

FINAL STATEMENT OF REASONS AND PUBLIC REPORT
DEPARTMENT OF PESTICIDE REGULATION

Title 3. California Code of Regulations
Adopt Section 6531
Amend Sections 6502, 6511, and 6530
Pertaining to the Licensing and Certification of Qualified Pesticide Applicators

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 necessary to the Initial Statement of Reasons following the 45-day public comment period. No changes were made to the text of the regulation except for the revision dates and a few additional nonsubstantive clarifying changes on the following application forms listed in Title 3, California Code of Regulations (3 CCR) section 6502(c): Qualified Applicator License Application PR-PML-001 (Rev. 05/10), Qualified Applicator Certificate Application PR-PML-001A (Rev. 05/10), Maintenance Gardener Pest Control Business License Application PR-PML-004 (Rev. 05/10), and Pest Control Business License Application PR-PML-042 (Rev. 05/10). Additionally, the Maintenance Gardener Pest Control Business License Application PR-PML-004 (Rev. 05/10), and Pest Control Business License Application PR-PML-042 (Rev. 05/10) instructions removed reference to an obsolete form (Certificate of Insurance Requirements Statement Form PR-PML-173).

The originally proposed regulatory action was noticed in the California Regulatory Notice Register on April 16, 2010. During the 45-day public comment period, DPR received comments from one individual 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 3 CCR sections 6502, 6511, and 6530, and adopted section 6531. This regulatory action adds existing qualified applicator subcategories to section 6530 for clarity purposes; prohibits applicators qualified to work in subcategory Q - Maintenance Gardener Pest Control (maintenance gardeners) from purchasing or using federally restricted-use pesticides or California restricted materials; establishes a new subcategory P for microbial pest control uses; requires only eight hours of approved continuing education hours within each two-year license or certificate period for subcategory M - Antifouling-Tributyltin, subcategory N - Sewer Line Root Control, and subcategory P - Microbial Pest Control; and deletes an incorrect qualified applicator license (QAL) reference under the continuing education requirements for maintenance gardeners.

PUBLIC HEARING

A public hearing was not scheduled or held.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED

During the 45-day public comment period, DPR received comments submitted by Victoria Hornbaker, California Department of Food and Agriculture (CDFA).

Comment: CDFA contends that the proposed amendments are warranted and necessary.

Response: DPR agrees.

Comment: Similar to the reasoning underlying the need for the new subcategory P - Microbial Pest Control, DPR should consider an additional subcategory for Field Rodent Pest Control which would provide a more relevant less burdensome and a more specific certification for field-use rodenticide users.

Response: This comment is not relevant to the proposed regulation. However, DPR will consider this suggestion for development of future regulation.

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 requiring reimbursement by the State pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII B of the California Constitution. DPR has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from this regulatory action.

ALTERNATIVES DETERMINATION

The Director has determined that no alternative considered by DPR would be more effective in carrying out the purpose for which this regulation is proposed, or would be as effective and less burdensome to affected private persons or businesses than the proposed regulatory change.

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.