Proposed Federal Plan for Certification of Applicators of Restricted Use Pesticides within EPA Region 8 Indian Country

Prepared by EPA Region 8

March 24, 2011

Table of Contents

I. Executive Summary…… 3

II. Introduction…… 3

III. Background…… 3

IV. Definitions…….. 4

V. Applicability of the Plan…… 4

VI. Legal Authority……. 5

VII. Lead Agency…….. 5
- A. Funding and Personnel
- B. Reporting

VIII. Applicator Requirements and Classification & Certification Options…… 7
- A. Private Applicators
- B. Commercial Applicators

IX. Commercial Applicator Categories…… 8

X. Certification Procedures……... 9

XI. Enforcement of the Plan……. 9
- A. Enforcement Authority
- B. Pesticide Dealer Reporting Requirements
- C. Inspections
- D. Revocation, Suspension, and Modification
- E. Penalties

XII. Appendices…….. 12
- A. Federal Insecticide Fungicide & Rodenticide Act – Section 11
- B. 40 Code of Federal Regulations – Protection of the Environment, Section 171.11
- C. Definitions
- D. Pesticide Applicator Certification Forms (draft)

I. Executive Summary

Under the authority of Section 11(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and in accordance with the regulations found at Title 40 of the Code of Federal Regulations (CFR) Part 171.11, the United States Environmental Protection Agency (EPA), Region 8 (EPA R8) is implementing a *Proposed Federal Plan for Certification of Applicators of Restricted Use Pesticides within EPA Region 8 Indian Country* (Plan) for those areas of EPA R8 Indian country[1] where no other EPA-approved plan applies. The Plan describes the process by which EPA R8 will implement a program for the certification of applicators of restricted use pesticides (RUPs) in R8 Indian country based upon the certification requirements enumerated at 40 CFR Part 171.

The EPA R8 will administer routine maintenance activities associated with implementation of this Plan and conduct inspections and take enforcement actions as appropriate.

II. Introduction

This Plan describes the process for becoming certified to use RUPs within EPA R8 Indian country. EPA R8 Indian country refers to land defined as Indian country at 18 U.S.C. § 1151 that is located in the states of Utah, Montana, Wyoming, Colorado, North Dakota, and South Dakota.[1]

Under FIFRA, pesticides (or the particular use or uses of a pesticide) that may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, shall be classified for "restricted use." If the classification is made because of hazards to the applicator, the pesticide may only be applied by or under the direct supervision of a certified applicator. If the classification is made because of potential unreasonable adverse effects on the environment, the pesticide may only be applied by or under the direct supervision of a certified applicator or subject to such other restrictions as the Administrator may provide by regulation. To be certified, an individual must be determined to be competent with respect to the use and handling of pesticides covered by the certification.

---

[1] *Indian country:* As defined at 18 U.S.C. § 1151: (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Consistent with the statutory definition of Indian country, as well as federal case law interpreting this statutory language, EPA treats lands held by the federal government in trust for Indian tribes that exist outside of formal reservations as informal reservations and, thus, as Indian country.

A person becomes a certified applicator through meeting the requirements of a certification plan that is administered by a pertinent state, tribal, territorial, or federal agency and is approved by EPA. This document describes the certification plan EPA R8 will use to certify applicators of RUPs for those areas of EPA R8 Indian country where no other EPA-approved plan applies.

III. Background

Among other things, EPA's regulations at 40 CFR Part 171 provide that:

1) An Indian tribe may develop its own plan for certifying private and commercial applicators to use or supervise the use of RUPs;

2) If a tribe does not develop its own certification plan, the tribe may choose to utilize a state's certification program, with the concurrence of that state; or

3) EPA can implement a federal plan for the certification of applicators of RUPs.

Under 40 CFR § 171.11, EPA is authorized to implement a plan for the federal certification of applicators of RUPs where there is no EPA-approved state or tribal applicator certification plan in effect. Currently, the Cheyenne River Sioux Tribe and the Mandan, Hidatsu, and Arikara Tribes (or Three Affiliated Tribes) have EPA-approved pesticide certification plans for RUP applicators. Furthermore, EPA has implemented a federal plan in Navajo Indian Country.

EPA Region 8, after consulting with the Region 8 tribal leaders, environmental directors, and pesticide program managers, determined that implementing a federal certification plan is the preferred approach to allow the use of RUPs and ensure adequate protection of human health and the environment in Indian country in EPA R8. Therefore, in accordance with 40 CFR § 171.11, EPA R8 will implement this Plan for the federal certification of applicators of RUPs in EPA R8 Indian country where no other EPA-approved plan exists. Implementation of this certification Plan will 1) provide a mechanism by which individuals can become certified; 2) establish requirements that ensure and demonstrate competency in the proper use and application of RUPs; and 3) ensure that an individual adheres to certification requirements.

IV. Definitions

See Appendix C for relevant definitions.

V. Applicability of the Plan

EPA R8 will implement this Plan within those areas of EPA R8 Indian country where no other EPA-approved plan applies.

Tribes in Region 8 may continue to pursue options available under 40 CFR § 171.10 for their areas of Indian country, including seeking EPA approval of tribal plans for such areas or utilizing a state's certification program by entering into an agreement with the state. An EPA-approved plan under 40 CFR § 171.10 would replace this federal plan for the relevant area of Indian country. Some tribes may also choose to further restrict or prohibit the use of RUPs in their areas through the implementation of tribal codes, laws, regulations, or applicable tribal requirements. EPA R8 intends to continue consulting with tribes whose areas of Indian country are subject to this federal plan regarding the use of RUPs in their areas and notes that applicators certified under this Plan are responsible for complying with any applicable tribal requirements.

VI. Legal Authority

EPA will implement this Plan under FIFRA section 11(a)(1) (see Appendix A), as amended, and 40 CFR § 171.11.

The regulations at 40 CFR § 171.11(e) authorize EPA to issue certificates based upon the pesticide applicator first meeting the requirements for certification issued under any other EPA-approved state, federal or tribal certification program.

Additional enforcement authorities are contained in Sections 8, 9, 13 and 14 of FIFRA. Also see the FIFRA Enforcement Response Policy at http://cfpub.epa.gov/compliance/resources/policies/civil/fifra/.

VII. Lead Agency

EPA R8, Denver, Colorado, will administer this federal certification Plan for RUP applicators in EPA R8 Indian country covered by this Plan.

- *EPA R8 Pesticide Program* will administer routine maintenance activities, including application processing, database management, recordkeeping, and program oversight. The EPA R8 Pesticide Program is also authorized to certify applicators and conduct general outreach.

- *EPA R8 Technical Enforcement Program* will conduct inspections as appropriate and coordinate with EPA R8 Legal Enforcement Program to take enforcement action under FIFRA sections 8, 9, 13, and 14, as well as the FIFRA Enforcement Response Policy, as appropriate.

- *EPA R8 Office of Regional Counsel* will provide legal counsel to the EPA R8 Pesticide Program, Technical Enforcement Program, and Legal Enforcement Program, as appropriate.

A. Funding and Personnel

EPA R8 has adequate resources to implement the Plan in EPA R8 Indian country consistent with the requirements of FIFRA and the regulations at 40 CFR Part 171.

Table 1. Allocation of EPA R8 FTE and corresponding duties.

FTE* *(full time equivalent)*	**Duties**
0.25**	application processing and associated duties (database management, recordkeeping, reporting, routine maintenance)
0.25	program oversight, outreach
0.25**	enforcement administration and associated duties (database management, recordkeeping, routine maintenance)
0.35	EPA inspections, enforcement actions
0.45	Tribal inspectors with federal inspector credentials

* *These activities will fall within duties of existing staff and this does not represent an increase in staffing levels.*
***SEE (senior environmental employee, contractor)*

B. Reporting

The EPA R8 Pesticide Program will ensure that this Plan is maintained and kept current in accordance with the requirements at 40 CFR Part 171. EPA R8 will make the Plan publicly available at EPA's Certification and Training database website: http://cpard.wsu.edu/. EPA R8 will submit annual certification accomplishment reporting by December 31st of each calendar year via the database website. EPA R8 will maintain an active listing of federally certified applicators. Additionally, EPA R8 will maintain a list of the tribes covered under the Plan at www.epa.gov/region08/tobedetermined.

Copies of the Plan database and current listing of federally certified applicators will also be available in hard copy upon request by contacting:

Tribal C&T Program Manager
US EPA, R8
Pesticide Program, 8P-P3T
1595 Wynkoop Street
Denver, CO 80202

1-800-227-8917

VIII. Applicator Requirements and Classification & Certification Options

Under this Plan, EPA R8 will implement a program for the certification of *private* and *commercial* applicators to apply RUPs in those areas of EPA R8 Indian country where no other EPA-approved plan applies. Each applicator must determine if the RUP may be applied within a particular area of Indian country, or if application of the pesticide is limited by tribal code or other restrictions.

A. Private Applicators

For individuals seeking certification as a private applicator under the Plan, EPA R8 will exercise its authority contained in 40 CFR §§ 171.11(d)(1) & (e) to issue certifications if the applicator either:

(1) Submits evidence of certification as a private applicator authorized to apply federally designated RUPs through an EPA-approved state or tribal plan with a contiguous boundary to the area of Indian country in question. If circumstances require, the EPA Region may work with the tribe to allow federal certification under this Plan based on a valid certification from another nearby state or tribe; or

(2) Submits documentation of physical attendance and completion of an approved training and self-study evaluation.

Length of certification:
Under 40 CFR 171.11(e), currently a private applicator\certificate expires 3 years after the date of issuance or until the expiration date of the original federal, state, or tribal certificate, whichever occurs first. A proposed rule is currently under development that will allow a federal certification based on a valid federal, state or tribal certification, to expire when the original certificate expires, unless the certificate is suspended or revoked. Once the amendment is finalized, the Agency will utilize the expiration date of the original valid certification.

Renewal/recertification: Applicators may apply to be recertified through the options listed in Section VIII (A) *(1)* and *(2)* of this Plan during the 12 months preceding the expiration of their current certificate.

B. Commercial Applicators

For individuals seeking certification as a commercial applicator under the Plan, EPA R8 will utilize its authority contained in 40 CFR § 171.11(e) to issue certification as described below:

(1) Submitting evidence of certification as a commercial applicator authorized to apply federally designated RUPs under any other EPA-approved state, federal or tribal plan with a

contiguous boundary to the area of Indian country in question. Under this option, EPA R8 may issue federal certificates to persons who are certified as commercial applicators for the same category(ies) listed in their original certificate (except for sodium cyanide capsules used with ejector devices and sodium fluoroacetate used in livestock protection collars; see part IX of this Plan for more information on these categories). If circumstances require, the EPA Region may work with the tribe to allow federal certification under this Plan based on a valid certification from another nearby state or tribe.

Length of certification:
Under 40 CFR 171.11(e), currently a commercial applicator certificate expires 2 years after the date of issuance and three years for private applicators, or until the expiration date of the original federal, state, or tribal certificate, whichever occurs first. A proposed rule is currently under development that will allow a federal certification based on a valid federal, state or tribal certification, to expire when the original certificate expires, unless the certificate is suspended or revoked. Once the amendment is finalized, the Agency will utilize the expiration date of the original valid certification.

Renewal/recertification: Applicators may apply to be recertified through the options listed in Section VIII (B)(*1*) of this Plan during the 12 months preceding the expiration of their current certificate.

IX. Commercial Applicator Categories

EPA will recognize commercial applicators according to the competency standards enumerated at 40 CFR § 171.4(c). EPA will recognize the categories authorized in the original certificate, and commercial applicators will be authorized to apply RUPs in Indian country for uses covered in their underlying federal, state or tribal certificate with the exception of the following:

For sodium cyanide capsules used with ejector devices for livestock predator control, there is a use restriction that requires that supervisors of applicators monitor the applicators. As stated on the labels, the supervisors are the registrants, which may be federal agencies, state agencies, or Indian tribes. Currently, only one Indian tribe -- the Navajo Nation -- has obtained a registration for sodium cyanide capsules. Under this Region 8 federal plan, a federal certificate will only include a sodium cyanide capsule category if the relevant Indian tribe for the area of Indian country at issue obtains its own registration for this product and will conduct its own monitoring and supervision.

Registrations for sodium fluoroacetate used in livestock protection collars are currently limited to one federal agency, to State agencies in Montana, New Mexico, South Dakota, and Wyoming, and to a private entity whose registered product may only be used in Texas. Currently, no Indian tribe has a registration for sodium fluoroacetate used in livestock protection collars. Under this Region 8 federal plan, a federal certificate will only include a sodium fluoroacetate livestock protection collar category if the relevant Indian tribe for the area of Indian country at issue obtains its own registration for this product and will conduct its own monitoring and supervision.

X. Certification Procedures

Persons seeking commercial certification to apply RUPs in EPA R8 Indian country must submit to EPA R8, at the address noted below, a completed 'Pesticide Applicator Certification Form' EPA Form xxxx-xx (Appendix D) along with proof (copy of certificate, credential, license, or other documentation) of a valid/current federal, state, or tribal certification with a contiguous boundary to the relevant area of Indian country. Individuals seeking to be certified as private applicators must submit a completed 'Pesticide Applicator Certification Form' EPA Form xxxx-xx (Appendix D) with either (1) copy of certificate, credential, license, or other documentation of a valid/current federal, state, or tribal certification, or, (2) documentation showing they have physically attended and completed an approved training course and self-study evaluation. The self-study evaluation and guide can be obtained by contacting EPA R8 at the address below. EPA R8 may verify with the appropriate federal, state, or tribal certifying agency with which the applicant is claiming to hold a valid/current certification that the certification on which EPA R8 would base its federal certification is, in fact, valid and current.

The Pesticide Applicator Certification Form is currently available at www.regulations.gov , docket number docket identification number EPA–HQ–OPP–2010–0723. Once the Plan is final, the form will be available at www.epa.gov/region08/tobedetermined or may be obtained by contacting EPA R8 directly at:

Tribal C&T Program Manager
US EPA, R8
Pesticide Program, 8P-P3T
1595 Wynkoop Street
Denver, CO 80202

1-800-227-8917

XI. Enforcement of the Plan

A. Enforcement Authority

EPA R8 will enforce this Plan in those areas of EPA R8 Indian country where no other EPA-approved plan applies. States, tribes, and other federal agencies that

issued a certification upon which the federal certification described herein is based are not approved or authorized by EPA to assure compliance in Indian country with the federal certification provided by this Plan.

EPA has the authority to take action, as appropriate, to ensure that RUPs are used in accordance with their EPA-registered labeling. EPA R8 will also ensure that pesticide applicators and dealers comply with the requirements of FIFRA and the implementing regulations, including provisions of this federal Plan specified in 40 CFR § 171.11, in EPA R8 Indian country.

Specifically, commercial applicators are required to maintain records as provided in 40 CFR § 171.11(c) (7).

EPA will allow, during the 6 month period after publication of the final Plan, applicators to apply RUPs under the Plan in EPA Region 8 Indian country only for the categories for which they already have a valid state, tribal or federal certificate[2] if they submit a complete application to EPA Region 8 showing proof of a valid state, tribal, or federal certification.[3]

Beginning 6 months after publication of the final Plan, applicators who are covered under this Plan and have not received a written federal certification from EPA Region 8 are prohibited from applying RUPs in EPA Region 8 Indian country.

B. Pesticide Dealer Reporting Requirements

Each restricted use pesticide retail dealer in Indian country where this federal Plan applies must keep records and submit reports to EPA as set forth in 40 CFR § 171.11(g). To comply with these reporting requirements all pesticide dealers and pesticide dealerships located within EPA R8 Indian country must send such reports to:

Tribal C&T Program Manager
US EPA, R8
Pesticide Program, 8P-P3T
1595 Wynkoop Street
Denver, CO 80202

1-800-227-8917

[2] Please see Section IX for commercial applicator categories recognized under the Plan, as there are proposed exceptions for sodium cyanide capsules used with ejector devices and sodium fluoroacetate used in livestock protection collars.
[3] Although predicated in part on the applicator's existing valid certification, any use permitted under this Plan is allowed and will be enforced only under federal authority.

C. Inspections

EPA R8 will enforce this Plan by conducting inspections, as appropriate, of RUP dealers and certified applicators in EPA R8 Indian country to ensure that RUP dealers are maintaining the required records, are making RUPs available for use in accordance with 40 CFR §171.11(g), and that certified applicators are complying with all applicable label directions. In addition, tribal pesticide inspectors possessing federal inspector credentials and/or EPA R8 inspectors will also perform inspections and investigations on behalf of EPA.

EPA R8 has the authority to review RUP dealer records and certified applicator records pursuant to Sections 8 and 11 of FIFRA, 7 U.S.C. § 136*f* and 136*i*-1(b), and 40 CFR §§ 171.11(g)(3) and (c)(7). Federally credentialed tribal inspectors and/or EPA R8 inspectors will investigate incidents, accidents, and complaints related to pesticide use in EPA R8 Indian country and report to EPA R8 for appropriate enforcement response as set forth by the FIFRA Enforcement Response Policy (http://cfpub.epa.gov/compliance/resources/policies/civil/fifra/) and as consistent with other EPA policies.

D. Revocation, Suspension, and Modification

EPA R8 may, if appropriate, deny, modify, suspend, or revoke a certificate, or take an enforcement action under FIFRA if the applicant or certificate holder has been convicted under section 14(b) of FIFRA or been subject to a final order imposing a civil penalty under section 14(a) of FIFRA or where any of the following acts listed in 40 CFR § 171.11(f) occur:

- use of any registered pesticide in a manner inconsistent with its labeling;
- making available for use, or use of any registered pesticide classified for restricted use other than in accordance with section 3(d) of the amended FIFRA and any regulations promulgated thereunder;
- refusal to keep and maintain any records required pursuant to this section;
- making of false or fraudulent records, invoices or reports;
- failure to comply with any limitations or restrictions on or in a duly issued certificate, or
- violation of any provision of the amended FIFRA and the regulations promulgated thereunder.

Pursuant to 40 CFR § 171.11(e), EPA Region 8 will begin procedures to revoke the federal certification if the federal, state, or tribal certificate upon which the federal certificate is based is revoked. EPA may also suspend or modify a federal certificate if the federal, state, or tribal certificate upon which it is based is suspended or modified.

If EPA R8 decides to deny, revoke, suspend or modify a certificate, EPA R8 will notify (1) the applicant or certificate holder pursuant to 40 CFR § 171.11(f)(2)(i) and the EPA R8 FIFRA Enforcement Response Policy, and (2) the agency that issued the original certificate upon which the federal certificate was based, if necessary. If the

applicant or certificate holder requests a hearing pursuant to 40 CFR § 171.11(f)(2)(ii), EPA will follow the hearing process contained in 40 CFR § 171.11(f)(3) & (4).

E. Penalties

Under Section 14 of FIFRA, 7 U.S.C. § 136*l*, as amended by the Federal Civil Penalties Inflation, Adjustment Act of 1990, 28 U.S.C. § 146*l*, and the Debt Collection Improvement Act of 1996, 31 U.S.C. § 370*l*, EPA has the authority to assess both civil and criminal penalties for violations of FIFRA. Commercial applicators, wholesalers, dealers, retailers, or other distributors can be assessed a fine of up to a $7,500 for each offense as civil penalties and up to $25,000 or imprisonment, for not more than one year, or both, for each offense as criminal penalties. Private applicators, subsequent to receiving a written warning, can be assessed a civil penalty up to $1,100, or a criminal penalty of not more than a $1,000 fine and/or imprisonment, for not more than thirty (30) days, for each offense. EPA R8's enforcement actions are conducted consistent with applicable EPA R8 enforcement and tribal policies and guidance.

XII. APPENDICES

Appendix A. Federal Insecticide Fungicide & Rodenticide Act – Section 11

SEC. 11. [7 U.S.C. 136i] USE OF RESTRICTED USE PESTICIDES; APPLICATORS.

(a) CERTIFICATION PROCEDURE.—

(1) FEDERAL CERTIFICATION.—In any State for which a State plan for applicator certification has not been approved by the Administrator, the Administrator, in consultation with the Governor of such State, shall conduct a program for the certification of applicators of pesticides. Such program shall conform to the requirements imposed upon the States under the provisions of subsection (a)(2) of this section and shall not require private applicators to take any examination to establish competency in the use of pesticides. Prior to the implementation of the program, the Administrator shall publish in the Federal Register for review and comment a summary of the Federal plan for applicator certification and shall make generally avail-able within the State copies of the plan. The Administrator shall hold public hearings at one or more locations within the State if so requested by the Governor of such State during the thirty days following publication of the Federal Register notice inviting comment on the Federal plan. The hearings shall be held within thirty days following receipt of the request from the Governor. In any State in which the Administrator conducts a certification program, the Administrator may require any per-son engaging in the commercial application, sale, offering for sale, holding for sale, or distribution of any pesticide one or more uses of which have been classified for restricted use to maintain such records and submit such reports concerning the commercial application, sale, or distribution of such pesticide as the Administrator may be regulation prescribe. Subject to paragraph (2), the Administrator shall prescribe standards for the certification of applicators of pesticides. Such standards shall provide that to be certified, an individual must be determined to be competent with respect to the use and handling of pesticides, or to the use and handling of the pesticide or class of pesticides covered by such individual's certification. The certification standard for a private applicator shall, under a State plan submitted for approval, be deemed fulfilled by the applicator completing a certification form. The Administrator shall further assure that such form contains adequate information and affirmations to carry out the intent of this Act, and may include in the form an affirmation that the private applicator has completed a training program approved by the Administrator so long as the program does not require the private applicator to take, pursuant to a requirement prescribed by the Administrator, any examination to establish competency in the use of the pesticide. The Administrator may require any pesticide dealer participating in a certification program to be licensed under a State licensing program approved by the Administrator.

(2) STATE CERTIFICATION.—If any State, at any time, de-sires to certify applicators of pesticides, the Governor of such State shall submit a State plan for such purpose. The Administrator shall approve the plan submitted by any State, or any modification thereof, if such plan in the Administrator's judgment—

(A) designates a State agency as the agency responsible for administering the plan throughout the State;

(B) contains satisfactory assurances that such agency has or will have the legal authority and qualified personnel necessary to carry out the plan;

(C) gives satisfactory assurances that the State will de-vote adequate funds to the administration of the plan;

(D) provides that the State agency will make such re-ports to the Administrator in such form and containing such information as the Administrator may from time to time require; and

(E) contains satisfactory assurances that State standards for the certification of applicators of pesticides conform with those standards prescribed by the Administrator under paragraph (1).

Any State certification program under this section shall be maintained in accordance with the State plan approved under this section.

(b) STATE PLANS.—If the Administrator rejects a plan submitted under subsection (a)(2), the Administrator shall afford the State submitting the plan due notice and opportunity for hearing before so doing. If the Administrator approves a plan submitted under subsection (a)(2), then such State shall certify applicators of pesticides with respect to such State. Whenever the Administrator determines that a State is not administering the certification pro-gram in accordance with the plan approved under this section, the Administrator shall so notify the State and provide for a hearing at the request of the State, and, if appropriate corrective action is not taken within a reasonable time, not to exceed ninety days, the Administrator shall withdraw approval of such plan.

(c) INSTRUCTION IN INTEGRATED PEST MANAGEMENT TECH-NIQUES.—Standards prescribed by the Administrator for the certification of applicators of pesticides under subsection (a), and the State plans submitted to the Administrator under subsection (a), shall include provisions for making instructional materials concerning integrated pest management techniques available to individuals at their request in accordance with the provisions of section 23(c) of this Act, but such plans may not require that any individual receive instruction concerning such techniques or be shown to be competent with respect to the use of such techniques. The Administrator and States implementing such plans shall provide that all interested individuals are notified of the availability of such instructional materials.

(d) IN GENERAL.—No regulations prescribed by the Administrator for carrying out the provisions of this Act shall require any private applicator to maintain any records or file any reports or other documents.

(e) SEPARATE STANDARDS.—When establishing or approving standards for licensing or certification, the Administrator shall establish separate standards for commercial and private applicators.

Appendix B. 40 Code of Federal Regulations – Protection of the Environment, Section 171.11

(d) Nothing in this section is intended either to confer or deny jurisdiction to the States over Indian Reservations not already conferred or denied under other laws or treaties.

[40 FR 11704, Mar. 12, 1975]

§ 171.11 Federal certification of pesticide applicators in States or on Indian Reservations where there is no approved State or Tribal certification plan in effect.

(a) *Applicability.* This section applies to persons in any State and on any Indian Reservation where, because there is no approved State or Tribal certification plan in effect, the Administrator implements an EPA plan for the Federal certification of applicators of restricted use pesticides.

(b) *Certification requirement.* In any State or on any Indian Reservation where this section is applicable, any person who uses or supervises the use of any pesticide classified for restricted use must be certified in accordance with this section. However, a competent person who is not certified may use a restricted use pesticide under the direct supervision of a certified applicator for uses authorized by the certified applicator's certification. Private applicator certification shall authorize only those uses, or the supervision of those uses, described in §171.2(t). Commercial applicator certification shall authorize only those uses, or the supervision of those uses, included within the specific category(ies) or subcategory(ies), described in §171.3(b) or an applicable Federal plan, in which the applicator is certified.

(c) *Certification of commercial applicators*—(1) *Categories for Commercial Applicators.* Categories referred to in this section are the same as those listed in §171.3(b). Determination of competency in each category shall conform to the requirements of §171.4(a).

(2) *Subcategories.* The Administrator may adopt subcategories as he or she deems necessary, consonant with the needs of the individual State or Reservation.

(3) *Standards for certification.* The standards of competency for certification of commercial applicators under this section are the same as those listed in §171.4 (b) and (c) and §171.6.

(4) *Certification procedure.* An individual who desires to be certified or recertified under this paragraph shall complete the EPA certification form and submit the form to the appropriate EPA Regional Office. In order to be initially certified as a commercial applicator under this paragraph, an individual must take and pass written examinations approved by the Administrator and administered by the Administrator or any other party approved by him or her. A general examination will be given, based on the general standards found in §171.4(b) and the standards for supervision found in §171.6. In addition, specific category and subcategory examinations will be given, based on the appropriate category or subcategory standards found in §171.4(c) and the applicable Federal plan. The Administrator will notify the individual in writing of the results of the examinations within 45 days unless special circumstances justify a longer time period. The Administrator will issue to each person who has passed a general examination and one or more category or subcategory examinations a commercial applicator certificate covering each category and subcategory in which he or she has qualified. A commercial applicator certificate is valid for a period of three years from the date of issuance, unless earlier suspended or revoked by the Administrator (two years from the date of issuance, in the case of certificates issued prior to [effective date of amended rule]), and is valid within the State or Indian Reservation named on the certificate.

(5) *Re-examination.* Individuals failing to pass the required certification examination(s) may be re-examined after notification of failure. An individual seeking re-examination need take only the examination(s) which he or she originally failed.

(6) *Renewal of commercial applicator certification.* A certified commercial applicator may qualify for recertification by taking and passing written examinations as specified in paragraph (c)(4) of this section, or by successfully completing any available training program

approved for this purpose by the Administrator. Recertification procedures must be completed by the certified commercial applicator during the twelve month period preceding the expiration date of his or her certificate.

(7) *Recordkeeping requirements.* (i) Each self-employed certified commercial applicator, each firm employing a certified commercial applicator, and each person who contracts with a certified commercial applicator (or his or her employer) to have a restricted use pesticide applied on property owned or operated by another person shall keep and maintain at their principal place of business true and accurate records of the use of restricted use pesticides, providing the following information:

(A) Name and address of the person for whom the pesticide was applied;

(B) Location of the pesticide application;

(C) Target pest(s);

(D) Specific crop or commodity, as appropriate, and site, to which the pesticide was applied;

(E) Year, month, day, and time of application;

(F) Trade name and EPA registration number of the pesticide applied;

(G) Amount of the pesticide applied and percentage of active ingredient per unit of the pesticide used; and

(H) Type and amount of the pesticide disposed of, method of disposal, date(s) of disposal, and location of the disposal site.

(ii) *Availability of required records.* Each certified commercial applicator shall keep all records required under this paragraph current and shall make such records available for inspection and copying by representatives of EPA for a period of at least two years from the date of use of the pesticide.

(d) *Certification of private applicators*—(1) *Certification procedures.* An individual who desires to be certified or recertified under this paragraph shall complete the EPA certification form and submit the form to the appropriate EPA Regional Office. In order to be certified or recertified as a private applicator to use restricted use pesticides, an individual must be determined competent with respect to the use and handling of pesticide. Standards for such determination are the same as those listed in §§ 171.5 and 171.6. The Administrator will offer one or more of the following certification options, including at least one option which does not require the applicator to take an examination—

(i) *Approved training course.* The individual may successfully complete an approved training course. Approved training courses may include courses sponsored by EPA, State cooperative extension services, State vocational agricultural courses, or private educational groups. Each training course for certification must be approved for that purpose by the Administrator and include, at a minimum, coverage of the private applicator standards listed in §§ 171.5 and 171.6, and a demonstration that the individual has successfully completed the training course. Subject to the approval of the Administrator, this demonstration may be accomplished by completion of a no pass/no fail written questionnaire or a workbook, receipt of a passing grade in an approved course offered by an educational institution, or any other equivalent procedure.

(ii) *Written examination.* The individual may pass a written examination approved by the Administrator and administered by the Administrator or any other party approved by him or her.

(iii) *Self-study program.* The individual may successfully complete a self-study learning program approved by the Administrator and administered by the Administrator or any other party approved by him or her.

(iv) *Non-reader certification.* Non-readers may be certified for specific use(s) of a single product by successfully completing an approved training course as specified in (d)(1) (i) of this section, or by passing an oral examination approved by the Administrator and administered by the Administrator or any other party approved by him or her. Such training or testing shall incorporate a specific procedure relating to label comprehension, as described in § 171.5(b)(1).

(2) *Issuance of certificates.* The Administrator will issue a private applicator certificate to each individual who successfully completes any available certification option. Individuals who, for

any reason, fail to complete successfully a certification option may attempt to complete the same option or, if available, an alternative option. A private applicator certificate is valid for a period of four years from the date of issuance (three years from the date of issuance, in the case of certificates issued before [effective date of amended rule]), unless earlier suspended or revoked by the Administrator, and is valid within the State or Indian Reservation named on the certificate.

(3) *Renewal of private applicator certification.* A certified private applicator may qualify for recertification by successfully completing any available certification option during the twelve month period preceding the expiration date of his or her certificate.

(e) *Recognition of other certificates.* The Administrator may issue a certificate to an individual possessing any other valid Federal, State or Tribal certificate without further demonstration of competency. The individual shall submit the EPA certification form and written evidence of valid certification to the appropriate EPA Regional Office. The Administrator may deny issuance of such certificate if the standards of competency for each category or subcategory identified in the other Federal, State or Tribal certificate are not sufficiently comparable to justify waiving further demonstration of competency. The Administrator may revoke, suspend, or modify such certificate if the Federal, State or Tribal certificate upon which it is based is revoked, suspended, or modified. Unless suspended or revoked, a certificate issued under this paragraph is valid for two years for commercial applicators and three years for private applicators, or until the expiration date of the original Federal, State or Tribal certificate, whichever occurs first.

(f) *Denial, suspension, modification or revocation of a certificate.* (1) The Administrator may suspend all or part of a certificate issued pursuant to this section, or, after opportunity for a hearing, may deny issuance of, or revoke or modify, a certificate issued pursuant to this section, if he or she finds that the applicant or certificate holder has been convicted under section 14(b) of the amended FIFRA, has been subject to a final order imposing a civil penalty under section 14(a) of the amended FIFRA, or has committed any of the following acts:

(i) Used any registered pesticide in a manner inconsistent with its labeling;

(ii) Made available for use, or used, any registered pesticide classified for restricted use other than in accordance with section 3(d) of the amended FIFRA and any regulations promulgated thereunder;

(iii) Refused to keep and maintain any records required pursuant to this section;

(iv) Made false or fraudulent records, invoices or reports;

(v) Failed to comply with any limitations or restrictions on or in a duly issued certificate; or,

(vi) Violated any provision of the amended FIFRA and the regulations promulgated thereunder.

(2) If the Administrator decides to deny, revoke, or modify a certificate, he or she will:

(i) Notify the applicant or certificate holder of:

(A) The ground(s) upon which the denial, revocation or modification is based;

(B) The time period during which the denial, revocation or modification is effective, whether permanent or otherwise;

(C) The conditions, if any, under which the individual may become certified or recertified; and,

(D) Any additional conditions the Administrator may impose.

(ii) Provide the applicant or certificate holder an opportunity to request a hearing prior to final Agency action to deny, revoke or modify the certificate.

(3) If a hearing is requested by an applicant or certificate holder pursuant to paragraph (f)(2)(ii) of this section, the Administrator will:

(i) Notify the affected applicant or certificate holder of those assertions of law and fact upon which the action to deny, revoke or modify the certificate is based;

(ii) Provide the affected applicant or certificate holder an opportunity to offer written statements of facts, explanations, comments, and arguments relevant to the proposed action;

(iii) Provide the affected applicant or certificate holder such other procedural opportunities as the Administrator may deem appropriate to ensure a fair and impartial hearing; and

(iv) Appoint an attorney in the Agency as Presiding Officer to conduct the hearing. No person shall serve as Presiding Officer if he or she has had any prior connection with the specific case.

(4) The Presiding Officer appointed pursuant to paragraph (f)(3)(iv) of this section shall:

(i) Conduct a fair, orderly, and impartial hearing, without unnecessary delay;

(ii) Consider all relevant evidence, explanation, comment, and argument submitted pursuant to paragraphs (f)(3)(ii) and (iii) of this section; and,

(iii) Promptly notify the affected applicant or certificate holder of his or her decision and order. Such an order is a final Agency action subject to judicial review in accordance with Section 16 of the amended FIFRA.

(5) If the Administrator decides to suspend all or part of a certificate, he or she will:

(i) First determine that the public health, interest or welfare warrants immediate action to suspend the certificate;

(ii) Notify the certificate holder of the ground(s) upon which the suspension action is based;

(iii) Notify the certificate holder of the time period during which the suspension is effective; and,

(iv) Notify the certificate holder of his or her intent to revoke or modify the certificate, as appropriate, in accord with paragraph (f)(2) of this section. If such revocation or modification notice has not previously been issued, it will be issued at the same time the suspension notice is issued.

(6) In cases where the act constituting grounds for suspension, revocation, or modification of a certificate is neither willful nor contrary to the public interest, health, or safety, the affected certificate holder may have additional procedural rights under 5 U.S.C. 558(c).

(7) Any notice, decision, or order issued by the Administrator under paragraph (f) of this section, and any documents filed by an applicant or certificate holder in a hearing under paragraph (f) of this section, shall be available to the public except as otherwise provided by section 10 of the amended FIFRA or by part 2 of this title. Any such hearing at which oral testimony is presented shall be open to the public, except that the Presiding Officer may exclude the public to the extent necessary to allow presentation of information which may be entitled to confidentiality under section 10 of the amended FIFRA or under part 2 of this title.

(g) *Pesticide dealer reporting and recordkeeping requirements, availability of records, and failure to comply*—(1) *Reporting requirements.* Each person who is a restricted use pesticide retail dealer in a State or on an Indian Reservation where the Administrator conducts the applicator certification and training program shall:

(i) Report to the Environmental Protection Agency (EPA) the business name by which the restricted use pesticide retail dealer operates, and the name and business address of each of his dealerships. For dealers or dealerships in Nebraska this initial report must be submitted to EPA, Region VII, 324 E. 11th Street, Kansas City, MO 64106. For dealers or dealerships in Colorado this initial report must be submitted to EPA, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. This report shall be submitted to the appropriate EPA regional office no later than 60 days after the date the person first becomes a restricted use pesticide retail dealer, or within 60 days after the publication of the effective date of this final rule, whichever date is later.

(ii) Submit revisions to the initial report to the appropriate EPA regional office listed above reflecting any name changes, additions or deletions of dealerships. Revisions shall be submitted to EPA within 10 days of the occurrence of such change, addition or deletion.

(2) *Recordkeeping requirement.* Recordkeeping is required when making restricted use pesticides available to:

(i) *Certified applicators.* Each restricted use pesticide retail dealer shall maintain at each individual dealership records of each transaction

where a restricted use pesticide is made available for use by that dealership to a certified applicator. Record of each such transaction shall be maintained for a period of 24 months after the date of the transaction, and shall include the following information:

(A) Name and address of the residence or principal place of business of each person to whom the pesticide was made available for use.

(B) The certification number on the document evidencing that person's certification, the State (or other governmental unit) that issued the doucment, the expiration date of the certification, and the categories in which the applicator is certified, if appropriate.

(C) The product name, EPA registration number, and the State special local need registration number, granted under section 24(c) of the FIFRA (if any) on the label of the pesticide.

(D) The quantity of the pesticide made available for use in the transaction.

(E) The date of the transaction.

(ii) *Uncertified persons.* No dealer or dealership may make a restricted use pesticide available to an uncertified person unless he can document that the restricted use pesticide will be used by a certified applicator, and he maintains the records required in this subsection. Each restricted use pesticide retail dealer shall maintain records at each individual dealership of each transaction where a restricted use pesticide was made available to an uncertified person for use by a certified applicator. Records of each such transaction shall be maintained for a period of 24 months after the date of the transaction, and shall include the following information:

(A) The name and address of the residence or principal place of business of the uncertified person to whom the restricted use pesticide is made available for use by a certified applicator.

(B) The name and address of the residence or principal place of business of the certified applicator who will use the restricted use pesticide.

(C) The certified applicator's certification number, the State (or other governmental unit) that issued his certification document, the expiration date of the certification, and the categories in which the applicator is certified, if appropriate.

(D) The product name, EPA registration number, and the State special local need registration number, granted under section 24(c) of the FIFRA (if any) on the label of the pesticide.

(E) The quantity of the pesticide made available for use in the transaction.

(F) The date of the transaction.

(G) At the time of each transaction, EPA recommends that the dealer obtain the information required in paragraph (g)(2)(ii) (A) through (C) of this section and assure himself that the restricted use pesticide is made available for use by a certified applicator by examining one of the following sets of documents:

(*1*) The original of the certified applicator's certification document, and a driver's license or other State, county, or Tribal identification document issued to the uncertified person to whom the restricted use pesticide is made available.

(*2*) A photocopy or facsimile of the certified applicator's certification document, together with a statement signed by the certified applicator authorizing the uncertified person to purchase the restricted use pesticide on his behalf, and a driver's license or other State, county, or Tribal identification document issued to the uncertified person to whom the restricted use pesticide is made available.

(*3*) A photocopy or facsimile of the certified applicator's certification document, together with a copy of a signed contract or agreement, between the uncertified person to whom the restricted use pesticide is being made available for use and the identified certified applicator, which provides for the use of the restricted use pesticide by the identified certified applicator, and a driver's license or other State, county, or Tribal identification document issued to the uncertified person to whom the restricted use pesticide is made available.

(3) *Availability of required records.* Each pesticide dealer shall, upon request of any officer or employee of EPA duly designated by the Administrator, furnish or permit such person

at all reasonable times to have access to and copy all records required to be maintained under this section.

(4) *Failure to comply.* Any person who fails to comply with the provisions of this rule may be subject to civil or criminal sanctions, under section 14 of the Act, or 18 U.S.C. 1001. Violations include failure to submit or falsification of any report required under this paragraph, failure to maintain or falsification of records as required under this section, and making available for use any pesticide classified for restricted use to a person who is not a certified commercial applicator other than in accordance with these regulations and section 3(d) of the amended FIFRA or rules promulgated thereunder.

[43 FR 24837, June 8, 1978, as amended at 48 FR 29855, June 29, 1983; 48 FR 53974, Nov. 29, 1983; 49 FR 17759, Apr. 25, 1984; 58 FR 34203, June 23, 1993]

PART 172—EXPERIMENTAL USE PERMITS

Subpart A—Federal Issuance of Experimental Use Permits

Sec.
172.1 Definitions.
172.2 General.
172.3 Scope of requirement.
172.4 Applications.
172.5 The permit.
172.6 Labeling.
172.7 Importation of technical material.
172.8 Program surveillance and reporting of data.
172.9 Renewals.
172.10 Refusals to issue and revocation.
172.11 Publication.

Subpart B—State Issuance of Experimental Use Permits

172.20 Scope.
172.21 Definitions.
172.22 General.
172.23 State plans.
172.24 State issuance of permits.
172.25 Administration of State programs.
172.26 EPA review of permits.

Subpart C—Notification for Certain Genetically Modified Microbial Pesticides

172.43 Definitions.
172.45 Requirement for a notification.
172.46 Submission of a notification.
172.48 Data requirements for a notification.
172.50 Response to a notification.
172.52 Notification exemption process.
172.57 Submission of information regarding potential unreasonable adverse effects.
172.59 Enforcement.

AUTHORITY: 7 U.S.C. 136c, 136w. Section 172.4 is also issued under 31 U.S.C. 9701.

SOURCE: 40 FR 18782, Apr. 30, 1975, unless otherwise noted.

Subpart A—Federal Issuance of Experimental Use Permits

§172.1 Definitions.

For the purposes of this part, the following terms shall be defined as listed below:

(a) The term *Act* means the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), and other legislation supplementary thereto and amendatory thereof.

(b) The term *applicant* means any person who applies for an experimental use permit, pursuant to section 5 of the Act.

(c) The term *cooperator* means any person who grants permission to a permittee or a permittee's designated participant for the use of an experimental use pesticide at an application site owned or controlled by the cooperator.

(d) The term *experimental animals* means individual animals or groups of animals, regardless of species, intended for use and used solely for research purposes and does not include animals intended to be used for any food purposes.

(e) The term *participant* means any person acting as a representative of the permittee and responsible for making available for use, or supervising the use or evaluation of, an experimental use pesticide to be applied at a specific application site.

(f) The phrase *value for pesticide purposes* means that characteristic of a substance or mixture of substances which produces an efficacious action on a pest.

(g) The term *permittee* means any applicant to whom an experimental use permit has been granted.

Terms defined in the Act and not explicitly defined herein are used herein with the meaning given in the Act.

Appendix C. Definitions

Certification:
The term *certification* means the recognition by a certifying agency that a person is competent and thus authorized to use or supervise the use of restricted use pesticides. 40 CFR 171.2(a)(7)

Commercial applicator:
The term ‘‘commercial applicator’’ means an applicator (whether or not the applicator is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by paragraph (2) [private applicator definition]. FIFRA 2(e)(3)

Indian country:
As defined at 18 U.S.C. § 1151: (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. Consistent with the statutory definition of Indian country, as well as federal case law interpreting this statutory language, EPA treats lands held by the federal government in trust for Indian tribes that exist outside of formal reservations as informal reservations, and thus as Indian country.

Pesticide:
The term ‘‘pesticide’’ means (1) any substance or mixture of substances intended for preventing, destroying, repel-ling, or mitigating any pest, (2) any substance or mixture of sub-stances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the term ‘‘pesticide’’ shall not include any article that is a ‘‘new animal drug’’ within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w)), that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing a new animal drug. The term ‘‘pesticide’’ does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as de-fined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term ‘‘critical device’’ includes any device which is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term ‘‘semi-critical de-vice’’ includes any device which contacts intact mucous membranes but which does

not ordinarily penetrate the blood barrier or other-wise enter normally sterile areas of the body. FIFRA 2(u)

Private applicator:
The term ‘‘private applicator’’ means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the applicator or the applicator’s employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person. FIFRA 2(e)(2)

Restricted use pesticide (RUP):
A pesticide that is classified for restricted use under the provisions of section 3(d)(1)(C) of FIFRA

Appendix D

Pesticide Applicator Certification Form (draft)

The form is available at www.regulations.gov

Docket identification number EPA–HQ–OPP–2010–0723

Please read instructions before completing form. Form Approved. OMB Control No. xxxx-xxxx. Approval Expires xx-xx-xxxx

EPA United States Environmental Protection Agency

United States Environmental Protection Agency
Washington, D.C. 20460

Request for Pesticide Applicator Certification in Indian Country

LAST NAME (+ Jr, Sr, II, III etc.) FIRST NAME MI

MAILING ADDRESS

CITY STATE ZIP

AREA CODE TELEPHONE COUNTY OFFICE USE

( ) –

EMAIL ADDRESS (optional)

2. BIRTH DATE: M M – D D – Y Y

3. FEDERAL APPLICATOR ID # (if renewal):

4. CERTIFICATION TYPE: ☐ Initial Certificate ☐ Renewal/Recertification ☐ Replacement (Lost Card)

5. APPLICATOR TYPE: ☐ Commercial Applicator ☐ Private Applicator

6. CERTIFICATION METHOD:

a. ☐ Requesting federal certificate based on valid federal, state or tribal certificate or license. (Attach a copy of certificate.)

State *(if applicable)*: Applicator Number: _____

Expiration Date: M M - D D - Y Y

Applicator Category/Categories for which Certificate/License was Received (enter category code(s)):

b. ☐ Training and self-evaluation (ONLY for private applicators who do not hold a certification)_____

By signing this application below and submitting to U.S. EPA, I hereby attest to the fact that:

1. I have physically attended an EPA-approved training course and personally completed the self-study evaluation.
2. I understand and can apply the information therein.
3. I understand the significance of labeling and understand my legal responsibilities for the use of pesticides in accordance with label instructions and warnings;
4. and; I intend to purchase and use Restricted Use pesticides only for production of an agricultural commodity on property owned or rented by myself or my employer or to other property if the application is made without compensation other than trading of personal services between producers of agricultural commodities.

7. PLEASE SIGN HERE

I attest my certification has not been suspended or revoked in the last 4 years by any state, tribe, or territory. If it has been, please check this box and attach an explanation. ☐

A false statement in this certification may be grounds for denial of certification and may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001). I certify that all the statements that I have made on this form are true, complete and correct to the best of my knowledge and belief, and are made in good faith

SIGNATURE: _____ DATE SIGNED: _____

(FOR OFFICE USE:)

REC:	APP:	INIT:	SENT:

EPA Form XXXX-XX-X

INSTRUCTIONS FOR COMPLETING EPA FORM xxxx-xx-x
PAPERWORK REDUCTION ACT NOTICE

This form is to be used to request certification to purchase and apply Restricted Use Pesticides in Indian Country from the U.S. Environmental Protection Agency.

1. Fill out all of the information. An email address is requested but is not required. Phone number listed should be one at which you can be reached during business hours.

2. Enter your birth date using the numerical month-month-date-date-year-year format.

3. Enter your EPA Federal Applicator Identification number if this is a renewal or request for a replacement card.

4. Certificate Type: Check appropriate box. If this is your first application for a pesticide applicator certification in Indian Country, check "Initial Certificate".

5. Applicator Type: Check "Private Applicator" ONLY if you will be or are applying pesticides for production of an agricultural commodity on property owned or rented by you or your employer. All other applicators check "Commercial Applicator". There is no "noncommercial" or "public" federal applicator type.

6. Certification Method: In most cases you will check "Requesting federal certificate based on valid federal, state or tribal certificate or license".

6a. Enter the two character state for which you hold a valid certificate/license, if applicable, the applicator number for your existing certificate, and expiration date. Enter the code for the category or categories for which you are currently certified/licensed. A**ttach a photocopy of both sides of your federal, state or tribal certification or license**.

6b. If you do not hold a valid federal, state or tribal applicator certificate and you are a private applicator, you may be certified after physically attending and completing an EPA-approved training course and completing the self-study evaluation. **Include documentation of completion of the required training course(s) and attach the completed self-study evaluation.**

7. Sign and date the application and mail the application with a photocopy of both sides of your existing federal, state, or tribal pesticide applicator certificate/license (if you are requesting certification based on a federal, state, or tribal certification) to:
[Need addresses for each Region]

Paperwork Reduction Act Notice: The public reporting burden for respondents completing this form is estimated to average about 10 minutes per response. Send comments (referencing OMB Control Number 2070-0029 and EPA Form 2070-xx-x) about the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: Director, Collection Strategies Division (2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460. Do not send your completed application form to this address.