

Certification of Pesticide Applicators Regulation Status Update May 21-22, 2020 Pesticide Program Dialogue Committee

The Certification of Pesticide Applicators (CPA) regulation establishes federal standards for the certification and recertification of applicators of restricted use pesticides (RUPs), and requirements for pesticide applicator certification plans administered by state, tribal, and federal agencies.

Summary

The final revisions to the CPA were published on January 4, 2017. The rule became effective on March 6, 2017, and established a deadline of March 4, 2020, for states to submit revised certification plans documenting their compliance with the CPA requirements. EPA has until March 4, 2022, to review the revised certification plans for approval. Consistent with PRIA 4, no revisions or development of revisions to the CPA are permitted prior to October 21, 2021.

Background

- Certification programs are administered by the states, tribes, and other federal agencies to ensure that applicators are competent to use RUPs, typically the most acutely toxic pesticides registered by the EPA.
- EPA understands the critical role that states (including territories), tribes, and other federal agencies play in implementing the certification programs and are committed to working with these partners to ensure a protective, yet flexible, certification standard.
- Revised certification plans that comply with the CPA were due by March 4, 2020.
 - 56 plans submitted by states and territories; six submitted by tribes; five submitted by other federal agencies; and one EPA-administered certification plan for Indian country (EPA Plan)
- Revised plan submissions may contain sections that are pending and/or contingent upon legislative/regulatory action.
- Existing plans remain in effect until EPA approves or rejects the revised plan or March 4, 2022, whichever is earlier.
- Timeframe for implementation/compliance with revised certification plan will be decided on a case-by-case basis as part of EPA's review and approval of each revised certification plan.

EPA-administered Certification Plan for Indian Country

- Tribes have several options for a certification mechanism: a tribe-administered certification plan, a joint tribal-EPA certification plan, or be covered by the EPA Plan. The EPA Plan applies in all areas of Indian country not covered by any other certification plan. Tribes also have the option to opt out of the revised EPA Plan to minimize use of RUPs in their areas of Indian country.
- EPA published a Federal Register Notice (FRN) of the proposed revisions to the 2014 EPA Plan on March 2, 2020; held two tribal outreach calls for tribes with existing certification plans; held two full tribal consultations on February 26 and April 6, 2020, and has a third full tribal consultation scheduled for July 15, 2020; and is currently accepting comments in the FRN docket until June 1, 2020, and in the Tribal Consultation Opportunities Tracking System until August 3, 2020.

Next Steps

- Revised certification plans are going through an initial review by the EPA Regions that serves as a completeness check for elements of the plans.
- Revised certification plans will undergo a detailed review by both the EPA Regions and OPP.

COVID-19 Response Efforts

- EPA is developing a statement about flexibilities available for states, tribes and federal agencies to temporarily modify certification programs to address impacts to training and certifications of pesticide applicators.
- EPA is continuing to engage with the states, tribes, and federal agencies to monitor the COVID-19 impacts to certification and training programs.