



Department of Pesticide Regulation's

AGRICULTURAL PEST CONTROL ADVISORY COMMITTEE

Wednesday, January 7, 2004

9:30 a.m. - 12:30 p.m.

Location:

1001 I Street

Training Rooms East/West, first floor

Sacramento, California 95812

Meeting Minutes

Members Present: (9) Tim Butler – Registrants, Michael Costello-California State University System, David De Silva – Board of Governors of the Community Colleges, Scott Hudson- County Agricultural Commissioner Association, George Kaiser – Maintenance Gardener Pest Control Business, Jean La Duc- General Public, Linda LaVanne- Agricultural Pest Control Advisers, Thomas Lo Coco- Commercial Applicator Certificate Holders, Patrick O'ConnorMarer- University of California, and Richard Stoltz- Pest Control Aircraft Pilots

Department Staff: (8) Adolf Braun, David Duncan- Chair of Committee, Nan Gorder, Tobi Jones, Belinda Messenger, Cynthia Ray, Sewell Simmons, and Mac Takeda

Guests: (2) Diane Clarke- UC Davis, Judy Letterman- PAPA

Members Absent: (4) Ronald Cisney –Agricultural Pest Control Businesses, Jack Kerns- Pest Control Maintenance Gardeners, Mike Kennedy- Pesticide Dealers, and Rayne Thompson- Producers

9:30-9:35 **Introduction of members and others in attendance and review of agenda**
David Duncan, Department of Pesticide Regulation (DPR).

9:35-9:40 **Review and approval of October 15, 2003 Minutes, Committee Member Terms**
Committee

Minutes approved.

9:40-10:05 **Licensing and Certification Renewal / Continuing Education update**
Mac Takeda / Belinda Messenger

Mac Takeda, Pest Management and Licensing Branch, provided a chart detailing monthly statistics on types of licenses issued (business or individual) to date.

- This is a late renewal season. As of Jan. 6: Business Licenses were 53.1% renewed (vs. 63% last year) and Individual Licenses were 68.2% renewed (vs 77% last year). About 9% decrease in renewals in both categories.
- No backlog exists; our process allows staff to keep up with the workload. (No grace period needed for renewals.)
- Nonrenewals were audited and 600 problem letters were generated. Causes for nonrenewals included 12-13 days of processing delays for expired credit cards, insufficient funds, etc.; insufficient Laws and Regulations CE credits requiring licensee to retest; further data needed on CE credits as DPR does not track these hours (some licensees were obtaining training hours right up to the deadline), etc.

It was noted that DPR's Web site was down for a day or longer.

Belinda Messenger provided a copy of the letter DPR sent on Nov. 4, 2002 to Continuing Education Sponsors on new fees.

- \$45 payment required per course code ID number for courses to be offered in 2004 (we approved approximately 12 courses before we knew of the fee requirement for 2004).
- The letter was mailed with a copy of the new CE accreditation form for sponsors and credit card transaction form.
- Applications are due to DPR, per regulation, 30 days prior to the course start date.
- Courses will be denied accreditation if the application arrives after a course is given.
- Do not FAX Visa/MC forms as we do not have a secure system to ensure privacy. All payments should be made to our Cashier's Office directly with a copy of the CE accreditation form.
- Problems have included multiple payments for the same agenda presented multiple times, checks arriving separately from CE accreditation applications with no connecting information, no check enclosed, etc.

Other CE topics:

- More course codes accredited in 2003 (1818) than 2002 (1754), same # of applications (unique application dates include amendments and additional presentations) as last year (~1925).
- The fee and separate course code for each day of a multiple-day course reflects the workload associated with the more time-consuming reviews of these courses compared to single-day courses given on multiple days. Our fee structure was based on workload associated with review of single-day agendas. Multiple presentations of the same agenda do not add significantly to our workload.
- Instituted an internal work group to address accreditation gray areas such as irrigation, fertilization, etc. A committee consensus will provide the best objective decisions and consistency.

Additional issues raised:

- Some perceive that multiple-day courses end up subsidizing single day courses. Consider adding additional fees for same course given on multiple dates.
- Would there be greater consistency with fewer reviewers? DPR will take this under advisement.
- There may be some legitimate reasons for not getting applications in 30 days ahead. Could DPR double the fee? This is handled on a case by case basis. There are practical time limits on our process.
- Ensure reviewers identify what part of the CE time they are not awarding credit for.
Reviewers will FAX back the agenda with notes if the accreditation is complicated. All reviews should already indicate credits awarded by category.

10:05-10:40 On-line Continuing Education Courses – Feedback From Stakeholders Committee

Number of on-line courses varies from year to year: Seven sponsors currently provide online courses. Overall DPR judges the content of these courses to be very good. Any requirements for on-line CE hours would require DPR go through the regulation development and approval process, and would require clear rationale.

The discussion that followed was broad but there seemed to be several key issues:

- There is no positive identification required for the student taking on-line courses (one participant knew of several cases where this was abused).
Other professions requiring CE hours for on-line courses with positive ID may serve as a model.
- Some saw solutions to these concerns in limiting the on-line hours allowed or requiring a test to be passed.
- The value of learning on-line was compared to other learning environments.
- Some saw this issue as part of a larger topic of improving the overall quality of the learning associated with the CE hours. Perhaps an on-line *requirement* would improve learning.

Action Item: DPR will provide some statistics on the number of web-based courses offered and the number of courses that provide 100% of CE hours for license renewal, etc.

10:35-10:50

Study Guides and Exams – Latest Projects

Landscape Maintenance Study Guide and Exam, Laws and Regulations Exam
Pat O'Connor-Marer

Study Guides:

- Current project: Revision of Residential, Industrial and Institutional Study Guide is waiting for a final reviewer and then on to the printer.
- Landscape Pest Control Study Guide to be done by June (along with Laws and Regulations).
- Updating Sewer Line Root Control Study Guide as time allows.

Revising exam pools for QAL/QACs:

- Laws and Regulations/General Principles
- Residential, Industrial and Institutional (When Residential book is on shelves, tests will be ready.)
- Landscape
- Private Applicator

UC develops exam questions, DPR puts exams together. Using LXR software to create exams, multiple versions of exams for single-room exam taking, etc.

Revising *Illustrated Guide to Pesticide Safety* brochure with funds from US EPA.

(BREAK TBA)

11:05-11:30

Department of Fish and Game's Trapper License

DFG staff and Committee

Update: Last meeting a lively discussion ensued on the proposed SB1645 (Byron Sher). This committee recommended that DPR send comments to DFG. DPR's Enforcement Branch sent comments to DFG.

Jesse Garcia, Associate Wildlife Biologist with DFG, discussed the issues on trapping services for hire or fee where nongame animals are pests. The Fish and Game Code used to exempt certain trapping activities:

1. Trap for hire for certain mammals
 2. Can't sell furs of nongame mammals such as badger, beaver gray fox, mink, muskrat, raccoon, bobcat, coyote, weasel, skunks, etc.
- Regulatory package is being processed, but is not available for external review. A draft is going to the Fish and Game Commission. On Feb. 20 the regulatory package will be posted on regulatory website and the 45 days of public comment begins
 - Landscape maintenance gardeners go to malls, homes, etc. and incidentally control gophers, squirrels, mice, rats, moles. No trapping licenses were required in the past for these purposes. On your own property, you can trap these animals. The issue is when you trap for hire. Government agencies are exempt.
 - Currently, for large mammal trapping, DPR requires a pest control license. DPR is seeking mutual recognition of DPR and DFG licensees. Exemptions might be possible at certain sites for certain animals. DPR and DFG met September 3, 2003 to discuss these issues. DFG determined they had sufficient information to prepare a regulatory package for the Commission.

Discussion:

- For Commercial Applicators, this encourages the use of pesticides so they don't need to obtain a trappers license. Live traps are exempt in the Food and Agriculture Code, but not in the Fish and Game code.
- SB1645 will be pursued by Structural Pest Control Industry: they have education requirements in place. Perhaps DPR will address these issues in conjunction with that process.

David D. will follow-up with Fish and Game.

Update: DFG has withdrawn the trapper regulation proposal pending further evaluation.

11:30-11:45

Feedback on Licensing and Certification website, comments and recommendations

Mac Takeda and Committee

Mary Louise Flint has provided extensive input on the Web site.

Three tabs on main DPR Web site. Click on Licensing and Certification Tab to go to the new Web page:

- APCAC (eventually agendas and minutes will be posted),
- CE (revised recently)...split up License Holders and Continuing Education Class Sponsors,
- Exam results (to see whether or not an exam was passed), Exam schedule,
- Forms (downloadable),
- License types and requirements, Knowledge expectations, chart for meeting requirements,
- Core course areas and sources of information from colleges and universities providing Pest Control Adviser Core Courses (list reviewed by UC and Cal Poly San Luis Obispo State University for Jan. 1, 2003 and ongoing*),
- Applications,
- Renewals,
- Customer Service Form.

Site will be completed in the next few weeks.

Feedback: a few have accessed and are satisfied.

*Now incumbent on the educational institutions to review and send updates to Mary Louise Flint and Michael Costello. A catalog with recommendations is what is needed from the institutions to assess the nature of the course.

11:45-12:00

Clopyralid letter to APCAC

David Haskell

David Haskell, Registration Branch discussed DPR's proposed regulations to implement Assembly Bill 2356 and addressed issues raised by this committee's review. The proposed regulations will be submitted to OAL this spring for their comment and public notice.

Response to issues in the draft regulations raised by APCAC:

1. Should clopyralid be listed as a restricted material?

To make clopyralid a restricted material, all products containing clopyralid, including those used on sites such as rangeland, would be affected. The problem exists only in composted grass. Most clopyralid use in California is on agricultural and rangeland sites where there is rarely composting. To avoid regulating all uses, clopyralid in compost will be regulated as an environmental contaminant, and clopyralid will not be listed as a restricted material.

2. Could there be a required paper trail for the Qualified Applicator communicating to the property owner/manager what the composting restrictions are?

Dow changed the technical label and will not allow use on residential lawns. The new label requires professional applicators to inform property owners of commercial sites of composting restrictions. The applicator has the ultimate control over where the pesticide will be applied and logically should be responsible for notifying property owners. If the applicator cannot assure the clippings will remain on site, the application should not be made. The form and text of the notification has not been decided. Further regulations are not necessary, and DPR is not proposing to require verification of notification.

Current law requires commercial users to be Qualified Applicators. The Qualified Applicator must follow the label and ensure that treated grass stays on the treated property.

DPR does not have resources to take on dissipation issues during composting. IWMB has committed money to a 2-year monitoring program of residues.

Thanks for your email comments.

Next meeting April 7, 2004

Everyone was ok with this date.

Possible topics include:

1. Report wrap-up on 2003 renewals
2. Committee recommendations on DPR Budget Issues
Updates (DFG trapping, online CE info, etc.)

**David will send an email update on DFG regulations.

Questions about this agenda should be directed to David Duncan (916) 445-3870 or e-mail at dduncan@cdpr.ca.gov