



# Department of Pesticide Regulation



Paul Helliker  
Director

## Agricultural Pest Control Advisory Committee Meeting Minutes

Arnold Schwarzenegger  
Governor

Date: Wednesday, April 7, 2004 Time: 9:30 a.m. – 12:00pm  
Location: Cal EPA Building, 1001 I Street Training Room East/West, Sacramento, CA 95812

Members Present: (7) Scott Hudson- County Agricultural Commissioner Association, George Kaiser – Maintenance Gardener Pest Control Business, Linda LaVanne- Agricultural Pest Control Advisers, Jeff Phillips- Commercial Applicator Certificate Holders, Patrick O'Connor Marer- University of California, Richard Stoltz- Pest Control Aircraft Pilots, Barbara Todd- Department of Food and Agriculture (Ex-Officio)

Department Staff: David Duncan- Chair of Committee (Ch), Harvard Fong, Rayven Jenkins, Linda Lichtenberger, Susan McCarthy, Joanne Payan, Cynthia Ray, Mac Takeda

Guests: Kim Crum- CAPCA, Terry Gage- California Ag Aircraft Association, Judy Letterman- PAPA, Tim O'Shea –City of Folsom Parks.

Members Absent: (6) Tim Butler – Registrants, Ronald Cisney –Agricultural Pest Control Businesses, Michael Costello- California State University System, David De Silva – Board of Governors of the Community Colleges, Jean La Duc- General Public, Rayne Thompson- Producers

### AGENDA

**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 January 7, 2004 minutes**  
Committee approved the minutes with the following corrections.

- ✗ Agenda item correction: Jeff Phillips in place of Thomas Lo Coco for Commercial Applicator Certificate Holder.
- ✗ Guests who attended but were not listed: Kim Crum- CAPCA and Barbara Todd- Department of Food and Agriculture (Ex-Officio)
- ✗ Agenda item correction: Belinda Messenger provided a copy of the letter DPR Sent on Nov 4, 2002. It should be Nov 4, 2003.

**9:40-10:05 Minimum Qualifications for PCAs**  
DPR and Committee

- ⊕ David Duncan-Introduction: About 50% of PCA applications are rejected because they do not meet the minimum qualifications (MQs) established in regulation and implemented this last year. Most who are accepted and take the examinations pass. It appears that the MQs are so rigorous that they have become the criteria for determining whether an applicant should be licensed as a PCA instead of the actual qualifying examination. Dave suggests this committee look into this situation. DPR has little flexibility with the current core course requirement. Dave asked for a subcommittee to evaluate the criteria and recommend revisions. The subcommittee consists of Linda LaVanne, Michael Costello, Kim Crum and Mary Lou Flint. ⊕ Linda LaVanne commended Mac Takeda and staff for the Website revisions.
- ⊕ Kim Crum indicated that prior to DPR revisions to the website things were not real clear.
- ⊕ Dave indicated the core course forms are currently in draft form, and suggested the sub-committee review this form.

⊕ Patrick O'Connor-Marer asked if the minimum qualification regulation for PCAs needs to be changed and Dave stated, "Yes."

⊕ Kim Crum stated CAPCA is not advocating lowering the qualifications, but rather a more flexible and sensible look at applicant's qualifications.

### **10:05-10:15 Update on Department of Fish and Game's Trapper License AB1926**

David Duncan and Committee

Closely watching AB1926: An act to amend Section 4005 of the Fish and Game Code, relating to trapping licenses.

Existing law requires every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the commission or who sells raw furs of those mammals, to procure a trapping license from the Department of Fish and Game. Existing law provides for the licensing by the Structural Pest Control Board of individuals who practice structural pest control. Existing law also provides for the licensing by the Department of Pesticide Regulation of various persons who apply pesticides or use a method or device to control a pest for hire. This bill would exempt a structural pest control operator and a person licensed by the Department of Pesticide Regulation from the licensing requirement for trapping mammals.

⊞ Dave contacted the Department of Fish & Game, who indicated that the regulations had been turned over to The Fish & Game Commission who will be conducting a hearing during the comment period. The Commission decided that the regulations relating to trapping were to be postponed until sometime in June 2004. During the interim, Fish and Game will modify the text of the regulations and will notice them again in June 2004.

⊞ DPR met with SPCB and Fish & Game. DPR and SPCB want regulatory changes or are willing to make legislation for exemption from the trapper license.

### **10:15-10:30 (1) Licensing and Certification website update, (2) follow up on Web-based CE courses, (3) Intent to operate, (4) Renewal Update, (5) DPR Rulemaking Calendar –DPR and Committee**

1. ☀ The committee suggested that DPR make standard procedures to update the Licensing and Certification website.

☀ New Links- UCIPM: Training workshop events; Field Worker Training; Description of Business licenses

2. ☀ CACPA/CECPM presented a 2003 Correspondence-Online course Review. Noted in November 32% and in December 38% of 2003 renewal applicants attending continuing education training, completed all of or most of their hours online. Some suggested that applicants take some seminar-based courses and not all web-based courses.

☀ Dave indicated that there are 23 courses offered online. DPR staff sees all of the course content. The security issues for the online courses are the same as the security issues for walk-in classes. As a follow-up, DPR has required a signed certificate from the sponsor of all online classes verifying the licensee completed the course. Of all the Renewals, only 1% has renewed using only online classes. To limit the online classes a regulation would have to be passed and evidence provided to justify the regulation. .

- 🌟 Action Item: Ask for sponsors to be aware of any chances for cheating.

**10:15-10:30 (continued) (1) Licensing and Certification website update, (2) follow up on Web-based CE courses, (3) Intent to operate, (4) Renewal Update, (5) DPR Rulemaking Calendar –DPR and Committee**

**3.** In 2001, using General Services and e government funds, a trial 'Intent to Operate' registration program was implemented in 13 counties as a way to create a web-based method for the county registration of licensed aerial applicators, pest control businesses and pest control advisers .

Linda Lichtenberger: Provided an assessment of the program.

🌟 **Usefulness:** Easy to Use but payments could not be sent in electronically ..

🌟 **Pilots:** Interested when the program is working well. Reliability of software was a problem sometimes.

🌟 **PCA's:** Want complete registration, not just 'intent' to register.

🌟 **CAC's:** Some counties want 'face-to-face' registration.

**Points:** The 'Intent to Operate' registration program needs more work to be of value to the licensee. Currently, no funding or resources are available to make for a true online Registration.

**Conclusion:** Put on hold for now until funding and resources are available to make it a complete registration process that allows for payment to county .

**4.** Mac Takeda: We are basically at end of Renewal cycle with 81% of Individuals and 85% of Businesses renewed. Allowing 20% for natural attrition, we are doing very well.

**5.** DPR Rulemaking Calendar was provided to the committee. The calendar is updated periodically with a brief description of the rulemaking.

**Postpone until Next Meeting The need for a PCA license for the owner/operator of a property or for his or her employees - Two members requesting are absent**

**10:30-10:40 Study Guides and Exams - Latest Projects**  
Landscape Maintenance Study Guide and Exam, Laws and Regulations Exam  
Pat O'Connor-Marer

🌟 **Landscape Maintenance Study Guide:** Five Chapters complete. Sent out for initial review to advisory committee.

🌟 **Laws and Regulations Exam:** Question pool coming along.

🌟 **Looking for people to participate in the Private Applicator Examination Pool Committee.**

🌟 **Dave Duncan and Dick Stoltz** discussed updating the existing Pilot study material and exam question pool which are 10-years old. CAAA will work with DPR to explore funding options.

**10:40-10:50 BREAK**

**10:50-11:10      Respiratory Protection regulations**  
Harvard Fong, Worker Health & Safety Branch, DPR

- Ⓢ Provided Background information on Regulations 1910.134
  - It now covers agricultural settings. Therefore the respiratory protection requirements in our code must now meet the requirements in the Department of Labor's Code of Federal Regulation, Title 29 section 1910.134 pertaining to respiratory protection.
  - 1910.134 have resulted in some dramatic changes to our regulations dealing with respiratory protection.
  - Voluntary respirator provision information must be provided to employees who voluntarily wear a respirator. Added program evaluation.

Before using a respirator, the person wearing the respirator must have a medical evaluation, must fill out a questionnaire, and have doctor evaluate questionnaire and return.

- Ⓢ Contact Harvard Fong for comments at hfong@cdpr.ca.gov

**11:10-11:30      Hazard Communication regulation update**  
Susan McCarthy, worker Health & Safety Branch, DPR

- ⊞ Adding requirement that applicator must provide date of application and a re-notice if date changes
- ⊞ Must notify anyone who might enter field (SMUD, phone, PG&E)
- ⊞ After application takes place, owner cannot allow anyone to enter property until given 'all-clear' notice.
- ⊞ Any field treated, the owner must provide notice. Employer must display notice of 24 hours/do not enter requirement AND employees must be orally directed to the information.
- ⊞ Restriction on Farm Labor Contractors: Cannot enter without approval of owner.
- ⊞ Reviewing comments now. Will then prepare package for DPR Regulation Coordinator, then the Office of Administrative Law, then it will be ready for public notice and comment.

**11:30-11:45      DPR budget status**  
JoAnne Payan, Fiscal Services and Business Operations Branch, DPR

■ DPR will be holding workshops in Sacramento re: license fees and product registration fees here in Sacramento. The workshops will provide interested parties the opportunity to understand the underpinnings of our fee authority, and the information on which the fees are based. More importantly, the workshops will serve as an initial information-sharing session to obtain ideas, concepts, and concerns individuals may have on the procedures the Fiscal Services and Business Operations Branch use to

administer the fee authority. Input will be taken from these workshops to develop draft operating procedures and, potentially, a revised fee structure. The proposals are expected to be available this summer, and will be posted on our Website for comment. The Agricultural Pest Control Advisory Committee will be notified of the date of the workshops.

- Assembly hearing of DPR's budget is scheduled in April.
- Good to be Special fund, not General fund.

**11:45-12:00            Next Agenda and meeting date**

Next meeting is scheduled for July 14, 2004, from 9:30 am to 12:30 pm.

▶ Agenda item to discuss at the next meeting: The need for a PCA license for the owner/operator of a property or for his or her employees.

▶ For other Agenda Items Contact David Duncan at (916) 445-3870 or [dduncan@cdpr.ca.gov](mailto:dduncan@cdpr.ca.gov)

**12:00pm                Meeting Adjourned**