Respiratory Syndrome Related Coronavirus (SARS-COV-2, China 2019)

- On January 29, 2020, the CDC declared SARS-COV-2 and “Emerging Viral Pathogen.
- In March 2020 the EPA released “[List N: Disinfectants for Coronavirus \(COVID-19\)](#)” This is a list of products expected to be effective against SARS-COV-2 because of the hierarchy of viruses; the products are not tested against SARS-COV-2. If “COVID-19” appears on the label of a product, then it has been tested against COVID.

VIII. 2020 Renewals Review and 2021 Renewals Plan (Laura Pauli, Licensing and Certification Program)

- 2020 Renewal Review:
 - Outreach:
 - In May, DPR mailed postcards to each A-L licensee reminding them to update their address with DPR so that their renewal packet would go to the correct address.
 - An “Early Renewal Reminder” poster was on the Licensing home page on the DPR Web site, copies went to all County Ag Commissioners, and it was featured in stakeholder magazines.
 - Licensing staff participated in CE presentations throughout the year.
 - Licensing sent out several listservs encouraging licensees to get their CE, informing them of all the CE courses that have converted to webinars, and reminding them of important dates.
 - Processing:
 - DPR mailed 11,390 renewal packets to individual license/certificate holders in August 2020. As of March 10, 2021 90% of the packets arrived at DPR for processing and 84% are renewed.
 - DPR mailed 2,216 renewal packets to A-L businesses in September 2020. As of March 10, 2021 90% arrived at DPR for processing and 78% are renewed.
 - Average processing time for renewals submitted to DPR before November 1 was 1-4 weeks. Average processing time for renewals submitted after December 18 was 8-10 weeks.
 - Challenges:
 - The amount of emails and phone calls has increased this year; our response time has also increased as all available staff are directed to focus on processing renewals.
 - We have noticed that mail delivery time has been slower this year. This increased time applies to both incoming renewals and outgoing new cards.

- The volume of renewals arriving at the end of the year was very heavy – nearly 1200 arrived during the last 10 days of the year.
- Mid-year state budget reductions affected staffing.
 - Top Renewal Issues for Individuals:
 - Payment mailed separately from application.
 - Incorrect payment amount.
 - Renewal form not signed.
 - We were unable to verify CE.
 - Top Renewal Issue for Businesses:
 - Proof of Financial Responsibility is missing.
 - The Qualified Person for the business is not yet renewed.
- 2021 Renewal Plan
 - Target Dates:
 - In May, DPR will mail postcards regarding address changes.
 - In June, DPR will mail early M-Z renewal packets to license/certificate holders with no CE required, and to those who have completed their required CE.
 - In late July, DPR will mail renewal packets to all remaining M-Z license/certificate holders.
 - In early September, DPR will mail renewal packets to all M-Z businesses.
 - 2021 Renewal Outreach:
 - Address change Postcards will be mailed in May, CE presentations throughout the year, social media posts, listserv notices emailed, articles in stakeholder magazines and newsletters, CalAgPermits notification during PUR submission, as well as a reminder postcard in September after all applications are mailed out.
 - DPR plans to increase our direct emailing efforts, especially to Qualified Persons and businesses with a Qualified Person who is renewing this year. We will ask businesses to encourage their Qualified Persons to submit their application in October.

IX. 2020 DPR Licensing and Certification Program Highlights (Shernee Tousant, Licensing and Certification Program)

- DPR reorganized and the Licensing and Certification Program merged with a portion of the Enforcement Branch to become the new Enforcement Headquarters Branch. The ENF Headquarters Branch relocated to a new office in Rancho Cordova, CA. Note that the main licensing phone number and mailing address remains the same.

- Computer-based Exams:
 - QAL/QAC and DDA exams have moved to computer-based testing.. Testing locations are located throughout California.
 - Computer-based exams allows DPR to provide testing at a greater volume. Applicants can choose an exam date and location as soon as they are notified that DPR has processed their application, and applicants receive their results immediately upon completing their exam.
 - From September-December 2020, 1,000 computer-based exams were given.
- Staff at our Sacramento area office proctor in-person exams for prospective PCAs and Pilots. Licensing staff proctor exams up to 3 times a week, with safety protocols in place. From September through December 2020, 300 in-person exams were given.
- Licensing updated their IPS-11 database in 2020. The update required a significant number of personnel hours to test and implement. All records successfully migrated to the new system.
- Continuing Education:
 - The CE team helped CE course sponsors convert their courses to electronic formats.
 - DPR reviewed 1,600 CE course applications, approved 3,200 course instances, and audited 40 courses during the year.
 - DPR staff developed a comprehensive correspondence-style (text-based) CE course focused on pesticide laws and regulations. DPR approved the course for the year 2020 renewal season.
- New and Revised Study Materials and Exams:
 - DPR updated three study guides that are now available to the public: Laws and Regulations, Plant Agriculture, and Seed Treatment.
 - Additional study guides worked on in 2020 should be available within the next year.
 - DPR reviewed exam question pools to ensure they were correct and accurate before being included in the computer-based exams process.
- DPR updated the list of courses approved to meet the PCA minimum education requirements with 41 courses from six universities and colleges, and added San Joaquin Delta College to the approved list with 33 courses.
- California Draft State Plan for Certification of Pesticide Applicators:
 - In March 2020, DPR submitted California's Draft State Plan to U.S. EPA Region 9 for a review prior to it going to U.S. EPA Headquarters for final approval. This plan shows U.S. EPA how we will comply with the 2017 federal Certification and Training Regulations (40 CFR Part 171). Note that DPR is currently working with U.S. EPA Region 9.

X. Next Agenda - Dates and Topics

Date of next meeting: June 9, 2021 (It is likely that the June 2021 APCAC meeting will also be online.)

Time: 10:00 am -12:00 pm

Please direct questions to Laurie Brajkovich at 916-603-7796 or
Laurie.Brajkovich@cdpr.ca.gov