May 3, 2012 Update National Federal Certification Plan for Indian Country

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The National Federal Certification Plan

Federal certification by EPA for use of Restricted Use Pesticides (RUPs) in Indian country.

- Federal certification based on State certification.
- Allows applicator to use RUPs in any part of Indian Country, contiguous with the issuing State.
- Not a training plan.
- Certification issued by each Region.
- Federal Inspections and enforcement for RUPs.

The National Federal Certification Plan

Federal Plan applies throughout IC, except where an EPA approved plan already exists.

- R9 Federal Plan for Navajo (2007).
- Several tribes in other Regions have EPA-approved MOUs with States or EPA-approved Tribal Plans.
- Plan does not preclude a tribe from developing a Tribal Plan or MOU with a state.

Comments/Issues

Comment 1: Opt in/Opt out provision.

Proposed Plan:

- Tribes may restrict the use of RUPs through tribal codes, laws, regulations, or other applicable tribal requirements.
- Applicator is responsible for determining if the RUP may be applied or if use is limited by tribal code or other restriction.

Comments/Issues

Comment 2: Notification of pesticide applications.

- May be done through tribal code or ordinance.
- EPA authority is limited.
- Applicator is responsible for determining if pesticide use is limited by tribal code or other restriction in Indian country.

Status of The Plan

1. Developing method to determine competency of private applicators.
2. Developing plan for release of information in compliance with the Privacy Act.
3. Timing
   - Proposed Plan published in FR April 20, 2011.
   - Expect Region 8 Plan to be folded into National Plan.
   - Final expected Summer 2012.

Next Steps

RTOC Request for Region 9 Plan

- Once the National Plan is implemented, we will begin a “monitoring period.”
- R9 will meet with tribes to discuss implementation.

R9 Webinar

Thursday, May 10, 2012

10 am – 11:00 am