

FINAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations
Amend Sections 6502 and 6540
Pertaining to the Licensing and Certification of Pest Control Aircraft Pilots

UPDATE OF THE INITIAL STATEMENT OF REASONS

As authorized by Government Code section 11346.9(d), the Department of Pesticide Regulation (DPR) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking. No changes were made to the proposed regulations nor are any changes necessary to the Initial Statement of Reasons following the 45-day public comment period.

The proposed regulatory action was noticed in the *California Regulatory Notice Register* on October 19, 2018. During the 45-day public comment period, DPR received comments on the proposed text. The comments are discussed under the heading “Summary and Response to Comments Received” of this Final Statement of Reasons.

DPR has amended Title 3, California Code of Regulations (3 CCR) sections 6502 and 6540. In summary, this action makes changes to the existing Aircraft Pilot Pest Control Certificate Application form [DPR-PML-005 (Rev. 01/18)] and the existing Individual License /Certificate Renewal Application form [DPR-PML-141 (REV. 6/15)]. The proposed changes include amending the application to differentiate between Manned and Unmanned Pest Control Aircraft Pilot certificates and adding the subcategory of Vector Control Technician to the Unmanned Pest Control Aircraft Pilot Certificate. DPR also proposes to clarify that manned aircraft apprentice pilots must be supervised by a manned journeyman pilot and obtain their required apprentice hours operating a manned aircraft in pest control. These changes are necessary to set criteria that are more appropriate for pilots operating unmanned aircraft systems in pest control, while still maintaining the stringent requirements for manned aircrafts.

PUBLIC HEARING

No public hearing was scheduled or held.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING 45-DAY COMMENT PERIOD

- *David Heft, Mosquito and Vector Control Association of California; John Avila, Tulare Mosquito Abatement District; Nathan Reade, Owens Valley Mosquito Abatement Program; Gary Goodman, Sacramento-Yolo Mosquito and Vector Control District; Conlin Reis, Fresno Westside Mosquito Abatement District; Paul Binding, Santa Cruz Mosquito and Vector Control; Ryan Clausnitzer, Alameda County Mosquito Abatement District; Richard J. Howard, Orange County Mosquito and Vector Control District; Cary Svoboda, County of Ventura Vector Control Program; Jeremy Wittie, Coachella Valley Mosquito and Vector Control District; Ryan McNeil, Fresno Mosquito and Vector Control District; Rhiannon Jones, Merced County Mosquito Abatement District*

Comment no. 1: We are pleased to support CDPR's continued work to implement Unmanned Vector Control Technicians and Unmanned Pest Control Aircraft Certification.

Response: No response necessary.

Comment no. 2: As we wait for Unmanned Vector Control Technician Aircraft Pilot Certification Examination to be constructed, we would be willing to take the Manned Pest Control Aircraft Pilot Certification Examination to demonstrate our knowledge regarding aerial applications. Allowing us to take this exam would allow us to plan pesticide applications via unmanned aerial vehicles for our 2019 season.

Response: Anyone meeting the requirements for the Pest Control Aircraft Pilot Certificate may apply to take the Pest Control Aircraft Pilot Certificate examination.

- *Paul Binding, Santa Cruz Mosquito and Vector Control*

Comment no. 3: It would be optimum for the Unmanned Vector Control Technician Aircraft Pilot Certification examination to be ready prior to the 2019 warm-weather mosquito breeding season.

Response: DPR agrees. Anyone meeting the requirements for the Pest Control Aircraft Pilot Certificate may apply to take the Pest Control Aircraft Pilot Certificate examination. DPR cannot offer the examination or issue certificates for Unmanned Vector Control Technician Pest Control Aircraft Pilots until the proposed regulations become effective.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts.

ALTERNATIVES DETERMINATION

The Director has determined that no alternative considered by DPR would be more effective in carrying out the purpose for which these regulations are proposed, or would be as effective and

less burdensome to affected private persons or businesses than the adopted regulations, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law. These amendments are designed to increase protection of residents, workers, and the environment by ensuring that all pest control aircraft pilots meet Federal Aviation Administration and State requirements for operating aircrafts by demonstrating the safe operation of unmanned aircraft systems in pest control.

POSTING REQUIREMENT

3 CCR section 6110, states in part that, “The public report shall be posted on the official bulletin boards of the Department, and of each commissioner's office, and in each District office of the DPR [Division of Pest Management, Environmental Protection and Worker Safety] for 45 days.” DPR has posted its Initial Statement of Reasons and Public Report on its official bulletin board, which consists of the Department's Internet Home Page <<http://www.cdpr.ca.gov>>. In addition, copies were provided to the offices listed above for posting. Both documents incorporated by reference in this rulemaking were available upon request directly from the Department.