



April 3, 2020

ENF 20-03

TO: County Agricultural Commissioners

SUBJECT: LIMITED ENFORCEMENT DISCRETION FOR LICENSING
REQUIREMENTS TO SUPPORT COVID-19 CONTROL FOR THE NEXT 90
DAYS

Background

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency in California in response to COVID-19. The Department of Pesticide Regulation (DPR) has received questions about licensing and certification requirements applicable to the professional application of antimicrobial pesticides for sanitization services performed for COVID-19 control. A Pest Control Business (PCB) must always have a Qualified Applicator License (QAL) holder to supervise pest control services. Generally, where a PCB performs sanitization services, the QAL must also be certified in Category A, P, or K. Category A allows PCBs to perform sanitization or disinfection in residential, industrial, or institutional (RII) use settings such as hospitals, schools, or prisons; Category P allows PCBs to perform microbial pest control in RII use settings; and Category K allows PCBs to perform health related pest control services under a government-sponsored program.

Licensing Requirements for Businesses Performing COVID-19 Control

DPR expects an increased need for professional sanitization services during the COVID-19 emergency. However, consistent with the March 19, 2020 “Stay at Home” Executive Order N-33-20 issued by Governor Gavin Newsom, DPR is currently unable to proctor in-person licensing examinations to certify additional licensees. All QALs, regardless of category, are examined on pesticide use laws and regulations and pesticide label comprehension. Additionally, previously licensed individuals must complete continuing education coursework in pesticides and pest management information in order to renew and retain their DPR license(s).

As such, subject to the conditions described below, County Agricultural Commissioners (CACs) may use enforcement discretion to allow licensed and registered PCBs to perform sanitization services for the control of COVID-19 if they have a designated individual at each business location with a valid QAL in *any* category. This applies if all of the following conditions are met:

1. The professional sanitization service is performed for COVID-19 control and only during the next 90 days.

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2. The PCB without the specific QAL license category notifies the CAC in writing with an explanation for why the sanitization work is necessary.
3. Examples of necessary work may include situations in which the PCB is the only licensee registered to do business in the county or where other properly licensed PCBs are unavailable to perform COVID-19-related work.
4. The QAL holder ensures that all applicators applying antimicrobials are properly trained and are in strict compliance with label directions and all other applicable laws and regulations.

If you have any questions, please contact Mr. Joe Marade, DPR's County/State Liaison, at 916-893-5578 or <joe.marade@cdpr.ca.gov>.

Sincerely,

Original Signature by:

Donna Marciano
Chief, Enforcement Branch
916-324-4100

cc: Mr. Daniel Rubin, DPR Chief Counsel
Mr. Joe Marade, DPR County/State Liaison