

EPA Federal Certification of Applicators of RUPs within Indian Country Frequent Questions

Restricted use pesticides (RUPs) require special care to avoid harming human health or the environment. They can only be sold to or used by certified applicators, or to persons under the direct supervision of a certified applicator. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), states or tribes that choose to certify pesticide applicators must submit a certification plan for approval by EPA. RUPs can only be used in areas where EPA has approved or implemented an applicator certification plan for that state, tribe, or territory. State certifications are generally not valid in Indian country, and certification mechanisms are not in place for most of Indian country. The *EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides within Indian Country* (EPA Plan) was created through consultations with federally recognized tribes to cover areas of Indian country without a certification mechanism (<https://www.epa.gov/pesticide-applicator-certification-indian-country/about-epa-plan-certify-applicators-indian-country>).

Who Needs to Apply for Federal Certification under the EPA Plan?

Any private or commercial applicator who desires to use RUPs in an area of Indian country covered by the EPA Plan will need a federal certificate from EPA prior to application. Note that not all areas of Indian country are covered by the EPA Plan, as some may have tribal plans or memorandums of understanding (MOUs) in place for applicator certification (<https://www.epa.gov/pesticide-applicator-certification-indian-country/areas-indian-country-covered-epa-plan>).

What is the Difference between Private and Commercial Applicators?

You are a **private applicator** if you use (e.g., mix, load, apply) or supervise the use of an RUP for the production of an agricultural commodity ([40 CFR § 171.3](#)) on land you or your employer owns or rents **or** if you apply an RUP on the property of another person if the RUP is applied without compensation other than trading of personal services between producers of agricultural commodities ([FIFRA](#) Section 2(e)(2)). You are a **commercial applicator** if you use or supervise the use of an RUP for hire, on property that does not fall under the definition of a private applicator ([FIFRA](#) Section 2(e)(3)).

Who Does NOT Need to Apply for Federal Certification under the EPA Plan?

The following types of applicators do NOT need to get certified under the EPA Plan: 1) Fertilizer applicators; 2) Pesticide applicators who are applying general use pesticides in Indian country*; and 3) Non-certified applicators using RUPs under the direct supervision of a federally certified applicator (certified under the EPA Plan), as long as the certified applicator is providing direct supervision as described in [40 CFR § 171.201](#). See EPA's website for more information about direct supervision: <https://www.epa.gov/pesticide-applicator-certification-indian-country/who-needs-apply-pesticide-applicator-certification>. (*Tribes may have tribal codes, laws, regulations, or other applicable requirements about pesticide use. EPA strongly recommends pesticide applicators contact any affected tribe before using pesticides in Indian country.)

How Do I Apply for Applicator Certification under the EPA Plan?

If you are a private or commercial applicator with a current and valid state, tribal, or federal certification who wishes to apply RUPs in Indian country, please visit EPA's website at <https://www.epa.gov/pesticide-applicator-certification-indian-country/how-apply-applicator-certification-under-epa-plan> to learn more. Note that some states require a state certification to purchase RUPs from dealers within the state. Therefore, if you hold a federal certificate and plan to purchase from a dealer located in a particular state, you should check with the state to determine if possession of the federal certificate will allow you to purchase RUPs.

How Do I Apply for the EPA Private Applicator Virtual Training?

Private applicators without a current and valid certification from a state, tribe, or federal agency, who desire to use an RUP in Indian country, may obtain their federal certification by completing a virtual EPA training. The virtual training is a 12-hour course over two-days that provides pesticide-related information, such as pest management, personal protective equipment, and plant diseases. Training information and registration dates are provided on EPA's website: <https://www.epa.gov/pesticide-applicator-certification-indian-country/training-private-applicators-under-epa-plan>. To register for the virtual training, send an email with your name and preferred training date(s) to EPACertplan@epa.gov.