



Karen Morrison
Director

Department of Pesticide Regulation

Gov. Gavin Newsom
Governor

Yana Garcia
Secretary for
Environmental Protection

Agricultural Pest Control Advisory Committee Meeting Summary

September 11, 2024

10:00 AM - 12:00 PM

Members Present (6): Wayne Steele – Registrants, **Jhalendra Rijal** – University of California, Division of Agriculture and Natural Resources, **Dan Gudgel** – Pest Control Aircraft Pilots, **Timothy Smith** – Board of Governors of the California Community College System, **Stephen Scheer** – California Agricultural Commissioners and Sealers Association, and **Ronald Berg** – Pesticide Dealers

Department of Pesticide Regulation (DPR) Staff (6): Joshua Ogawa - Branch Chief, **Alicia Scott** – Environmental Program Manager I, **Scott Thomsen** – Senior Environmental Scientist (Specialist), **Nathan Desjarlais** – Senior Environmental Scientist (Specialist), **Sondra Gomez** – Associate Governmental Program Analyst, and **Joan Orr** – Office Technician

Guest (3): Terry Gage – California Agricultural Aircraft Association, **Rick Miller** – Pesticide Applicators Professional Association, and **Ruthann Anderson** – California Association of Pest Control Advisers

Members Absent (5): Matthew Scally – Pest Control Maintenance Gardeners, **John Erisey** – Agricultural Pest Control Advisers, **Margaret Ellis** – Board of Trustees of the California State University System, **Phil Mullins** – Agricultural Pest Control Businesses, and **Jeanette Heinrichs** – General Public

- I. Welcome – Alicia Scott, DPR Licensing and Certification**
- II. Administrative Topics – Alicia Scott, DPR Licensing and Certification**
 - Member and audience introductions.
 - Committee members should provide an alternate representative, if possible, if unable to attend.

- If a committee member will need to leave the committee, please try to recommend a replacement.
- July meeting notes were sent out yesterday. If there are any comments, please let us know. If there are no corrections, they will be posted on the website.

III. DPR Updates – Joshua Ogawa, DPR Enforcement Headquarters

- The Registration emergency rulemaking process is currently in an open comment period. Individual fees are proposed to increase from 1.3 - 12 times the current fees.
- October 30, 2024, there will be a workshop at CalEPA regarding modified insects for pest management. Included will be a recent case study on genetically modified mosquitos. The agenda will be out soon.

IV. DPR Licensing and Certification Renewal Update – Sondra Gomez, Licensing and Certification Program

- Since September 2023, 7041 exams have been taken at computer-based testing centers throughout California.
 - QAL – 3783
 - QAC – 2111
 - DDA – 200
 - PCA – 787
 - Pilot – 160
- Pilot Exams, by Location, Top 3 Cities
 - Visalia – 11
 - Redding – 9
 - Roseville – 8
- Since September 1, 2023, 1439 new licenses and certificates have been issued.

- QAL – 691
- QAC – 415
- DDA – 123
- PCA – 133
- APC – 160
- JPC – 12
- VCT – 12

- **Exam Passing Rates QAL/QAC**

Exam	Pass Rate	# of Candidates
QAL – Laws and Regulations	47%	1246
QAC – Laws and Regulations	44%	807
QAL/QAC Category A – Residential, Industrial, and Institutional	38%	378
QAL/QAC Category B – Landscape Maintenance	43%	1043
QAL/QAC Category C – Right-of-Way	41%	445
QAL/QAC Category D – Plant Agriculture	72%	262
QAL/QAC Category E – Forest	53%	58
QAL/QAC Category F – Aquatic	88%	123
QAL/QAC Category K – Health Related	69%	80
QAL/QAC Category L – Soil Fumigation	71%	156
QAL/QAC Category M – Non-Soil Fumigation	84%	673

- **Renewal Challenges this Past Season**

- An increase in the number of email and phone calls – more calls result in staff returning phone calls instead of processing renewal applications
- Mail delivery time – during renewal season, mail processing times are also increased.
- Volume of renewals received at end of 2023 and into 2024 – only approximately 50% of expected renewal applications are received by November.

- **2024 Renewals: A-L**

- Address change reminders
- Please sign up for email subscription list

- **2024 Important Dates**
 - May 2024 – Address change reminders sent out
 - August 2024 – Renewal packets sent out to all individual license/certificate holders
 - September 2024 – Renewal packets mailed out to all businesses
 - October 1, 2024 – DPR encourages submitting completed renewal applications to DPR by this date to best ensure new license/certificate is received before January 1, 2024
 - November 1, 2024 – Processing time is 60 days for applications with payments processed by this date. Applications received after November 1 may experience a longer processing time and license/certificate may not be renewed by January 1.
 - January 1, 2025 – Licenses/certificates must be renewed by this date to continue working legally and without interruption

- **Top 6 Renewal Issues**
 - Renewal form missing
 - Renewal form not signed
 - Missing CE records
 - Proof of financial responsibility missing (business renewals)
 - Incorrect payment amount
 - Qualified person not renewed (business renewals)

- **Continuing Education Record Renewal Summary (LIC-141, Page 2) is now required.**
 - License and certificate holders can reference their course completion certificates for the information necessary to fill this form out completely and accurately.

- **Questions?**

- Questions regarding licensing and renewals can be directed to LicenseMail@cdpr.ca.gov

V. Upcoming Non-Agricultural Outdoor Neonicotinoid Sales and Use Restrictions - Nathan Desjarlais, DPR Enforcement Headquarters

- **Neonicotinoids (Neonics”)**

- Were developed as alternatives to organophosphates and carbamates which are generally more toxic to humans
 - First neonic A.I. (Imidacloprid) registered for use in California in 1994.
- They affect insect central nervous system, resulting in paralysis and death
- They are systemic pesticides
 - Absorbed into plants and translocated throughout plant tissues to their stems, leaves, roots, fruits, and flowers
 - Residues can be found in the pollen and nectar consumed by bees and other pollinators

- **Assembly Bill 363 (Chapter 836, Statutes of 2023)**

- Amended FAC section 12838 to add new subsection (c)
 - Five (5) neonic active ingredients: acetamiprid, clothianidin, dinotefuran, imidacloprid, and thiamethoxam
 - Requires DPR to reevaluate these neonicotinoid pesticides intended for non-agricultural use on non-production, outdoor trees, turf, or ornamental plants
 1. Reevaluation initiated in March 2024
 - Restrictions on sales and use in (c)(2) starts 1/1/2025

- **FAC section 12838(c)(2)**
 - (2) Beginning January 1, 2025, a person shall not sell, possess, or use a pesticide containing one or more neonicotinoid pesticides for any use that is excluded from the definition of “agricultural use” in Section 11408 on non-production outdoor ornamental plants, trees, or turf, with the exception of use and possession by state certified applicators and sale by state licensed pest control dealers.

- **Definition: Agricultural Use**
 - In California, FAC section 11408 groups pest control into two broad categories: Agricultural use and non-agricultural use. Pest control is divided into these categories by listing what activities are not agricultural use.

- **Non-Agricultural Uses include:**
 - Home use: pesticide use in a household or its immediate environment
 - Structural use: pesticide use requiring a license from the Structural Pest Control Board
 - Industrial use: airports, construction sites, oil fields and tank farms, etc.
 - Institutional use: hospitals, libraries, prisons, schools, office complexes, etc.
 - Vector control: agencies under a cooperative agreement with CDPH

- **Scope: “Non-production” Uses**
 - The term “non-production” is typically associated with “agricultural use” to differentiate pest control on cemeteries, greenbelts, parks or recreation areas, golf courses, and along rights-of-way from those uses associated with production agriculture
 - Non-agricultural uses are also typically “non-production”

- e.g.: homeowner producing tomatoes for their own use vs. producing tomatoes for sale at local farmer’s market
- **Scope: Trees, Turf, and Ornamental Plants**
 - The law applies to neonics in non-agricultural use settings when used on non-production outdoor trees, turf, and ornamental plants.
 - “trees” includes backyard fruit and nut trees, including but not limited to apple, cherry, lemon, olive, orange, peach, pear, pecan, plum, or walnut trees
 - “ornamental plants” does not include backyard fruit and vegetable gardens (e.g., berries, grapes, melons, tomatoes)
- **What 12838(c)(2) Broadly Means**
 - Neonicotinoid products must be sold by a licensed dealer, or used by a certified commercial applicator, in outdoor applications to:
 - ornamental nursery stock at retail nurseries
 - ornamental plants in non-agricultural settings (e.g., landscaping around residences, libraries, airports, businesses)
 - all trees in non-agricultural use settings, including “non-production” fruit & nut trees around homes and residences
 - turf in non-agricultural use settings
- **What 12838(c)(2) Means for Property Operators & DPR Pest Control Businesses**
 - All non-ag non-production outdoor neonic applications to those sites must be done by a certified commercial applicator with the proper category (generally A or B)
 - No applications by certified private applicators
 - No applications by trained handlers under the supervision of a certified applicator

- QAC holders solely with subcategory Q are not certified applicators
 - No restricted material permit or operator identification number is required prior to purchase or use
 - No new notice of intent or pesticide use reporting requirements
- **Pesticide Sales**
 - FAC section 11407 defines “Pest Control Dealer”:
 - Any person ... who engages in any of the following business activities:
 - (d) Selling to a user a pesticide ... which may be used only by or under the direct supervision of a certified applicator.
 - FAC section 12101 makes it illegal to act in the capacity of a pest control dealer unless licensed by DPR
- **What 12838(c)(2) Means for Pesticide Retailers**
 - There is an exemption to the broad prohibition on neonic sales for use non-ag non-production outdoor settings if the sale is by state licensed pest control dealers. Pesticide retailers who are not licensed pest control dealers must...
 - By January 1, 2025, either:
 - Send existing stocks back to distributors and/or move product out of state
 - Dispose of products via hazardous waste disposal program
 - Become a licensed pest control dealer
 - Includes online sales
- **What 12838(c)(2) Means for Licensed Pest Control Dealers**
 - Licensed dealers routinely question potential purchasers to determine if regulatory requirements can be met prior to the sale or delivery of a pesticide
 - Dealers will have to determine whether a prospective purchaser’s stated intent for the use requires them to be a certified commercial applicator

- Dealers are encouraged to obtain a copy of the individual's commercial applicator license or certificate to demonstrate the dealer complied with FAC section 12838(c)(2) prior to sale of the pesticide
- **What Products are Affected?**
 - In March 2024, DPR's Registration Branch identified 146 products with active registration which are subject to the reevaluation. This list does not include inactive or newly registered products.
 - These products are also subject to the sales and use prohibition.
 - Due to the unique wording of FAC section 12838(c)(2) and the limitations of DPR's Product/Label Database there may be additional products which are not on this list which are subject to the law
 - <https://www.cdpr.ca.gov/docs/registration/reevaluation/chemicals/nonagneonic.htm>
- **Timeline and Next Steps**
 - FAC section 12838(c) effective 1/1/24
 - Sales and use restrictions in 12838(c)(2) delayed until 1/1/25
 - DPR developing outreach materials for dealers and brokers
- **Questions?**
 - Contact Nathan Desjarlais
 - nathan.desjarlais@cdpr.ca.gov
 - (916) 603-7746

VI. Update on Uncrewed Aerial System (UAS) Application – Dan Gudgel, Pest Control Aircraft Pilot

- Definitions
 - UAS – Uncrewed Aerial System. A multi rotor system.
 - DAA – Detect and Avoid. Onus is placed on them.

- BVLOS – Beyond Visual Line of Sight
- PIC – Pilot in Command
- VO – Visual Observer
- GW – Gross Weight (of craft and load)
- AI – Active Ingredient
- Large droplets – 20 GPA
- Spray Droplet Movement
 - In a stable atmosphere, gravity will help pull the droplets down. If the droplets are too small, one will get more drift.
- Physics of Flight
 - The flow used to keep the aircraft aloft will help get the material down to the crop.
 - With increased aircraft weight, more lift is required.
 - More lift = greater air displacement
 - Air displacement is directed downward toward the target field
 - At this time, there is very uniform drivedown from the fixed sprayer
- Nozzles are one factor in spray composition. 5.5% - 30% fines are recorded for different types of nozzles.
- Over the last six decades, much research and development has taken place to minimize the fines. Vortices elimination, optimal nozzle positioning, and multicopter systems have been studied.
- The FAA regulations of UAS are related to operator safety. The state looks at safe pesticide products and safe use thereof. Avoidance of crewed aircraft is the responsibility of the manned craft.
- Details and specifications of several aircraft are provided. Included are wingspan, gross weight, load capacity, and rate of coverage.
- There are concerns about and inconsistencies between individual states' regulations.
- **UAS advantages**
 - Work around obstacles/close quarters work
 - Small acreages. Effectively need to be within the VLOS.
 - Many exemption requests are coming in about being outside the VLOS.

- **UAS Implementation Challenges**
 - Swath width pattern research
 - Consistent AI across the swath width
 - Nozzle tech spec to UAS needs to be developed.
 - Eliminate fines and vortices.
 - Small obstacle avoidance, such as power lines.
 - Maintenance.
 - Time-before-overhaul and/or parts availability.
 - Environmental.
 - Remote loading sites and numerous loads.
 - Flight pattern/overflight safety
 - Communication reliability
- USDA Agricultural Research Station has an aerial application technology research unit.
- For more information, please contact Dan Gudgel at d.gudgel@sbcglobal.net

VII. Next Meeting

- The next APCAC meeting will take place here at DPR Enforcement Headquarters on December 11, 2024, at 10:00 AM.
- If you cannot attend, please provide a backup.
- We are also looking to fill vacancies.
- Please direct questions or discussion topic suggestions to Alicia Scott at 916-603-7795 or via email at Alicia.Scott@cdpr.ca.gov.