

TEXT OF PROPOSED REGULATIONS

Current wording is indicated by regular type.
Proposed deletions are indicated by ~~strikeout~~.
Proposed additions are indicated by underline.

DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS
CHAPTER 1. PESTICIDE REGULATORY PROGRAM
SUBCHAPTER 1. DEFINITION OF TERMS
ARTICLE 1. DEFINITIONS FOR DIVISION 6

Amend section 6000 to read:

6000. Definitions.

...

"Certified commercial applicator" means:

- (a) An individual person holding a valid Qualified Applicator License issued by the ~~Director~~;
- (b) A pilot holding a valid Manned or Unmanned Journeyman Pest Control Aircraft Pilot's Certificate issued by the ~~Director~~;
- (c) An individual person holding a ~~certified~~ valid Vector Control Technician certificate issued by the ~~Vector Biology and Control~~ Borne Disease Section of the Department of Public Health Services;
- (d) An individual person holding a valid active Structural Pest Control Operator or Field Representative license issued by the Structural Pest Control Board of the Department of Consumer Affairs; ~~and~~
- (e) An individual person holding a valid Qualified Applicator Certificate issued by the ~~Director~~, except those individuals qualified to work solely in subcategory Q listed in Section 6531; and
- (f) An individual certified by a Federal agency under a U.S. EPA-approved certification plan for pesticide applications only on Federal lands, in accordance with the Federal agency certification.

...

"Commercial park" means a tract of land where several commercial establishments (e.g. stores, offices, restaurants, warehouses, or factories) are located. This includes, but is not limited to: business parks, industrial parks, office parks, and shopping centers or malls.

...

"Incidental" means pest control that ensues from, or is a minor consequence of, a business' overall ornamental and turf maintenance activities. Pest control separate from ornamental and

turf plantings does not qualify. This definition is applicable to section 11704 of the Food and Agricultural Code and sections 6504(b)(5) and 6531 of Title 3, California Code of Regulations.

“Industrial use” means usepest control:

- (a) for or in a manufacturing, mining, or chemical process; or
- (b) use in the operation of in, on, or around the following:
 - (1) airports;
 - (2) construction sites;
 - (3) factories;
 - (4) food handling establishments including delis, bakeries, or restaurants;
 - (5) manufacturing or processing plants, including packing houses;
 - (6) oil fields and tank farms;
 - (7) ports and shipyards;
 - (8) power generation plants and electrical substations;
 - (9) structures or areas which protect stored, processed or manufactured products, including warehouses and commercial grain elevators;
 - (10) timber yards, timber mills, and wood treatment plants;
 - (11) water or sewage treatment plants; and
 - (12) similar sites.

...

“Institutional use” means usepest control within the confines of, or on property necessary for the operation of buildings such as hospitals, schools, libraries, auditoriums, amusement parks, prisons, and office complexes.

“Ornamental” means trees, shrubs, flowers, and other plantings intended primarily for aesthetic purposes in and around habitations, buildings, and surrounding grounds.

“Practical knowledge” means the possession of pertinent facts and comprehension sufficient to properly perform functions associated with pest control, including use of California restricted materials and properly responding to reasonably foreseeable problems and situations.

...

"Private applicator" means:

~~(a) an individual who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity as defined by Title 40 Code of Federal Regulations, section 171.2(a)(5) (July 1, 2013-19), hereby incorporated by reference, on property owned, leased, or rented by him/her or his/her employer;~~

~~(b) a householder who uses or supervises the use of a pesticide, outside the confines of a residential dwelling for the purpose of controlling ornamental, plant or turf pests on residential property owned, leased, or rented by that householder.~~

...

“Tribe” means any Native Tribe, band, nation, pueblo, village, or community included in the list of Tribes published by the Secretary of the Interior pursuant to the Federally Recognized Indian Tribe List Act.

“Tribal land” has the same meaning as the term “Indian country” as defined in Title 40 Code of Federal Regulations Part 171 section 171.3 (July 1, 2019).

NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, 13145, 14001 and 14005, Food and Agricultural Code. Reference: Sections 11401.2, 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146 and 14006, Food and Agricultural Code.

CHAPTER 2. PESTICIDES
SUBCHAPTER 1. PESTICIDE REGISTRATION
ARTICLE 14. VIOLATIONS

Amend section 6302 to read:

6302. Sale of Agricultural Use and Restricted Material Pesticides.

(a) It is illegal for any registrant or licensed pesticide broker to sell any pesticide labeled for agricultural use to any person in California other than a registrant, licensed pesticide broker, or licensed pest control dealer.

(b) It is illegal for any registrant or licensed pesticide broker to sell any pesticide designated as a restricted material under section 6400 to any person in California other than a registrant, licensed pesticide broker, or licensed pest control dealer.

(c) It is illegal for any licensed pest control dealer to sell a restricted material to an end user who does not have a permit or, if exempt by regulation from the permit requirement, who is not a certified commercial or certified private applicator. For applications on Tribal land only, an individual certified by a Tribe or U.S. EPA as a certified applicator under a U.S. EPA-approved certification plan for pesticide applications is considered a certified applicator for the purpose of this subsection.

Note: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code.
Reference: Sections 11407, 12116 and 12400, Food and Agricultural Code.

SUBCHAPTER 4. RESTRICTED MATERIALS
ARTICLE 2. POSSESSION AND USE LIMITATIONS

Amend section 6404 to read:

6404. Certification Requirements. ~~Repealed~~ Use Limitations.

(a) Restricted materials listed in section 6400 shall only be used by or under the direct supervision of a certified private or commercial applicator operating within the scope of the individual’s certification.

(b) An individual who is a certified private or commercial applicator but who does not possess the category, branch, or type of certification required for the intended use shall operate under the

direct supervision of a certified private or commercial applicator whose categories and scope of certification are applicable to the intended use.

(c) Except as provided in (d), a restricted material which bears labeling designating the product as a fumigant shall only be used by or under the direct supervision of a certified commercial applicator.

(d) Private applicators certified in accordance with section 6580.2(c) may use or provide direct supervision for the use of restricted materials bearing labeling designating the product as a fumigant for the control of burrowing vertebrate pests.

NOTE: Authority cited: Sections ~~407, 11456, 11502, 12976,~~ 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, ~~and 14006, 14011 and 14015,~~ Food and Agricultural Code.

Amend section 6406 to read:

6406. Supervision Standards.

(a) As used in this section “noncertified applicator” includes:

(1) An employee trained to handle pesticides who is not a certified applicator,

(2) A certified private or commercial applicator whose category(ies) or scope of certification are not applicable to the intended pesticide use,

(3) A pilot with a Manned or Unmanned Apprentice Pest Control Aircraft Pilot Certificate, and

(4) An individual certified by another state or jurisdiction who is not certified as a private or commercial applicator in California.

(b) The certified private or commercial applicator responsible for this supervision shall supervising a noncertified applicator using a restricted material specified in section 6400 shall:

(1) Have practical knowledge of applicable requirements found on pesticide labeling and in California pesticide laws and regulations regarding the use of restricted materials by noncertified applicators.

(2) Verify current training records required by section 6724 that document training on the restricted material(s) used and applicable use situation(s).

(3) Provide instructions to the noncertified applicator(s) specific to the application site and pesticide(s) to be used in a manner the noncertified applicator can understand. These instructions must include at a minimum:

(A) Pesticide product labeling directions, precautions, and requirements applicable to the specific use and site; and

(B) How the characteristics of the use site and surrounding areas (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects.

(4) Be aware of the conditions at the site of application and be available to direct and control the manner in which applications are made by the noncertified applicator(s). ~~Except as provided in (c),~~ the availability of the certified applicator shall be directly related to the actual or potential hazard of the situation.

(c) The certified applicator supervising the use of a restricted material specified in section 6400 must be physically present at the use site when required by the pesticide product labeling, restricted material permit conditions, or regulations.

(d) This section does not apply to:

(1) Individuals supervising restricted material applications only on Tribal or Federal land and certified by:

(A) The Tribe or Federal agency responsible for that land under a U.S. EPA-approved certification plan, or

(B) U.S. EPA under Title 40, Code of Federal Regulations Part 171 section 171.307(c) (July 1, 2019), hereby incorporated by reference;

(2) Individuals conducting laboratory research involving restricted materials; or

(3) Doctors of Medicine and Doctors of Veterinary Medicine applying restricted materials to patients during the course of the ordinary practice of those professions.

NOTE: Authority cited: Sections 11456, 11502, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, ~~and~~ 14006, 14011 and 14015, Food and Agricultural Code.

Amend section 6414 to read:

6414. Permit Exemptions.

(a) Permits to possess restricted materials shall not be required of commercial carriers to transport such materials.

(b) No permit shall be required for restricted materials included only in subsection (a) of section 6400 (federally restricted use) when possessed or used by or under the supervision of a certified private or certified commercial applicator unless otherwise required by the commissioner.

(c) No permit shall be required for antifouling paints or coatings containing tributyltin.

(d) No permit shall be required for restricted materials used only for experimental or research purposes when possessed or used, by or under the supervision of, research personnel from colleges and universities provided they are operating according to the current established policy of the college or university which covers experimental pesticide use.

(e) No permit shall be required for restricted materials used according to a valid research authorization issued pursuant to section 6260.

(f) A permit is not required of a licensed pesticide broker when possessing a pesticide designated as a restricted material for sale to a registrant, licensed pest control dealer, or another licensed pesticide broker in California.

(g) A permit is not required for restricted materials used only on Tribal land by an individual certified under a U.S. EPA-approved certification plan.

Note: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, 14006.6 and 14015, Food and Agricultural Code.

ARTICLE 3. PERMIT SYSTEM

Amend section 6428 to read:

6428. Agricultural Permit Applications.

Except as provided in Section 6434(a), each application for a permit for agricultural use of a restricted material shall include the following information:

- (a) Name and business address of the permittee and signature of either the permittee, or when allowed by the commissioner, the permittee's authorized representative or licensed agricultural pest control adviser;
- (b) Location of each property to be treated;
- (c) Identification of all known areas that could be adversely impacted by the use of the restricted material(s) including hospitals; schools, and playgrounds; residential areas (including labor camps); parks; lakes, waterways, estuaries, and reservoirs; state wildlife management areas; critical habitats of rare, endangered or threatened species; and livestock and crops; (a map or aerial photograph may be used for designating such areas);
- (d) Identification of each commodity or crop, or if there is no commodity or crop the site to be treated;
- (e) Anticipated pest problem(s) for each crop (pest(s) to be controlled);
- (f) Restricted material(s) requiring a permit necessary to control each pest on each commodity, crop, or site;
- (g) Approximate date(s) or crop stage(s) of intended restricted material application(s);
- (h) Expected method of application including the dilution, volume per acre or other units, and dosage;
- (i) Name of the pest control business, if any; and
- (j) Name, business address, and license or certificate number, with expiration date, and category(ies), of the certified private or certified commercial applicator(s) responsible for supervising the possession or use of the restricted material(s).

Note: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501 and 14006, Food and Agricultural Code.

Amend section 6430 to read:

6430. Nonagricultural Permit Applications.

Each application for a permit for nonagricultural use of a restricted material shall include the following information:

- (a) Name and business address of the operator of the property or the pest control business;
- (b) The signature of either the permittee, or the authorized representative, or the owner or qualified applicator licensee or ~~qualified applicator~~-certificate holder responsible to supervise the operations of the pest control business;
- (c) Restricted material(s) to be used;
- (d) Pest(s) to be controlled;
- (e) Method of application;
- (f) Criteria for determining need for the pesticide application and
- (g) Name, address, and license or certificate number, ~~with expiration date, and category(ies)~~ of the certified applicator responsible for supervising the possession or use of the restricted material(s).

Note: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501 and 14006, Food and Agricultural Code.

ARTICLE 4. FIELD FUMIGATION USE REQUIREMENTS

Repeal section 6445.5 to read:

6445.5. Field Fumigation Licensing Requirements. [Repealed]

~~When a field fumigation application is made by a licensed pest control business, the business must have a person holding a qualified applicator license or certificate with the field fumigation pest control subcategory supervising the work.~~

NOTE: Authority Cited: Sections 11456, 11502 and 14005, Food and Agricultural Code.

Reference: Sections 11501, 14001 and 14151, Food and Agricultural Code.

CHAPTER 3. PEST CONTROL OPERATIONS

SUBCHAPTER 1. LICENSING

ARTICLE 1. GENERAL LICENSE REQUIREMENTS

Amend section 6500 to read:

6500. License Duration.

~~(a) The Director shall may issue licenses and certificates for two years; provided, h~~However, a license or certificate may be issued for less than two years based on when the applicant enters the two-year cycle described below.

The term of the license or certificate is determined by the Director as follows:

(1) Each license or certificate with a name beginning with A through L shall expire December 31 of the following even numbered year.

(2) Each license or certificate with a name beginning with M through Z shall expire December 31 of the following odd numbered year.

(b) The issuance of a two-year license or certificate in no way affects any annual county registration required by the Food and Agricultural Code.

(c) Notwithstanding subsection (a), beginning January 1, 2024 individuals with a valid qualified applicator license or certificate with a surname beginning with A through L will be issued an updated license or certificate to reflect categories consistent with section 6530, including removal of inactive subcategories. This subsection shall become inoperative on January 1, 2025, and is repealed on that date.

NOTE: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code.

Reference: Section 11456, Food and Agricultural Code.

Amend section 6502 to read:

6502. Applications.

(a) An application for a new license or certificate shall be made on a form prescribed by the Director and shall be accompanied by:

(1) A copy of valid government-issued documentation that the applicant will meet the required minimum age of 18 years old prior to admission to the examination, and

(2) The required application fee specified below in Table 1—License and Certificate Application Fees and Forms. The application fee shall allow an applicant a 12-month period to become licensed or certified.

(b) ~~Beginning with those licenses or certificates expiring December 31, 2003, a~~ An application to renew a license or certificate shall be made on a form prescribed by the Director and shall be accompanied by the required renewal fee specified below in Table 2—License and Certificate Renewal Fees and Forms. If the license or certificate is issued for more than one year pursuant to 6500, the applicant shall pay double the annual renewal fee.

(1) If the renewal application is not postmarked by December 31 of the year the license or certificate expires, a penalty of 50 percent of the renewal fee shall be added to the original amount due.

(c) Pursuant to this section, the prescribed forms, hereby incorporated by reference, are specified in Table 1 and Table 2 below.

Table 1—License and Certificate Application Fees and Forms

License or Certificate Type	New Application Fee	Form
Pest Control Business License Additional fee for each Pest Control Business Branch	\$160 \$ 80	Pest Control Business License Application PR-PML-042 <u>LIC-042</u> (Rev. 10/18 <u>07/23</u>)
Pest Control Business License, Maintenance Gardener only	\$ 80	Maintenance Gardener Pest Control Business License Application DPR-PML-004 (Rev. 10/18)
Pest Control Dealer License Additional fee for each Dealer Branch	\$160 \$ 80	Pest Control Dealer License Application DPR-PML-041 (Rev. 10/18)
Pesticide Broker License Additional fee for each Broker Branch	\$ 0 \$ 0	Pesticide Broker License Application (PB) DPR-PML-217 (Rev. 10/18)
Agricultural Pest Control Adviser License	\$ 80	Agricultural Pest Control Adviser Application DPR-PML-084 <u>LIC-084</u> (Rev. 01/18 <u>07/23</u>)
Pest Control Aircraft Pilot Certificate, Manned or Unmanned	\$ 60	Pest Control Aircraft Pilot Certificate Application DPR-PML-005 <u>LIC-005</u> (Rev. 07/18 <u>07/23</u>)

Pest Control Dealer Designated Agent License	\$ 25	Pest Control Dealer Designated Agent License Application DPR-PML-043 <u>LIC-043</u> (Rev. 10/1807/23)
Qualified Applicator License	\$ 80	Qualified Applicator License Application DPR-PML-001 <u>LIC-001</u> (Rev. 01/1807/23)
Qualified Applicator Certificate	\$ 40	Qualified Applicator Certificate Application DPR-PML-001A <u>LIC-001A</u> (Rev. 01/1807/23)

Table 2–License and Certificate Renewal Application Fees and Forms

License or Certificate Type	Annual Renewal Fee	Form
Pest Control Business License Additional fee for each Pest Control Business Branch	\$160 \$ 80	Pest Control Business Renewal Application DPR-PML-192 <u>LIC-192</u> (Rev. 04/1807/23)
Pest Control Business License, Maintenance Gardener only	\$ 80	Maintenance Gardener Pest Control Business Renewal Application DPR-PML-186 (Rev. 04/18)
Pest Control Dealer License Additional fee for each Dealer Branch	\$160 \$ 80	Pest Control Dealer License Renewal Application DPR-PML-191 (Rev. 04/18)
Pesticide Broker License Additional fee for each Pesticide Broker Branch	\$ 0 \$ 0	Pesticide Broker License Renewal Application DPR-PML-190 (Rev. 04/18)
Agricultural Pest Control Adviser License	\$ 70	Individual License/Certificate Renewal Application DPR-PML-141 <u>LIC-141</u> (Rev. 07/1807/23)
Pest Control Aircraft Pilot Certificate, Manned or Unmanned	\$ 45	Individual License/Certificate Renewal Application DPR-PML-141 <u>LIC-141</u> (Rev. 07/1807/23)

Pest Control Dealer Designated Agent License	\$ 25	Individual License/Certificate Renewal Application DPR-PML-141 <u>LIC-141</u> (Rev. 07/18 <u>07/23</u>)
Qualified Applicator License	\$ 60	Individual License/Certificate Renewal Application DPR-PML-141 <u>LIC-141</u> (Rev. 07/18 <u>07/23</u>)
Qualified Applicator Certificate	\$ 30	Individual License/Certificate Renewal Application DPR-PML-141 <u>LIC-141</u> (Rev. 07/18 <u>07/23</u>)

NOTE: Authority cited: Sections 11456, 11502, 11502.5, 12005, and 12111, Food and Agricultural Code. Reference: Sections 11502.5, 11702, 11703, 11704, 11707, 11903, 11904, 12021, 12103, 12104, 12105, 12201, 12202, 12252, 12401, and 12404, Food and Agricultural Code.

Amend section 6504 to read:

6504. Examinations.

~~(a) The director shall schedule examinations at such times and places as he deems reasonable. Each applicant shall:~~

- ~~(1) appear at a time and place designated by the director for examination; and~~
- ~~(2) present government-issued photo identification at the time of examination.~~

~~(b) All applicants for a license or certificate will be required to must be able to read pesticide labeling and pass an written examination on the laws and regulations governing pesticide use and the safety precautions necessary to prevent injury.~~

(1) Applicants for a Qualified Applicator Certificate or License (except applicants solely for Subcategory Q listed in section 6531) or an Apprentice Pest Control Aircraft Pilot Certificate shall demonstrate by examination practical knowledge of California pesticide laws and regulations and the minimum federal core standards detailed in Title 40 of the Code of Federal Regulations (40 CFR) Part 171 section 171.103(c) (July 1, 2019), hereby incorporated by reference.

(2) In addition to the examination required by (1), applicants for a Qualified Applicator Certificate or License shall demonstrate by examination practical knowledge of the minimum competency standards in at least one category listed in section 6530 to become initially licensed or certified. The competency standards for each category listed in section 6530 are described in 40 CFR Part 171 section 171.103(d) (July 1, 2019), hereby incorporated by reference, as follows:

- (A) Category A - 40 CFR section 171.103(d)(7).
- (B) Category B - 40 CFR section 171.103(d)(3).
- (C) Category C - 40 CFR section 171.103(d)(6).
- (D) Category D - 40 CFR section 171.103(d)(1)(i).

- (E) Category E - 40 CFR section 171.103(d)(2).
- (F) Category F - 40 CFR section 171.103(d)(5).
- (G) Category G - 40 CFR section 171.103(d)(9).
- (H) Category H - 40 CFR section 171.103(d)(4).
- (I) Category I - 40 CFR section 171.103(d)(1)(ii).
- (J) Category J - 40 CFR section 171.103(d)(10).
- (K) Category K - 40 CFR section 171.103(d)(8).
- (L) Category L - 40 CFR section 171.103(d)(13).
- (M) Category M - 40 CFR section 171.103(d)(14).

(3) In addition to the written examination required by (1), applicants for a Manned or Unmanned Apprentice Pest Control Aircraft Pilot Certificate shall pass the required Manned or Unmanned Apprentice Pilot written examination to become initially certified.

(4) Applicants for a Manned or Unmanned Journeyman Pest Control Aircraft Pilot Certificate or Unmanned Vector Control Technician Pest Control Aircraft Pilot Certificate shall demonstrate by written examination practical knowledge of the minimum competency standards detailed in 40 CFR Part 171 section 171.103(d)(15) (July 1, 2019), hereby incorporated by reference.

(5) Applicants for a Qualified Applicator Certificate solely for subcategory Q listed in section 6531 shall demonstrate by written examination knowledge of applicable pest management practices associated with incidental pest control in ornamental and turf plantings: indoors, in commercial parks, or surrounding structures.

~~(c) A passing score of 70 percent or greater is required to qualify for be issued any license or certificate issued pursuant to Division 6 and 7 of the Food and Agricultural Code; or for a qualified applicator certificate.~~

(d) Applicants may request up to four examinations at each time and place per application.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12024 and 12111, Food and Agricultural Code. Reference: Sections 11702, 11905, 12024 and 12106, Food and Agricultural Code.

Amend section 6508 to read:

6508. Notification of Change.

(a) Every license or certificate holder shall immediately notify the Director in writing of any change in, including but not limited to, name, business address, business organization, qualified person, bond, insurance, registered officers, or any other matter shown in the application. Name changes for individuals must include a copy of government-issued proof of change of name.

(b) Licenses and certificates are not transferable, and in case of a change of business organization or ownership, a new application and fee are required.

(c) A \$20 fee is required when:

(1) a license or certificate holder requests a replacement or duplicate copy of a license or certificate; or

(2) a license or certificate is reissued as a result of a name change made pursuant to (a).

NOTE: Authority cited: Sections 11456, 11502, 11502.5, 12005, and 12111, Food and Agricultural Code. Reference: Sections 11501, 11502.5, 11708, and 12110, Food and Agricultural Code.

Adopt section 6509 to read:

6509. Refusal, Revocation, and Suspension.

In addition to the provisions found in sections 11910, 12205, 14098, or 14155 of the Food and Agricultural Code, a pest control aircraft pilot certificate, a qualified applicator license or certificate, or a private applicator certificate can be refused, revoked, or suspended by the Director, after a hearing, for a final order imposing a civil penalty under section 14(a) or a criminal conviction under section 14(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136l).

NOTE: Authority cited: Sections 11456, 11502, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 11791, 12991, 14001 and 14102, Food and Agricultural Code.

Amend section 6510 to read:

6510. Renewals and New Applications.

(a) Other than individuals only with a Dealer Designated Agent license or as provided in (b), an individual with a license or certificate issued by the Director shall obtain continuing education hours specified in section 6511 while the license or certificate is valid to renew the license or certificate. The continuing education must be obtained from courses approved pursuant to section 6512. Renewal applications must be on the appropriate application form in Table 2 of section 6502 and include the required fee.

(b) ~~A person~~An individual who has not possessed a valid license or certificate within 12 months of the date of application or has a valid license or certificate and has not completed the continuing education requirements as specified in section 6511 within each two-year license or certification period as specified in section 6511 shall not be allowed to renew his or her license or certificate and shall be required to submit an application for a new license or certificate specified in section 6502(a) and pass the applicable written examinations before being issued a license or certificate.

(c) For licensed pest control businesses and pest control dealers, the license or certificate of the individual supervising the activities of the business must be renewed prior to issuance of the business license renewal.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12024, 12111 and 14005, Food and Agricultural Code. Reference: Sections 11502.5, 11702, 11905, 12024, 12106 and 14006, Food and Agricultural Code.

Amend section 6511 to read:

6511. Continuing Education Requirements.

No license or certificate issued to a licensee or certificate holder specified in this section shall be renewed unless the holder has completed the required continuing education hours within each two-year license or certificate period. The education shall have been obtained in a course or program approved pursuant to section 6512. It is each license or certificate holder's responsibility to select continuing education courses applicable to their license or certificate type. The license

or certificate holder will not receive credit for taking the same course more than once within the same calendar year.

(a) Except as provided in (f) and (g), each license or certificate issued by the Director has the following continuing education requirements:

(1) A pest control aircraft pilot shall complete a minimum of 20 hours of approved continuing education relating to on pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations and four hours pertaining to aerial pest control equipment and application techniques.

(2) Except as provided in (f) and (g), qualified applicator license and certificate holders shall complete a minimum of 20 hours of approved continuing education relating to on pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations.

(3) Except as provided in (f) and (g), qualified applicator certificate holders engaged in the business of maintenance gardening, pursuant to Food and Agricultural Code section 11704, who only possess the maintenance gardener subcategory shall complete a minimum of eight hours of approved continuing education on pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.

and qualified applicators who only possess a license or certificate in the antifouling tributyltin, sewer line root control, and/or microbial pest control subcategory(ies) shall complete a minimum of eight hours of approved continuing education relating to pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.

(4) Except as provided in (f) and (g), qualified applicators who only possess a license or certificate in the seed treatment pest control category shall complete a minimum of four hours of approved continuing education relating to on pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.

(5) Except as provided in (f) and (g), an agricultural pest control adviser licensee holder shall complete a minimum of 40 hours of approved continuing education relating to on pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations.

(f) Continuing education exemptions.

(1) Each licensee or certificate holder listed in this section, whose initially issued with a license or certificate has been valid for less than 12 months at the time of its renewal is exempt from the continuing education requirements applicable to that license or certificate.

(2) Each licensee or certificate holder listed in this section whose initially issued with a license or certificate has been valid for 12 to 20 months at the time of its renewal shall complete a minimum of one-half of the continuing education requirements listed in (a) applicable to that license or certificate.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code.
Reference: Section 11502.5, Food and Agricultural Code.

Amend section 6512 to read:

6512. Approval of Continuing Education Courses.

A continuing education sponsor shall be responsible for the following, including but not limited to, administering the continuing education course or program, the agenda and course or

program content, attendance verification, and administrative recordkeeping found in section 6513.

(a) Requests for evaluation and approval of continuing education courses or programs must be made on the Continuing Education Approval Request Application form (DPR PML 131, Rev. 2/15), hereby incorporated by reference, and shall be submitted to the Director at least 30 days before the date of the course or program.

(1) Each continuing education approval request must include a \$45 fee and a comprehensive agenda that provides:

(A) a description of the course or program;

(B) the title of each session;

(C) the main points of each session.

(D) the start and end time, or for online and correspondence courses or programs the duration of each session;

(E) the continuing education category requested for each session (“Pesticide Laws and Regulations,” “Aerial Pest Control Equipment and Application Techniques,” or “Other,”) and

(F) the name and affiliation of each speaker, if applicable.

(b) Continuing education courses or programs that occur over two or more days require a Continuing Education Approval Request Application form (DPR PML 131, Rev. 2/15), comprehensive agenda, and \$45 fee for each day if license and certificate holders have the option to attend different days and/or sessions of the course or program.

(c) Requests for approval of additional dates for continuing education courses or programs previously approved within the calendar year must be made on the Continuing Education Additional Course Date Request form (DPR PML 132 Rev. 2/15), hereby incorporated by reference, and shall be submitted to the Director at least 15 business days before the presentation of the course or program.

(d) Requests for approval of changes to continuing education courses or programs previously approved within the calendar year shall be submitted in writing to the Director before the course or program occurs, and must include:

(1) the name of the course or program;

(2) the date of the course or program;

(3) the course identification code assigned by the Director, and

(4) the changes to be made to the course or program.

(e) The Director may approve any course or program submitted for evaluation, which meets the following criteria:

(1) The instruction must focus on pest management and pesticides including topics as specified in the Food and Agricultural Code section 11502.5 (plant health, organic and sustainable practices, water and air monitoring and residue mitigation, maximum residue levels, quarantine practices, and the on-farm storage of fumigants, all in the context of pesticides and pest management) and including but not limited to: California and federal pesticide laws and/or regulations, chemical formulations, labeling and label interpretation, application equipment, pests, identification of environmentally sensitive areas, endangered species, drift prevention, pesticide registration, integrated pest management, cultural practices, pesticide worker safety, surface and ground water protection, and biological control methods.

(2) Courses or programs that are not focused on California or federal pesticide laws and/or regulations, such as courses or programs about maximum residue levels, or the Business and Professions Code Division 3, Chapter 14 or Chapter 14.5, or the California Code of Regulations

Title 16, Division 19, shall not qualify for pesticide laws and regulations hours, as specified in section 6511.

~~(3) The approved portion of a continuing education course or program must be at least one hour.~~

~~(f) Interactive Online and Narrated Online Continuing Education Courses or Programs.~~

~~(1) For the Director to consider approval of interactive online and narrated online courses or programs:~~

~~(A) a complete copy of the course or program must be submitted in an electronic format, such as compact disc (CD), universal serial bus (USB) flash drive, Web site address, or any other comparable electronic method; and~~

~~(B) the following criteria must be met:~~

~~1. courses or programs must be divided into distinct topics of no more than two hours, and for courses longer than two hours, each topic must end with review questions;~~

~~2. a final examination at the end of the course or program that reviews the approved material and the main points; and~~

~~3. a different version of the final examination each time a license or certificate holder retakes a failed final examination, if the sponsor provides a license or certificate holder with a reexamination option. Different versions of the final examination must be achieved by providing the license or certificate holder with new questions, or by shuffling the order of the final examination questions.~~

~~(2) The course or program sponsor must require that a license or certificate holder receive a score of 70 percent or greater on the final examination in order to receive continuing education credit.~~

~~(3) The final examination and review questions are approved at one minute of credit per question. Each hour of approved material may include up to twenty minutes of questions.~~

~~(g) Correspondence and Noninteractive (text-based) Online Continuing Education Courses or Programs.~~

~~(1) For the Director to consider approval of correspondence and noninteractive (text-based) online courses or programs:~~

~~(A) a complete copy of the course or program must be submitted; and~~

~~(B) the criteria specified in (f)(1)(B) and (f)(2-3) must be met.~~

~~(2) Each 200 words of a correspondence or noninteractive (text-based) online course or program will count as one minute of course or program time.~~

~~(h) The Director may request that more information about the content of the course or program be submitted before making the determination as to whether the course or program meets the criteria specified in (e), (f), and/or (g).~~

~~(i) The approval of a course or program pursuant to this section shall be valid for the calendar year in which the course or program would be presented.~~

(a) The Director may approve requests for evaluation and approval of any course submitted for continuing education hours for a period of up to one calendar year (beginning January 1 and ending December 31).

(b) Except as provided in (d), courses may be approved by the Director for continuing education hours in one or more of the following categories:

(1) "Pesticide Laws and Regulations" continuing education course time must be focused on:

(A) Current California pesticide laws as detailed in the Food and Agricultural Code Divisions 6 and 7;

(B) Current California pesticide regulations as detailed in Title 3 Division 6 of the California Code of Regulations;

(C) Current federal pesticide laws and regulations including specific pesticide product labeling requirements; or

(D) Other current California pesticide regulations, including local pesticide requirements adopted by the County Agricultural Commissioner pertaining to the safe and effective use of pesticides pursuant to section 11503 of the Food and Agriculture Code.

1. Courses on the Business and Professions Code Division 3, Chapter 14 or Chapter 14.5; the California Code of Regulations Title 16, Division 19; or federal maximum residue levels do not qualify for pesticide laws and regulations hours.

(2) “Aerial Pest Control Equipment and Application Techniques” continuing education course time must be focused on:

(A) Aerial pesticide application equipment, such as: aerial dispersal system components, aerial application guidance systems, and proper use of aerial application equipment;

(B) Aerial application techniques, such as: swath marking, flight patterns, and assessing meteorological conditions and their effect on aerial pest control.

(3) “Other” continuing education course time must be focused on:

(A) Pesticides and pest management as specified in the Food and Agricultural Code section 11502.5, such topics may include:

1. Safe pesticide use, such as: maximum residue levels, water and air pesticide monitoring, residue mitigation, chemical formulations, application equipment; and

2. Effective pest management, such as: pest identification, integrated pest management, quarantine practices, sustainable agricultural pest management practices, cultural pest control practices, and biological control methods.

(c) The continuing education course shall be administered or developed by course instructors who are competent and knowledgeable in the subject matter and must contain at least one hour of approvable course time meeting the topic requirements in (b) for course approval.

(d) Courses will not be approved for more than 8 hours of continuing education per day. Courses will not be approved for continuing education hours during poster or vendor displays, question and answer sessions, panel discussions, formal examinations or testing (excluding review questions included as part of a presentation), or break periods.

(e) Before making the determination as to whether the course meets the criteria for approval, the Director may request more information about how the content of the course meets the provisions of Division 6 of the Food and Agricultural Code or regulations adopted pursuant to that Division. If the Director determines the course does not meet the criteria for approval the Director may deny the course or approve the course for fewer continuing education hours than requested.

Note: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Section 11502.5, Food and Agricultural Code.

Adopt section 6512.1 to read:

6512.1. In-Person Continuing Education Courses.

(a) Requests for approval of in-person continuing education courses shall be made on the In-Person Continuing Education Approval Request Application form (LIC-131A, Rev. 07/23),

hereby incorporated by reference, and shall be submitted to the department at least 30 days before the date of the course.

(1) Each continuing education approval request for in-person courses must include a \$45 fee and a comprehensive agenda that provides:

(A) A description of the course;

(B) The title of each presentation;

(C) The main points of each presentation;

(D) The start and end time for each presentation as well as the total course length;

(E) The continuing education category(ies) requested for each presentation (“Pesticide Laws and Regulations,” “Aerial Pest Control Equipment and Application Techniques,” or “Other”); and

(F) The name and affiliation of each speaker.

(b) In-person continuing education courses that occur over two or more days require an In-Person Continuing Education Approval Request Application form (LIC-131A, Rev. 07/23), hereby incorporated by reference, comprehensive agenda, and \$45 fee for each day.

(c) In-person continuing education courses that have concurrent presentations (i.e. two separate presentations occurring at the same date and time in different rooms or locations) must submit an In-Person Continuing Education Approval Request Application form (LIC-131A, Rev. 07/23), hereby incorporated by reference, comprehensive agenda, and \$45 fee for each presentation that occurs concurrently with another. Each concurrent presentation will be reviewed independently and accredited course hours specific to the presentation agenda and topic(s). Sponsors shall include in their application for a concurrent presentation a description of how they will track individual attendance to a concurrent course.

(d) Requests for approval of additional dates or locations for a continuing education course with an agenda identical to a previously approved course, within the same calendar year, shall be made on the Continuing Education Additional Course Date Request form (LIC-132, Rev. 07/23), hereby incorporated by reference, and shall be submitted to the Department at least 15 business days before the presentation of the course.

(e) Requests for approval of changes to continuing education courses currently approved within the calendar year shall be submitted in writing to the Department and include:

(1) The name of the course,

(2) The date of the course,

(3) The course identification code assigned by the Director, and

(4) The changes made to the course.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code.

Reference: Section 11502.5, Food and Agricultural Code.

Adopt section 6512.2 to read:

6512.2. Interactive Online and Webinar Continuing Education Courses

(a) Requests for approval of interactive online and webinar online courses shall be submitted at least 60 days before the intended course offering date. Courses shall not be approved for more than 8 hours of continuing education credit per application. Submissions must include:

(1) A complete Interactive Online and Webinar Continuing Education Approval Request Application form (LIC-131B, Rev. 07/23), hereby incorporated by reference, \$45 fee, and:

(A) For interactive online courses, a comprehensive course syllabus which provides a detailed outline of the course. The syllabus must contain at a minimum, the learning objectives for the course, the amount of time allocated to each learning objective, and the continuing education category(ies) hours requested (“Pesticide Laws and Regulations,” “Aerial Pest Control Equipment and Application Techniques,” or “Other”) for each learning objective.

(B) For webinar courses, a comprehensive agenda that provides:

1. A description of the course;
2. The title of each presentation;
3. The main points of each presentation;
4. The start and end time of each presentation;
5. The continuing education category(ies) requested for each presentation (“Pesticide Laws and Regulations,” “Aerial Pest Control Equipment and Application Techniques,” or “Other”); and
6. The name and affiliation of each speaker.

(2) Access to the course in the same format that the course will be presented to attendees.

(3) An explanation of how the identity of the attendee will be verified. Acceptable formats are:

(A) A means of visually observing the attendee throughout the duration of the course, such as web cameras and proctored locations, or

(B) Inclusion of the following verification of fraud statement that attendees are required to agree to prior to starting the course:

“Allowing someone other than the person identified as the course attendee to complete this online continuing education course, in order to qualify for Department of Pesticide Regulation approved continuing education hours, constitutes fraud. Committing fraud in connection with meeting any license requirement, including to obtain renewal of any license or certificate issued by the Department of Pesticide Regulation or a County Agricultural Commissioner may result in civil and criminal penalties or license denial, suspension, or revocation.

By selecting yes, I verify and attest to the fact that I am the person whose name and license or certificate number appears in course sign-in dialogue box and on the license or certificate.

Yes _____

No _____”

(b) Interactive online and webinar online continuing education courses submitted for approval must include:

(1) Features for monitoring and ensuring course attendance and participation, such as: random pop-up questions, check boxes, and/or key codes that must be responded to by the participant and that will automatically log the participant out of the course if the monitoring events are not responded to. Courses must include a minimum of three participation response actions per hour, at least one of which occurs at an irregular interval.

(2) Features to prevent an attendee from fast forwarding through any portion of the course or participating in more than one course simultaneously.

(3) Features for time stamping the course and tracking when the attendee starts the course, completes the course, and total time spent on the course. This attendance information must be recorded and retained by the sponsor in accordance with section 6513.

(4) A username and password used to access the course that is unique for each license or certificate holder.

(5) For interactive online courses longer than one hour, a minimum 5-question quiz meeting the requirements in (c) must occur every hour of accredited time.

(6) Upon conclusion of an interactive online or webinar online course, a minimum 10-question final examination must be given that meets the requirements specified in (c).

(7) A copy of all quiz and exam questions.

(c) Interactive online and webinar online continuing education quiz and final examination requirements:

(1) Questions must be directly derived from course content and answerable based on the content presented during the course.

(2) Questions must be in multiple choice format with one correct answer and at least two plausible but incorrect options and must not contain “all of the above,” “none of the above,” or other all-inclusive response options.

(3) For interactive online courses all quizzes must be passed with a score of 70 percent or greater before the attendee is allowed to advance in a course. The final exam must be passed with a score of 70 percent or greater before a course completion certificate may be issued to the attendee.

(4) For webinar online courses, the final examination must be passed with a score of 70 percent or greater before a course completion certificate may be issued to the attendee.

(5) Different versions of quizzes and final examinations must be available for retest, if the sponsor allows the option to retest. Different versions may be achieved by presenting new questions to the attendee or by varying the order of questions and answers each time the final exam is taken. All possible quiz and exam questions must be submitted to DPR as required in (b)(7).

(d) Interactive online and webinar online courses approved in the preceding year must also meet the following requirements for approval:

(1) Reflect current information.

(2) Contain quiz and exam questions different from any questions used in the preceding year’s approved version of the course.

(e) The Director may deny any interactive online and webinar online course that does not meet the criteria in sections 6512 and 6512.2. Previously denied interactive online and webinar online courses must be revised to meet the criteria and resubmitted in accordance with subsection 6512.2(a) with a new fee before being reconsidered for continuing education hours.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code.

Reference: Section 11502.5, Food and Agricultural Code.

Adopt section 6512.3 to read:

6512.3 Continuing Education Course Sponsor Requirements

A continuing education course sponsor shall ensure:

(a) Information used for advertising the continuing education course(s) is true and not misleading, including course agenda topics and the number of approved continuing education hours.

(b) Course instructors and speakers for in-person and webinar online courses, and course content developers for interactive online courses, are competent and knowledgeable in the subject matter.

(c) An individual's successful completion of a course is verified prior to issuing a record of course completion.

(1) At each in-person continuing education course, verification shall be achieved by confirming the identity of the license or certificate holder. Acceptable means of confirming identity are:

(A) Checking an official government-issued photo identification, or

(B) Using a verification process that ensures an official government-issued photo identification has been checked.

(2) For interactive online and webinar continuing education courses, verification shall be achieved by meeting the requirement of section 6512.2(a)(3).

(d) The course follows the approved agenda or syllabus; changes to an approved agenda or syllabus must be submitted in writing and approved by the Director.

(e) Sufficient resources are available for verifying and monitoring attendance and participation, including:

(1) Tracking when the attendee arrives and leaves the course and the continuing education hours earned within that time period.

(2) Notifying all attendees to minimize personal distractions including electronic devices.

(3) Ensuring instructors and speakers are not accredited continuing education hours for time presenting or not actively participating in the course as an attendee.

(f) Course credit is given on a one-to-one basis in the appropriate category (i.e. one hour of course attendance and participation is equivalent to one hour continuing education credit).

(g) Records of completion are given to attendees only upon the conclusion of the attendee's participation and reflect the actual hours earned by each attendee.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code.

Reference: Section 11502.5, Food and Agricultural Code.

Adopt section 6512.4 to read:

6512.4 Rejection or Revocation of Continuing Education Course Hours

(a) The Director may audit or monitor courses given by any course sponsor and may revoke approval of continuing education hours for a course when:

(1) The course did not follow the approved agenda or syllabus, or covered false or misleading information; or

(2) The course sponsor violated Food and Agricultural Code section 11792 in connection with that course.

(b) The Director may reject or revoke a continuing education course if the course sponsor violated any provision of Division 6 of the Food and Agricultural Code or regulations adopted pursuant to that Division in connection with that continuing education course.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code.

Reference: Section 11502.5, Food and Agricultural Code.

Amend section 6513 to read:

6513. Records of Continuing Education Courses ~~or Programs~~.

- (a) Recordkeeping responsibilities of the continuing education sponsor.
 - (1) For each sponsored continuing education course, the continuing education course sponsor shall maintain a record of all license and certificate holders who have successfully completed earned continuing education hours.
 - (2) Each record must be kept for three years from the completion date of the course ~~or program~~.
 - (3) Within 15 business days of successful completion of a course ~~or program~~, the continuing education sponsor shall provide each license and certificate holder with ~~his or her~~ a record of course ~~or program~~ completion.
 - (4) Each record must contain the information specified in (c).
- (b) Recordkeeping responsibilities of the license or certificate holder.
 - (1) Each licensee and certificate holder specified in Section 6511 and 6584 shall maintain a record of all completed continuing education courses ~~or programs~~.
 - (2) Each record must be kept for three years from the completion date of the course ~~or program~~.
 - (3) Each record must contain the information specified in (c).
- (c) The records specified in (a) and (b) of this section must include:
 - (1) License or certificate holder's name;
 - (2) License or certificate number;
 - (3) ~~Title of the course or program;~~
 - (4) ~~Name of the continuing education sponsor;~~
 - (5) Location of the course ~~or program~~;
 - (6) Course completion date of the course ~~or program~~;
 - (7) ~~Number of hours attended in each continuing education category;~~
 - (8) ~~license or certificate holder's signature; and~~
 - (9) ~~The course identification code assigned by the Director to the course or program.;~~
 - (9) The license or certificate holder's signature confirming attendance.
- (d) In addition to the records required to be maintained in (a), the instructor or sponsoring organization shall submit, at a minimum, the information required in (c)(1-8) to the Department within 14 days after the completion of the course for each license and certificate holder. The information shall be submitted over the Internet using the Department's online Web site (www.cdpr.ca.gov) or via an electronic data file transfer process. At the time of submission the sponsor shall electronically attest that the records submitted are true and correctly reflect the continuing education hours earned and accredited to each attendee.
- (e) The records specified in (a) and (b) must be submitted to the Director or County Agricultural Commissioner upon written request.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code.
Reference: Sections 11502.5 and 12980.1(c), Food and Agricultural Code.

CHAPTER 3. PEST CONTROL OPERATIONS
SUBCHAPTER 1. LICENSING
ARTICLE 2. AGRICULTURAL PEST CONTROL BUSINESS LICENSES

Amend section 6522 to read:

6522. Categories.

(a) The categories for supervision of pest control by a qualified person pursuant to Section 11708 of the Food and Agricultural Code shall be those listed in Section 6530 of Title 3, California Code of Regulations. Persons holding an unrevoked license or licenses pursuant to this section in 1984 will be issued a corresponding license or licenses for the categories specified in Section 6530 upon application before December 31, 1985.

(b) The categories applicable for supervision of a Maintenance Gardener Pest Control Business pursuant to section 11704 of the Food and Agricultural Code are:

- (1) A license or certificate holder with Category B as specified in section 6530; or
- (2) A certificate holder with Subcategory Q as specified in section 6531.

NOTE: Authority cited: Sections 11456 and 11702, Food and Agricultural Code. Reference: Sections 11702 and 11705, Food and Agricultural Code.

ARTICLE 3. QUALIFIED APPLICATORS

Amend section 6530 to read:

6530. Categories and Examinations.

Applicants may qualify by examination to work in one or more of the following categories or subcategories:

(a) Category A - Residential, Industrial and Institutional Pest Control

(1) Perform pest control for:

(A) Residential or home use;

(B) Industrial use; or

(C) Institutional use.

(2) This category does not include landscape maintenance pest control for hire covered under (b); use of any pesticide labeled as a fumigant; or structural pest control required to be licensed under Chapter 14 (commencing with Section 8500) of Division 3 of the Business and Professions Code.

(b) Category B - Landscape Maintenance Pest Control

(1) Perform pest control in:

(A) The maintenance of preexisting, planted, or artificial ornamental plants and turf surrounding areas such as residences, parks, streets, and commercial, industrial, and institutional buildings.

(2) This category does not include direct application to running or standing water, or the use of any pesticide labeled as a fumigant.

(c) Category C - Right-of-Way Pest Control

(1) Perform pest control in:

(A) The maintenance of rights-of-way; including but not limited to: roadsides, power lines, telephone lines, pipelines, canals, and railways.

(2) This category does not include direct application to running or standing water, or the use of any pesticide labeled as a fumigant.

(d) Category D - Agricultural Pest Control (plant)

(1) Perform pest control in:

(A) The production of an agricultural commodity;

(B) Rangelands, pastures, and grasslands; or

(C) Non-crop agricultural lands which will not in the foreseeable future be used to grow food, feed, or fiber crops, or to pasture animals; this includes but is not limited to: wildlands, farm roads and shoulders, ditches, and on-farm equipment yards.

(2) This category does not include applications to running or standing water, other than rice and similar crops grown in wet or flooded fields, or the use of any pesticide labeled as a fumigant.

(e) Category E - Forest Pest Control

(1) Perform pest control in:

(A) Forests, forest nurseries, and forest seed-producing areas; including: preparation for forest planting, conifer release, brush control projects, and stump treatment.

(2) This category does not include direct applications to running or standing water, or the use of any pesticide labeled as a fumigant.

(f) Category F - Aquatic Pest Control

(1) Perform pest control in:

(A) Standing or running water.

(2) This category does not include pest control covered under subsections (d), (g), (j), or (k).

(g) Category G - Regulatory Pest Control

(1) Perform pest control in:

(A) Government-sponsored programs for the control of regulated pests. "Regulated pest" means a particular species of pest subject to state or federal regulatory restrictions, regulations, or control procedures intended to protect hosts, humans, or the environment.

(2) This category does not include health related pest control covered under (k) or the use of any pesticide labeled as a fumigant.

(h) Category H - Seed Treatment

(1) Use pesticides on seeds in seed treatment facilities.

(2) This category does not include the use of any pesticide labeled as a fumigant.

(i) Category I - Agricultural Pest Control (animal)

(1) Perform pest control:

(A) On animals or in facilities in which animals are confined; including managed apiaries.

(2) This category does not include direct application to running or standing water, or the use of any pesticide labeled as a fumigant.

(j) Category J - Demonstration and Research

(1) Perform pest control using California restricted materials to:

(A) Demonstrate to the public proper use and application techniques; or

(B) Conduct field research outside of a laboratory setting.

(2) This category does not include the use of any pesticide labeled as a fumigant.

(k) Category K - Health Related Pest Control

(1) Perform pest control in:

(A) Government-sponsored programs for the management and control of pests having public health importance.

(2) This category does not include the use of any pesticide labeled as a fumigant.

(3) This category is not required for applicators holding a valid Vector Control Technician certificate issued by the State Department of Public Health and employed at a government public health agency.

(l) ~~Subcategory L - Wood Preservation~~Soil Fumigation

(1) Perform pest control using a pesticide labeled as a fumigant to:

(A) Control soil pests in sites including: fields, forests, golf courses, greenhouses, and individual tree or vine hole sites.

(2) This category does not include non-soil fumigations covered by (m).

(m) ~~Subcategory M - Antifouling Tributyltin~~Non-Soil Fumigation

(1) Perform pest control using a pesticide labeled as a fumigant to:

(A) Fumigate enclosed areas including: tarpaulin-covered structures and commodities, vaults, chambers, greenhouses, vans, boxcars, ships, planes, and vehicles, containing:

1. Agricultural commodities for post-harvest fumigation; or

2. 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.

(B) Fumigate pest burrows in sites including, but not limited to: fields, rights-of-way, ditches, landscaping, and equipment yards.

(C) Fumigate sewer lines, in-service utility poles, or other fumigations not covered by Category L – Soil Fumigation [6530(1)].

(2) 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.

(n) ~~Subcategory N – Sewer Line Root Control~~

(o) ~~Subcategory O – Field Fumigation Pest Control~~

(p) ~~Subcategory P – Microbial Pest Control~~

(q) ~~Subcategory Q – Maintenance Gardener Pest Control (see restriction in section 6531)~~

NOTE: Authority cited: Sections 11456, 11502, 12203.1, 12976, 14001, 14005, 14102, 14151, and 14153.1, Food and Agricultural Code. Reference: Sections 11501, 11701, 11704, 12203, 14001, 14102, and 14153, Food and Agricultural Code.

Amend section 6531 to read:

6531. Maintenance Gardener Pest Control ~~Restriction~~Qualified Applicator Certificate – Subcategory Q.

(a) This subcategory allows incidental pest control, including the use of pesticides, in ornamental and turf plantings indoors, in commercial parks, or surrounding structures under a Maintenance Gardener Pest Control Business License issued by the Director pursuant to Food and Agricultural Code section 11704.

(b) This subcategory does not allow ~~the~~A person qualified to work solely in subcategory Q listed in section 6530 may not purchase or use of federally restricted use pesticides or state restricted materials listed in section 6400-, or direct application to running or standing water.

NOTE: Authority cited: Sections 11456, 11502, ~~12203.1~~, 12976, 14001, 14005, 14102, 14151, and 14153.1, Food and Agricultural Code. Reference: Sections 11501, 11701, 11704, ~~12203~~, 14001, 14015, 14102, and 14153, Food and Agricultural Code.

Repeal section 6534 to read:

6534. Refusal, Revocation, and Suspension. [Repealed]

~~A qualified applicator certificate or license may be refused, revoked, or suspended by the director for any of the following:~~

- ~~(a) Failure to adequately supervise the use of a restricted material;~~
- ~~(b) Failure to comply with any applicable provision of Divisions 6 or 7 of the Food and Agricultural Code, or regulations adopted pursuant to such provisions;~~
- ~~(c) Making any false or fraudulent record or report.~~

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14001 and 14102, Food and Agricultural Code.

Repeal section 6536 to read:

6536. Field Fumigation Licensing Requirements. [Repealed]

~~A person who performs or supervises field fumigation applications pursuant to section 6445.5 must hold a qualified applicator license or certificate in the subcategory of field fumigation pest control.~~

NOTE: Authority Cited: Sections 11456, 11502, and 14005, Food and Agricultural Code. Reference: Sections 11501, 14001, and 14151, Food and Agricultural Code.

ARTICLE 4. PEST CONTROL AIRCRAFT PILOT'S CERTIFICATE

Amend section 6540 to read:

6540. Apprentice Pilot Supervision.

(a) The journeyman pilot responsible for supervision of an apprentice pilot shall be aware of the conditions at the application site and be available to direct and control the manner in which applications are made by the apprentice. Except as provided in section 6406, the availability of the journeyman shall be directly related to the actual or potential hazard of the situation.

(b) The journeyman pilot shall ensure a means for the apprentice pilot to immediately communicate with the journeyman pilot. This may be in person by voice, two-way radio, cell phone, video conference or other similar means of direct communication. Text messaging, e-mail, voicemail and other means of indirect communication do not meet this requirement.

~~(bc)~~ A manned aircraft apprentice pilot shall be supervised by a manned aircraft journeyman pilot and earn the required hours of operation in a manned aircraft.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Sections 11908 and 11909, Food and Agricultural Code.

ARTICLE 6. PEST CONTROL DEALER LICENSES

Repeal section 6560 to read:

6560. Supervision. [Repealed]

~~(a) Each licensed pest control dealer shall have and maintain at the principal office and at each branch location a designated agent to actively supervise all operations conducted by the location.~~

~~(b) The designated agent shall be a person who has passed the laws and regulations examination; or who holds a valid agricultural pest control adviser license, pest control aircraft pilot certificate, or is a qualified applicator licensee.~~

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code.

Reference: Sections 11501 and 12103, Food and Agricultural Code.

Amend section 6562 to read:

6562. Dealer Records and Sales Reporting.

(a) Each licensed pest control dealer shall prepare and maintain records of all pesticides sold or delivered, except for pesticides labeled only for home use. For each transaction ~~These records~~ shall include the following:

(1) The purchaser's name and address;

(A) For any pesticide listed in section 6400:

(i) the purchaser's name must include the name of the business, agency, or operator of the property (if applicable) and the name of the certified private or commercial applicator purchasing the restricted material;

(ii) if the purchase is made by a noncertified agent of a certified private or commercial applicator, the record must also record the name of the individual who made the purchase;

(iii) the address must be a residence or business address.

(2) The product ~~purchased~~ name, U.S. EPA or California Registration Number, and the amount, and any applicable FIFRA Section 18 emergency exemption or Section 24(c) special local need number;

(3) The date of purchase;

(4) The operator identification number(s) specified in section 6622 on the invoice, or a statement on the invoice indicating that the purchaser was not required to obtain an operator identification number pursuant to section 6622;

(5) A copy of an agricultural pest control adviser's written recommendation, or the following statement (or a substantially similar statement) on the invoice or delivery slip supplied to the customer;

No recommendation has been made by, or provided to, the seller concerning the use of the pesticide covered by this invoice; and

(6) The location where the pesticide was delivered, including the name of the person who, or business which, received the shipment, if the dealer delivered the pesticide.

(b) The records shall be maintained at the sales office for two years. These records shall be produced for inspection, by purchaser name, upon request by the ~~e~~Director or agricultural commissioner.

NOTE: Authority cited: Sections 11456, 12111, 12976 and 13145, Food and Agricultural Code.
Reference: Sections 11501, 12110 and 13145, Food and Agricultural Code.

Amend section 6564 to read:

6564. Appropriate Products

~~All persons engaged in business as~~ Each licensed pest control dealers shall not:

(a) Sell or deliver a pesticide ~~for which a recommendation has been provided to him or written by any person employed by him only~~ when the requirements of the registered pesticide labeling corresponds to conflict with the recommendation; ~~and~~

(b) ~~Not knowingly~~ sell or deliver a registered pesticide for a use not shown in the labeling, or when any condition of use shown in the labeling cannot be complied with; ~~and~~

(c) Sell or deliver a pesticide listed in section 6400 to a certified private or commercial applicator whose category(ies) or scope of certification do not allow for the intended pesticide use.

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code.
Reference: Sections 12971 and 12973, Food and Agricultural Code.

Amend section 6568 to read:

6568. Dealer Responsibilities.

(a) Each licensed pest control dealer that sells a restricted material which requires a permit for its use or possession shall, before sale or delivery, obtain a copy of the permit.

(b) A restricted material specified in ~~S~~section 6400(a) (federally restricted use) or in ~~S~~section 6400(d) (potential to pollute ground water) that does not require a permit for possession or use shall be sold or delivered only to a certified private or commercial applicator. For applications on Tribal land only, an individual certified by a Tribe or U.S. EPA as a certified applicator under a U.S. EPA-approved certification plan is considered a certified applicator for the purpose of this subsection. The dealer shall, before sale or delivery, obtain from the purchaser a copy of his or her ~~qualified~~ certified private or commercial applicator license or certificate, private applicator certificate, or a signed statement in substantially the following form:

I am a certified applicator authorized by the scope of my _____
(license/certificate type)
license/certification No. _____ issued by _____ to use the restricted material(s) I
am purchasing.
My license/certificate is valid until _____
(Date)

My category(ies) relevant to this pesticide's intended use are:
Name of the business, agency, or operator of the property that I am employed by (if applicable): _____

(Certified Applicator) (Date)

(c) Prior to the sale or delivery of pesticides listed in section 6622 to the operator of the property (or the operator's authorized representative), the dealer shall obtain from the purchaser a copy of the restricted materials permit showing all operator identification numbers, if the purchaser has such a permit; or a copy of the form issued to an operator of the property pursuant to section 6622.

(d) The dealer shall send a list of the operator identification numbers with corresponding names of persons purchasing pesticides during the quarter, within 10 days following the end of each quarter of the calendar year, to each of the commissioners who issued the numbers. The dealer is not required to send the list to the commissioner of the county in which the dealer is located.

(e) The dealer shall retain for two years a copy of each form specified in section 6622, permit, or signed statement that pesticide purchaser provided to the dealer.

NOTE: Authority cited: Section 11456 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14006, 14010 and 14035, Food and Agricultural Code.

ARTICLE 7. PRIVATE APPLICATORS

Amend section 6580 to read:

6580. Certificate Issuance Initial Application.

(a) An application for a new private applicator certificate shall be made on the Private Applicator Certificate Application form ~~PR-PML-045~~LIC-045 (Rev. ~~12/0407/23~~), hereby incorporated by reference, and submitted to the county agricultural commissioner. No application fee is required.

(b) All ~~private applicator certificate~~ applicants shall ~~be required to take and~~ pass the private applicator written examination before being issued a ~~new private applicator~~ certificate.

~~(c) Notwithstanding section 6500, the commissioner, or Director in a county where there is no county agricultural commissioner, shall issue a private applicator certificate for a period of up to three years in accordance with Food and Agricultural Code section 14095.~~

Note: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 14091, 14092 and 14095, Food and Agricultural Code.

Adopt section 6580.1 to read:

6580.1. Examinations.

(a) Applicants for a private applicator certificate shall demonstrate by written examination practical knowledge of California pesticide laws and regulations and the minimum federal standards for private applicators detailed in Title 40 of the Code of Federal Regulations Part 171 section 171.105(a) (July 1, 2019), hereby incorporated by reference.

(b) In addition to the requirements in (a), private applicators that seek to use or supervise the use of a pesticide listed in section 6400 labeled as a fumigant to control burrowing vertebrate pests, such as rodents, shall demonstrate by written examination practical knowledge associated with performing these fumigations. The examination shall include at a minimum:

- (1) Knowledge of the format, instructions, and requirements specific to fumigant labeling for burrowing vertebrate pests.
- (2) Measures to ensure safe use of fumigants for burrowing vertebrate pests and minimize adverse health effects, including:
- (A) How to prevent common problems and mistakes that can result in direct exposure;
 - (B) Potential signs and symptoms of human exposure;
 - (C) What air concentrations or application conditions require certified private applicators or handlers to wear respirators and when to exit the work area entirely;
 - (D) Steps to take if an individual experiences sensory irritation;
 - (E) Air monitoring requirements and procedures including when and where to take samples;
 - (F) First aid measures in the event of exposure; and
 - (G) Requirements for transportation, storage, spill clean-up, and emergency response. This includes the management and safe disposal of containers and contaminated materials.
- (3) Chemical characteristics of fumigants for burrowing vertebrate pests, including:
- (A) How the fumigant changes to a gas;
 - (B) Specific human exposure concerns;
 - (C) How fumigants disperse in the application zone; and
 - (D) Compatibility with application equipment.
- (4) Selecting application methods and timing for fumigation of burrowing vertebrate pests, including:
- (A) Common application methods and equipment;
 - (B) Site characteristics that can influence exposure;
 - (C) Conditions that could impact the timing of application (including air stability, air temperature, humidity, and wind currents) and labeling statements limiting applications; and
 - (D) Pre-application inspection of the equipment and site.
- (5) Pest factors that influence fumigant activity for burrowing vertebrate pests, including:
- (A) Fumigant movement through the treated area and into the air;
 - (B) Proper identification of burrowing vertebrate pests; and
 - (C) Proper application rate and timing for the targeted burrowing vertebrate pest population.
- (6) Required personal protective equipment for burrowing vertebrate pest fumigants, including:
- (A) Product labeling requirements and regulations for personal protective equipment;
 - (B) Procedures for selecting, inspecting, using, caring for, replacing, and disposing of personal protective equipment;
 - (C) When a respirator is required; and
 - (D) Requirements for respiratory protection including medical evaluation and fit testing prior to respirator use, training, and recordkeeping.
- (7) Recordkeeping requirements for burrowing vertebrate pest fumigants, including:
- (A) When a fumigant management plan is required, its elements, resources available to prepare it, the person responsible for verifying its accuracy, where it shall be during the application, who shall have access to it, and how long it must be on file.
- (8) Posting requirements for burrowing vertebrate pest fumigants, including:
- (A) Who is allowed or prohibited from being in an area during and after fumigation; and
 - (B) Posting requirements of fumigant labeling and section 6776, including proper signage, placement, and when signs shall be posted and removed.

(c) An applicant for a private applicator examination must be at least 18 years old and present at the time of examination valid, government-issued photo identification as proof of identity and age.

(d) Private applicator examinations must be presented and answered in writing.

Note: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 14091, 14092 and 14095, Food and Agricultural Code.

Adopt section 6580.2 to read:

6580.2. Certificate Issuance.

(a) A passing score of 70 percent or above is required to demonstrate practical knowledge for the examinations specified in section 6580.1.

(b) Applicants who pass the examinations listed in section 6580.1(a) shall be issued a private applicator certificate to use or supervise the use of restricted materials listed in section 6400, excluding fumigants.

(c) Applicants who meet the requirements in subsection (b) and pass the examination listed in section 6580.1(b) shall be issued an additional certification to use or supervise the use of pesticides listed in section 6400 that are labeled as a fumigant and labeled for control of burrowing vertebrate pests.

(d) Notwithstanding section 6500, the commissioner, or Director in a county where there is no county agricultural commissioner, may issue a private applicator certificate for a period of up to three years in accordance with Food and Agricultural Code section 14095.

Note: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 14091, 14092 and 14095, Food and Agricultural Code.

Amend section 6582 to read:

6582. Certificate Renewal.

(a) A certified private applicator who elects to renew his/her certificate shall:

(1) Submit a Private Applicator Certificate Application form ~~PR-PML-045LIC-045~~ (Rev. 12/0407/23), hereby incorporated by reference, to the county agricultural commissioner no sooner than 120 days prior to, and no later than 90 days after, the expiration date; and

(2) Complete continuing education requirements as specified in section 6584 during the time the certificate is valid, or demonstrate practical knowledge through ~~retake and passing the written~~ private applicator certificate reexamination covering the topics specified in section 6580.1(a), and section 6580.1(b) if applicable.

(b) A certified private applicator who has not renewed his/her private applicator certificate within the timeframe specified in (a)(1) shall be required to take and pass the private applicator reexamination before being issued a certificate.

(c) All private applicator certificates issued prior to January 1, 2024 will be invalid on their expiration date and shall not be eligible for renewal.

(1) Individuals who seek to continue conducting pest control activities as a private applicator must take and pass the initial private applicator certificate examination, in accordance with section 6580.1(a).

(2) Subsection (c) does not apply to individuals who take and pass the initial private applicator examination, in accordance with section 6580.1(a), on or after October 1, 2022.

Note: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 14093 and 14096, Food and Agricultural Code.

Amend section 6584 to read:

6584. Continuing Education Requirements.

(a) Private applicator certificate holders who elect to renew their certification by obtaining continuing education shall have completed the following hours pertaining to the topic areas as described in section 6512~~(e)(1)~~(b)(1) and (3):

(1) Each private applicator whose certificate has been valid for less than 12 months at the time of renewal is exempt from continuing education requirements applicable to the certificate.

(2) Each private applicator whose certificate has been valid for 12 months to 24 months at the time of renewal shall have completed a minimum of four hours on pest management and pesticides, including a minimum of two hours ~~on~~pertaining to pesticide laws and regulations.

(3) Each private applicator whose certificate has been valid for more than 24 months and up to 36 months at the time of renewal shall have completed a minimum of six hours on pest management and pesticides, including a minimum of two hours ~~in~~pertaining to pesticide laws and regulations.

(b) The continuing education shall have been obtained in a course ~~or program~~ approved pursuant to section 6512.

(c) Records of continuing education completed must be maintained in accordance with subsections 6513(b) and (c).

NOTE: Authority cited: Sections 11456, 11502 and 11502.5, Food and Agricultural Code. Reference: Section 14096, Food and Agricultural Code.

SUBCHAPTER 2. WORK REQUIREMENTS
ARTICLE 1. PEST CONTROL OPERATIONS GENERALLY

Amend section 6612 to read:

6612. Age.

~~No~~A person shall not permit a minor under 18 years of age to:

(a) Handle any pesticide identified as a restricted material in section 6400.

(b) ~~m~~Mix or load a pesticide which, in any use situation, use of any of the following is required by labeling or regulation:

(a~~1~~) air supplied respiratory protection;

(b~~2~~) closed systems including closed transfer or mixing systems; or

(c~~3~~) full body chemical resistant protective clothing.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Amend section 6622 to read:

6622. Operator Identification Numbers.

(a) A person performing pest control for hire is exempt from the requirements of this section.

(b) This subsection applies to the production of an agricultural commodity. Prior to the purchase and use of registered pesticide(s) for the production of an agricultural commodity, the operator of the property (or the operator's authorized representative) shall obtain an operator identification number from the commissioner of each county where pest control work will be performed. The operator shall provide each pest control business applying pesticides to such property with his or her operator identification number.

(c) This subsection applies to the registered pesticides listed below, when they are not used for the production of an agricultural commodity (e.g., uses on cemeteries, golf courses, parks, right-of-way, post-harvest agricultural commodities, and certain nonagricultural sites). Prior to the purchase and use of registered pesticides listed below, each operator of the property (or the operator's authorized representative), shall obtain an operator identification number from the commissioner of each county in which the operator intends to perform pest control. The operator of the property is not required to obtain an operator identification number when a person performing pest control for hire purchases and applies these pesticides.

(1) Any pesticide intended for agricultural use, as defined in Food and Agricultural Code section 11408, excluding those for use only on livestock, as defined in Food and Agricultural Code section 18663;

(2) Any pesticide listed in section 6400;

(3) Any pesticide for industrial use as a post-harvest commodity treatment; and

(4) Any pesticide listed in section 6800(b) for any outdoor institutional or outdoor industrial use.

(d) This subsection applies to both subsection (b) and (c).

(1) Each operator of the property to be treated who is required to obtain a number shall provide the commissioner with a list of the counties in which pest control will be performed and all valid operator identification number(s) issued by other commissioners. The number(s) provided by the operator of the property shall be recorded by the commissioner on the operator's restricted materials permit or on a form approved by the ~~e~~Director.

(2) The operator of the property to be treated shall be issued an operator identification number from the commissioner of each county in which the operator intends to perform pest control. The number shall be recorded on a restricted materials permit, if the operator of the property has such a permit, or issued on a form approved by the ~~e~~Director, and shall be valid for a specified period not to exceed 36 months.

(3) The requirements of this section do not exempt an operator of the property to be treated from obtaining a restricted materials permit(s) or a ~~qualified~~ certified private or commercial applicator license or certificate.

Note: Authority cited: Sections 12976, 13145 and 14005, Food and Agricultural Code.

Reference: Sections 11501, 14006 and 14011.5, Food and Agricultural Code.

Amend section 6624 to read:

6624. Pesticide Use Records.

(a) The following persons shall maintain records of pesticide use:

(1) Any person who uses a pesticide for an agricultural use as defined in Food and Agricultural Code section 11408, other than use on livestock as defined in Food and Agricultural Code section 18663;

(2) Any person who uses a pesticide listed in section 6400;

(3) Any person engaged for hire in the business of pest control;

(4) Any person who uses a pesticide for industrial post-harvest commodity treatment; and

(5) Any person who uses a pesticide listed in section 6800(b) for any outdoor institution or outdoor industrial use.

(b) The records shall include the following information for each pest control operation:

(1) Date and time of the application;

(2) Name of the operator of the property treated;

(3) Location of property treated;

(4) Crop commodity, or site treated;

(5) Total acreage or units treated at the site; and

(6) Pesticide, including the U.S. Environmental Protection Agency (U.S. EPA) or State registration number which is on the pesticide label, and amount used.

(c) In addition to the information required in subsection (b), the operator of the property which is producing an agricultural commodity, and an agricultural pest control business applying pesticides to such property, shall include in the records the following information for each pest control operation:

(1) Location of the property treated, by county, section, township, range, base and meridian;

(2) ~~Hour~~ Date and time the treatment was ~~completed~~ started and ended;

(3) The operator identification number issued to the operator of the property treated;

(4) The site identification number issued to the operator of the property treated;

(5) Method of application;

(6) Total acreage (planted) or units at the site; and

(~~6~~7) Name or identity of the person(s) who made and supervised the application, if the pesticide application was made by an agricultural pest control business.

(d) The operator of the property which is producing an agricultural commodity shall maintain records of pesticides applied by an agricultural pest control business to such property, by site.

(e) In addition to the information required in (b), ~~effective January 1, 2002~~, persons engaged for hire in the business of pest control at a school site [defined in Education Code section 17609(e)] shall include in the records the following information for each pest control operation:

(1) Time application was completed;

(2) Name and address of the school site; and

(3) Application location at the school site. For purposes of this subsection, location includes, but is not limited to, classrooms, playgrounds, cafeteria, vehicles, and athletic fields.

(f) In addition to the information required in subsections (b) and (c), persons who use methyl bromide, 1,3-Dichloropropene, chloropicrin, metam-sodium, N-methyl dithiocarbamate (metam-potassium), dazomet, or sodium tetrathiocarbonate field fumigants within the Sacramento Metro, San Joaquin Valley, South Coast, Southeast Desert, or Ventura ozone nonattainment areas shall

include in the records a description of the method of application pursuant to sections 6446.1, 6447.3, 6448.1, 6449.1, 6450.1, 6450.2, 6451.1, or 6452.

(g) The records required pursuant to this section shall be retained for two years and made promptly available to the ~~d~~Director or commissioner upon request.

NOTE: Authority cited: Sections 12976, 13145 and 14005, Food and Agricultural Code.

Reference: Sections 11501, 14006 and 14011.5, Food and Agricultural Code.

Adopt section 6624.5 to read:

6624.5. Commercial Applicator Restricted Material Use Records.

Except as specified in Title 16, California Code of Regulations section 1970, when a restricted material specified in section 6400 is used by or under the supervision of a certified commercial applicator the following must be recorded on, or as an attachment to, the pesticide use record required by section 6624:

(a) The address of the person for whom the restricted material was used, unless the operator of the property's restricted material permit number or operator identification number is recorded on the pesticide use record;

(b) The certified commercial applicator's name and license or certificate number;

(c) The name of any noncertified applicator(s), as specified in section 6406(a), using the restricted material under the certified commercial applicator's direct supervision; and

(d) Physical address, including city and state, where records pursuant to subsections (d)(1) or (e) of section 6724 are kept for each noncertified applicator.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

SUBCHAPTER 3. PESTICIDE WORKER SAFETY
ARTICLE 2. GENERAL SAFETY REQUIREMENTS

Amend section 6724 to read:

6724. Handler Training.

The employer shall ~~assure~~ensure that employees who handle pesticides have been trained pursuant to the requirements of this section and that all other provisions of this section have been complied with for employees who handle pesticides.

(a) The employer shall have a written training program. The training program shall describe the materials (e.g., study guides, pamphlets, pesticide product labeling, Pesticide Safety Information Series leaflets, Safety Data Sheets, slides, video) and information that will be provided and used to train his or her employees and identify the ~~person~~individual or firm that will provide the training. The training program shall address each of the subjects specified in subsection (b) that is applicable to the specific pesticide handling situation. The employer shall maintain a copy of the training program while in use and for two years after use, at a central location at the workplace.

(b) The training shall cover, for each pesticide or chemically similar group of pesticides, to be used:

(1) Format and meaning of information contained in pesticide product labeling applicable to the safe use of the pesticide, such as precautionary statements about human health hazards and labeling-required personal protective equipment, ~~contained in pesticide product labeling~~;

(2) Applicator's responsibility to protect persons, animals, and property while applying pesticides; and not to apply pesticides in a manner that results in contact with persons not involved in the application process;

(3) Need for, limitations, appropriate use, removal, and sanitation of any required personal protective equipment;

(4) Safety requirements and procedures, including engineering controls (such as closed mixing systems and enclosed cabs) for handling, transporting, storing, disposing of pesticides, and spill clean-up;

(5) Where and in what forms pesticides may be encountered, including treated surfaces, residues on clothing, personal protective equipment, application equipment, and drift;

(6) Hazards of pesticides, including acute, chronic, and delayed effects, and sensitization effects, as identified in pesticide product labeling, Safety Data Sheets, or Pesticide Safety Information Series leaflets;

(7) Routes by which pesticides can enter the body;

(8) Signs and symptoms of overexposure;

(9) Routine decontamination procedures when handling pesticides, including that employees should:

(A) Wash hands before eating, drinking, using the toilet, chewing gum, or using tobacco;

(B) Thoroughly wash or shower with soap and water;

(C) Change into clean clothes as soon as possible; and

(D) Wash work clothes separately from other laundry before wearing them again.

(10) How Safety Data Sheets provide hazard, emergency medical treatment, and other information about the pesticides with which employees may come in contact;

(11) The hazard communication program requirements of section 6723;

(12) The purposes and requirements for medical supervision if organophosphate or carbamate pesticides with the signal word "DANGER" or "WARNING" on the labeling are mixed, loaded, or applied for the commercial or research production of an agricultural plant commodity;

(13) First aid and emergency decontamination procedures and emergency eye flushing techniques; and if pesticides are spilled or sprayed on the body to wash immediately with decontamination supplies and as soon as possible, wash or shower with soap and water and change into clean clothes;

(14) How and when to obtain emergency medical care;

(15) Prevention, recognition, and first aid for heat-related illness in accordance with Title 8 of the California Code of Regulations, section 3395;

(16) Requirements of this chapter and chapter 4 relating to pesticide safety, Safety Data Sheets, and Pesticide Safety Information Series leaflets;

(17) The requirement that handlers must be at least 18 years of age if handling:

~~(A) of restricted materials specified in section 6400, or~~

~~(B) pesticides used in the commercial or research production of an agricultural commodity must be at least 18 years of age;~~

(18) Environmental concerns such as drift, runoff, and wildlife hazards;

(19) Field posting requirements and restricted entry intervals when pesticides are applied for the commercial or research production of an agricultural commodity;

- (20) That employees should not take pesticides or pesticide containers home from work;
- (21) Potential hazards to children and pregnant women from pesticide exposures, including that:
- (A) Children and nonworking family members should keep away from treated areas;
 - (B) After performing handling activities or after working in a treated area, employees should remove boots or shoes before entering the home and remove work clothes; and
 - (C) Employees should wash or shower before physical contact with children or family members.
- (22) How to report suspected pesticide use violations; ~~and~~
- (23) How to identify if a product is either a federal Restricted Use Pesticide or a California restricted material specified in section 6400, and that federal Restricted Use Pesticides and California restricted materials shall be used only by a certified private or commercial applicator or by an individual working under the direct supervision of a certified applicator;
- (24) When any federal Restricted Use Pesticide or California restricted material specified in section 6400 is used by a noncertified applicator, the training must cover:
- (A) Where to identify on the labeling if the product requires a certified applicator to be physically present during the use of the pesticide;
 - (B) The certified applicator's responsibility to provide instructions specific to the site and pesticide(s) prior to use, including:
 1. Pesticide product labeling directions, precautions, and requirements applicable to the specific use and site; and
 2. How the characteristics of the use site (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects.
 - (C) The requirement for each employee to be able to immediately communicate directly with the supervising certified applicator as specified in Section 6731.
- ~~(2325)~~ The employee's rights, including the right:
- (A) To personally receive information about pesticides to which he or she may be exposed;
 - (B) For his or her physician or an employee representative designated in writing to receive information about pesticides to which he or she may be exposed;
 - (C) To be protected against retaliatory action due to the exercise of any of his or her rights; and
 - (D) To report suspected use violations to the Department or county agricultural commissioner.
- (c) The training shall be in a manner the employee can understand, at a location reasonably free from distraction, and be conducted pursuant ~~according to the written training program specified in subsection (a);~~ Trainers must be present throughout the entire presentation and include response shall respond to employee questions. Training for employees handling pesticides used for the commercial or research production of an agricultural commodity must be at a location reasonably free from distraction and trainers must be present throughout the entire presentation.
- (d) Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter. Initial training may be waived if the employee submits a record showing that training meeting the requirements of this section and covering the pesticides and use situations applicable to the new employment situation was received within the last year. ~~A~~ Certified private or commercial applicators, as defined in section 6000, and individuals with a manned or unmanned apprentice pilot certificate issued by the Director are ~~is~~ considered trained for the purposes of this section.

(1) If the employee is a noncertified applicator under subsections 6406(a)(2)-(a)(4) and is being supervised in accordance with subsection 6406(b), the employer shall maintain for at least two years from the date of a use of a California restricted material specified in section 6400 either:

(A) A copy of the employee's license or certificate; or

(B) A written record containing at least the following information:

1. Employee name;

2. License or certificate type, number, and category(ies);

3. Expiration date; and

4. The name of the issuing certifying authority.

(e) The date and extent of initial and annually required training given to the employee and the job to be assigned shall be recorded. This record shall be verified by the employee's printed name and signature, and include the title(s) and source(s) of training materials used; employer's name and trainer's name.

(1) The training record must be retained by the employer for two years at a central location at the workplace accessible to employees and be provided to the employee, Director or commissioner upon request. The employer shall make this training record accessible to a certified private or commercial applicator supervising an employee using a pesticide listed in section 6400.

(2) For an employee handling pesticides used for the commercial or research production of an agricultural commodity or handling a California restricted material specified in section 6400, the record must also include employee's printed name; the title(s) and source(s) of the training materials used; employer's name; and the trainer's name and qualifications as specified in subsection (f).

(f) The ~~person~~ individual conducting the training for employees who will be handling pesticides for the commercial or research production of an agricultural plant commodity or a California restricted material shall be qualified as one of the following:

(1) A California certified private or commercial applicator;

~~(2) A California certified private applicator;~~

(3) An individual ~~person~~ holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the Department of Food and Agriculture;

(4) A University of California Extension Advisor;

~~(5) An individual ~~person~~ who has completed an "instructor training" program presented by one of the following:~~

(A) the University of California, Integrated Pest Management Program; or

(B) other instructor training program approved by the Director;

~~(6) A California licensed Agricultural Pest Control Adviser;~~

~~(7) A California Registered Professional Forester; or~~

~~(8) Other trainer qualification approved by the Director.~~

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Adopt section 6731 to read:

6731. Employee Communication.

Except as provided for in section 6540, the employer shall ensure a means for the employee to immediately communicate with the certified applicator supervising the employee using a California restricted material specified in section 6400 pursuant to section 6406. This communication may be in person or by voice, two-way radio, cell phone, video conference or other similar means of direct communication. Text messaging, e-mail, voicemail, and other means of indirect communication do not meet the requirement for this standard.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501 and 14006, Food and Agricultural Code.

Amend section 6742 to read:

6742. Safe Equipment.

(a) The employer shall instruct employees in the safe operation of any equipment used for mixing, loading, transferring, or applying pesticides prior to initial use of the equipment and at least annually thereafter.

(ab) The employer shall assure ensure that equipment used for mixing, loading, transferring, or applying pesticides is inspected before each day of use, is in operating condition as intended by the manufacturer, and can be used without risk of reasonably foreseeable adverse effects to the employee, other persons, or the environment. eEquipment with any safety defect is must be repaired or altered to remove the hazard or replaced before further use.

(bc)(1) All openings on tanks used for mixing or applying pesticides must be equipped with covers that will prevent splashes and spills.

(2) Flexible hoses carrying liquid pesticides in toxicity categories one or two under pressure must not pass unshielded through the cockpit of an airplane or helicopter.

(3) Shut-off devices must be installed on the exit end of all hoses carrying liquid pesticides in toxicity categories one or two from mixing tanks that are adequate to prevent splashes onto the employee doing the loading when filling operations are stopped and the filler hose is removed from the inlet to the tank of the application vehicle. As an alternative, a reversing action pump, or similar system, may be used that will empty the hose and will eliminate dripping of liquid from the end of the hose when the filling operation is stopped.

(4) Each tank, with a capacity of more than 49 gallons, that is used to mix or apply any liquid mixture derived from a pesticide in toxicity categories one or two, must have either:

(A) a properly functioning means to indicate externally the internal liquid level in the tank such as a sight gauge; or

(B) the tank or the filler hose nozzle must have a device that will automatically stop the filling operation before the pesticide liquid mixture spills over the top.

(5) All external sight gauges must be protected against breakage and be equipped with valves so the pipes or tubes connected to the sight gauge can be shut off.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.