



Agricultural Pest Control Advisory Committee Meeting Summary

December 13, 2023

10:00 AM – 12:00 PM

Members Present (8): **Glen Foth**–Commercial Applicator Certificate Holders, **Ronald Berg**–Pesticide Dealers, **Matthew Scally**–Pest Control Maintenance Gardeners, **John Erisey**–Agricultural Pest Control Advisers, **Michael Huffman**–Agricultural Pest Control Advisers (Alternate), **Jhalendra Rijal**–University of California, Division of Agriculture and Natural Resources, **Margaret Ellis**–Board of Trustees of the California State University System, and **Wayne Steele**–Registrants.

Department of Pesticide Regulation (DPR) Staff (8): **Joshua Ogawa**–Branch Chief, **Alicia Scott**–Environmental Program Manager, **Stephen Hibel**–Staff Services Manager II, **Jessica Teague**–Senior Environmental Scientist, **Kenneth King**–Associate Governmental Program Analyst, **Sondra Gomez**–Associate Governmental Program Analyst, **Randy Segawa**–Environmental Program Manager, and **Nathan Desjarlais**–Senior Environmental Scientist.

Guests (2): **Patrick Dosier**–California Association of Pest Control Advisers and **Terry Gage**–California Agricultural Aircraft Association.

Members Absent (6): **Phil Mullins**–Agricultural Pest Control Businesses, **Jeanette Heinrichs**–General Public, **Kenneth Oneto**–Producers, **Timothy Smith**–Board of Governors of the California Community College System, **Stephen Scheer**–California Agricultural Commissioners and Sealers Association, and **Dan Gudgel**–Pest Control Aircraft Pilots.

I. Welcome – Alicia Scott, DPR Licensing and Certification

II. Administrative Topics – Alicia Scott, DPR Licensing and Certification

- Member and audience introductions.
- New employees and Licensing staff updates.
- There were no requested revisions to the June 2023 APCAC meeting notes. Meeting notes approved and will be posted.

- Going forward, meeting notes will be sent out for review to committee within a few weeks of the meeting occurring. Notes will be posted shortly after review by committee.
- Committee members should provide an alternate representative, if possible. The alternate representative's name and information can be provided to Jessica Teague at Jessica.Teague@cdpr.ca.gov.

III. Administrative Topics – Joshua Ogawa, DPR Enforcement Headquarters

- The Statewide Notification of Agricultural Use of Restricted Materials regulatory package is currently open for public comment until January 12, 2024. The notification system is currently doing beta testing in Tulare county.
- The Department is working on guidance to clarify the changes that are occurring as a result of AB 1322 passing. This guidance will be available in the coming months.
- AB 1752 authorizes counties, in lieu of a civil prosecution, to levy a civil penalty against persons in violation of law and regulation that are to minimize hazards to bees from the applications of pesticides toxic to bees.
- The Neonicotinoid Pesticide Exposure Protection regulations are effective January 1, 2024.
- Certain counties will be hosting pesticide disposal events that are open to the public to freely dispose of pesticide products.

IV. DPR Licensing and Certification Renewal Update – Kenneth King, DPR Licensing and Certification

- This year we are processing last names and business names that start with M-Z. Individual renewal applications were sent out in early August. Business renewal applications were sent out in September.
- Individual Renewals
 - 9, 120 mailed out in August
 - 4, 756 returned (46%)
 - 41% processed
- Business Renewals
 - 1, 773 mailed out in September

- 1, 179 returned (58%)
- 44% processed
- Renewal Processing
 - We are currently at a 4-week processing time. As we continue through the renewal season, it may hit 8 weeks or more.
 - DPR encouraged all applicants to mail in the required paperwork and payment on or before November 1 to guarantee processing by December 31 due to the average turn-around timeframe.
 - Businesses and their Qualified Persons were encouraged to submit their application by October 1 to be able to register with the county before January 1.
 - Our most common question is: has my application been received? We encourage applicants to check with their financial institution. Payment processing means it has been received by DPR's Accounting office and is in queue for processing. We process applications in the order received.
- Website Updates
 - Visit the Licensing Renewal Information page on our website. This page hosts information about renewals, FAQs, forms, and a weekly update showing what week we are currently processing.
- Top 5 Renewal Issues
 - Renewal form missing
 - Renewal form not signed
 - Missing CE records
 - Proof of financial responsibility missing (for businesses)
 - Incorrect payment amount
 - Issues like signature and payment cannot be resolved by email and take more time to resolve. It is important to read the instructions and send a complete package the first time to prevent delays.
- Exam Update
 - Since July 2023, 1, 848 exams have been taken at computer-based testing centers throughout California. This includes the following license/certificate types:

- QAL: 910
- QAC: 624
- DDA: 75
- PCA: 226
- Pilot: 17
- Fumigation Category Exams
 - In July, the exams for the new Soil Fumigation (Category L) and Non-Soil Fumigation (Category M) became available. There have been many current and new license/certificate holders who have taken and passed the exams, with more applications coming in to sign up for the exams. Below are stats on how many have taken the exam versus how many have passed:
 - Category L - Soil Fumigation: 115 (taken)/81 (passed)
 - Category M - Non-Soil Fumigation: 365 (taken)/314 (passed)
- Examination Site Info Update
 - We recently updated the exam schedule on our website to include a current list of PSI exam sites. This list will be updated as needed. There were special sites in Salinas and El Centro earlier this month for additional coverage. There are two more dates next week on the 15th and 16th in Salinas. The current list of PSI exam sites on our website includes:
 - Agoura Hills
 - Arcata
 - Atascadero
 - Bakersfield
 - Calimesa
 - Carson
 - Diamond Bar
 - El Monte – Santa Fe Springs
 - Fresno
 - Irvine

- Lawndale
 - Modesto
 - Redding
 - Riverside
 - Roseville
 - Sacramento
 - San Diego
 - San Francisco
 - Santa Clara
 - Santa Rosa
 - Stockton
 - Union City
 - Ventura
 - Visalia
 - Walnut Creek
- Email Subscription List
 - If you have not already, sign up for our email subscriptions! There are many topics you can sign up to receive information about. Licensing has lists for license holders and continuing education. We send out information to these lists often and it is the best way to stay up to date with what is happening with Licensing.

V. Certification and Training Regulations Update – Jessica Teague, DPR Licensing and Certification

- Recap
 - The Certification and Training regulatory changes are effective January 1, 2024.
 - DPR has been providing extensive outreach to license and certificate holders on the upcoming changes through:
 - Electronic mailing list updates

- Emails
 - Mailers
 - Phone calls
 - Outreach presentations
- In July 2023, DPR made available the applications and examinations needed for individuals to apply for new certification categories.
- Since July 2023 additional resources and information have been made available on DPR's Certification and Training Update webpage.
- We will briefly go over the regulatory changes and discuss new resources available.
- Soil Fumigation (Category L)
 - Individuals currently conducting soil fumigation activities under the existing Field Fumigation (Subcategory O) must obtain the new Soil Fumigation (Category L) by January 1, 2024 to continue fumigation pest control activities uninterrupted in 2024.
 - The Field Fumigation (Subcategory O) will be eliminated and ineligible for renewal on January 1, 2024.
 - Category L enables individuals to perform pest control using a pesticide labeled as a fumigant to: Control soil pests in sites including, fields, forests, golf courses, greenhouses, and individual tree or vine hole sites. Category L does not include the use of non-soil fumigant products.
- Soil Fumigation Category Information
 - The Category L description can also be found in the *Qualified Applicator License/Certificate Fumigation Categories* document on DPR's Certification and Training Update webpage.
 - Soil Fumigation examinations have been available at DPR's computer-based testing centers since July 2023.
 - There is a new study manual for the Soil Fumigation category
 - Title: Soil Fumigation, Second Edition
 - Purchase through UC ANR and cooperative extension offices
 - Print and eBook versions available

- Non-Soil Fumigation (Category M)
 - Individuals currently conducting non-soil fumigation activities under an existing DPR category must obtain the new Non-Soil Fumigation (Category M) by January 1, 2024 to continue fumigation pest control activities uninterrupted in 2024.
 - Category M enables individuals to perform pest control using a pesticide labeled as a fumigant to:
 - Fumigate enclosed areas including: tarpaulin-covered structures and commodities, vaults, chambers, greenhouses, vans, boxcars, ships, planes, and vehicles, containing: agricultural commodities for post-harvest fumigation; or nonfood/nonfeed materials including but not limited to: pallets; dunnage; furniture; burlap bags; planting medium, including potting soil and potting mix; and wine barrels and corks.
 - Fumigate pest burrows in sites including, but not limited to: fields, rights-of-way, ditches, landscaping, and equipment yards.
 - Fumigate sewer lines, in-service utility poles, or other fumigations not covered by the new Category L – Soil Fumigation.
 - This category does not include structural pest control required to be licensed under Chapter 14 (commencing with Section 8500) of Division 3 of the Business and Professions Code.
- Non-Soil Fumigation Category Information
 - The Category M description can also be found in the *Qualified Applicator License/Certificate Fumigation Categories* document on DPR's Certification and Training Update webpage.
 - Non-Soil Fumigation examinations have been available at DPR's computer-based testing centers since July 2023.
 - There is a new study manual for the Non-Soil Fumigation category
 - Title: Non-Soil Fumigation, A Pesticide Applicator Study Manual
 - Purchase through UC ANR and cooperative extension offices
 - Print and eBook versions available
- Fumigation Categories
 - DPR has updated application forms for the Qualified Applicator Certificate (QAC) and Qualified Applicator License (QAL).

- The updated forms must be used when applying for the new Soil Fumigation and/or Non-Soil Fumigation categories.
- These forms can be found on DPR's Certification and Training Update webpage and the QAL/QAC webpages.
- If applying as a new applicant, an individual must also submit a copy of valid government-issued identification to verify the minimum age requirement of 18.
 - Existing licensees requesting to add a category do not need to provide ID.
- Elimination of Subcategories
 - DPR is eliminating the existing QAL/QAC subcategories (including the Field Fumigation subcategory discussed previously) to align all DPR commercial applicator categories with those detailed in 40 CFR Part 171.
 - Elimination of:
 - Sewer Line Root Control (Subcategory N)
 - Wood Preservation (Subcategory L)
 - Antifouling Tributyltin (Subcategory M)
 - Microbial Pest Control (Subcategory P)
 - Field Fumigation (Subcategory O)
 - If an individual holds one or more of these subcategories, they will need to obtain the appropriate commercial applicator category(ies) consistent with the revised regulations.
 - The examinations to obtain the correct category(ies) must be taken by January 1, 2024 in order to remain in compliance upon the effective date of the regulations.
- Resource
 - Review the *Qualified Applicator License/Certificate Subcategory Renewal Info* document on the Certification and Training webpage for subcategory elimination information and guidance.
- Private Applicator Certificate Examination (Initial)
 - All private applicators currently certified will need to take the revised PAC (initial) examination that includes revised competency standards.

- Taking this examination is not optional, renewing through continuing education will not be an option until an individual has taken and passed the revised PAC (initial) examination that includes revised competency standards.
- This will be required at a private applicator's time of renewal and will occur over a three-year period as follows:
 - *By January 1, 2024 – PAC w/ last names 'R-Z'
 - By January 1, 2025 – PAC w/ last names 'A-H'
 - By January 1, 2026 – PAC w/ last names 'I-Q'

* Note, 'R-Z' may also take the revised examination at their 2023 renewal or renew by CE/current recertification exam. If revised competencies are not met at 2023 renewal, they must be met at the subsequent renewal for 'R-Z' certificate holders.
- Exam Availability
 - The revised PAC (initial) examination became available in Fall 2022.
 - Individuals who have taken and passed this examination have met the revised standards and may renew by continuing education.
- PAC Form
 - There is a new Private Applicator Certificate Application (LIC-045) form. Applicants and existing PACs should use this form version going forward.
- Resources
 - The new private applicator study manual became available early 2022.
 - Title: Pesticide Safety: A Study Manual for Private Applicators, 3rd Edition
 - Purchase through UC ANR or cooperative extension offices
 - Print and eBook versions available
 - English and Spanish versions available
 - This is the version of the study manual that should be used to study for the revised initial PAC examination.
- New Private Applicator Burrowing Vertebrate Pest Fumigation Certificate

Option (BVF)

- DPR has adopted a new certificate option for private applicators, the Burrowing Vertebrate Pest Fumigation Certificate Option.
 - This 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).
 - This ensures that individuals using fumigant products are knowledgeable in the safe and effective use of these products.
- Resources
 - Use the new Private Applicator Certificate Application (LIC-045) form to apply for the new BVF certificate option.
 - BVF exams became available July 2023 at CAC offices.
 - PACs who have taken and passed this exam will receive the BVF certificate and may use fumigants labeled for the control of burrowing vertebrate pests.
 - The BVF study manual became available July 2023 on DPR's website at no cost.
 - English and Spanish versions available.
- Important Clarification for PAC Examinations
 - If you are a PAC holder who will be applying to obtain the Burrowing Vertebrate Pest Fumigation Certificate Option, you are required to take and pass the revised PAC Practical Knowledge Examination, which includes the revised competencies, at or before obtaining the new Private Applicator Burrowing Vertebrate Pest Fumigation Certificate Option.
 - This requirement applies regardless of when your existing PAC expires.
- Continuing Education – New Forms
 - In-Person
 - Requests for approval of in-person CE courses must be made on the In-Person Continuing Education Approval Request Application form (LIC-131A, Rev. 07/23) and submitted to the

department (via US mail) at least 30 days before the date of the course.

- Interactive Online and Webinar
 - Requests for approval of interactive online courses must be submitted at least 60 days before the intended course date.
 - Requests for approval of webinar courses must be submitted at least 30 days before the intended course date.
- Continuing Education – Sponsor Requirements
 - The instructor or sponsoring organization must submit their attendance records to the Department within 14 days of completion of the course for each license and certificate holder.
 - At the time of submission, the sponsor must electronically attest that the records submitted are true and correctly reflect the CE hours earned and accredited to each attendee.
- Continuing Education – Commercial
 - The continuing education requirements for commercial applicators and Pest Control Advisers have not changed under the regulatory changes [excluding Subcategory removal].
 - Note, due to the removal of the commercial applicator subcategories, continuing education hours for those subcategories are no longer listed in regulation and will be removed from reference on DPR's website after January 1, 2024.
- Continuing Education – Private Applicators
 - Requirements have not changed. Individuals must still take and pass the revised initial PAC examination at their time of renewal, then may renew by CE or recertification exam in subsequent renewals.
 - The existing CE requirement for private applicators applies to the renewal of the PAC and BVF certificates.
- New Resources
 - New 2024 resources are available on DPR's Certification and Training webpage and the Continuing Education webpage:
 - In-Person CE Approval Request Application (LIC-131A)
 - Interactive Online and Webinar CE Approval Request Application (LIC-131B)

- CE Additional Course Date request (LIC-132)
- 2024 How to Sponsor a CE Course
- 2024 Important Reminders for CE Sponsors
- Template – CE Course Syllabus
- Template – CE Course Agenda

VI. Fee Regulatory Package – Joshua Ogawa, DPR Licensing and Certification

- Licensing fees need to be reassessed. Fees have not been raised in approximately 17 years.
- The Program is running in a deficit and requires additional funds for continued operation.
- Recently the Food and Agricultural Code was amended to give DPR the authority to change the certification cycle to three years. This will also need to be considered within these fee changes.
- Changes to licensing fees would require a regulatory package.
- DPR is currently evaluating increases to fees and will provide updates to the committee as they are available.

VII. Assembly Bill 1016, Pest Control Operations: aircraft operations: private applicator – Jessica Teague, DPR Licensing and Certification

- Assembly Bill (AB) 1016: Jones-Sawyer, Pest control operations: aircraft operations: private applicator
 - Introduced February 15, 2023
 - Approved October 7, 2023
- Amended Food and Agricultural Code sections:
 - 11902
 - 11902.5
 - 11905
 - 11907

- Adopted FAC section:
 - 11902.1
- Pre AB 1016, Private
 - Existing law makes it unlawful for any person to operate an aircraft in pest control unless, among other factors, the pilot operating the aircraft holds a valid manned or unmanned pest control aircraft pilot's certificate issued by the Director of Pesticide Regulation.
 - Existing law requires each unmanned pest control aircraft pilot's certificate to designate the pilot's status as a journeyman, apprentice, or vector control technician, and requires an applicant for a manned or unmanned pest control aircraft pilot's certificate to pass an examination as a condition of licensure.
- Post AB 1016, Private
 - Under AB 1016, the status of private applicator as a designation under the unmanned pest control aircraft pilot's certificate has been adopted.
 - AB 1016 prohibits an individual with a private applicator unmanned pest control aircraft pilot's certificate from applying pesticides except for the purpose of producing an agricultural commodity on property owned, leased, or rented by the pilot or their employer.
 - AB 1016 requires a pilot to submit satisfactory documentary proof demonstrating the pilot's completion of a program accredited by the director and possession of a valid private applicator certificate to be eligible for an unmanned pest control aircraft pilot's certificate under the status of private applicator, and to pass an examination as a condition of licensure.
- Pre AB 1016, Journeyman
 - Existing law prohibits the issuance of a journeyman's certificate until the applicant has served as an apprentice under an apprentice certificate for one year and until the applicant presents to the director satisfactory documentary proof that the applicant operated an aircraft in pest control activities for a specified amount of time within the previous two years.
- Post AB 1016, Journeyman
 - This bill also provides that the director may adopt regulations to establish specific requirements for obtaining an unmanned journeyman certificate.

- If adopted, the regulations shall consider requiring that the applicant complete 50 hours of operation of nonfixed-wing aircraft, or the equivalent practical training, in pest control activities within the previous two calendar years to ensure the legal and safe application of pesticides.
- Summary
 - AB 1016 created a private applicator unmanned certificate designation for pest control aircraft pilots and outlined requirements to obtain the certificate including:
 - Possession of a valid PAC
 - Completion of a program accredited by the Director
 - Passing an examination
 - Private applicator certification pathway differs from current unmanned apprentice/journeyman structure.
 - Under AB 1016 DPR may also adopt additional regulations for unmanned journeyman pilot certification.
- Next Steps
 - DPR will need to complete a regulatory package to incorporate the amendments of FAC pertaining to pest control aircraft pilots into California regulation.
 - DPR is currently evaluating how to best meet the FAC amendments through regulation.
 - No current timeline, DPR will continue to provide updates as they become available.
 - Visit the California Legislative Information website to review the changes made under AB 1016.

VIII. 1, 3 – Dichloropropene (Telone) Mitigation Regulation Update – Randy Segawa, DPR Environmental Monitoring

- Background
 - Since the 1990s, the “township cap” program has controlled cancer risk.
 - In 2015-16, DPR updated its health risk assessment and township cap.

- The lawsuit (*Vasquez v. DPR*) successfully challenged the township cap program as an underground regulation, resulting in court order for formal rulemaking (regulations) to address cancer risk to bystanders.
- DPR's new regulation mitigates both 1,3-D cancer risk and acute risk to non-occupational bystanders (infants, children) and reduces volatile organic compound (VOC) emissions.
- Overview of New 1,3-D Regulations
 - 6448. 1,3-D general requirements
 - 6448.1. Approved Totally Impermeable Film (TIF) tarpaulins for 1,3-D
 - 6448.2. 1,3-D field fumigation methods
 - 6448.3. Evaluation and approval of new 1,3-D fumigation methods
 - 6448.4. Annual 1,3-D report
 - 6624 and 6626. Pesticide use records and reports
 - Regulations effective 1-1-2024, if Office of Administrative Law approves
 - Township cap not included in regulations
- Section 6448 – General Requirements
 - Setback surrounds occupied structures (circles in figure)
 - Applications prohibited within the setback
 - Structures must remain unoccupied for 7 days
 - Setback distance is 100 to 500 ft depending on:
 - Fumigation method
 - Application date (season)
 - Region
 - Application rate and acreage
 - More stringent setbacks for multiple applications
 - Maximum application rate: 332 lbs/ac
 - Maximum application block: 80 ac
 - Notice of Intent submitted at least 48 hrs. prior to application

- Section 6448.1 – Allowed Totally Impermeable Film (TIF) Tarps
 - DPR evaluates tarps and maintains list of approved TIF tarps
 - TIF tarp must meet minimum permeability threshold and printing requirements
 - At least one difference between 1,3-D and chloropicrin lists
- Section 6448.2 – Fumigation Method Requirements
 - Tarp requirements
 - Single tarp type (can't mix TIF and non-TIF in application block)
 - Tarp buried at least 4 inches
 - Tarp plan
 - Minimum TIF cutting time of 10 days
 - Soil moisture at least 50% of field capacity, except drip
 - If used, post-fumigation water treatment requirements
 - Tree and grape fumigations must use 24-inch or TIF method
- Section 6448.2(d) – Allowed Fumigation Methods
 - *High-VOC method prohibited in SJV, Southeast Desert, Ventura during May-Oct
 - Red font indicates change from low-VOC to high VOC method

Fumigation Method Group	Methods in Group (Field Fumigation Method, FFM Code)
1-nontarp and non-TIF tarp, 12-inch injection	1201*, 1202*, 1203*, 1204, 1205*
2-nontarp and non-TIF tarp, 18-inch injection	1206, 1207, 1208, 1210, 1211
3-drip, non-TIF tarp	1209*
4-nontarp, 24-inch injection	1224, 1225, 1226, 1227
5-TIF tarp, broadcast and strip	1242, 1247, 1249
6-TIF tarp, bed and drip	1243, 1245, 1248, 1259
7-40% TIF, 18-inch injection	1250
8-40% TIF, 24-inch injection	1264

- Sections 6624 and 6626 – Pesticide Use Records and Reports
 - Use records and reports must include FFM code
 - Use reports must be submitted electronically
 - DPR must post a quarterly summary of 1,3-D use
- Second Court Order
 - Second court order in March 2023 requires DPR to:
 - Submit a notice of proposed regulation that addresses 1,3-D cancer risk to occupational bystanders by March 2024
 - Temporarily maintain township cap and December prohibition until rulemaking is completed
 - Township cap will remain 136,000 adjusted total pounds (ATP)
 - DPR revising regions and seasons to make consistent with setbacks
 - DPR revising application factors (AFs) used to determine ATP and emission ratings used to determine VOC emissions
 - Dow and Telus (Agrian) will continue to administer township cap, with enforcement by CACs
- Summary of Changes (other requirements unchanged)

Use Requirement	Current	New
Setback distance and time	100 ft for 7 days	100-500 ft for 7 days depending on method, region, season, rate, acres
Acreage limit	None	80 ac or less
Multiple applications	No restrictions	Distance/time separation or larger setback
Fumigation method requirements	VOC restrictions – only allowed methods in ozone areas, May-Oct	Only allowed methods statewide, year-round
Tree and grape	No restrictions, except VOC	24-inch or TIF method
TIF tarp requirements	None	Permeability and printing
TIF tarp minimum cut time	9 days	10 days
Soil moisture	≥25% field capacity	≥50% field capacity
Township cap	136,000 ATP	136,000 ATP with regions, seasons, AFs revised

IX. Next Meeting

Date of next meeting: March 20, 2024 (Location: DPR Enforcement Headquarters)

Time: 10:00 am -12:00 pm

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