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**AB-1016 Pest control operations: aircraft operations: private applicator.** (2023-2024)

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**Assembly Bill No. 1016**

**CHAPTER 354**

An act to amend Sections 11902, 11902.5, 11905, and 11907 of, and to add Section 11902.1 to, the Food and Agricultural Code, relating to pest control.

[ Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1016, Jones-Sawyer. Pest control operations: aircraft operations: private applicator.

(1) Existing law makes it unlawful for any person to operate an aircraft in pest control unless, among other things, the pilot operating the aircraft holds a valid manned or unmanned pest control aircraft pilot's certificate issued by the Director of Pesticide Regulation. Existing law requires each unmanned pest control aircraft pilot's certificate to designate the pilot's status as a journeyman, apprentice, or vector control technician, and requires an applicant for a manned or unmanned pest control aircraft pilot's certificate to pass an examination as a condition of licensure.

This bill would additionally include the status of private applicator as a designation under the unmanned pest control aircraft pilot's certificate. The bill would prohibit an individual with a private applicator unmanned pest control aircraft pilot's certificate from applying pesticides except for the purpose of producing an agricultural commodity on property owned, leased, or rented by the pilot or their employer. The bill would require a pilot to submit satisfactory documentary proof demonstrating the pilot's completion of a program accredited by the director and possession of a valid private applicator certificate to be eligible for an unmanned pest control aircraft pilot's certificate under the status of private applicator, and to pass an examination as a condition of licensure.

(2) Existing law prohibits the issuance of a journeyman's certificate until the applicant has served as an apprentice under an apprentice certificate for one year and until the applicant presents to the director satisfactory documentary proof that the applicant operated an aircraft in pest control activities for a specified amount of time within the previous 2 years, as provided.

This bill would, notwithstanding the above limitation, authorize the director to establish specific requirements for obtaining an unmanned journeyman certificate, as specified.

(3) Existing law makes it unlawful for any person to act as a pest control aircraft pilot in any county without first registering with the appropriate county agricultural commissioner. Under existing law, it is unlawful to use any fraud or misrepresentation in connection with meeting any license requirement relating to pest control operations. A violation of any of these provisions is a crime.

To the extent the bill would expand the scope of existing crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** Section 11902 of the Food and Agricultural Code is amended to read:

**11902.** (a) Each manned pest control aircraft pilot's certificate shall designate the manned pest control aircraft pilot's status as a journeyman or apprentice.

(b) Each unmanned pest control aircraft pilot's certificate shall designate the unmanned pest control aircraft pilot's status as a journeyman, apprentice, private applicator, or vector control technician.

### **SEC. 2.** Section 11902.1 is added to the Food and Agricultural Code, to read:

**11902.1.** An individual with a private applicator unmanned pest control aircraft pilot's certificate shall only apply pesticides for the purpose of producing an agricultural commodity on property owned, leased, or rented by the pilot or their employer.

### **SEC. 3.** Section 11902.5 of the Food and Agricultural Code is amended to read:

**11902.5.** (a) To be eligible for an unmanned pest control aircraft pilot's certificate under the status of vector control technician, a pilot shall be certified by the State Department of Public Health as a vector control technician in the category of mosquito control pursuant to paragraph (1) of subdivision (a) of Section 2052 of the Health and Safety Code.

(b) To be eligible for an unmanned pest control aircraft pilot's certificate under the status of private applicator, a pilot shall submit satisfactory documentary proof demonstrating the pilot's completion of a program accredited by the director and possession of a valid private applicator certificate.

### **SEC. 4.** Section 11905 of the Food and Agricultural Code is amended to read:

**11905.** Before an initial manned or unmanned certificate is issued, the applicant for an apprentice, journeyman, private applicator, or vector control technician shall pass an examination to demonstrate to the director the applicant's ability to legally and safely conduct pest control operations and the applicant's knowledge of the nature and effect of materials that are used in pest control.

### **SEC. 5.** Section 11907 of the Food and Agricultural Code is amended to read:

**11907.** (a) Except as provided in subdivision (b), a journeyman's certificate shall not be issued until both of the following have occurred:

(1) The applicant has served as an apprentice under a certificate issued pursuant to this chapter for one year.

(2) The applicant presents to the director satisfactory documentary proof consisting of a declaration or affidavit by the holder of a journeyman's certificate attesting to the applicant's performance, under the attesting journeyman's direct and personal supervision, of not less than 150 hours of operation of fixed-wing aircraft or 50 hours of operation of nonfixed-wing aircraft within the previous two calendar years in pest control activities, together with any other evidence as the director may require.

(b) (1) The director may adopt regulations to establish specific requirements for obtaining an unmanned journeyman certificate.

(2) The regulations shall consider requiring that the applicant complete 50 hours of operation of nonfixed-wing aircraft, or the equivalent practical training, in pest control activities within the previous two calendar years to ensure the legal and safe application of pesticides.

**SEC. 6.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.