

**NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED CHANGES
IN THE REGULATIONS PERTAINING TO
CERTIFICATION AND TRAINING**

Pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations (CCR), the Department of Pesticide Regulation (DPR) is providing notice of changes made to the proposed text in sections 6500, 6512, 6512.2, 6512.3, and 6582 of Title 3, CCR and to the forms, “Interactive Online and Webinar Continuing Education Approval Request Application, LIC-131B (Rev. 07/23),” incorporated by reference in section 6512.2, and “Private Applicator Certificate Application, LIC-045 (Rev. 07/23),” incorporated by reference in sections 6580 and 6582. These changes are for the reasons stated below. The public comment period on the originally proposed regulatory action closed on July 19, 2022. The Director finds that the modifications are sufficiently related to the original text of the proposed action. The modified text is being made available to the public for 15 days, during which written comments on the modifications will be received as provided in Government Code section 11346.8(c).

DPR will accept written comments relevant to the modifications between December 2, 2022 and 5:00 p.m. on December 19, 2022. Written comments relevant to the modifications may be sent via e-mail <dpr22003@cdpr.ca.gov>; or may be directed to Ms. Lauren Otani, Senior Environmental Scientist (Specialist), Department of Pesticide Regulation, 1001 I Street, P.O. Box 4015, Sacramento, California 95812-4015. FAX: (916) 324-1491.

- Amend originally proposed section 6500 as follows:
 - Subsection 6500(c) – Amend original proposal to clarify that the Director will determine if the issuance of an updated license or certificate is necessary. This amendment is necessary to clarify issuance of updated licenses or certificates, as not all individuals may need to be issued an updated license or certificate, and issuance can be best determined by DPR’s Licensing and Certification Program staff using DPR’s licensing data. By using DPR’s licensing data, DPR will determine the specific individuals who require an updated license or certificate to reflect categories consistent with section 6530. Additionally, the date originally proposed for the beginning of the issuance of updated licenses or certificates is being amended to “[pending effective date of this action].” This amendment ensures the most accurate regulatory effective date is included in the final text. The original proposal is also being amended to further clarify that the term of each updated license or certificate issued will be in accordance with an individual’s current two-year cycle as determined by the existing terms specified in either subsection 6500(a)(1) or (a)(2). This amendment is necessary to ensure the updated licenses and certificates issued follow a license or certificate holder’s current renewal cycle, and to ensure consistency with DPR renewal processing and existing regulations that specify license and certificate terms. Lastly, DPR is amending the originally proposed inoperative and repeal date of this subsection to be one year after the effective date of this subsection. This amendment ensures the most accurate inoperative and repeal date is included in the final text. One year is consistent with the originally proposed inoperative and repeal time.
- Amend originally proposed section 6512 as follows:
 - Subsection 6512(d) – Amend proposal to allow courses to be approved for a maximum amount of continuing education (CE) hours during poster or vendor displays, question and

- answer sessions (Q&A), and panel discussions; the current proposal does not allow CE hours for these types of interactions. This amendment will result in a new subsection 6512(e), which addresses this topic specifically. In addition, the requirement specifying that courses will not be approved for CE hours during break periods will be relocated from the end of this subsection due to the additions of new subsections (e) and (f).
- Subsection 6512(e) – The proposed regulations will be amended to allow up to 30 minutes of combined credit for vendor/poster displays, Q&A, and panel discussions per application, as long as the course contains a *minimum* of 4 hours of approvable CE content under subsection 6512(b) (not including the time for vendor/poster displays, Q&A, or panel discussions). This would then add up to an additional 30 minutes of approved CE to a course. DPR proposes this credit allowance for courses that are a minimum of 4 hours, as requests for these formats have most commonly been submitted for approval for multi-day conference style courses, which typically meet or exceed this minimum. As specified in proposed subsection 6512(b), the content of the vendor/poster displays, Q&A, and panel discussions submitted for this credit must meet the topic requirements in proposed section 6512(b). Upon review, and based on the comments received during the public comment period, DPR has determined that, in certain instances, vendor/poster displays, Q&A, and panel discussions positively support the learning of new material focused on pesticides or pest management and therefore should not be completely eliminated as a learning option. Up to 30 minutes of combined credit is appropriate as these formats often do not include presented material (i.e., PowerPoint, instructor, speaker) focused solely on the required topics and conversations can vary or become off topic to the focus of pesticides and pest management. 30 minutes of approved CE credit for these formats is also current DPR practice.
 - Subsection 6512(f) – Amend proposal to add a subsection for the approval of CE hours for quiz and final examination questions. This amendment will allow quiz and final examination questions to be approved at one minute of credit per question. Each hour of approved course time may include up to 10 minutes of questions. A similar requirement is currently in existing subsection 6512(f)(3) and was inadvertently removed during the regulatory revisions. Allowing 10 minutes of questions per hour to be approved for CE credit provides sponsors with the option to award CE credit to attendees for demonstrating their participation and knowledge gained throughout a course. Based on DPR’s past CE approvals, courses submitted for approval rarely have a maximum average that exceeds 10 questions per hour. Limiting this approval to 10 minutes per hour of course time will also ensure that course attendees spend an adequate amount of time in a course learning and becoming familiar with course material.
 - The amendments to section 6512 discussed above will result in some reorganization of the originally proposed subsections.
 - Amend originally proposed section 6512.2 as follows:
 - Subsection 6512.2(a) – Amend the proposed 60-day submission requirement for webinar course CE approval to a 30-day submission requirement. Under existing subsection 6512(a), all requests for evaluation and approval of CE courses, which would include webinar formatted courses, are required to be submitted 30 days in advance of the course date. Upon review, and based on the comments received during the public comment period, DPR has determined that the proposed 60-day submission requirement for webinar courses is not necessary and that the current 30-day submission requirement provides an adequate amount of time for DPR staff to review webinar courses. Although approval

requirements for webinar courses in proposed section 6512.2 will increase, since 2020, DPR has worked with sponsors who seek to provide CE courses in a webinar format; this was a necessary shift in CE course format that began in 2020. As a result, many of the approval requirements for webinar formatted courses are already being met by CE sponsors. For these reasons, DPR believes the existing 30-day submission requirement is adequate review time as DPR and CE sponsors are already familiar with presenting courses formatted in this way.

- Subsection 6512.2(b)(1) – Amend the proposed section to include two subsections (6512.2(b)(1)(A) and 6512.2(b)(1)(B)). These two subsections will differentiate monitoring and attendance and participation requirements for interactive online (6512.2(b)(1)(A)) and webinar (6512.2(b)(1)(B)) courses. Although both course types are presented online, there are some differences in the capabilities, most efficient methods used, and presentation formats (i.e., live or recorded) between interactive online and webinar courses. DPR proposes to state these requirements separately to improve clarity for sponsors on what is appropriate and feasible for the two types of online formats. Subsection 6512.2(b)(1)(A) includes the originally proposed requirement that participants must be automatically logged out of an interactive online course if actions that require a response are not responded to. Unlike webinar courses (where participation can be monitored by the sponsor throughout a course and credit can be reduced by the sponsor for lack of participation, if necessary), interactive online courses are not live, and the sponsor must rely on the online software they are using to ensure active participation throughout a course. Therefore, a feature to ensure individuals are automatically logged out of the course if the actions that require a participant response are not responded to is appropriate and ensures that an interactive online course sponsor could reduce credit if an individual is not present or not actively participating in the interactive online course. In addition, other minor grammatical and editorial changes will be made for clarity.
- Minor grammatical and editorial corrections to change instances of ‘webinar online’ to ‘webinar’ are being made for clarity and consistency across proposed sections and forms.
- Amend originally proposed section 6512.3 as follows:
 - Minor grammatical and editorial correction to change instance of ‘webinar online’ to ‘webinar’ is being made for clarity and consistency across proposed sections and forms.
- Amend originally proposed section 6582 as follows:
 - Subsection 6582(c) – Amend originally proposed date to “[pending effective date of this action].” This amendment ensures that the most accurate regulatory effective date is included in the final text.
- Amend originally proposed form, "Interactive Online and Webinar Continuing Education Approval Request Application, LIC-131B (Rev. 07/23)," incorporated by reference in section 6512.2, as follows:
 - Page 2 – Amend the proposed form to reflect changes to 6512.2(b)(1) pertaining to features for monitoring and ensuring course attendance and participation for interactive online and webinar courses.
 - Page 3 – Amend the proposed form to reflect changes and additions to sections 6512 and 6512.2(a) pertaining to poster or vendor displays, question and answer sessions, and panel discussions and the submission requirement for webinar courses being amended from 60 to 30 days.
 - Page 4 – Minor grammatical change made for clarity.

- Amend originally proposed form, “Private Applicator Certificate Application, LIC-045 (Rev. 07/23),” incorporated by reference in sections 6580 and 6582, as follows:
 - Page 1 – Amend the proposed form to remove the current “Date of Birth (mm/dd/yyyy)” requirement. This currently proposed requirement will be replaced with the statement “I am at least 18 years of age. Yes.” Per proposed section 6580.1(c), private applicators must present valid, government-issued, photo identification to verify a minimum age of 18, at the time of examination. This will be verified by CACs in-person as private applicator examinations are administered at CAC offices by county staff. Therefore, the newly proposed attestation statement is sufficient for the purposes of this form and to indicate to the applicant the minimum age requirement.
 - Page 1 - Amend the proposed form to include the ‘Certificate Issuance Date.’ This is included on the current form and was inadvertently removed during the form revisions.
 - Page 2 – Amend the proposed form section “A. New Applicant (Practical Knowledge Exam)” to make a grammatical edit. Amend the proposed form section “B. Applicant Information” to make grammatical edits consistent with section A and to reflect revisions made to page 1 pertaining to the change in request format to verify the minimum age requirement.

Current wording of the regulation is shown in normal type. Originally proposed additions are shown by underline. Originally proposed deletions are shown by ~~strikeout~~. New proposed deletions are indicated by *italics and strikeout*. New wording to be added by the modifications is shown in **bold double underline**.

All written comments received by 5:00 p.m. on December 19, 2022, which pertain to the indicated changes, will be reviewed and considered in this rulemaking. Please limit your comments to the modifications of the text.

This Notice of Modifications to Text of Proposed Changes and the text of modified regulations are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>.