

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 15, 2010
POSITION: Oppose
SPONSOR: California Association of Pest Control Advisors

BILL NUMBER: AB 2122
AUTHOR: T. Mendoza

BILL SUMMARY: Pesticides: Regulations: Continuing Education

Existing law and regulations require course sponsors seeking Department of Pesticide Regulation (Pesticides) approval for continuing education (CE) courses to submit their applications 30 days prior to the proposed course date. The requirement gives Pesticides time to evaluate the proposed curriculum and approve or deny the course.

This bill would modify the Pesticides CE requirements for Pest Control Advisors (PCA) licensure. The bill would authorize Pesticides to approve CE training for PCAs to include specified subjects related to pest management and plant health and would require the Director to act to approve or deny the CE course within 15 days of receiving a PCA CE request.

FISCAL SUMMARY

Pesticides estimates that in order to review CE courses within 15 days and still comply with the federal requirements regarding quality assurance of training, it would need \$297,000 Department of Pesticide Regulation Fund (DPRF) and two positions to review course content and expedite CE request processing. This amount includes \$125,000 in contract dollars for outside expertise that would be required to ensure that appropriate CE standards are set, since the bill adds new subject areas not directly related to pesticides use, including organic and sustainable agricultural practices, water and air monitoring and residue mitigation, maximum residue levels, and quarantine practices. Pesticides staff states that providing the funding to implement this bill would require doubling the current CE course sponsor fee from \$45 to \$90.

COMMENTS

The Department of Finance is opposed to this bill for the following reasons:

- According to the U.S. Environmental Protection Agency (U.S. EPA), Pesticides lacks the authority to grant CE credits for subjects not concerning pesticides. Only one of the subject areas proposed in this bill, on-farm storage of fumigants, would currently qualify under federal law for CE credit. The others, including organic and sustainable practices, nutrient management practices, water and air monitoring and residue mitigation, maximum residue levels, and quarantine practices would not.
Even if the U.S. EPA were to provide Pesticides with the authority to approve additional course subjects, Pesticides would still have to develop competency guidelines and licensing requirements and thereafter maintain subject matter expertise on subjects outside its mission which is directly related to pesticides and pest management.
The bill is premature. U.S. EPA is presently undergoing a review of CE subjects for Pest Control Advisors and Pest Control Applicators with notice in the Federal Register expected in 2010. The subject of this bill would be more appropriately addressed after final approval of new U.S. EPA regulations.

(Continued)

Analyst/Principal Date Program Budget Manager Date
(0623) K. DaRosa Karen Finn

Department Deputy Director Date

Governor's Office: By: Date: Position Approved
Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

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**COMMENTS Continued**

- Approval or denial of applications for approval of a CE class cannot be performed by Pesticides within 15 calendar days without additional ongoing resources unless the existing paper-based manual system were to be replaced by an online automated system, an improvement which would be several years away at considerable cost. The US Postal Service, mailroom, and cashier processes alone currently consume 7-13 days, leaving insufficient time for the review and approval process.

The bill is intended to reduce the evaluation and review time for Pesticides approval or denial of proposed CE courses from 30 days to 15 days and to add a broad range of sustainable agricultural practices to the subjects that can be taught as valid CE course work for licensed and certified pest control applicators and pest control advisers (PCAs). However, Pesticides staff states that at present there is no backlog of applications for the approval of a CE course that remain unapproved after 30 days, leaving the need for a shortened review time unclear.

Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	FC	(Fiscal Impact by Fiscal Year)				Fund Code	
				(Dollars in Thousands)					
				2009-2010	FC	2010-2011	FC	2011-2012	
3930/PesticideReg	SO	No		--	C	\$148	C	\$297	0106
1256/Othr Reg Fee	RV	No		----- See Fiscal Summary -----					0106
<u>Fund Code</u>	<u>Title</u>								
0106	Pesticide Regulation Fund, Dept of								