

US EPA ARCHIVE DOCUMENT

Pesticide Worker Safety Program Improvements Certification of Pesticide Applicators Regulation

BACKGROUND:

The certification of pesticide applicators regulation (40 CFR 171) establishes requirements for determining the competency of applicators of restricted use pesticides (RUPs), and for States, Tribes and Federal Agencies implementing the program. RUPs are pesticides that may cause unreasonable adverse effects of human health or the environment if misused. The rule has been in place since 1974, with few revisions to reflect changes in pesticide use over the past 35 years. EPA is considering a range of changes to the pesticide applicator certification regulation.

REGULATION REVISION:

As a result of broad stakeholder engagement on how to improve the pesticide applicator certification program, an effort was initiated to amend the regulation in order to:

- improve the competency of applicators of restricted use pesticides,
- improve program operation, efficiency and administration, and
- improve overall protections to human health and the environment.

KEY GOALS:

1. **Improve the competency of certified applicators of restricted use pesticides (RUPs):**
 - Establish new standards for certification and more specific requirements for establishing competency of private applicators
 - Establish a certification period for private and commercial applicators and minimum requirements for recertification programs
 - Establish new certification categories to address specific uses and application methods
2. **Implement better protections for uncertified applicators of RUPs operating "under the supervision" of a certified applicator:**
 - Require pesticide safety training for uncertified applicators using RUPs
 - Establish standards for supervision of non-certified applicators by commercial applicators
3. **Reduce the potential risk to human health and the environment from use of RUPs:**
 - Improve integrity of the applicator certification program through increased exam security
 - Minimize potential for misapplication through establishment of new, more specific areas of competency for private and commercial applicators
 - Establish new categories of certification to address high risk uses and application methods
 - Address problems with RUP use/misuse in Indian Country by strengthening certification programs
4. **Provide better options for establishing certification programs in Indian Country:**
 - Revise provisions to remove barriers to establishing certification programs in Indian Country
 - Provide additional options for establishing certification programs in Indian Country
5. **Improve program operation, efficiency and administration:**
 - Address certification of applicators by Federal Agencies
 - Address longstanding policy issues raised by States and Regions regarding rule implementation and requirements of State Certification Plans
 - Improve overall clarity and organization of rule

PROCESS FORWARD:

- Tribal Consultation
- Federalism Consultation
- Address Executive Orders
- Final Agency Review
- OMB and USDA Reviews
- Administrator Signature
- Publication of Proposed Regulation Changes: calendar year 2010-2011