AGRICULTURAL PEST CONTROL ADVISORY COMMITTEE

Tuesday, February 12, 2013
10:00-12:00
CalEPA Building
Training Room East and West, First Floor

MEETING MINUTES

Members Present: *(7)* ***Mary Louise Flint****-University of California, Division of Agriculture and Natural Resources, ,* ***Glen Foth****- Commercial Applicator Certificate Holders,* ***Jeanette Heinrichs****- General Public,* ***Scott Hudson****- California Agricultural Commissioners and Sealers Association,* ***Linda La Vanne****- Agricultural Pest Control Advisers,* ***Phil Mullins****- Agricultural Pest Control Businesses (alternate), and* ***Timothy Smith****- Board of Governors of the California Community College System*

Department Staff: *(10)* ***Nan Gorder****- Chair of Committee,* ***Tom Babb****,* ***Laurie Brajkovich****,* ***Natalya Eagan****,* ***Lisa Estridge****,* ***Ann Hanger****,* ***Rayven Jenkins****,* ***Regina Maglia****,* ***Joe Marade****, and* ***Regina Sarracino***

Guests: *(6)* ***Joyce Basan****- California Association of Pest Control Advisors (CAPCA),* ***Terry Gage****- California Agricultural Aircraft Association,* ***Bill Gillespie****- Resource Endeavors,* ***Kyle Lawson****- Lawson & Associates,* ***Judy Letterman****- Pesticide Applicators Professional Association, and* ***Terry Stark****- CAPCA*

Members Absent: *(6)* ***Ron Berg****-Pesticide Dealers,* ***Ken Nichols****- Agricultural Pest Control Businesses,* ***Kenneth Oneto****- Producers,* ***Matt Scally****- Pest Control Maintenance Gardeners,* ***Wayne J. Steele****- Registrants, and* ***Dick Stoltz****- Pest Control Aircraft Pilots*

Vacant Position: *(1) Board of Trustees of the California State University System*

I. Introduction and Administrative Topics – Nan Gorder, Pest Management and Licensing Branch Chief (DPR)

A. Annual Pesticide Use Report Data
The publication of the 2011 Pesticide Use Report and data has been delayed until June. The counties and DPR are transitioning to the new pesticide use permit and electronic data reporting system (CalAgPermits).

B. New Pest Management Research Grants Program
In 2012 DPR established the Pest Management Research Grants Program which awards up to $500,000 per year for research grants that develop practices that contribute to IPM systems that reduce use of pesticides of concern. The Pest Management Research Grants Program differentiates itself from the Alliance Grants Program in that research is funded with the potential to be communicated to and adopted by a broader audience through a future Alliance Grant. In 2013 $1 million (2 years) of funding will be awarded. The

application submission period is closed for the 2013/2014 grant solicitation. On February 21, 2013 the Pest Management Advisory Committee (PMAC) will discuss and provide guidance for the DPR Director about which projects are fundable. PMAC will also be discussing the Action Plan being developed by the Nonfumigant Strawberry Production Working Group. The Working Group was formed by Director Brian Leahy in 2012 to accelerate the development of strawberry production pest management practices that do not rely on fumigants.

C. Review and Approval of November 13, 2012 Minutes
The minutes from the November 13, 2012 APCAC meeting were reviewed. The minutes were approved as written.

D. Vacant Position
The APCAC member position for the Board of Trustees of the California State University System, previously held by Jim Farrar, is currently vacant. The Board will nominate a new member.

II. Licensing Update – Regina Maglia, Licensing Program (DPR)

A. Statistics on 2012 Renewal Season
Current numbers for renewals:

Individuals- 11,950 renewal packets were mailed in August 2012.
11,376 (95%) have been returned to DPR for processing.
11,287 (94%) have been renewed.

Businesses- 2,238 renewal packets were mailed in September 2012.
2,264 (100+ %) have been returned.
2,212 (99%) have been renewed.

III. Regulatory Update – Tom Babb, Environmental Program Manager (DPR)

A. Continuing Education Regulation Package
The continuing education regulation package has been approved by DPR. It is currently being reviewed by Cal EPA Agency. It will be submitted to the Office of Administrative Law in March. The public hearing is tentatively set for April 23, 2013 **(note on April 18th: the hearing is now scheduled for May 13th at 1:30 in the Sierra Hearing Room, Cal EPA).** The plan for implementation has not yet been scheduled by DPR.

B. Online Licensing Renewal Regulation Package
The online licensing renewal package is still in the research and development phase. DPR has met with stakeholder groups and conducted two surveys to determine how online services will best serve license and certificate holders and CE sponsors. The project is in the IT queue; however, the time frame has changed. The regulation package will not be sent to the Office of Administrative Law in July 2013 nor will it be implemented by July 2014.

IV. DPR Online Services Surveys – Natalya Eagan, Pest Management & Licensing (DPR)

In December 2012 DPR conducted 2 online surveys to obtain feedback from licensees and continuing education (CE) sponsors about their interest in DPR-offered online services. The survey for DPR licensees was answered by 386 individuals (out of approximately 21,000 licensees), which represents 1.8% of total licensees. Those that answered the survey represent all types of DPR licensees, with qualified applicator licensees representing the majority of respondents. Most of the licensees that responded said they had taken 1-5 CE courses and spent approximate $100-500 on those CE courses in 2012. The licensees that responded said they were "likely" or "very likely" to use the following online services: license renewal (98%), receive exam emails (97%), pay license fees (93%), register for licensing exams (93%), take licensing exams (91%), and apply for initial license or certificate (86%). The licensees that responded said they would use online services for the following reason: convenience (94%), faster turn-around (77%), ease of email communication (74%), printed receipt (47%), save money (43%), and preference for electronic documents (40%). 79% of survey responders answered that they would be willing to renew on their birthday in order to avoid renewal delays. Overall, 98% of DPR licensees who answered the survey strongly support online licensing services.

The survey for CE sponsors was answered by 204 individuals, who identified their affiliation as government or university, private business, or other. Most of those who responded sponsored 1-5 CE courses in 2012. More than 90% of those who responded said that they do not sponsor online CE courses. The CE sponsors that responded said they were "likely" or "very likely" to use the following online services: course submission and approval (92%), online payment (81%), and DPR email to licensees about upcoming CE courses (78%). The CE sponsors that responded said they would use online services for the following reasons: faster turn-around (82%), ease of email communication (81%), convenience (81%), printed receipt (54%), preference for electronic documents (40%), and save money (31%). Overall, 92% of DPR CE sponsors who answered the survey strongly support online CE services.

V. UC IPM and PCA Minimum Qualifications Update – Mary Louise Flint, UC IPM

A. Training

Lisa Blecker, Pesticide Safety and Education Program Coordinator, will be returning from maternity leave in March. She will be conducting two train-the-trainer workshops in Coalinga in March. Both will be held in English and Spanish. She will also be conducting a rights-of-way training in Redding.

B. Newly filled and Open Positions

UC IPM recently hired Shimat Joseph as the new IPM Entomology Farm Advisor for the area including Monterey, Santa Cruz, and San Benito counties.

UC will soon be hiring for an IPM Entomology Farm Advisor with a focus on tree crops for the Kearney Agricultural Research and Extension Center.

C. PCA Minimum Qualification Update

A work group meeting was held on November 13, 2012 to discuss DPR's interpretation of which college degrees qualify applicants for the Agricultural Pest Control Adviser (PCA) examination. Current qualifying Bachelor of Science (B.S.) degrees (option 1) may be from one of the following areas:

- Agricultural sciences
- Biological sciences
- Natural sciences
- Pest management

In addition to the qualifying B.S. degree, an applicant must have completed the core courses in order to qualify to take the PCA examination. After discussing the topic, the workgroup agreed that any B.S. degree obtained from an Agricultural or Natural Sciences College should also qualify under option 1. Applicants with Bachelor's degrees that do not qualify would be required to complete the core courses and have 24 months of work experience in order to take the PCA examination (option 3).

Mary Louise Flint made the following motion: Any Bachelor of Science degree obtained from an Agricultural or Natural Sciences College would qualify for the college degree requirement under option1. Linda La Vanne seconded the motion. All present APCAC members were in favor of the motion.

Comment- Will this motion be implemented through regulations changes?
No. This is an interpretation of the current regulations.

VII. Recent Rodenticide Issues – Ann Hanger, Registration Branch (DPR)

Commensal rodents, which include house mice and Norway and roof rats, live in close association with humans and their habitat. Two types of rodenticides used for commensal rodent control are acute toxicants and anticoagulants. Anticoagulants are separated into two categories- first generation and second generation anticoagulant rodenticides. First generation anticoagulant rodenticides (FGARs), which include chlorophacinone, diphacinone, and warfarin as active ingredients, require multiple feedings over time for a lethal dose. The use of FGARs in and around buildings and sewers, and manual, below-ground pest control is unrestricted, while agricultural field, tracking powder, and some ground squirrel uses are restricted. Second generation anticoagulant rodenticides (SGARs) consist of products that contain one of the following active ingredients:

- Brodifacoum
- Bromadiolone
- Difenacoum
- Difethialone

SGARs are designed to be toxic in a single feeding. However, delayed action sometimes allows multiple feedings leading to "super" lethal concentrations in rodents, which creates concerns about non-target wildlife that may consume these rodents. Agricultural field uses are prohibited for SGARs.

In 1999, DPR began a reevaluation of brodifacoum at the request of the California Department of Fish and Wildlife (DFW), due to concerns about wildlife being exposed and adversely affected by brodifacoum products. Since U.S. EPA was undergoing their own ecological assessment and had similar concerns as DFW, DPR decided to wait for US EPA to complete their assessment before moving forward with the reevaluation process.

In May 2008, US EPA issued a risk management decision (RMD) for ten rodenticides. The RMD addressed uses in and around man-made structures. The major components of the RMD included reducing children's exposure to rodenticides used in the home and reducing wildlife/ecological risks. To address these issues, US EPA required that FGARS and non-anticoagulants marketed to residential consumers be sold as solid formulations with bait stations. The RMD also used distribution and package size limits to limit the availability of SGARs on the residential consumer market. SGARs applied in and within 100 feet of agricultural buildings must be sold in eight pound or larger quantities. SGARs applied in and within 100 feet of man-made structures, such as homes and commercial buildings, must be sold in sixteen pound or larger quantities. These products are prohibited from being sold in stores geared towards residential customers. Bait stations are required for all outdoor, above-ground uses of SGARs.

Three companies initially refused to comply with the RMD. As of January 30, 2013, Reckitt Benckiser is the only company challenging the RMD and US EPA has announced its intent to cancel products not in compliance with the RMD. The next step is a formal hearing before an administrative law judge, the outcome of which may take several years.

DPR's analysis of wildlife incident and mortality data, land use data, and sales and use data indicated that exposure and toxicity to non-target wildlife from SGARs is a statewide problem in urban and rural areas. The draft report is currently in external peer review and DPR is meeting with stakeholders to discuss mitigation options. One potential mitigation option is to designate all SGARs as CA restricted materials, as requested by DFW in 2011.

VIII. Soil Fumigant Label Changes – Regina Sarracino, Enforcement Branch (DPR)

US EPA implemented soil fumigant label changes in 2 phases from 2010- 2012. The four fumigant active ingredients (AIs) that are affected by the labeling changes include:

- Methyl Bromide and MeBr/Chloropicrin
- Chloropicrin and Chloropicrin/1,3-d
- Metam sodium/potassium (MITC-generating)
- Dazomet

In 2004 the public participation process began. In 2005 a draft risk assessment was issued and nationwide meetings were held. In 2006 and 2007 public comments were received about the risk assessments and mitigations. Registration eligibility decisions (REDs) were issued in 2008 and amended in 2009. In 2010/2011

phase I labels went into effect and DPR recommended MITC permit conditions. Phase II labels went into effect in Dec. 2012. All products released by registrants for sale on or after December 1, 2012 must include the phase I and II label changes. Pest control dealers or end users who are not registrants may continue to sell or use existing stocks of product with previously-approved labels. DPR is currently working through the suggested permit conditions for phase II labels.

The four AIs affected by the labeling changes were already California Restricted Materials and require a restricted materials permit from the County Agricultural Commissioner (CAC). In 2012 the four AIs became federally Restricted Use Products.

US EPA- and DPR-sponsored training sessions for CAC staff between December 2010- February 2011; the training included information about phase I labeling changes and California-specific MITC permit conditions. DPR issued two enforcement letters, ENF 11-9 and ENF 11-25, which provided an overview and questions and answers, respectively, of the phase I labeling changes. DPR conducted training sessions for CAC staff about phase II labeling changes in October- November 2012. DPR issued enforcement letters ENF 12-16 and ENF 12-21, which provide an overview of the phase II labeling changes and recommended permit conditions, respectively.

The phase II labeling changes include changes to buffer zones, notification of neighbors, emergency preparedness and response measures, and proximity to difficult to evacuate sites, and added items to the fumigant management plan and post application summary, and required registrant training for certified applicators, and registrant-provided information for handlers, emergency responders, and communities. In California, Category O qualified applicators are exempt from the registrant training, but required for private applicators. Overall the intent of the changes is to provide more protection for workers and the public.

The phase II labeling changes presented unique challenges for California where some existing laws, regulations, and permit conditions matched the new labeling and some did not. In general, when there are differences between labeling, permit conditions, laws, and regulations, the most restrictive requirement is enforced. DPR worked to reconcile and identify differences for CAC staff. DPR will issue a questions and answer enforcement letter in the future.

IX. Next Meeting – Date and Topics

Date of next meeting: Tuesday, May 14, 2013
Time: 10:00 – 12:00
Location: Training Room East and West, 1st floor, Cal/EPA building

Possible topics may include:

- Closed systems, proposed regulation adoption in 2014
- Interface between PCAs and applicators

Questions should be directed to Tom Babb at (916) 324-1707 or tbabb@cdpr.ca.gov.