



## AGRICULTURAL PEST CONTROL ADVISORY COMMITTEE

Tuesday, September 4, 2012

10:00 AM -12:15 PM

CalEPA Building

Conference Room 550

### MEETING MINUTES

**Members Present:** (9) Ronald Berg- Pesticide Dealers, Lisa Blecker- University of California, Division of Agriculture and Natural Resources (alternate), 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, Linda La Vanne- Agricultural Pest Control Advisers, Phil Mullins- Agricultural Pest Control Businesses (alternate), Timothy Smith- Board of Governors of the California Community College System, Dick Stoltz- Pest Control Aircraft Pilots

**Department Staff:** (6) Nan Gorder- Chair of Committee, Tom Babb, Laurie Brajkovich, Natalya Eagan, Lisa Estridge, Cynthia Ray

**Guests:** (5) Joyce Basan- California Association of Pest Control Advisors, Harry Cline- Farm Press, Terry Gage- California Agricultural Aircraft Association, Bill Gillespie- Resource Endeavors, Dave Lawson- Lawson & Associates

**Members Absent:** (5) Mary Louise Flint- University of California, Division of Agriculture and Natural Resources, Ken Nichols- Agricultural Pest Control Businesses, Kenneth Onneto- Producers, Matt Scally- Pest Control Maintenance Gardeners, Wayne J. Steele- Registrants

**Vacant:** (1) General Public

#### I. Introduction and Administrative Topics - Nan Gorder, PML Branch Chief (DPR)

##### A. Review and Approval of Minutes - Nan Gorder

The minutes from the May 15, 2012 APCAC meeting were reviewed and approved as written.

The minutes from the July 12, 2012 APCAC meeting were reviewed. It was noted that Terry Gage was not present at the July 12, 2012 meeting. Her name was removed from the attendee list. The minutes were approved as edited.





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## II. Licensing Update – Cynthia Ray, Licensing Program Supervisor (DPR)

The first batch of individual license and certificate renewal notices was mailed out in late July. From that batch, 800 have been returned to DPR. The remaining renewal notices were mailed in late August. Included with the all renewal notices was the handout, *DPR Update of License and Certificate Renewal Information*, which provides general information about the renewal process and DPR Licensing staff contact information.

For this renewal period, similar to previous years, license and certificate holders are required to submit the continuing education (CE) records renewal summary form and/or submit a record of CE courses provided by a third party professional association. Of the 800 notices returned to DPR, approximately 10% did not include a CE records summary.

Business license renewal notices will be mailed in mid-September to allow the qualified individual to renew their license.

For APCAC members submitting travel requests- As requested by the State Controller, all future travel requests that include a claim for mileage must include a map that shows the total mileage of your trip. The map (Google map suggested) should show your route with beginning and ending locations.

## III. Regulatory Update – Tom Babb, DPR

### A. CE Rulemaking - Tentative Timetable

**August 2012** - Pre-notice public involvement; 3 public workshops

**September 4, 2012** - APCAC meeting to review draft regulation language and submit a recommendation to the Director

**September 2012** - Draft regulation language sent to the Director

**September/October 2012** - DPR approval process

**November 2012** - Regulatory package notice by the Office of Administrative Law (OAL); Public comment period begins; Formal public hearing

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

### B. CE Rulemaking - Background

The purpose of these proposed regulations is to improve the quality of continuing education courses. Throughout the rulemaking process DPR has worked with the APCAC and the Performance Indicators (PI) subcommittee. Originally, 27 items from the CE Guidance Manual were considered as possible regulations. Of these 27, it was recommended that 14 become regulations, 8 should be left as guidance, and the remainder required further discussion. During the July 12, 2012 APCAC meeting 19 potential regulatory concepts were reviewed and 17 were approved by the APCAC. DPR held three public workshops in August receiving input and comments regarding the regulatory concepts.





## IV. CE Regulation Language – Tom Babb, DPR

The following draft regulations represent the 17 regulatory concepts approved by APCAC on July 12, 2012. The concepts have been formatted into regulation language and include comments from the July 12, 2012 APCAC meeting and the August public workshops.

1. Add speaker affiliation, session title, & main points to the CE application form (PR-PML-131).
  - APCAC requested that DPR clarify the regulation language so that “start and end time” applies to all CE courses, not just classroom courses.
  - APCAC approved the regulation language with edits.
2. Add number of hours in each CE category credited, date of course, and sponsor signature shall be included in the records of attendance maintained by sponsor and license and/or certificate holders.
  - APCAC requested removal of “sponsor signature” from the regulation language.
  - APCAC approved the regulation language with edits.
3. Records of course completion shall be supplied to the license and/or certificate holder upon completion of the course.
  - APCAC approved the regulation language.
4. Structural Pest Control Board Business and Professions (B&P) code and related regulations shall not be accredited CE hours.
  - APCAC approved the regulation language.
5. Topics focused on pest management laws and regulations under the jurisdiction of California agencies other than DPR will be accredited “Other” hours.
  - At the July 12, 2012 APCAC meeting, APCAC requested that DPR clarify the concept language.
  - DPR edit: Laws and regulations focused on managing pests without the use of pesticides will receive “Other” credit.
  - APCAC requested that the regulation language be edited so that “federal pesticide laws and/or regulations” are included in CCR section 6512(e)(1).
  - APCAC approved the regulation language with edits.
6. Topics focused on pesticide laws and regulations from other states’ (not CA) or other countries’ (international) will not be accredited any CE hours.
  - At the July 12, 2012 APCAC meeting, APCAC requested that MRL courses receive “Other” CE hours.





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- DPR edit: Topics focused on pesticide laws and regulations from other states' (not CA) or countries' (not USA) will not be accredited any CE hours. Maximum residue levels (MRLs) from other countries shall receive credit as "Other".
  - APCAC approved the regulation language.
7. A separate application and fee are required for each day of a multiple day course (different ID code for each day), when license and/or certificate holders can attend different days (separate attendee registration for each day).
- APCAC approved the regulation language.
8. Concurrent sessions, where multiple sessions are occurring at the same time, shall be eligible for the same amount and type of CE hours in order to be accredited for those hours.
- APCAC requested removal of this concept from the regulation language.
9. For online CE courses, a complete version of the electronic course shall be submitted with the CE application
- APCAC approved the regulation language.
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.
- APCAC approved the regulation language.
11. Word count to evaluate the length of online and correspondence CE courses should be 200 words per minute (wpm).
- APCAC approved the regulation language.
12. Sponsors of online and correspondence CE courses shall provide license and/or certificate holders with a final exam at the end of the CE course.
- APCAC approved the regulation language.
13. A license and/or certificate holder shall be required to pass an exam in order to receive credit for online and correspondence courses. The minimum passing score is 70%.
- APCAC approved the regulation language.





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14. Exams shall be assessed at 1 minute per question with maximum of 20 questions per hour.
  - APCAC suggested that the language be clarified so that the 20 minutes of questions is included within the hour.
  - APCAC approved the regulation language with edits.
15. For online and correspondence CE courses, if a license and/or certificate holder fails during the first exam attempt, the sponsor shall provide the license and/or certificate holder with a new version of an exam each time one is retaken for credit.
  - Note: The sponsor has the option to provide a re-exam. If a re-exam is offered, then a new version must be provided for each re-exam.
  - APCAC approved the regulation language.
16. Online and correspondence courses longer than two hours should be divided into distinct topics or segments and should end with a quiz.
  - At the July 12, 2012 APCAC meeting, APCAC requested that the concept be clarified.
  - DPR edit: Online and correspondence courses longer than 2 hours shall be divided into distinct topic or segments of no more than 2 hours each, and each topic/segment shall have an exam at the end.
  - APCAC approved the regulation language.
17. For narrated and interactive-style online courses, the sponsor shall not allow the license and/or certificate holder to bypass portions of course.
  - Not approved by APCAC at the July 12, 2012 meeting.
  - This concept was not included in the draft regulation language.
18. Exam questions must relate to content of the course.
  - APCAC approved the regulation language.
19. No more than 50% of the required CE hours shall be accredited through non-classroom courses during each renewal period.
  - Not approved by APCAC at the July 12, 2012 meeting.
  - This concept was not included in the draft regulation language.

APCAC unanimously approved the draft regulation language, including the edits mentioned above, as the APCAC recommendation to the Director.





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## V. Discussion on Nomination of Public Member of APCAC – Nan Gorder, DPR

The public member represents the interests of the general public in all matters that come before the committee. A nominee may have insight into agriculture and the agricultural industry, but does not represent any industry currently represented.

DPR has received one nomination for the public member position, Jeanette Heinrichs, Vice President of Sales for Van Beurden Insurance Services, Inc. Ms. Heinrichs has 44 years of experience in the insurance industry. Working with the California Association of Pest Control Advisors (CAPCA) and the Pesticide Applicators Professional Association (PAPA), she developed liability insurance policies for California pest control advisors and commercial applicators. During this time she became familiar with the agricultural and general pest control industries and DPR's regulatory mission. She has been active as a lecturer and sponsor with CAPCA and PAPA.

APCAC unanimously approved the nomination of Jeanette Heinrichs for the general public member position. From the nominees recommended by the APCAC, the Director will appoint a public member to the committee.

## VI. Public Question - Was DPR's plan regarding soil fumigant label changes approved by US EPA?

In 2010 US EPA initiated new safety requirements for soil fumigants through label changes. Because DPR's program already included the new label requirements, the plan submitted to US EPA to exempt DPR license and certificate holders from taking the additional training was approved. DPR has already created and posted to the Licensing Web site an addendum to the category O study guide ([www.cdpr.ca.gov/docs/license/pubs/fieldfum\\_studyguide\\_addendum.pdf](http://www.cdpr.ca.gov/docs/license/pubs/fieldfum_studyguide_addendum.pdf)) and incorporated the new requirements into the exam.

For current category O license and certificate holders:

- In October, after the labels have been approved, DPR will send the addendum to the study guide, the US EPA factsheets about the label changes, and a postcard to be signed and returned to DPR.
- By signing and returning the postcard to DPR, license and certificate holders will confirm that they have received the addendum.
- Current category O holders are exempt from the online registrant training only after they return the postcard.

For future category O license and certificate holders:

- A category O license or certificate is still required and the new exam will exempt new license or certificate holders from taking the online registrant training.





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For private applicators:

- Private Applicators are not exempt from the online registrant training.
- Training will be given in both English and Spanish.

An enforcement letter outlining the new requirements compared to what is currently required will be sent to the County Agricultural Commissioners.

## **VII. Next Agenda - Date and Location**

Next meeting: Tuesday, November 13, 2012

Time: 10:00 AM – 12:00 PM

Location: Conference room 230, Cal EPA Building, 2<sup>nd</sup> Floor

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).

