

# Tulare County Agricultural Commissioner Continuing Education Class 2022



**As a courtesy to others, please  
silence or turn off all cell phones  
at this time.**



**Thank you.**



# Private Applicator Certification

- ❑ Last names starting with A-H expire in 2024
- ❑ Last names starting with I-Q expire in 2022
- ❑ Last names starting with R-Z expire in 2023



# Renewing Certification

## Here are the “HOW TO’S”

- ❑ Two hours of continuing education for each year the certificate is valid.
- ❑ Minimum of 2 hours in laws and regulations required.
- ❑ Where can you obtain hours besides here?





# Certificate Renewal

- ❑ Renewal of PACs begins November 14, 2022.
- ❑ Please bring in proof of attendance for all Continuing Education classes that you attended.
- ❑ If you are short CE hours, after December 31, 2022, you will have to take the re-certification test.



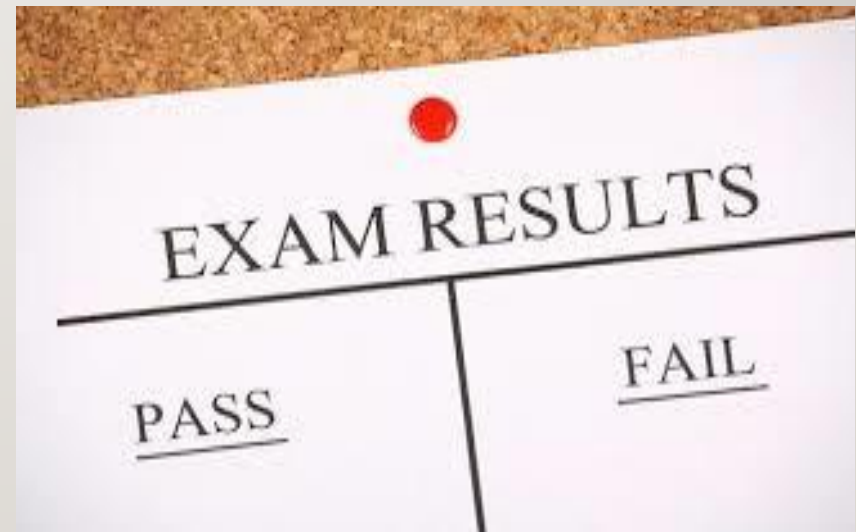
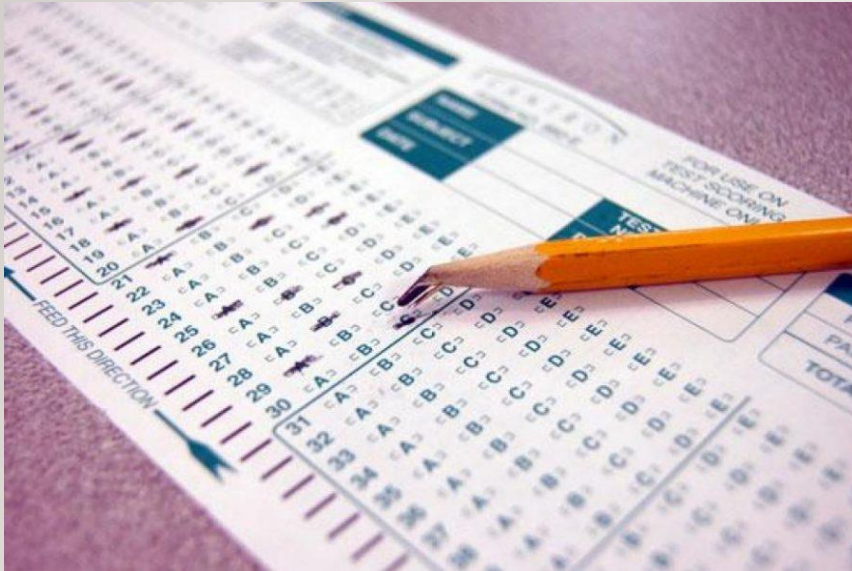
❑ Must renew your certification using continuing education hours by **March 31st, 2023.** (CCR 6582)

2023 MARCH						
SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

© BlankCalendarPages.com

Last Day  
to  
Renew!

- Take the Re-certification test
  - ❖ 80 question multiple choice test.
  - ❖ 70% pass/fail requirement.






# Restricted Materials Permit Renewal

□ Renewal of Restricted  
Materials Permits will begin on  
Monday, November 14, 2022.

The permit will become  
effective on January 1, 2023.

		Tulare County Agricultural Commissioner 4437 S. Laspina Tulare, CA 93274	
Phone (559)684-3352 Fax (559)713-3770		Email <a href="mailto:puenoi@co.tulare.ca.us">puenoi@co.tulare.ca.us</a> Website <a href="http://agcomm.co.tulare.ca.us">http://agcomm.co.tulare.ca.us</a>	
<hr/>			
<b>RESTRICTED MATERIALS PERMIT: 54-19-5402258</b>			
<b>Operator:</b> TULARE COUNTY AG. COMMISSIONER 4437 S. LASPINA TULARE, CA 93274		# 5402258-2019-Version: 1 County District #: _____ Issued on:4/3/2019 Valid as of:4/3/2019 Expires on:12/31/2019	
<b>Agent:</b> TAYLOR, JASON 4437 S LASPINA TULARE CA 93274		Primary Phone: (559) 684-3350 Alternate Phone: _____ Mobile Phone: (559) 804-6058 Fax: (559) 685-3345	
<b>Type of Use:</b> Agricultural Use		Notices Of Intent required 24 hours prior to application of pesticide containing restricted materials	
<b>Pesticide Possession:</b> Possession and Use			
<b>Permit Duration:</b> Multi-Year			
<i>Employees Handle Pesticides</i>			
<b>Permit Conditions:</b> GENERAL COND, NOI DUE		See condition detail for code descriptions.	
<hr/>			
<b>Regulatory Notes:</b> STAR THISTLE SPRAYING PROGRAM SCOTCH THISTLE SPRAYING PROGRAM ALLIGATOR WEED SPRAYING PROGRAM NOI WILL ESTABLISH SITE.			
<hr/>			
<small>I understand that this permit does not relieve me from liability for any damages to any persons or property caused by the use of these pesticides. I waive any claims of liability for damages against the County Department of Agriculture based on the issuance of this permit. I further understand that this permit may be revoked when pesticides are used in conflict with the manufacturer's labeling or in violation of applicable laws, regulations, and specific conditions of this permit. I authorize inspection at all reasonable times and whenever an emergency exists by the Department of Pesticide Regulation or the County Department of Agriculture of all areas treated or to be treated, storage facilities for pesticides or emptied containers and equipment used or to be used in the treatment. I have considered alternative and mitigation measures pursuant to Title 3, California Code of Regulations, section 6426. Taking into account economic, environmental, social, and technological factors, I have adopted those that are feasible and would substantially lessen any significant adverse impact on the environment.</small>			
<small>(Form PR-ENF-125 (Rev 11/06) Pesticide Enforcement Branch)</small>			
<b>Applicant:</b> _____ <small>(Name &amp; Title)</small>			
<b>Applicant Signature:</b> _____		<b>Date:</b> _____	
<b>Issuing Officer:</b> _____		<b>Date:</b> _____	
Page 1			



□ On November 1, 2022, the Agricultural Commissioner's Office will start registering

❖ Pest control advisors

❖ Pest control businesses

❖ Farm laborers

❖ Pesticide applicators

❖ Maintenance gardeners

❖ Structural pest control businesses

**License Must Be Valid Prior to Registration**



**QUESTIONS?  
COMMENTS?**



# Pesticide Container Recycling Event 2022





# AG Container Recycling Council(ACRC)

- The ACRC is a not-for-profit 501(c)(6) trade association that works to facilitate the collection and recycling of one-way rigid HDPE plastic containers used for agricultural crop protection, specialty pest control, micronutrient, biologicals, fertilizer, and/or adjuvant products.
- The contractor of ACRC in California is Interstate Ag Plastics.
- For more info from ACRC visit: [www.agrecycling.org](http://www.agrecycling.org)
- For more info on Interstate Ag Plastics visit: [www.interstateagplastics.com](http://www.interstateagplastics.com)
- Containers are recycled to make irrigation supplies.



# Pesticide Container Recycling Event

- ▶ Held on September 19, 2022
- ▶ The next event will be held September 18, 2023
- ▶ Notices will be sent out by email and mail to confirm the event date.
- ▶ No registration required



# Recycling Event Stats

County Ag Commissioners	Tulare	Tulare & Kings	Tulare & Kings	Tulare & Kings
	Year			
	2019	2020	2021	2022
Participating Growers	36	85	100	70
Trailers Left at Site	21	36	50	40
Unloaded Trucks and Trailers	20	49	50	45
Amount of Recycled Material	21,600 lb	39,600 lb	84,000 lb	57,500 lb





- ▶ Make sure to bring clean containers free of residues, caps, label booklets
- ▶ Rejected containers:
  - ▶ Residue still present
  - ▶ Caps and booklets still on containers
  - ▶ Brittle containers
  - ▶ Containers other than those allowed





## Container Eligibility Requirements:

Rigid high density polyethylene (HDPE), 55 gallons and smaller, that previously held products utilized in the following markets:

- **Crop Protection** – Containers that held EPA registered crop protection products labeled for agricultural uses.
- **Specialty Pesticides and Fertilizers** – Containers that held EPA registered products labeled for professional Structural Pest Control, Animal Health, Turf and Ornamental, Vegetation Management, Nursery and Greenhouse, Forestry, Aquatics, and Public Health uses are eligible for recycling.
- Containers that previously held non-registered products such as adjuvants, crop oils and surfactants are also eligible for recycling.
- **Pest Control Operators, Structural Pest Control** – Containers that held EPA registered products labeled for professional application.

**\*\*TRAILERS AND TRUCK BEDS MUST**

## Container Eligibility Requirements:

Before containers (jugs and drums) can be accepted for recycling, they must be:

- **Rinsed**— Be free of all residues after use. Only dry, residue-free rinsed containers are accepted at collection sites.
- **Parts and Caps**—Non-HDPE parts such as caps, metal handles and rubber linings cannot be recycled, and should be disposed of as normal solid waste. Do not put a cap back on a rinsed container.
- **Label and Booklet Removal** - Remove all booklets, sleeves and any easily removable paper. If you have trouble with label removal, check with your ACRC Contractor.
- **Container Size**—55 gallon drums **MUST** be cut into quarters, lengthwise.

## Container Not Allowed:

Any container constructed of anything other than HDPE, rotationally molded containers, mini-bulk, intermediate bulk containers (IBC), totes, and all containers that previously held products utilized in the following markets:

- **Consumer Home & Garden Pest Control and Swimming Pool Maintenance** – Containers that previously held products labeled for consumer use in households, lawn and garden, and swimming pool uses.
- **Veterinary Products**—Containers that originally held veterinary products.

✓ Acceptable



Container, thread, and lip are clean

✗ Not Acceptable



Dried formulation on container



Handle and neck stained but clean



Dried formulation on thread



Inside stained but rinsed clean



Bottom is caked with dried residue



# Legacy Pesticide Disposal Event 2022





# Legacy Pesticide Disposal Event





# Legacy Pesticide Disposal Event

- ▶ Held Oct 5-7, 2022, in conjunction with Kings Co.
- ▶ 91, 814 lbs of pesticides were safely disposed of from 99 growers
- ▶ Funding received by CACASA, CDPR and TCAC.



# Legacy Pesticide Disposal Event





# Legacy Pesticide Disposal Event





# Legacy Pesticide Disposal Event



# Legacy Pesticide Disposal Event







## Division 6. Pesticides and Pest Control Operations

### Chapter 3. Pest Control Operations

#### Subchapter 2. Work Requirements

#### Article 6. Use of Carbon Monoxide Pest Control Devices



## 6695. Use of Carbon Monoxide Pest Control Devices.

- (a) Each person using a carbon monoxide pest control device to perform pest control shall not:
  - (1) Use a carbon monoxide pest control device to control burrowing rodent pests unless the device bears the U.S. Environmental Protection Agency Establishment Number of the establishment in which it was manufactured.

Control gophers, rats, ground squirrels, moles, chipmunks, prairie dogs, voles, and other burrowing rodents with the Burrow Rx Rodent Control Device. The Burrow Rx is a Carbon Monoxide Device that utilizes a smoke oil tracer to show you where most of the Carbon Monoxide is going.



# Benefits of treating with Carbon Monoxide can include

Direct targeting of rodents within the burrow system.

- No reliance on bait acceptance that sometimes hinders rodenticide and trapping efforts.
- No secondary toxicity concerns for scavengers and predators.
- It seldom requires handling of animals after treatment, which reduces the risk of disease and parasite transmittance to humans.
- It can be highly efficacious.



# NEW DEVICES FOR CARBON MONOXIDE USE

---

## BURROW RX RODENT CONTROL DEVICE

**(619) 442-8686**

---

1. ITEM # BRX1

---

2. EPA EST. 89920-CA-1

---

3. ADDITIONAL INFORMATION CONTACT SALES REP.

---

---

## CHEETAH RODENT CONTROL MACHINE

---

1. EPA APPROVED AND REGISTERED

---

[deborah@cheetahrodentcontrol.com](mailto:deborah@cheetahrodentcontrol.com)

---



# Burrow-Rx Rodent Control Device



EPA Est. 89920-CA-1



# ***Rodent Control Machine***



Each **person** using a carbon monoxide pest control device to perform pest control shall not

- (2) Use a carbon monoxide pest control device inside any structure inhabited by people or livestock, whether occupied or not.
- (3) Use a carbon monoxide pest control device on a burrow opening within a certain distance of a structure inhabited by people or livestock, whether occupied or not. The distance shall be as follows:
  - (A) 50 feet for control of ground squirrels or field mice;
  - (B) 100 feet for control of gophers; or
  - (C) 65 feet for control of all other burrowing rodent pests.
- (4) Use a carbon monoxide pest control device on a burrow opening known or believed to contain non-target vertebrate animals.
- (5) Use a carbon monoxide pest control device for purposes other than to control for burrowing rodent pests.





(b) Whenever an employee operates a carbon monoxide pest control device to perform pest control for hire or for a local government, including a city, county, city and county, school district, park district, authority, or any other political subdivision of the state, the employer shall:

(1) Ensure that the employee wears protective eyewear that complies with the American National Standard for Occupational and Educational Personal Eye and Face Protection Devices ANSI Z87.1-2020 while the device is in use.

(2)(A) Retain records of the use of the carbon monoxide pest control device for two years and make those records promptly available to the Director or commissioner upon request.

- (B) Records must include:

1. Date the device was used;
2. Name of the operator of the property treated;
3. Address of where the device was used;
4. Site at which the device was used; and
5. Length of time the device was operated for every treatment.



(3) Immediately submit to the Director factual or scientific information showing any adverse effect to human health or safety, property, or the environment, from the use of the carbon monoxide pest control device.



- NOTE: Authority cited: Sections 11456, 11502 and 14161, Food and Agricultural Code. Reference: Sections 11708, 11733, 12757, 14160, 14161 and 15316, Food and Agricultural Code.

THE END.....



**B'bye!!**



# CCR 6728 Medical Supervision: Summary and Changes



# Emergency Medical Care – CCR 6726

vs.

# Medical Supervision – CCR 6728

**Emergency Medical Care:** Employer must locate a facility ahead of time where emergency medical care is available if employees handle any pesticides. Usually this is the employer's workman's comp doctor &/or closest hospital.

**Medical Supervision:** Only required when employees handle organophosphate or carbamate pesticides with the signal word "Danger" or "Warning". May or may not be your regular workman's comp doctor.

## 3 CCR §6728(a) – Medical Supervision

Applies to employees who regularly handle organophosphate or carbamate pesticides with the signal word "DANGER" or "WARNING" for the commercial or research production of an agricultural plant commodity.

“Regularly handle”: mixes, loads, or applies, pesticides during any part of the day for more than six calendar days in any 30 consecutive days (Rolling 30-day period. NOT per month)





# Example Products

## Carbamates & Organophosphates

<u>Product Name</u>	<u>Active Ingredient</u>
Carzol.....	formetanate hydrochloride
Dimethoate.....	dimethoate
Imidan 70-W.....	phosmet
Lannate.....	methomyl
Nudrin S.....	methomyl
Malathion.....	malathion
Sevin*.....	carbaryl*
Thimet 20-G.....	phorate

\* if the signal word is Warning or Danger

The employer shall maintain use records that identify the employee, name of the pesticide, and the date of use.

Other documents that you already have may be used to meet the requirements of this section, provided they contain the required information.

Work orders, time sheets, use reports, etc.

The easiest and best way is to have some sort of tracking sheet

Medical Supervision Program  
EMPLOYEE PESTICIDE USE RECORD

Employee Name: \_\_\_\_\_

Whenever an employee mixes, loads, or applies a DANGER or WARNING pesticide that contains an **organophosphate** or **carbamate**, the employer must maintain use records that identify the employee, name of pesticide, and date of use. Retain these records for **three years**.

Date of Use	Pesticide Name	Signal Word	Carbamate/ Organophosphate

# CCR 6728(b) – Requirements

## Employer must:

---

...have a written agreement

- signed by a physician

- registered as a medical supervisor with the Office of Environmental Health Hazard Assessment pursuant to Health and Safety Code section 105206





## The written agreement must:

include names and addresses of the physician and the employer,

state that the physician has agreed to provide medical supervision

and that the physician possesses a copy of, and is aware of the contents of the document "Medical Supervision of Pesticide Workers-Guidelines for Physicians"

A copy of this agreement shall be given to the commissioner by the employer no later than when an employee begins to regularly handle pesticides specified in (a).

### MEDICAL SUPERVISION WRITTEN AGREEMENT

In accordance with Section 6728 Title 3 of the California code of Regulations, I,

(Name of Employer or Medical Group)

agree to provide medical supervision for the

employees of: (Name of Grower or Permittee)

I possess a copy of and am aware of the document "Medical supervision of Pesticide Workers Guidelines for Physicians" published by the Department of Health Services Epidemiological Studies Laboratory.

Physician (Print or Type)

Permittee or Grower (Print or Type)

Address

Address

City, State, Zip

City, State, Zip

Telephone

Telephone

Signature

Signature

Note: This document is required for agricultural production only. One copy is required to be in the employer's file the other to be filed with the Agricultural Commissioner's Office prior to any employees working with organophosphate or carbamate pesticides that have a signal word of "Danger" or "Warning".

# CCR 6728(b) – Requirements

(C)(1) All covered employees shall have baseline red cell and plasma cholinesterase determinations.

Baseline must be established after a period of at least 30 days during which the employee has had no exposure to organophosphate or carbamate pesticides.

**Baseline** values shall be verified **every two years**.

After three tests at 30-day intervals, further periodic monitoring shall be at intervals specified in writing by the medical supervisor except for verification of baseline as specified in (1).

Where the medical supervisor has made no written recommendation for continued periodic monitoring, the testing interval shall be 60 days.

# CCR 6728(b) – Requirements

The agreement to provide medical supervision, use records, all recommendations received from the medical supervisor must be maintained for **THREE** years.

The employer shall post the name, address, and telephone number of the medical supervisor in a prominent place at the locale where the employee usually starts the workday or, if there is no locale where the employee usually starts the workday, at each worksite or in each work vehicle.

## Sample Medical Supervision Posting

If you mix, load, or apply organophosphates or carbamates, California rules might require you to get extra medical care. Ask your employer for the A-10 safety leaflet for more information on these pesticides.

**The doctor providing extra medical care for organophosphates and carbamates is:**

NAME: Dr. Who

ADDRESS: 123 Tardis Lane, Universe, CA 12345

TELEPHONE NUMBER: 123-456-7891



**Questions?  
Comments?**





# 5 COMMON VIOLATIONS: PESTICIDE USE MONITORING INSPECTIONS



**#5**

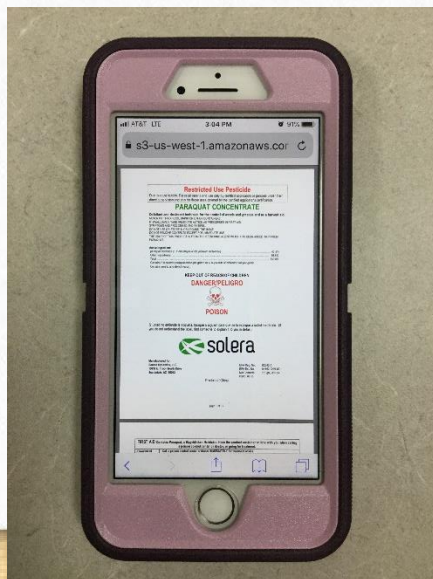
**3 CCR §6602**

**Availability of Labeling at  
Use Site**



# 3 CCR §6602 - Availability of labeling

- ❖ Each use site must have available a copy of the registered labeling that allows the manner in which the pesticide is being used.



# Violations of 3 CCR §6602

---



**Example 1:** Not having a copy of the registered pesticide labeling covering the use at the use site of each pesticide application. (mix/load and application site if different from mix/load site)



**Example 2:** Not having the special local need (SLN) section 24(c) or emergency exemption, section 18, labeling when using the pesticide according to supplemental instructions. (i.e. usually for a site or rate not on the regular label)

**#4**

**3 CCR §6678**

# **Service Container Labeling**

Required on pesticide jugs, backpack sprayers, self-propelled spray rigs (“Randall rigs”), air blast sprayers, etc., anything other than manufacturer’s original container if it leaves the farmer’s own property



# 3 CCR §6678 – Service Container Labeling

- ❖ All service containers are required to contain a label with the following:
  - ❖ Name and address of the person or company responsible for the container
  - ❖ The identity of the pesticide in the container
  - ❖ The signal word “Danger,” “Warning,” or “Caution” that corresponds with the precautionary statement on the original container
- ❖ Farmers on their own property are exempt from this requirement, unless they travel on public rights-of-way. This includes crossing a road or crossing someone else’s property.

Company Name  
Mailing  
Address  
Pesticide Name  
Signal Word

# Violations of 3 CCR §6678



**Example 1:** Not having a service container label when required



**Example 2:** Not including all the required information on the service container label

**INCORRECT**



Why?

Protection  
of first  
responders

**CORRECT**



How? copy of label, luggage tag, laminated tag, inserts in plastic sleeve, etc.

**#3**

**3 CCR §6739**

**Respiratory Protection**

**CCR 6739 has 19 sub-sections**





How many non-  
compliances of 6739  
since January 2020?

147!

# Violations of 3 CCR §6739

**Example 1: Records non-compliances** - Respirator Training, Medical Evaluations, Fit testing, Voluntary Use Information Display

**Example 2:** Not wearing the respirator inside an enclosed cab

**Example 3:** Not wearing the respirator or wearing it incorrectly, not wearing the correct respirator according to the pesticide label, not having a respirator / continuous monitor available



**#2**

**3 CCR §6734**

**Handler Decontamination  
Facilities**



# 3 CCR §6734 – Decontamination Facility

## What?

- ❖ The employer must provide the following decontamination supplies for handlers:
  - ❖ Soap\*
  - ❖ Three (3) gallons of clean water per handler at the start of the work day
  - ❖ Single use towels\*
  - ❖ Extra set of clean coveralls

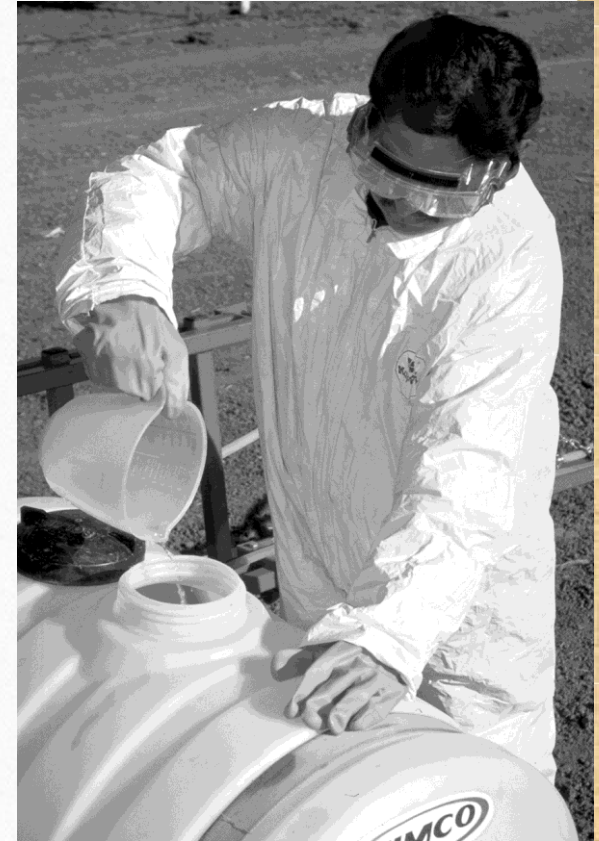
**\*Hand sanitizing gels or liquids and wet towelettes do not meet this requirement**



# 3 CCR §6734 – Decontamination Facility

## Where?

- ❖ The decontamination site must:
  - ❖ Be located at the mixing and loading site, AND not more than 1/4 mile away from other handlers. Multiple decontamination sites may be necessary, or applicators may need to carry decontamination supplies
  - ❖ Not be in an area being treated or under a Restricted Entry Interval (REI) unless certain precautions are taken
- ❖ Employees must be notified of the location(s) of the decontamination facilities prior to handling pesticides





## 3 CCR §6734 – Eye Wash



- ❖ Employers must provide emergency eye flush if protective eyewear is required by labeling, including:

- ❖ 1 pint of water for emergency eye flush must be immediately available to each applicator (carried by the applicator or on the application vehicle)

- ❖ At the mix and load site\*, there must be an emergency eye flush station able to gently rinse the eye for 15 minutes

(proposed regulation change may require an actual tank of water, eyewash station, or running water, not just a bottle of eyewash)



**\*Eye flush must also be at the mixing/loading site if a closed mixing system is used**



# Violations of 3 CCR §6734

---

## Decontamination Facility



**Example 1:** Handlers using wet towelettes in place of soap and single use towels



**Example 2:** Not having a decontamination site at the mixing and loading site and within  $\frac{1}{4}$  mile from other handlers



**Example 3:** Missing decontamination supplies: insufficient water, no water for eyewash immediately available, no soap, no single use towels, and/or no clean coveralls

**#1**

**3 CCR §6738**

**Personal Protective Equipment  
and / or**

**FAC §12973**

**Conflict with Label - PPE**

Violations of just 3 CCR §6738

119

non-compliances  
since January 2020  
(not including FAC 12973)



# 3 CCR §6738 – Personal Protective Equipment



❖ The employer is required to:

❖ Provide all personal protective equipment (PPE) that is required on the pesticide labeling, regulation, and restricted material permit condition

❖ Provide for its daily inspection and cleaning\*, and repair or replace any worn, damaged, or heavily contaminated PPE

❖ Assure that all PPE not in use is kept separate from personal clothing and in a clean, pesticide-free designated area (includes storage area and at use sites)



**\*Leather gloves used to apply only aluminum phosphide or magnesium phosphide pesticides which have been aerated for 12 hours or more are considered cleaned**

# 3 CCR §6738 continued...



- ❖ Assure that PPE is used correctly and for its intended purpose
- ❖ Keep and wash contaminated PPE separately from personal clothing or laundry
- ❖ Assure that all clean PPE is either dried thoroughly before being stored or is put in a well-ventilated place to dry
- ❖ Assure that PPE does not leave the employer's property\* and that employees do not take any uncleaned PPE into their homes
- ❖ Assure that anyone who cleans or repairs PPE is protected and informed

**\*Employees whose work day does not involve return to the employer's headquarters shall remove and store potentially contaminated PPE in a sealable container outside their own living quarters for later return to the employer**



# FAC §12973 – Conflict with Label

- ❖ The use of a pesticide shall not conflict with:
  - ❖ The registered labeling delivered with the pesticide....

All pesticides registered with U.S. EPA have the phrase

**“It is a violation of Federal law to use this product in a manner inconsistent with its labeling.”**

In other words,  
**the label is the law.**







No  
protective  
eyewear

Coverall not worn  
correctly

No gloves

No gloves

Drinking  
water?

# Violations of 3 CCR §6738 / FAC 12973

---



**Example 1:** Not having the required PPE available at the use site (mix/load site and/or application site)  
(Tulare County – This almost always results in an Administrative Civil Penalty)



**Example 2:** Not following the PPE requirements listed on the pesticide product label (Applies to Owners **and** employees)



**Example 3:** Employees not wearing the required PPE, or not wearing it correctly. (Gloves & glasses **and** label PPE)

Violations of 3 CCR §6738 & / or the  
PPE section of pesticide labels

---

In Tulare County,  
PPE violations are the  
most common violations to  
result in an Administrative

Civil Penalty

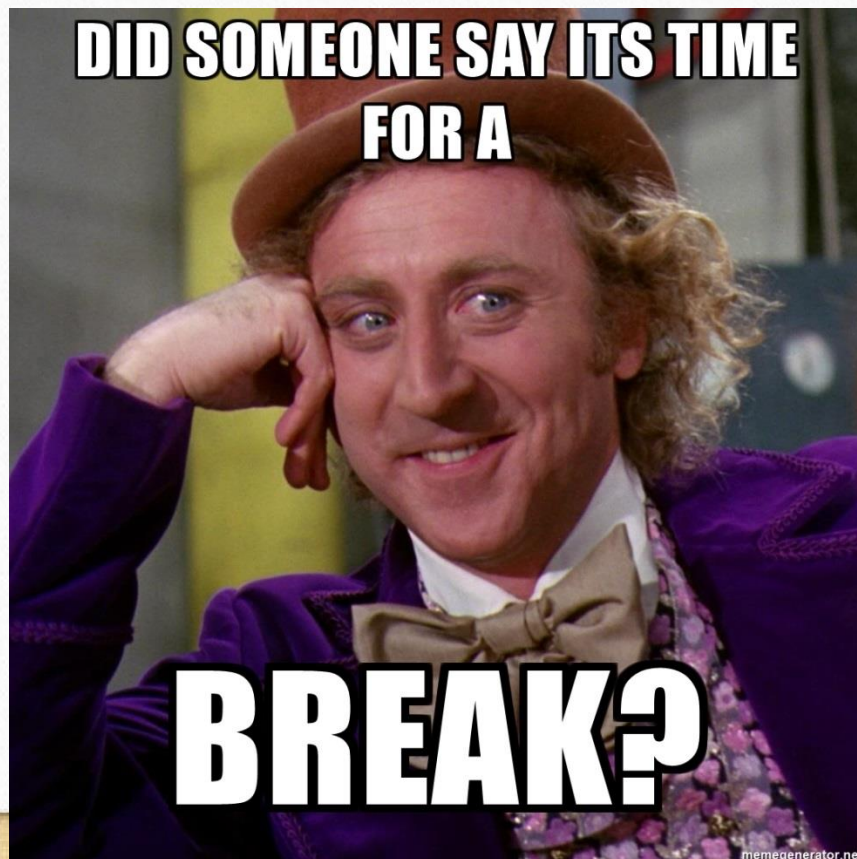
\$\$\$







**QUESTIONS?**  
**COMMENTS?**





The background is a teal-to-blue gradient. On the left side, there is a large, semi-circular scale with numerical markings from 140 to 260 in increments of 10. Several concentric circles and dashed lines with arrows are scattered across the background, creating a technical or scientific aesthetic.

# CERTIFICATION AND TRAINING OF PESTICIDE APPLICATORS - REGULATIONS UPDATE

MARIANNA SANTOS GENTERT  
DEPUTY AGRICULTURAL COMMISSIONER  
PESTICIDE USE ENFORCEMENT



# AGENDA

- Background
- Overview of the Key Changes
- Discuss Key Changes in Detail
- Timeline
- What's Next?
- Written comments ended July 19, 2022, at 5:00p.m. So now we wait for the Final Statement of Reasons

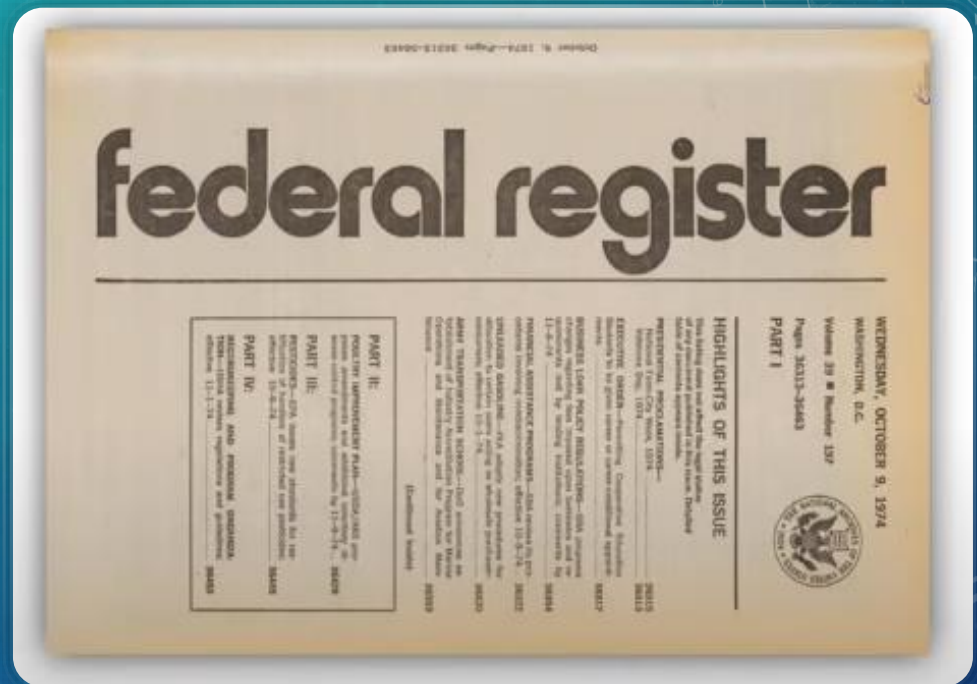
# BACKGROUND



- U.S. EPA has revised Title 40, Code of Federal Regulations Part 171 (40 CFR Part 171). The revisions to 40 CFR Part 171 set stronger standards for people who apply restricted use pesticides (RUPs).
- 40 CFR Part 171 details the minimum requirements state agencies, who certify applicators of RUPs must meet:
  1. In California, state Restricted Materials (RMs) include RUPs.
  2. Due to the state's unique regulatory framework, the revisions to 40 CFR Part 171 impact users of both RMs and general use pesticides.
- California must meet the revised standards of 40 CFR Part 171 set by U.S. EPA

# TITLE 40, CODE OF FEDERAL REGULATIONS PART 171 (40 CFR PART 171)

- The original 40 CFR Part 171 was published by U.S. EPA on October 9, 1974.
- In 2017, U.S. EPA published the revisions to 40 CFR Part 171.
- Changes to DPR's pesticide applicator certification program and regulations are being made to meet these revised standards.
- Compliance with revised U.S. EPA standards are required.
- Prior to the 2017 revised 40 CFR Part 171 had not undergone substantial review and revisions since 1974 (approx. 43 years).





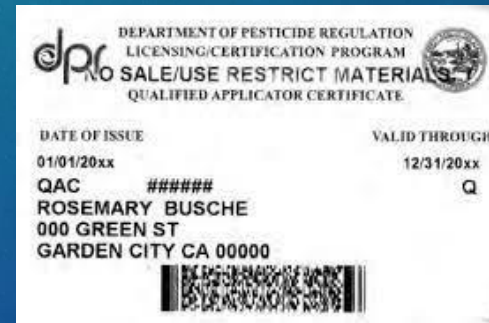
## BACKGROUND CONT.

- DPR has worked extensively to ensure California's pesticide applicator certification program meets the revisions of 40 CFR Part 171.
- In order for California to remain in compliance, U.S. EPA must review and approve all aspects of DPR's regulatory revisions made to comply with 40 CFR Part 171.
- In January 2022, DPR began the final stages of this review and approval process with U.S. EPA; after U.S. EPA's approximately 15-month review.
- Receiving approval from U.S. EPA is an important part to ensure information provided to licensees and stakeholders affected by these revisions is accurate and official.
- DPR's regulatory revisions to comply with 40 CFR Part 171 are the final stage of review with U.S. EPA.

# OVERVIEW OF KEY CHANGES

- New Commercial Applicator Fumigant Categories
- Aligning Commercial Applicator Categories with Federal Categories and Competencies
- Expansion of Private Applicator Competencies
- New Private Applicator Burrowing Vertebrate Pest Certificate Option
- Limitation of Fumigant Activities Conducted Under a Private Applicator Certificate
- 3 CCR Private Applicator Definition – “Householders”
- Continuing Education (CE) Standards
- Important Misc. Changes – Minimum Age ; Handler Training

# NEW COMMERCIAL APPLICATOR FUMIGANT CATEGORIES







## NEW SOIL FUMIGATION CATEGORY

- The revised 40 CFR Part 171 includes a Soil Fumigation category for commercial applicators, including a category description and competency standards
  - This category for commercial applicators was not detailed in the original 1974 - 40 CFR Part 171
- DPR currently has a commercial applicator Field Fumigation Subcategory (O)
  - The competency standards of this current subcategory do not align with the competency standards detailed in the federal Soil Fumigation category, as a result:
    - DPR is adopting a new Soil Fumigation – Category L
    - DPR is eliminating the existing Field Fumigation – Subcategory O

# CATEGORY DESCRIPTION

## New – Soil Fumigation (Category L)

- Perform pest control using a pesticide labeled as a fumigant to:
  1. Control soil pests in sites including: fields, forests, golf courses, greenhouses, and individual tree or vine hole sites.
  2. Does not include the use on non-soil fumigant products

# NEW SOIL FUMIGATION CATEGORY CONT.

## Impact

- All Commercial applicators conducting soil fumigation activities must, at minimum, meet the competency standards of 40 CFR Part 171
- Because DPR's current Field Fumigation Subcategory does not meet the new federal soil fumigation competency standards, it is being replaced by the new Category L – Soil Fumigation. All commercial applicators currently conducting soil fumigation activities under the Field Fumigation Subcategory and/or an existing DPR category (e.g., category D) must take the new Soil Fumigation – Category L examination to remain in compliance with the revised standards
- New examination must be taken by January 1, 2024, in order to remain in compliance, and the current license will also be inactive and ineligible for renewal starting this date.



# NEW NON- SOIL FUMIGATION CATEGORY

- The revised 40 CFR Part 171 includes a Non-Soil Fumigation category for commercial applicators, including a category description and competency standards
  - This category for commercial applicators was not detailed in the original 1974 – 40 CFR Part 171
- DPR does not currently have a Non- Soil Fumigation category for commercial applicators
- DPR is adopting a Non-Soil Fumigation category for commercial applicators
  - This will be Category M
  - Commercial applicators currently or intending to conduct any non-soil fumigation activities must obtain this category



## CATEGORY DESCRIPTION

### New – Non-Soil Fumigation (Category M)

- Perform pest control using a pesticide labeled as a fumigant to:
  1. Fumigate enclosed areas including: tarpaulin-covered structures and commodities, vaults, chambers, greenhouses, vans, boxcars, ships, planes, and vehicles, containing:
    - Agricultural commodities for post-harvest fumigation; or
    - Nonfood/nonfeed materials including but not limited to: pallets; dunnage; potting mix; and wine barrels and corks.
  2. Fumigate pest burrows in sites including, but not limited to: fields, rights-of-way, ditches, landscaping, and equipment yards.
  3. Fumigate sewer lines, in-service utility poles, or other fumigations not covered by the new Category – Soil Fumigation
- This category does not include structural pest control required to be licensed under Chapter 14 of Division 3 of the Business and Professions Code.

# NEW NON-SOIL FUMIGATION CATEGORY

## Impact

- All Commercial applicators conducting non-soil fumigation activities must obtain the new Non-Soil Fumigation category (M)
- New examination must be taking by January 1, 2024, in order to remain in compliance upon the effective date of the regulations.



# ALIGNING COMMERCIAL APPLICATOR CATEGORIES WITH FEDERAL CATEGORIES AND COMPETENCIES

## Federal Categories for Commercial Applicators

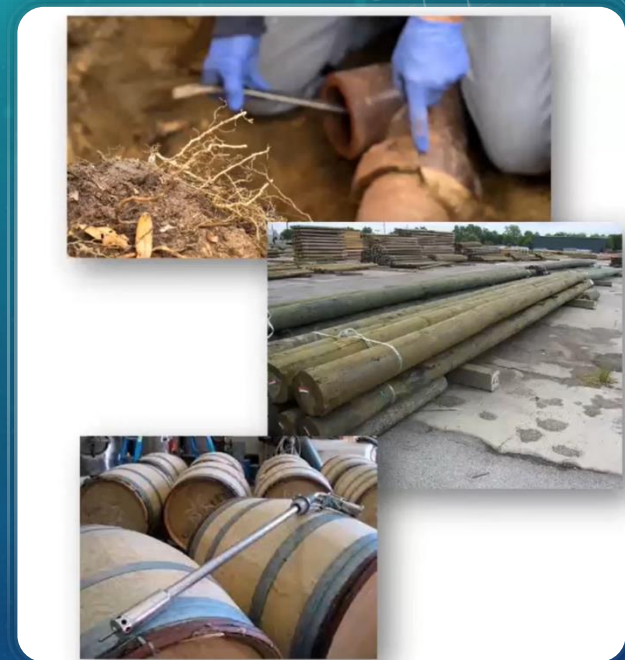
- Agricultural Pest Control (Crop/Livestock)
- Forest Pest Control
- Ornamental and Turf Pest Control
- Seed Treatment
- Aquatic Pest Control
- Right-of-Way Pest Control
- Industrial, Institutional, and Structural Pest Control
- Public Health Pest Control
- Regulatory Pest Control
- Demonstration and Research
- Soil Fumigation
- Non-Soil Fumigation
- Aerial Pest Control

# ELIMINATION OF SUBCATEGORIES

- 40 CFR Part 171 does not include a description of, or competencies for, the subcategories of Sewer Line Root Control, Wood Preservation, Anti-Fouling Tributyltin, Field Fumigation, or Microbial Pest Control that are currently maintained by DPR for commercial applicators
  - These subcategories include fumigant use activities and were created to address specific and specialized use situations
  - The revised 40 CFR Part 171 now includes fumigant categories for commercial applicators
- DPR is eliminating these existing subcategories (including the Field Fumigation subcategory discussed previously) to align all DPR commercial categories with those detailed in 40 CFR Part 171
- Upon implantation of the regulations, all existing DPR subcategories will be invalid and ineligible for initial certification or renewal

# ELIMINATION OF SUBCATEGORIES CONT.

- Elimination of:
  - Sewer Line Root Control (N)
  - Wood Preservation (L)
  - Anti-Fouling Tributyltin (M)
  - Microbial Pest Control (P)
  - Field Fumigation (O)
- If you hold one or more of these subcategories, you will need to obtain the appropriate commercial applicator fumigant category and/or appropriate categories consistent with the revised regulations.
- The appropriate examinations to obtain the correct category (ies) must be taken by January 1, 2024 in order to remain in compliance upon the effective date of the regulations.





# EXPANSION OF PRIVATE APPLICATOR COMPETENCIES

- Private Applicator Certificate Examination (initial)
  - The revised 40 CFR Part 171 has expanded the competency standards for the private applicator certificate (PAC) examination (initial); previously administered exams do not meet the revised competency standards
  - All PAC holders must meet the NEW competency standards
  - As a result, all existing PAC holders must take and pass a revised PAC exam, which includes the revised competencies prior to the expiration of their certificate
  - Will be a Phased-in approach
    - January 1, 2024 – PAC w/last names R-Z
    - January 1, 2025 – PAC w/last names A-H
    - January 1, 2026 – PAC w/last names I-Q

Fall 2022 – NEW EXAM will be available for applicants to meet the new competencies

# NEW PRIVATE APPLICATOR BURROWING VERTEBRATE PEST CERTIFICATE OPTION

- The revised 40 CFR Part 171 requires PACs using Fumigants to be certified in fumigant use
- DPR is adopting a new certificate for private applicators, the Burrowing Vertebrate Pest Fumigation Certificate Option
- This allows PAC holders to use fumigants labeled for the control of burrowing vertebrate pests
- All other fumigant activities will require a PAC to obtain a commercial applicator certification in the appropriate category(ies) (i.e. non-soil or soil fumigation)
- This ensures that individuals using fumigant products are knowledgeable in the safe and effective use of these hazardous products
- Private applicators using fumigants labeled for the control of burrowing vertebrate pests must obtain the new private applicator certificate option by January 1, 2024, to remain in compliance.

# IMPORTANT CLARIFICATION



- If you are a PAC holder who will be applying to obtain the Burrowing Vertebrate Pest Fumigation Certificate Option, but your existing PAC expires after the implementation date of the proposed regulations (i.e. after January 1, 2024) – **You are required to take and pass the revised PAC Practical Knowledge Examination, which includes the revised competencies, at or before obtaining the new Private Applicator Burrowing Vertebrate Pest Fumigation Certificate Option.**
- This requirement applies regardless of when your existing PAC expires.



# LIMITATION OF FUMIGANT ACTIVITIES CONDUCTED UNDER A PAC

- All Private applicators who intend to use any other type of fumigant product other than those labeled for the control of burrowing vertebrate pests must obtain a commercial applicator certificate in the appropriate fumigant category(ies)
  - This will be the commercial applicator Soil Fumigation category (L) and/or the Non-Soil Fumigation category (M)
  - If applicable, this commercial applicator certificate must be obtained by January 1, 2024, to remain in compliance



## 3CCR – PAC DEFINITION “HOUSEHOLDER”

- U.S. EPA has requested that DPR align California’s private applicator definition with the federal private applicator definition.
- As a result, the definition of “householder” is being removed from the 3 CCR private applicator definition. Upon the effective date of the regulations, individuals who currently conduct “householder” activities under a PAC will be required to obtain a commercial applicator license or certificate with the appropriate category(ies), if they intend to continue “householder” activities.

*Private applicator* is defined as:

- An individual<sup>1</sup> who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity as defined by Title 40 Code of Federal Regulations, section 171.2(a)(5) (July 1, 2013)<sup>2</sup> on property owned, leased, or rented by him/her or his/her employer; or
- A householder who uses or supervises the use of a pesticide outside the confines of a residential dwelling for the purpose of controlling ornamental, plant, or turf pests on residential property owned, leased, or rented by that householder.

(Reference: 3 CCR section 6000)

“Private applicator” means:

(a) an individual who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity as defined by Title 40 Code of Federal Regulations, Section 171.2(a)(5) (July 1, 2013) on property owned, leased, or rented by him/her or his/her employer; or

~~(b) a householder who uses or supervises the use of a pesticide, outside the confines of a residential dwelling for the purpose of controlling ornamental, plant or turf pests on residential property owned, leased, or rented by that householder.~~

# CONTINUING EDUCATION STANDARDS

- New Continuing Education Applications
  1. In-Person CE Course Application – Requests for approval of in-person CE courses must be submitted by US mail at least 30 days before the date of the course. Each CE approval request must include at \$45 fee and a comprehensive agenda.
    - For multi-day courses – Requirements are for each day
    - For Concurrent Sessions: An In-Person Continuing Education approval request form, comprehensive agenda, and \$45 for each presentation and will be reviewed independently and accredited course hours specific to the presentation agenda and topics. (Sponsors must include in their application for a concurrent presentation a description of how they will track individual attendance to a concurrent course)
  2. Interactive Online and Webinar CE Course Application – Requests for approval of interactive online and webinar online courses must be submitted at least 60 days before the intended course date. Each submission must include a \$45 fee and the online course requirements.
    - Online Course Requirements: Comprehensive course syllabus, learning objectives, CE categories hours requested, and access to the course in the same format that the course will be presented to attendees.
    - Webinar Course Requirements: Comprehensive agenda and link/login for the ability to attend the course when it occurs.



# INTERACTIVE ONLINE AND WEBINAR CE COURSES

## Attendee Identification Verification:

Acceptable formats are -

1. A means of visually observing the attendee throughout the duration of the course, such as web cameras and proctored locations
2. Inclusion of a specific verification of fraud statement that attendees are required to agree to prior to starting the course.



***Interactive online CE courses must include:***

1. Features for monitoring and ensuring course attendance and participation
2. Features to prevent an attendee from fast forwarding through any portion of the course or participating in more than one course simultaneously
3. Features for time stamping the course and tracking when the attendee starts the course, completes the course, and total time spent on the course (this attendance information must be recorded and retained by the sponsor)
4. A username and password used to access the course that is unique for each license or certificate holder
5. For courses longer than one hour, a minimum 5-question quiz must occur every hour of accredited time
6. Upon conclusion of course, a minimum 10-question final examination must be given
7. A copy of all quiz and exam questions

# Interactive Online and Webinar Quiz and Final Exam Requirements:



- Questions must be directly derived from course content and answerable based on the content presented during the course.
- Questions must be in multiple choice format with one correct answer and at least two plausible but incorrect options and must not contain “all of the above,” “none of the above,” or other all-inclusive response options.
- For **interactive online** courses, all quizzes must be passed with a score of 70% or greater before the attendee is allowed to advance in a course. The final exam must be passed with a score of 70% or greater before a course completion certificate may be issued to the attendee.
- For **webinar** online courses, the final examination must be passed with a score of 70% or greater before a course completion certificate may be issued to the attendee.
- Different versions of quizzes and final examinations must be available for retest, if the sponsor allows the option to retest.



## Interactive Online and Webinar Quiz and Final Exam Requirements continued

Interactive online and webinar online courses approved in the preceding year must also meet the following requirements for approval:

1. Reflect current information
2. Contain quiz and exam questions different from any questions used in the preceding year's approved version of the course

**NOTE:** The Director may deny any interactive online and webinar online course that does not meet the requirements. Previously denied online/webinar courses must be revised and resubmitted with a new fee before being reconsidered for CE hours.

## Rejection or Revocation of CE Course Hours (6512.4)

**The Director may audit or monitor courses given by any course sponsor. CE hours may be revoked when:**

- The course did not follow the approved agenda or syllabus, or covered false or misleading information
- The course sponsor violated Food and Agricultural Code section 11792 in connection with that course
- If the course sponsor violated any provision of Division 6 of the Food and Agricultural Code or regulations adopted pursuant to that Division in connection with that continuing education course.

### Correspondence (Text-Based) Courses

Correspondence style courses (hard-copy or electronic) will not be approved for CE credit.



## Course Requirements

**Courses cannot exceed 8 hours per day (including online courses)**

**Courses will not** be approved for CE hours during:

- poster or vendor displays
- question and answer sessions
- panel discussions
- formal examinations/testing (excluding review questions included as part of a presentation)
- break periods.

## Updates to CE Course Sponsor Requirements (6512.3)



Continuing education course sponsors must ensure:

1. Information used for advertising the CE course is true and not misleading, including course agenda topics and the number of approved CE hours.
2. Course instructors and speakers for in-person and webinar online courses, and course content developers for interactive online courses, are competent and knowledgeable in the subject matter.
3. An individual's successful completion of a course is verified prior to issuing a record of course completion.

## Updates to CE Course Sponsor Requirements (6512.3) continued

### IN-PERSON COURSES

At each in-person CE course, sponsors must confirm the identity of the license or certificate holder. Acceptable means of confirming identity are:

1. Checking an official government-issued photo identification *OR*
2. Using a verification process that ensures an official government-issued photo identification has been checked.





## Updates to CE Course Sponsor Requirements (6512.3) continued

Sponsors must have sufficient resources for verifying and monitoring attendance and participation, including:

1. Tracking when the attendee arrives and leaves the course and the CE hours earned within that time period.
2. Notifying all attendees to minimize personal distractions including electronic devices.
3. Ensuring instructors and speakers are not accredited CE hours for time presenting or not actively participating in the course as an attendee.

## Updates to CE Course Sponsor Requirements (6512.3) continued

Course credit is given on a one-to-one basis in the appropriate category (i.e. one hour of course attendance and participation is equivalent to one hour CE credit).

Records of completion are given to attendees only upon the conclusion of the attendees' participation and reflect the actual hours earned by each attendee.

# Submitting Attendance Records to DPR

---

The instructor or sponsoring organization must submit their attendance records to the Department within 14 days of completion of the course for each license and certificate holder.

---

The information is to be submitted over the Internet using the Department's online Web site ([www.cdpr.ca.gov](http://www.cdpr.ca.gov)) or via an electronic data file transfer process.

---

At the time of submission, the sponsor must electronically attest that the records submitted are true and correctly reflect the CE hours earned and accredited to each attendee.

# IMPORTANT MISC. CHANGES

## Minimum Age Requirements

- Applicants for a commercial or private license or certificate must be a minimum age of 18 years old
  - Must provide valid government-issued identification as proof of age and identity
- Anyone under 18 years old cannot be allowed to handle a pesticide identified as a restricted material



## Improved Standards for Direct Supervision of Noncertified Applicators and Handler Training



- Increased responsibility of commercial applicators supervising noncertified applicators
  - Practical knowledge of applicable requirements on pesticide labeling
  - Verification and maintenance of noncertified applicator training records
  - Provide site specific instructions to noncertified applicators
- Increased handler training requirements
  - Expansion of training topics
  - Record accessibility to employee, as well as to supervising certified applicator
  - Trainers must be present throughout training and respond to employee questions



# Additional Handler Training Topics

- How to identify information on product labeling applicable to safe pesticide use, such as required PPE and precautionary statements about human health hazards
- Revised minimum age requirement for handlers of restricted pesticides
- How to identify if a product is a Restricted Use Pesticide or California Restricted Material and that only certified applicators or those under their supervision use the product
- Additional training requirements for noncertified applicators including:
  - Having immediate and direct communication with supervising certified applicator,
  - Identifying where on the label physical presence of a certified applicator is required, and
  - Knowing that the certified applicator is responsible for providing site-specific instructions prior to pesticide use



## Timeline – Big Picture



## Timeline – Compliance



## CONTACT INFORMATION:



**COUNTY OF TULARE**  
**AGRICULTURAL COMMISSIONER**  
**SEALER OF WEIGHTS & MEASURES**

**Marianna Gentert**  
**Deputy Agricultural Commissioner/Sealer**  
**Pesticide Use Enforcement Division**

4437 S. Laspina St. Suite A  
Tulare, CA 93274  
[MGentert@tularecounty.ca.gov](mailto:MGentert@tularecounty.ca.gov)

Phone: 559-684-3350  
Cell: 559-804-6075  
Fax: 559-713-3770





**QUESTIONS?  
COMMENTS?**