



Julie Henderson  
Director

# Department of Pesticide Regulation

Gavin Newsom  
Governor

Yana Garcia  
Secretary for  
Environmental Protection

## **Agricultural Pest Control Advisory Committee Meeting Summary July 17, 2024**

**10:00 AM – 12:00 PM**

**Members Present (5):** **Glen Foth**–Commercial Applicator Certificate Holders, **Ronald Berg**–Pesticide Dealers, **Jhalendra Rijal**–University of California, Division of Agriculture and Natural Resources, **Dan Gudgel**–Pest Control Aircraft Pilots, and **Wayne Steele**–Registrants.

**Department of Pesticide Regulation (DPR) Staff (10):** **Joshua Ogawa**–Branch Chief, **Alicia Scott**–Environmental Program Manager I, **Sidney Bastura** – Environmental Program Manager I, **Kenneth King**–Associate Governmental Program Analyst, **Sondra Gomez**–Associate Governmental Program Analyst, **Joan Orr**–Office Technician, **Scott Thomsen**–Senior Environmental Scientist (Specialist), **Elisa Chen**–Staff Service Analyst, **Emily Edgerton**–Environmental Scientist, and **Nathan Desjarlais**–Senior Environmental Scientist (Specialist).

**Guests (3):** **Terry Gage**–California Agricultural Aircraft Association, **Caroline Kihlthau** –California Association of Pest Control Advisers and **Rick Miller**–Pesticide Applicators Professional Association.

**Members Absent (7):** **Phil Mullins**–Agricultural Pest Control Businesses, **Jeanette Heinrichs**–General Public, **Timothy Smith**–Board of Governors of the California Community College System, **Stephen Scheer**–California Agricultural Commissioners and Sealers Association, **Matthew Scally**–Pest Control Maintenance Gardeners, **John Erisey**–Agricultural Pest Control Advisers, and **Margaret Ellis**–Board of Trustees of the California State University System.

### **I. Welcome – Alicia Scott, DPR Licensing and Certification**

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

- Member and audience introductions.
- Committee members should provide an alternate representative, if possible, if unable to attend.
- If a committee member will need to leave the committee, please try to recommend a replacement.

### III. DPR Updates – Joshua Ogawa, DPR Enforcement Headquarters

- Assembly Bill 2113 was signed. Highlights include:
  - The funding mechanism for recently approved 2024/25 Budget Change Proposal.
  - 3yr phase in to mill: 24.5 mills from July 1, 2024 to June 30, 2025; 27 mills from July 1, 2025 to June 30, 2026; 29 mills from July 1, 2026 to June 30, 2027; and 30 mills after June 30, 2027.
  - Amendments to the current Food and Agricultural Code (3CCR) pest control operations exemptions.
  - The statute of limitations increased from two to three years for violations of FAC Division 6 and 7 provisions and regulations pursuant to those statutes.
  - Time frames and annual reporting requirements placed on County Agricultural Commissioner restricted materials permit reviews prompted by interested parties' requests and DPR's responses to restricted materials permit appeals.
  - The entire AB 2113 bill is available at [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB2113](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB2113)
  
- For the CalPEST rollout there will be a two-phase approach. First phase focuses on working with the registrants and using CalPEST. The second phase will cover the public facing side of the system.
  
- Pesticide Use Reporting:
  - 2022 Pesticide Use Report is published and online now.
  
- Regarding the neonicotinoid regulations that went into effect, have committee members received questions or comments about when neonicotinoids can be used under the regulations? Recently, DPR has received comments from the California Department of Food and Agriculture about inquiries when neonicotinoids *can* be used. DPR is working on updating current outreach materials with additional information.

- Second comment period open for the proposed regulations on the Statewide Notification of Agricultural Use of Restricted Materials. Three public hearings were scheduled to receive comments.

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

- Since July 2023, 6583 exams have been taken at computer-based testing centers throughout California.

- QAL – 3481
- QAC – 2041
- DDA – 186
- PCA – 749
- Pilot – 126

#### **• Renewal Challenges this Past Season**

- An increase in the number of email and phone calls – more calls result in staff returning phone calls instead of processing renewal applications
- Mail delivery time – during renewal season, mail processing times are also increased.
- Volume of renewals received at end of 2023 and into 2024 – approximately 50% of expected renewal applications were received by November 2023.

#### **• Website Updates**

- We will update the 2024 Renewal page weekly with the date staff are currently processing.
- The List of Valid Licenses and Certificates is updated daily at midnight.

#### **• 2024 Renewals: A-L**

- Address change reminders
  - Send in your address change before the renewal packets are sent out.

- We encourage all license and certificate holders to have an email address on file so that we can contact them quickly about problems with their renewal packet.
- Email subscription list
  - If you have not already, sign up for our email subscriptions! There are many topics you can sign up to receive information about. Licensing has lists for license holders and continuing education. We send out information to these lists often and it is the best way to stay up to date with what is happening with Licensing.
  - We have been sending weekly updates and reminders and will continue to send weekly renewal reminders throughout renewal season.

● **2024 Important Dates**

- May 2024 - Address change reminders sent out
- August 2024 - Renewal packets will be mailed to all individual license/certificate holders and businesses
- October 1, 2024 - DPR encourages submitting completed renewal applications to DPR by this date to best ensure you receive your new license/certificate before January 1, 2024
- November 1, 2024 - Processing time is 60 days for applications with payments processed by this date. Applications received after Nov 1 may experience a longer processing time and you may not receive your license/certificate by January 1
- January 1, 2025 - Your license/certificate must be renewed by this date to continue working legally and without interruption

● **Top 6 Renewal Issues**

- Renewal form missing
- Renewal form not signed
- Missing CE records
- Proof of financial responsibility missing (for businesses)
- Incorrect payment amount
- Qualified Person not renewed

- **Continuing Education Record Renewal Summary (LIC-141, Pg 2) Now Required**

- This form is now required by regulation. Only the DPR form will be accepted. This form must be accurate and complete in order to process your renewal.

**V. Dealer Records Requirements Update – Emily Edgerton, Enforcement Headquarters**

- **Dealer Records and Sales Reporting, 3 CCR § 6562**

- For each sale or delivery, records must include:
  - The product name, U.S. EPA Registration Number or California Registration Number, and any applicable FIFRA Section 18 emergency exemption or Section 24(c) special local need number.
- For each sale or delivery of any pesticide listed as a restricted material in 3 CCR section 6400, records must also include:
  - The purchaser's name, including the name of the business, agency, or operator of the property and the name of the certified private or commercial applicator.
  - If the purchaser is not a certified private or commercial applicator, the name of the individual who made the purchase and either the business address or residence address of the individual.

- **Appropriate Products, 3 CCR § 6564**

- It is unlawful for dealers to:
  - Sell or deliver a pesticide product when the requirements of the registered pesticide labeling conflict with the recommendation.
  - Knowingly sell or deliver a registered pesticide for a use not shown in the labeling or when any use condition in the labeling cannot be complied with.
  - Sell or deliver a pesticide listed as a restricted material in 3 CCR section 6400 to a certified private or commercial applicator who does not have the appropriate category(ies) or scope of certification for the intended pesticide use.

- **Dealer Responsibilities, 3 CCR § 6568**

- When selling or delivering a restricted material specified in 3 CCR section 6400(a) (federally restricted use) or 3 CCR section 6400(d) (potential to pollute groundwater) that does not require a permit, the dealer must:
  - Only sell or deliver the product to a certified private or commercial applicator.
  - Obtain a copy of the certified private or commercial applicator license from the purchaser. If unavailable, the dealer must obtain a signed statement that includes:
    - The license or certificate type, number, and issuing agency;
    - The license or certificate expiration date;
    - The category(ies) relevant to the pesticide's intended use; and
    - The name of the business, agency, or operator of the property for which they are employed.

- **Category Update Reminder**

- It is the dealer's responsibility to only sell/deliver pesticides to individuals within the appropriate category or certification for pesticide use.
- Dealers must stay up to date with category and certification changes.
- New certificate for private applicators
  - Burrowing Vertebrate Pest Fumigation (BVF or BVPF) certificate
- New Qualified Applicator License (QAL) and Qualified Applicator Certificate (QAC) categories as of January 1, 2024.

## **VI. Fee Regulatory Package – Joshua Ogawa, Enforcement Headquarters**

- The Notice of Proposed Emergency Action - Licensing and Certification Fees went out on Monday July 15, 2024.
- The fee rate is 2.25x, changed from the previously discussed 2.4x.
- The comment period begins July 23, 2024, and will end July 27, 2024.

## **VII. Next Meeting Agenda – Topic Ideas**

- Date of next meeting: September 11, 2024 (Location: DPR Enforcement Headquarters)
- Time: 10:00 am -12:00 pm
- Please direct questions to Alicia Scott at 916-603-7795 or via email at [Alicia.Scott@cdpr.ca.gov](mailto:Alicia.Scott@cdpr.ca.gov)