



Mary-Ann Warmerdam  
Director

# Department of Pesticide Regulation

## AGRICULTURAL PEST CONTROL ADVISORY COMMITTEE



Arnold Schwarzenegger  
Governor

Wednesday, 17 February 2010

9:30-12:00

CalEPA Building  
First Floor Training Room

### MEETING MINUTES

**Members Present:** (4) Ronald Berg- Pest Control Dealers, Richard Stoltz- Pest Control Aircraft Pilots, Linda LaVanne- Agricultural Pest Control Advisers, and Kenneth Oneto- FAC section 56115 Producers

**Department Staff:** (8) David Duncan- Chair of Committee (Ch), Margie Read, Laurie Brajkovich, Cynthia Ray, Rayven Jenkins, John Sanders, Amy Davidson, and Natalya Eagen

**Guests:** (4) Joyce Basan-CAPCA, Judy Letterman – PAPA, Doug Okumura – Lawson & Associate, and Chris Jimmerson– CVRWQCB

**Members Absent:** (7) Scott Hudson- County Agricultural Commissioner Association, Wayne Steele-Registrants, and Jim Farrar-California State University System, Mary Louise Flint-UCIPM, Ken Nichols– Pest Control Businesses, and Tim Stone – Commercial applicators, and Matt Scally- Maintenance Gardener Pest Control Business

**Member Vacancies:** (2) Board of Governors of the California Community College system, and General Public

### I. Introduction and Administrative Topics

David Duncan reminded attendees of safe evacuation procedures.

A. Minutes from November Meeting: The 4 November 2009 meeting minutes were discussed. Judy Letterman remarked that the November minutes were more detailed than previous APCAC minutes. David Duncan stated that he felt that his review of minutes from previous meetings indicated equal level of detail, as seen on the website. Linda LaVanne moved to approve the minutes. Dick Stoltz seconded the motion. There were not enough members present to vote to approve the minutes. Linda inquired if it were possible to do an email vote. Staff agreed to investigate this option.

B. Ag Program Supervisor retirement: David Duncan announced that Mac Takeda retired in December after 35 years of excellent service. He provided great knowledge and insight to the public and DPR staff, regarding the State of California's Pest Control Laws and Regulations, and



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he put his heart and soul into his work and responsibilities. He will be greatly missed.

C. Member Attendance: David Duncan has implemented “Member seating only” at the APCAC committee table, with corresponding name placards, at all APCAC meetings. Ample seating is provided for guests in chairs near the committee table. This new seating arrangement is important because it makes it clear who is a member and who is not for topic discussions and voting. It will also allow a visual of how many members are present. Member attendance was not noticeable at previous meetings, because guests were also seated at the table. There were five members in attendance at the last meeting out of the current 12-member committee.

Committee members are encouraged to draft alternates who could serve in their stead. Doug Okumura asked what the process would be for the nomination of alternates. Dave Duncan said that there would need to be a formal nomination of alternates, and a letter from the member’s agency would be supplied to DPR nominating an alternate. When the main committee member is unable to attend a meeting, he/she would notify the alternate to attend the meeting in his/her place. This is important because when there are not enough members in attendance, a quorum cannot be formed, and a motion cannot be voted upon. All recommendations are going to continue to be tabled until a quorum can be formed.

As an example, Judy Letterman began a discussion at the last meeting regarding mailroom function and accounting process regarding CE sponsorship. She and Joyce Bassan, although they are not members, would both like to address the issue of the mailroom and cashier getting CE sponsor submissions to the CE desk in a timely manner. David Duncan asked that the group recognize that DPR does not have control of CALEPA mailroom. Based on last meeting’s discussions, Linda LaVane moved to approve the following recommendation:

“The Agricultural Pest Control Advisory Committee recommends that the DPR Director look into how it can streamline its processes for receiving Continuing Education (CE) submissions, including potential slowdowns in the CalEPA mailroom. The current mail delivery and payment processes are not satisfactory”.

Ken Oneto seconded. Since there was not a quorum, a vote could not be taken. The motion was tabled until there are sufficient APCAC members present that can vote on the recommendation. Based on a request from one of the guests, David Duncan will check to see if there is a protocol to allow for an email vote by the committee members.

Member Vacancies: There are two member vacancies at this time. Due to Jean La Duc’s retirement, a replacement in the APCAC General Public position is needed as well as the position of The Board of Governors of the California Community College system. Cynthia Ray reported that the positions of Scott Hudson, Tim Stone, Richard Stoltz, Ronald Berg, and Wayne Steele, are also expiring. Cynthia will email those committee members and ask who wants to continue on committee. Cynthia asked to be contacted about recommendations to fill any member vacancies.



## II. DPR Surface Water Regulations

John Sanders provided a handout and discussed DPR's Surface Water Protection regulatory concepts. The Department of Pesticide Regulation's (DPR) Surface Water Protection Program protects human health and the environment by preventing pesticides from adversely affecting our surface waters, by addressing both agricultural and non-agricultural sources of pesticide residues in surface waters. The concepts include both preventive and response components that are designed to reduce the presence of pesticides in surface waters. The preventive component includes local outreach to promote management practices that reduce pesticide runoff. Prevention also relies on DPR's registration process in which potential adverse effects to surface water quality, particularly those in high risk situations, are evaluated. The response component includes mitigation options to meet water quality goals, recognizing the value of self-regulating efforts to reduce pesticides in surface water as well as regulatory authorities of DPR, the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCB).

John stated that some County Agricultural Commissioners (CACs) and Watershed Coalitions have asked DPR to consider adopting new regulations for pesticide impacts on surface water. The Central Valley Regional Water Quality Control Board (RWQCB) staff is asking Coalitions' to draft management plans that mitigate pesticide impacts, among other parameters, on surface water.

Although DPR is not ready to adopt regulations at this time, there is discussion regarding the proposed concepts with stakeholders prior to drafting regulation development. DPR must address water quality problems and incorporate issues into the recommendation.

The present concepts may or may not survive their current form and DPR is seeking written comments from stakeholders, which will be posted on the DPR website. Email comments may be sent to [surfacewater@cdpr.ca.gov](mailto:surfacewater@cdpr.ca.gov)

## III. Irrigated Lands Program Monitoring Update

Chris Jimmerson, of the Central Valley Regional Water Board (RWQCB), provided the group with monitoring information and management plan progress resulting from the Irrigated Lands Regulatory Program (ILRP) monitoring. A copy of his power point presentation is also posted on the meeting website. Chris' discussion is summarized below.

Approximately 300 to 500 pesticides are used in significant amounts in California. Of those, about 60 are routinely monitored in the ILRP. Of these 60, 10 to 15 frequently cause chronic toxicity or exceed protective concentrations

Pursuant to the CA Water Code, the Water Board can regulate persons who discharge pesticides. The most recent Order was adopted in 2008. Growers have a number of options in which to comply, and The Water Board has adopted two Conditional Waivers, thus providing growers



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with a choice to meet compliance. The grower may obtain an Individual Conditional Waiver from Waste Discharge Requirements or join a Coalition of growers and be covered under a Coalition Group Conditional Waiver. The Coalition approach is preferred because farmers are able to share costs and reporting responsibilities. There are currently seven coalitions operating under the Conditional Waiver for Coalitions. There are also five irrigation districts operating under Individual Waivers. It has been reported that more growers are getting involved with BMP implementation and are concerned about agricultural runoff.

Coalitions are conducting more monitoring as a result of management plan implementation, on a limited scale that is timed with applications and crop use. Coalitions have stated that spray drift is the number one reason for the exceedances because of water body proximity while aerial spraying occurs. The Coalitions have focused on outreach efforts to inform applicators of the effect of spray drift, have been talking to Pest Control Advisors.

With the implementation of Management Plans Chris said that positive changes are expected. The environment could also experience a trade off of one pesticide for another such as switching over to more hydrophobic pyrethroids or new herbicides. Fortunately, hydrophobic pesticides should be easier to control with erosion control management practices. At this point Chlorpyrifos continues to be the most problematic in terms of number of exceedances. In some areas of San Joaquin County, growers are discontinuing the use of chlorpyrifos in exchange for other pesticides. The switch from chlorpyrifos to the more hydrophobic pyrethroids could reduce exceedances in water, but increase exceedances in sediment.

Coalitions have been working towards identifying growers with the most potential to be contributing to the exceedances. They are using GIS, land use information, DPR and PUR databases, crop and soil type information, proximity to waterways, and have held a number of grower meetings to inform of exceedances and management practice implementation.

Chris said the RWQCB would continue to compile monitoring data and begin to look at trends, although it could be sometime before some measurable outcomes, in terms of water quality improvement, can be associated with management plan implementation.

If you have any questions or comments regarding the Irrigated Lands Regulatory Program, contact Chris Jimmerson at [cjimmerson@waterboard.ca.gov](mailto:cjimmerson@waterboard.ca.gov)

### IV. Licensing Updates

A. Renewals: Cynthia Ray informed the committee that of the 11051 individual renewal applications that were mailed, 9736 (88%) have been renewed. Of the 2310 business renewal applications, 1501 (65%) have been renewed. This is a very good return rate when contrition is taken into account. Although the renewal processing slowed down when a mass quantity of renewals came in, the licensing unit wasn't as hard hit as last year despite furlough Fridays.

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Cynthia explained that by mailing the renewal applications out in August, and informing the applicants that in order for the applicants to receive their license by January, they needed to mail the renewal by November 23. Because this process worked well for the 2009 renewals, the 2010 renewals will also be mailed out in August 2010 and November 23 will be the target date advertised to applicants and advisors. Cynthia also pointed out that if individuals and businesses were not renewed, we would contact the County Agricultural Commissioners so that they will be aware that some licensees may be working illegally.

Judy Letterman believes that the November 23<sup>rd</sup> date is working and reported that PAPA did not receive as many calls this year regarding last minute classes and renewals. Joyce Basan said that the same was true for CACPA.

Judy also said that there had been many requests by seminar participants asking that the renewal process be discussed, and Cynthia, who has been speaking at the seminars, was able to provide that information. Judy said PAPA received many comments stating how informative Cynthia's presentations are.

B. PCA Minimum Qualifications (MQ): Cynthia is revising the MQ information on the DPR website. Cynthia would like to include a master list of specific classes that meet the MQ requirements. She feels that such a list will allow applicants to be more informed as to what classes they might take to meet requirements. There will be an update at the May APCAC meeting.

C. Category 'Q' to 'B'. Margie Read discussed the recent questions that have been surfacing regarding the Maintenance Gardener Category Q. It seems that some certificate holders were not aware that they would be limited to using only general use pesticides and non-restricted materials and only occasionally, incidental to their yard and garden maintenance. In some cases, it may be appropriate to allow certain certificate holders to revert back to a Category B, if they had previously passed the exam for that category. We are asking these individuals to contact Margie Read, who will evaluate each situation on a case-by-case basis.

D. Exam application packet: Margie Read reported that the examination packets and applications are being revised and reposted to the DPR website. Revisions include clarification of the categories, including Category Q and P, revised study guides lists and other information. QAC and QAL packets have already been completed and others are pending. There will be an update at the May APCAC meeting.

### V. Policy and Continuing Education Update

A. CE 101 Workshops: Laurie Brajkovich discussed the pending CE 101 Workshops that will be held. The first workshop will be held in Fresno on April 28, and the second will

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be held in Sacramento, probably in the summer or fall. The workshops will allow sponsors a better understanding of the best way to complete the applications and what is required when applying for accreditation of CE classes. If the information is clear on the application, it is easier and faster to approve the hours requested.

Margie Read added that a concern that had been expressed at the November APCAC meeting by Judy letterman was that the notice sent to sponsors of accredited hours did not adequately explain why a class did not receive all the hours that they requested or why the CE class was denied hours. At the November APCAC meeting the idea of including a cover letter with each transmittal to sponsors that described the rationale for denial or for reduction in approved hours. This approach was implemented immediately after the November meeting, and it is proving to be effective.

B. Microbial Study Guide: Pat O'Conner Mayer has been selected to prepare the Microbial study guide, which in addition to sanitation of wine barrels and corks, will deal with other applications such as sanitation of cooling towers, potable water lines, and evaporative condensers. There are a number of states that have a subcategory that covers this area. Other agencies have study material that may offer guidance with the new study material that we produce. The study guide is scheduled to be finalized in June 2010.

C. Maintenance Gardener Workshop Update: New regulation has been developed for subcategory Q, Maintenance Gardener. This subcategory is distinguished from the Landscape Maintenance category in that it limits the certificate holders to general use pesticides. Restricted use pesticides will not be allowed under subcategory Q. The draft regulation for the new maintenance gardener subcategory is anticipated to be noticed soon.

Exams for the Maintenance Gardener subcategory have already begun through regular testing. In addition, workshops are being held in San Luis Obispo. There have been very positive comments about the workshops received from attendees, and a good passing rate of attendees taking the exams. Santa Barbara CAC has indicated that they would also like to participate in giving the workshops.

### **VI. Performance Indicator Subcommittee status.**

Margie Read reminded the group about the purpose of the subcommittee, which is develop performance indicators that could be used to enhance the Licensing and Certification activities and to measure their success. One meeting had been held in October 2009. The next meeting will be held this afternoon after the APCAC. The focus of this particular meeting will be specific to on-line continued continuing education. At some point it is anticipated that the subcommittee will develop recommendations for approval of online courses. These recommendations will be brought to the APCAC meeting for approval as a Committee

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Recommendation to the department. However, Margie Read reminded Comments and ideas from the committee are always welcome.

### **VII. Next agenda – date and topics**

Cynthia included the Agricultural Pest Control Advisory Committee 2010 Meeting Schedule in the meeting packet. Please review. Please note that there may be a revision to the May meeting date.

Public comment on any agenda item is welcome. Questions about this agenda should be directed to David Duncan at (916) 445-3870 or [dduncan@cdpr.ca.gov](mailto:dduncan@cdpr.ca.gov)

