APPENDIX

<u>Certification Options for Applicators of Restricted Use Pesticides under the EPA Plan</u>

EPA administers the EPA Plan for the Federal Certification of Applicators of Restricted Use Pesticides (RUPs) within Indian Country (EPA Plan), and issues federal certifications to commercial applicators and private applicators. This chart is intended to show the different requirements based on the type of applicator and method of certification. Revisions to the EPA Plan were finalized in September 2023.

Types of Applicators, Definitions, and Compliance Dates

A **private applicator** is a certified applicator who uses or supervises the use of RUPs for the purpose of producing any agricultural commodity on property owned or rented by the applicator or the applicator's employer or on the property of another person if applied without compensation other than trading of personal services between producers of agricultural commodities. A private applicator has two ways to become certified under the EPA Plan.

supervises the use of RUPs for hire, on property that does not fall under the definition of a private applicator, or while working for a government agency. A commercial applicator only has one way to become certified under the EPA Plan.

A **commercial applicator** is a certified applicator who uses or

COMPLIANCE DATES

All private applicators applying RUPs under the EPA Plan must be at least 18 years old.

Please note that private applicators must comply with this requirement by March 24, 2024:

 Responsibilities of certified applicators supervising noncertified applicators

Please see **Chart A** on page 2 for more detailed information.

COMPLIANCE DATES

All commercial applicators applying RUPs under the EPA Plan must be at least 18 years old.

Please note that commercial applicators must comply with these requirements by March 24, 2024:

- Responsibilities of certified applicators supervising noncertified applicators
- Recordkeeping for Pesticide Application
- Recordkeeping for Supervisors of Noncertified Applicators

Please see **Chart B** on page 6 for more detailed information.

^{*}Please see Chart C on page 10 for options for noncertified applicator qualifications.

<u>Chart A</u>

This chart provides information on **private** applicator certification and responsibilities under the EPA Plan.

Type of Applicator	Private Applicator	Private Applicator
Method of	Underlying certification from a state or tribe with an EPA-	Completion of the EPA-administered private applicator
Certification	approved certification plan	training
How to Obtain	Individuals who wish to be certified as a private applicator	Individuals who wish to be certified as a private applicator
Certification	under the EPA Plan who already have a private applicator	who do not already have a private applicator certification
	certification from a state or tribe with an EPA-approved	from an EPA-approved certification plan, may take the EPA-
	certification program contiguous to the particular areas of	provided online training to meet the competency standards
	Indian country where the applicator intends to apply RUPs,	at 40 CFR 171.105. EPA may issue federal certificates to
	may use their underlying certification as proof of meeting the	persons applying to be a general private applicator of RUPs
	competency standards at 40 CFR 171.105.	in particular areas of Indian country.
	Individuals choosing this method will need to submit a	EPA offers this training regularly and it is free of charge.
	completed application form ("Pesticide Applicator	During the training, applicants will be asked to present a
	Certification Form," EPA Form 8500-170) and documentation	valid form of identification that includes a photograph and
	(such as a photocopy of the certification, credential, license,	date of birth, such as a driver's license, passport, military
	or other documentation) of valid certification as a private	identification, Department of Motor Vehicle identification
	applicator authorized to apply federally designated RUPs	card, or other verifiable photographic identification.
	through an EPA-approved certification plan for a state or	Applicants who do not have a verifiable photographic
	tribe with a contiguous boundary to the area of Indian	identification must attest their identity by providing a signed
	country they intend to apply in. These documents must be	statement from a chairperson or equivalent elected leader of
	submitted to the relevant EPA region.	the relevant tribe affirming age and identity. If P.O. box
		addresses are used, the applicants will need to submit
	Individuals who choose this method will be certified in the	documentation of ownership of the P.O. box address. The
	same categories as their underlying certification and will only	online training is set up as webinar and requires active
	be allowed to supervise noncertified applicators if their	engagement from participants. EPA staff will supervise the
	underlying certification allows for it.	webinar, verify identities of the participants, confirm that the
		participants have completed the training, and be available to
		answer questions. In addition to presenting identification,
		applicants will be prompted to attest their identity before
		entering the webinar. Falsely attesting identity, falsely
		completing the online training, or using someone else's

		name or applicator number may be grounds for denial of certification and may be punishable by fine or imprisonment (U.S. Code, Title 18, Section 1001). Once an individual takes the training, they will receive documentation of course completion. This documentation will need to be submitted with their completed "Pesticide Applicator Certification Form," EPA Form 8500-17, to the relevant EPA region.
Minimum Age	All applicators must be at least 18 years old.	All applicators must be at least 18 years old.
Categories	Private applicators with underlying certifications will only be issued federal certifications for the same categories listed in the underlying state or tribal certification (except for sodium cyanide predator control and sodium fluoroacetate predator control categories).	The online training will only certify applicators in the general private applicator category. Certification in this category alone is not sufficient to authorize the purchase, use, or supervision of the use of the RUP in the following categories: sodium cyanide predator control, sodium fluoroacetate predator control, soil fumigation, non-soil fumigation, and aerial pest control.
Duration of Certification	Federal certification is valid for the length of the underlying certification or the date the certification is suspended or revoked, whichever is earlier.	A private applicator seeking certification through the EPA online training must send in proof of training completion and their application within 30 calendar days after completion of the training. Certification obtained through the EPA online training is valid for one year.
Recertification	Complete recertification requirements of underlying certification and submit a new application form with documentation of renewed/recertified valid certification.	Private applicators will have to retake the EPA online training to remain certified and resubmit a completed application with the proof of training completion.
Direct Supervision	If the applicator's underlying certification allows for	Applicators who take the EPA online training will be allowed
of Noncertified	supervising noncertified applicators, then the private	to supervise noncertified applicators, unless prohibited by
Applicators and Responsibilities	applicator may do so, unless prohibited by product labelling.	product labelling.
	If the applicator's underlying certification prohibits the supervision of noncertified applicators, then the applicator may not supervise noncertified applicators.	

Responsibilities of certified applicators supervising noncertified applicators that must be complied with by March 24, 2024

The certified applicator must:

- Have practical knowledge of applicable Federal supervisory requirements, including any requirements of the product label and labeling, regarding the use of RUPs by noncertified applicators.
- Be certified in each category that they are supervising the pesticide use for.
- Be physically present at the site of the use being supervised when required by the product labeling.
- Ensure each noncertified applicator using RUPs meet all of the following:
 - Meets qualifications to be a noncertified applicator (see Chart C).
 - Has been instructed within the last 12 months in the safe operation of any equipment that will be used for mixing, loading, transferring, or applying pesticides
 - Met the minimum age of at least 18 years.
 Noncertified applicators may be at least 16 years old if all are met:
 - Noncertified applicator is using the RUP under the direct supervision of a private applicator who is an immediate family member,
 - The RUP is not a fumigant, sodium cyanide, or sodium fluoroacetate, and
 - The RUP is not applied aerially.
- Ensure use-specific conditions are met before a noncertified applicator uses a RUP. Certified applicators must ensure noncertified applicators all have:

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 - The RUP is not a fumigant, sodium cyanide, or sodium fluoroacetate, and
 - The RUP is not applied aerially.
- Ensure use-specific conditions are met before a noncertified applicator uses a RUP. Certified applicators must ensure noncertified applicators all have:

	 Access to the applicable product labeling at all times during its use Clean, labeling-required personal protective equipment (PPE) that are in proper operating condition and that PPE is worn and used correctly for its intended purpose Pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site and the conditions of application might increase or decrease the risk of adverse effects. The certified applicator must provide this information in a manner that the noncertified applicator can understand. Equipment used for mixing, loading, transferring, or applying pesticides in proper operating condition and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the 	 Access to the applicable product labeling at all times during its use Clean, labeling-required personal protective equipment (PPE) that are in proper operating condition and that PPE is worn and used correctly for its intended purpose Pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use site and the conditions of application might increase or decrease the risk of adverse effects. The certified applicator must provide this information in a manner that the noncertified applicator can understand. Equipment used for mixing, loading, transferring, or applying pesticides in proper operating condition and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the 	
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Recordkeeping:	Recordkeeping not required.	Recordkeeping not required.	
Pesticide	The section of the se	ness and ping not required.	
Application			
Recordkeeping for	Supervisors of noncertified applicators must ensure	Supervisors of noncertified applicators must ensure	
Supervisors of	noncertified applicators have met qualification to be	noncertified applicators have met qualification to be	
Noncertified	noncertified applicators.	noncertified applicators.	
Applicators	·		

Chart BThis chart provides information on **commercial** applicator certification and responsibilities under the EPA Plan.

Type of Applicator	Commercial Applicator	
Method of Certification	Underlying certification from a state, tribe, or other federal agency with an EPA-approved certification plan	
How to Obtain Certification	Individuals who wish to be certified as a commercial applicator under the EPA Plan must first obtain a	
	commercial applicator certification from a state, tribe, or other federal agency with an EPA-approved	
	certification program contiguous to the particular area of Indian country where the applicator intends to apply	
	RUPs, as proof of meeting the competency standards at 40 CFR 171.103. The federal certification for commercial	
	applicators is based on the underlying certification.	
	After obtaining a commercial applicator certification from a state, tribe, or other federal agency, individuals will need to submit a completed application form ("Pesticide Applicator Certification Form," EPA Form 8500-17) and documentation (such as a photocopy of the certification, credential, license, or other documentation) of valid	
certification as a commercial applicator authorized to apply federally-designated RUPs thro		
	certification plan for a state or tribe with a contiguous boundary to the area of Indian country they intend to	
apply RUPs in. These documents must be submitted to the relevant EPA region.		
	Individuals will be certified in the same commercial categories as their underlying certification and will only be allowed to supervise noncertified applicators if their underlying certification allows for it.	
Minimum Age	All applicators must be at least 18 years old.	
Categories	Commercial applicators must have underlying certifications and will only be issued federal certifications for the	
	same categories listed in their underlying certification and applications are limited to RUP uses permitted under the underlying certification.	
	Commercial applicators with an underlying certification from a state or tribe seeking federal certification for sodium cyanide and/or sodium fluoroacetate predator control categories	
	If the relevant Indian tribe for the area of Indian country at issue has obtained its own registration for products within one or both of these predator control categories and conducts its own monitoring and supervision as required by the terms of the registration, then commercial applicators with a state or tribal underlying certification for one or both of these predator control categories may apply to become certified under the EPA	
	Plan in that category(ies) for the area of Indian country at issue.	

	Federal employees seeking commercial applicator certification under the EPA Plan for sodium cyanide and/or	
	sodium fluoroacetate predator control categories	
	Because a registrant of these predator control products must have the ability to provide a supervisory role in the	
	application of these products and be able to inspect and enforce against any misapplication of the product, son	
	tribes may not have the capacity to serve as a registrant of these products. If a tribe is not in a position to serve	
	as the registrant but would like to allow use of these products, EPA may issue federal certifications to federal	
	employees for sodium cyanide capsules used with ejector devices or sodium fluoroacetate LPCs if those	
	employees have a valid underlying state certifications for these categories.	
Duration of Certification	Federal certification is valid for the length of the underlying certification or the date the certification is	
Daration of Certification	suspended or revoked, whichever is earlier.	
Recertification	Complete recertification requirements of underlying certification and submit a new application form with	
necer initiation	documentation of renewed/recertified valid certification.	
Recordkeeping: Pesticide	Commercial applicators must keep records of RUP applications as outlined in the federal regulation (which may	
Application	differ from what is required in the jurisdiction of where the underlying certification was obtained). Commercial	
/ ipplication	applicators must comply with the requirements by March 24, 2024. Records must be kept at least two years	
	and include:	
The name and address of the person for whom the restricted use pesticide was applied.		
	The location of the restricted use pesticide application.	
	The size of the area treated.	
	 The crop, commodity, stored product, or site to which the restricted use pesticide was applied. 	
	 The crop, commodity, stored product, or site to which the restricted use pesticide was applied. The time and date of the restricted use pesticide application. 	
	 The time and date of the restricted use pesticide application. The brand or product name of the restricted use pesticide applied. 	
	· · · · · · · · · · · · · · · · · · ·	
	The EPA registration number of the restricted use pesticide applied. The total array of the restricted use gesticide applied and leasting generalization.	
	The total amount of the restricted use pesticide applied per location per application. The second of the restricted use pesticide applied per location per application.	
	The name and certification number of the certified applicator that made or supervised the application, and, if	
	applicable, the name of any noncertified applicator(s) that made the application under the direct supervision of	
Direct Composition of	the certified applicator.	
Direct Supervision of	If the applicator's underlying certification allows for supervising use of RUPs by noncertified applicators, then the	
Noncertified Applicators and	d commercial applicator may do so, unless prohibited by product labeling. Commercial applicators with a federal certification directly supervising use of RUPs by a noncertified applicator must follow the federal requirements	
Responsibilities	for supervision and ensure noncertified applicators under their direct supervision meet federal qualifications	
	(both which may differ from what is required in the jurisdiction of where the underlying certification was obtained).	
	obtained).	

If the applicator's underlying certification prohibits commercial applicators to directly supervise RUP use by noncertified applicators, then the applicator's federal certification also prohibits the commercial applicator to directly supervise RUP use by noncertified applicators.

Responsibilities of certified applicators supervising noncertified applicators that **must be complied with by**March 24, 2024

The certified applicator must:

- Have practical knowledge of applicable Federal supervisory requirements, including any requirements of the product label and labeling, regarding the use of RUPs by noncertified applicators.
- Be certified in each category that they are supervising the pesticide use for.
- Be physically present at the site of the use being supervised when required by the product labeling.
- Ensure each noncertified applicator using RUPs meet all of the following:
 - Met qualifications to be a noncertified applicator (see Chart C)
 - Has been instructed within the last 12 months in the safe operation of any equipment that will be used for mixing, loading, transferring, or applying pesticides
 - Met the minimum age of at least 18 years.
- Ensure use-specific conditions are met before a noncertified applicator uses a RUP. Certified applicators must ensure noncertified applicators all have:
 - o Access to the applicable product labeling at all times during its use
 - Clean, labeling-required personal protective equipment (PPE) that are in proper operating condition and that PPE is worn and used correctly for its intended purpose
 - Pesticide instructions specific to the site and pesticide used. These instructions must include labeling
 directions, precautions, and requirements applicable to the specific use and site, and how the
 characteristics of the use site and the conditions of application might increase or decrease the risk of
 adverse effects. The certified applicator must provide this information in a manner that the
 noncertified applicator can understand.
 - Equipment used for mixing, loading, transferring, or applying pesticides in proper operating condition and can be used without risk of reasonably foreseeable adverse effects to the noncertified applicator, other persons, or the environment
- Means to immediately communication with the certified applicator
- Create or verify the existence of records required (see Chart C)

Recordkeeping for	Supervisors of noncertified applicators must create or verify records to ensure a noncertified applicator under	
Supervisors of Noncertified	their direct supervision for the use of RUPs meets qualification requirements. Requirements must be complied	
Applicators	with by March 24, 2024. Please see Chart C for recordkeeping requirements for the different qualification	
	options for noncertified applicators.	

Chart C

This chart provides information about options for how someone can be qualified as a noncertified applicator under the direct supervision of a certified applicator with a federal certification under the EPA Plan.

Noncertified Applicator Qualification Options Noncertified Applicator Training (Current Training Accepted: PERC)	Description of Options The noncertified applicator has been trained in accordance with § 171.201(d) within the last 12 months. Please go to the Pesticide Educational Resources Collaborative (PERC) website (https://www.pesticideresources.org/training-material/pesticidesafety-training-for-noncertified-applicators-using-restricted-use-pesticides-at-non-agricultural-sites/) for the Pesticide Safety Training for Noncertified Applicators Using Restricted Use Pesticides at Non-Agricultural Sites.	Commercial Applicator Recordkeeping Requirement Records need to include: Noncertified applicator's name Date of completion of noncertified applicator training Title of training
WPS Handler Training for Agricultural Settings	The noncertified applicator has met the training requirements for an agricultural handler under § 170.501 within the last 12 months. Please go to the Pesticide Educational Resources Collaborative (PERC) website (https://www.pesticideresources.org/wps/full-inventory-of-wpstraining-materials/) for EPA-approved WPS handler trainings in agricultural settings. All EPA-approved materials will have an EPA approval number with five numbers at the end. EPA approval numbers can be found in the description of training materials. Trainings can be in the form of videos, flipcharts, and PowerPoint presentations.	 Records need to include: Trained handler's printed name and signature Date of training Information identifying which EPA-approved training materials were used Trainer's name and documentation showing the trainer met requirements of 170.501(c)(4) at the time of training Handler employer's name
Noncertified Applicator Qualification Accepted by Certifying Authority	The noncertified applicator has met the requirements to be a noncertified applicator from a relevant certifying authority.	Recordkeeping follows the requirements from the noncertified applicator qualification accepted by a relevant certifying authority

Certified Applicator Not	The noncertified applicator is currently a certified applicator but is not	Records need to include:
Certified in Application Type or Jurisdiction	certified to perform the type of application being conducted or is not certified in the jurisdiction where the use will take place.	 Noncertified applicator's name Noncertified applicator's certification number
		 Expiration date of noncertified applicator's certification Certifying authority that issued the certification