



# **Technology Work Group**

**Association of American Pesticide Control Officials**

**Pesticide Program Dialogue Committee**  
**May 20 – 21, 2020**

# Pesticide Regulatory Programs

- Overarching goals to protect human health, the environment and ensure the availability of pesticides;
- Welcome new and emerging technologies into our programmatic portfolios, however, requires consideration and in some cases, revisions of current laws, regulation, policies and/or procedures;
- Given the government's public process, technology tends to be ahead of regulatory authorities and implementation/adoption may be delayed; and
- Regulatory programs may proceed at different paces in the adoption of technologies given their respective public processes as well as the status of their current programs, for example, human and financial resources; other priorities, etc.

# Technology Work Group

## Mission Statement:

*To work with states, US EPA, and other stakeholders to gain a thorough understanding of issues associated with the use of new technologies within the existing regulatory framework, help develop guidance that will ensure consistent compliance interpretation and assistance, and serve as a communication hub on these topics.*

# Focus – UAVs/UASs

- Survey of States/Territories (January 2020)
  - Exposure to UAV/UAS's;
  - Aid in developing priorities; and
  - Provide feedback EPA – OPP.

# Regulating UAVs

- In general, pesticide applications using UAVs are new to State/Territorial (State) Regulatory Programs:
  - Technology introduced first on the west coast, for example, Washington and Oregon;
  - Migrating eastward and now being considered in, for example, North Carolina and Virginia.
- Learning curve for both regulators and the regulated industry.
- Agile and innovative industry
  - Integration into traditional aerial applications
  - Adapting to new application areas, e.g. disinfectants to large areas (stadium or convention center); and
- Implications to pesticide regulatory programs:
  - Pesticide Labeling;
  - Worker Protection Standard (WPS) Requirements;
  - Certification of pesticide applicators;
  - Consistency across Regions;

# Pesticide Labeling & WPS

- Label is the Law:
  - Legal agreement between end user, registrant, EPA and regulatory authority;
  - Mitigates the risk of use of the pesticide;
  - Failure to follow the label is a violation of both federal and state law; and
  - Violations may result in an enforcement action.
- Current labels:
  - *Assuming all requirements can be met, do "aerial" applications include UAVs?*
    - If yes, are boom length to rotor/wingspan ratio requirements applicable?
  - *If silent on aerial applications, but not prohibited, can UAVs be used to make an application?*
  - *PPE, for example, gloves, may hinder piloting. Assuming pilot is considered an applicator, but does not contact pesticides, are they required?*
  - *When the Worker Protection Standard applies, who is the handler(s)?*

# Applicator Certification

- All states require commercial pesticide applicators and private applicators (applying restricted use pesticides) to be certified;
  - Core competencies; and
  - Category specific competencies.
- Considerations:
  - *Who is the applicator?*
  - *What is the appropriate category for certification?*
    - *Existing or New?*
  - *Do training manuals and exams include UAVs?*
- *For example,*
  - Person 1 - mixing and loading pesticide;
  - Person 2 - operating the UAV controls;
  - Person 3 - serving as the "Remote Pilot in Command" and having final authority on all decisions/actions in the operation);
  - Person 4 - second controller who manipulates only the application equipment (other person only controls aircraft itself); and
  - Person 5 - observer who radios in advisory information.

# Looking Ahead

- Development of guidance document; FAQs; and
- Actively engaging with EPA on those issues previously identified and new items as they arise.
- Next potential focus area(s)
  - Self driving spray rigs
    - Granular applications
    - Liquid applications
  - *Other?*



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