



## AGRICULTURAL PEST CONTROL ADVISORY COMMITTEE

**Thursday, July 12, 2012**

**10:00-12:00**

**CalEPA Building**

**Coastal Hearing Room**

### MEETING NOTES

**Members Present:** (7) Ronald Berg- Pesticide Dealers, Mary Louise Flint- The University of California, Division of Agriculture and Natural Resources, Linda La Vanne- Agricultural Pest Control Advisers, Phil Mullins- Agricultural Pest Control Businesses (alternate), Wayne Steele- Registrants, Dick Stoltz- Pest Control Aircraft Pilots, Tim Stone- Commercial Applicator Certificate Holders (alternate)

**Department Staff:** (4) Nan Gorder- Chair of Committee, Tom Babb, Laurie Brajkovich, Rayven Jenkins

**Guests:** (5) John Erisey- Agricultural Pest Control Advisers (alternate), Bahman Ghashghaei- scientist studying for PCA, Bill Gillespie- Resource Endeavors, Judy Letterman- Pesticide Applicators Professional Association, Doug Okamura- California Association of Pest Control Advisers

**Members Absent:** (7) James Farrar- Board of Trustees of the California State University System, Glen Foth- Commercial Applicator Certificate Holders, Scott Hudson- California Agricultural Commissioners and Sealers Association, Ken Nichols- Agricultural Pest Control Businesses, Kenneth Onneto- Producers, Matt Scally- Pest Control Maintenance Gardeners, Timothy Smith- Board of Governors of the California Community College System

**Vacant:** (1) General Public Member

### I. Introduction and Administrative Topics – Nan Gorder, DPR

Nan Gorder discussed the reasons why DPR is exploring new regulations for continuing education (CE) courses. State process requires that the Department makes regulations for those items that DPR will require of all sponsors of CE courses. The Performance Indicators (PI) subcommittee of APCAC has been meeting since October 2009, working towards identifying requirements and suggested guidelines for CE courses that will raise the quality of CE courses and provide more consistency to the CE approval process. The goal of these CE course regulations is to assure that pesticide professionals are using pesticides in a safe and effective manner.





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## II. Regulatory Update – Tom Babb, DPR

### A. CE Course Requirements Background and Regulation Package Schedule

Tom Babb discussed the schedule for the CE course requirements regulations. The PI Subcommittee has been working together since 2009 on CE course recommendations. In April 2012 the PI reviewed 27 items that DPR extracted from the CE Guidance Manual to be considered as regulations. Of these, there were 14 items that the PI felt should become regulations and another 5 items that were left undecided. The July 12, 2012 special APCAC meeting was called to review the 19 potential regulatory changes.

#### Schedule of Regulatory Events following July 12<sup>th</sup> APCAC meeting:

**July/August 2012** – DPR will meet informally with course sponsors and other stakeholders.

**August 14, 2012 (Now moved to Sept 4th.)** – APCAC meeting to review draft regulation language and submit a recommendation to the Director.

**September 2012** – DPR sends draft language (APCAC recommendation/DPR staff recommendation) to the Director

**September/October 2012** – DPR Approval Process

**November 2012** – Regulatory package notice at Office of Administrative Law (OAL)

– Public comment period starts

**Regulations in place no later than November 2013**

### B. Online License Renewal Regulatory Package

Tom briefly discussed the schedule for the Online License Renewal Regulations package. Those regulations would be submitted 6 months after the CE Course Requirements package.

## III. CE Course Requirements Regulations Concepts – Tom Babb, DPR

1. Add speaker affiliation, session title, & main points to the CE application form (PR-PML-131).
  - Motion, second, pass (MSP)
2. Add number of hours in each CE category credited, date of course, and signature shall be included in the records of attendance maintained by sponsor and license and certificate holders.
  - MSP
3. Records of course completion shall be supplied to the license/certificate holder upon completion of the course.
  - MSP





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4. Structural Pest Control Board Business and Professions (B&P) code and related regulations shall not be accredited CE hours.
  - MSPNote: pesticide use aspects of structural applications are in Food & Ag Code (not B&P code).
5. Laws and regulations focused on managing pests under the jurisdiction of CA agencies other than DPR (excluding pesticide focused laws & regulations) shall be accredited “Other” CE hours
  - DPR to work on language to clarify that pesticide laws will get “Laws and Regulations” CE hours—address at next meeting.
  - Examples of laws and regulations that would be accredited “Other” CE hours: invasive species management regulations (usually California Department of Food and Agriculture or Fish and Game); county/state mammal trapping, removal, or relocation regulations; and CDFG permits for mammal kill/removal (e.g. beaver trapping in streams).
  - *Underlined-italicized language is new – revised at the request of APCAC; the original used ‘pest management.’*
  - Tabled for future discussion.
6. Topics focused on pesticide laws and regulations from other states or other countries (*not USA*) shall not be accredited any CE hours. Maximum residue levels (MRLs) from other countries shall receive hours in the “Other” CE category.
  - DPR to work on language to exempt maximum residue levels (MRLs) so that they would be accredited as “Other” CE hours. MRL courses would be accredited “Other” CE hours since they are focused on pesticide related information that affects California exporters but are not a California law or regulation.
  - Tabled for future discussion.
7. A separate application and fee are required for each day of a multiple day course when license/certificate holders can attend different days.  
(Note: Already being done. Needs to be in regulations due to questions about fees and application submittal.)
  - MSP
8. Concurrent sessions (sessions occurring during same time slot) shall be for the same amount and type of CE hours in order to be accredited for those hours, or minimum hours applicable shall be applied.
  - MSP



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9. For online courses, a complete version of electronic course shall be submitted with the CE application  
Note: this can be accomplished by submittal of internet link, CD, USB drive, etc.
  - MSP
10. For correspondence CE courses, a complete version of the course shall be submitted with the CE application. The copy can be a hard copy or an electronic copy.
  - MSP
11. Word count to evaluate the length of correspondence-style online and mailed correspondence CE courses shall be 200 words per minute (wpm). Exam and quiz questions shall not be counted towards word count total.  
Note: See #14 below for how exam/quiz time is assessed.
  - MSP
12. Sponsors of online and correspondence courses shall provide license/certificate holders with a final exam at the end of the CE course.
  - MSP
13. A license/certificate holder shall be required to pass an exam in order to receive credit for an online course. The minimum passing score is 70%.
  - MSP
14. Exams/quizzes shall be assessed at 1 minute per question with maximum of 20 questions per hour.
  - MSP
15. For all online and correspondence CE courses, if a license or certificate holder fails during the first attempt, the sponsor shall provide that person with a new version of the test after each failure.
  - MSP
16. Online and correspondence courses longer than 2 hours should be divided into distinct topics or segments of no more than 2 hours each, and each topic/segment shall have a quiz or exam at the end.
  - MSP
  - DPR to reword and send to APCAC before next meeting for review.  
(Note: above text has been reworded.)





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17. For narrated and interactive-style online courses, the sponsor shall not allow the license/certificate holder to bypass portions of course.
- Note: Interactive = response required from participant to move forward; sometimes includes videos, games, quizzes, etc.
  - Note: Narrated = video or audio
  - The goal is for the person taking the class to review all the presented material to learn the information and not simply skip to the end. Course time elapsed should match accredited time, this would better assure that.
  - Motion and second. -
  - 4 opposed, 3 approved.
  - **NOT approved by APCAC**
18. Exam questions must be related to content of the course.
- MSP
19. No more than 50% of the required CE hours shall be accredited through non-classroom courses during each renewal period.
- APCAC member moved to strike altogether
  - MSP
  - **Note: APCAC will not recommend this for regulation.**

## VII. Next agenda - Dates and Topics

Next meeting: Tuesday, September 4, 2012

Time: 10:00 – 12:00

Location: Room 550, Cal EPA Building, 5<sup>th</sup> Floor

Topics will include:

- Review draft text of CE Course Requirements regulations.

Questions about the next meeting agenda should be directed to Nan Gorder at (916) 324-4265 or [ngorder@cdpr.ca.gov](mailto:ngorder@cdpr.ca.gov).

