



Julie Henderson  
Director

December 8, 2023

ENF 23-17

TO: County Agricultural Commissioners

SUBJECT: LIMITED 3-MONTH ENFORCEMENT DISCRETION FOR COMMERCIAL APPLICATOR SOIL AND NON-SOIL FUMIGATION LICENSING REQUIREMENTS UNTIL APRIL 1, 2024.

Under the California Department of Pesticide Regulation's (DPR) recently amended [Certification and Training regulations](#), currently licensed individuals who want to continue to perform pest control using either soil fumigant or non-soil fumigant pesticides next year must obtain the appropriate new licensing category starting January 1, 2024.

The new Soil Fumigation (Category L) is required for individuals who perform pest control using a pesticide labeled as a fumigant to control soil pests in sites including fields, forests, golf courses, greenhouses, and individual tree or vine hole sites. Individuals who previously performed this type of pest control under the Field Fumigation (Subcategory O), which is no longer a subcategory after December 31, 2023, will have to obtain the new Category L if they wish to continue performing soil fumigations.

The new Non-Soil Fumigation (Category M) is required for individuals who perform pest control using a pesticide labeled as a fumigant to fumigate enclosed areas including tarpaulin covered structures and commodities, vaults, chambers, greenhouses, vans, box cars, ships, planes, and vehicles which contain: agricultural commodities for post-harvest fumigation or non-food non-feed materials including but not limited to: pallets, dunnage, furniture, burlap bags, planting medium (including potting soil and potting mix), and wine barrels and corks. Commercial applicators will also need this category if they fumigate pest burrows in sites including, but not limited to fields, rights-of-way, ditches, landscaping, and equipment yards. This category is also required if individuals fumigate sewer lines, in-service utility poles, or other fumigations not covered by the new Soil Fumigation (Category L). This category does not include structural pest control fumigations required to be licensed under Chapter 14 of Division 3 of the Business and Professions Code.

The Certification and Training regulations were approved by the Office of Administrative Law on June 30, 2023, with an effective date of January 1, 2024 (OAL File No. 2023-0518-01S). This gave affected individuals six months to study for and pass these new fumigation category exams. However subsequent delays with the availability of study guides for the exams and other aspects of the exam application process has reduced the time available for individuals to complete the application process and pass the new fumigation category exams by the start of 2024.

Based on the above, DPR has determined that limited additional time, beyond the January 1, 2024 deadline, is needed for fumigant applicators to obtain the necessary new certifications to maintain the use of fumigant pesticides to comply with health and safety, sanitation, quarantine, and regulatory requirements.

For individuals that hold a valid Qualified Applicator License (QAL) and/or Qualified Applicator Certificate (QAC) through calendar year 2024 and previously held the Field Fumigation (Subcategory O) in calendar year 2023, County Agricultural Commissioners (CACs) may use enforcement discretion to allow these applicators to continue to make soil fumigation applications through the end of March 2024. After March 31, 2024, the Soil Fumigation (Category L) must be held by individuals who perform pest control using a pesticide labeled as a fumigant to control soil pests.

For individuals that hold a valid QAL and/or QAC through calendar year 2024 and previously held the Wood Preservation (Subcategory L), Sewer Line Root Control (Subcategory N), or Microbial Pest Control (Subcategory P) in calendar year 2023, or currently hold the Residential, Industrial, and Institutional (Category A) or Plant Agriculture (Category D), or other relevant categories, CACs may use enforcement discretion to allow these applicators to continue to make non-soil fumigation applications through the end of March 2024. After March 31, 2024, the Non-Soil Fumigation (Category M) must be held by individuals who perform pest control using a pesticide labeled as a fumigant to control non-soil pests.

This discretion extends to Pest Control Businesses (PCB) and their supervising QALs if conducting pest control activities using pesticides labeled as fumigants. For PCBs with a valid license in 2024 and whose licensed supervising QAL previously held the above categories and/or subcategories in calendar year 2023, CACs may use enforcement discretion consistent with this DPR Enforcement Letter to allow these businesses to continue to conduct fumigation applications through the end of March 2024. After March 31, 2024, the Soil Fumigation (Category L) and/or Non-Soil Fumigation (Category M) must be held by the supervising QAL of the business. CACs will have to verify that qualifying applicators for PCBs are in compliance with the new category requirements after March 31, 2024.


Similarly, for the first three months of 2024, individuals holding a valid QAL or QAC license in 2024 may purchase fumigant pesticides if they held one of the previously mentioned relevant categories or subcategories in calendar year 2023.

All other requirements of the Certification and Training regulatory updates are subject to typical enforcement response as of January 1, 2024.


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DPR will post on the Licensing Program's [Certification and Training Update webpage](#) a list of QALs and QACs that meet these requirements and previously held any of the above-mentioned obsolete subcategories. If you have any questions, please contact Alicia Scott, the Licensing and Certification Program Manager, at <Alicia.Scott@cdpr.ca.gov> or (916)-603-7795.

Sincerely,

  
Joshua Ogawa (Dec 8, 2023 11:53 PST)

Joshua Ogawa  
Chief, Enforcement Headquarters Branch  
916-324-4100

  
Donna Marciano (Dec 8, 2023 14:20 PST)

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Chief, Enforcement Regional Offices Branch  
916-603-7700

cc: Mr. Joe Marade, DPR County/State Liaison  
Enforcement Branch Liaisons