



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

Delivered via electronic mail

March 22, 2011

Mr. Daniel Helfgott, Chief
Government International Services Branch
Field and External Affairs Division
United States Environmental Protection Agency
Washington, D.C. 20460

Dear Mr. Helfgott:

Thank you and your staff for taking the time to meet with us at the AAPCO meeting to discuss concerns relating to the proposed Plan for Certification of Applicators of Restricted Use Pesticides (RUP) within Indian Country. As we discussed, although the certification will be granted directly to applicators operating on tribal lands, these activities could have impacts on non-tribal lands and will still affect the programs and resources of State Lead Agencies (SLAs).

Specific concerns that have been identified by SLAs are:

- Quality of training provided to persons certified under this plan.
 - o Due to the fact that a “no test” option must be provided for private applicators under this plan, the potential exists for inadequate training that could lead to misapplications or dangerous exposure to workers or by-standers from the use of RUPs.
- Resources provided by the USEPA for enforcement of RUP certification and RUP application
- Impact of enforcement or compliance actions taken by USEPA against RUP applicators in Indian Country on the certification status granted by an SLA
 - o If an applicator misuses a product or otherwise is in violation of RUP requirements, will this information be provided to the SLA? Should such a violation have an impact on certification status outside of Indian Country?
- Responsibilities/requirements for dealers of RUP products
 - o In many states, RUP dealers may not distribute RUPs to applicators that do not possess an SLA provided certification credential, or one recognized as equivalent

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as a result of reciprocity. In these states it is not clear that RUPs can legally be distributed to persons receiving the USEPA credential.

We recognize that the USEPA is trying to address and improve a situation that already exists – inadequate training and certification and oversight of RUP use on tribal lands. As SLAs, we want to work with you and with representatives of the tribes to improve this situation. Discussion of and development of responses to the concerns identified above are important to achieving that goal.

Sharing of information on the effects of implementation of this certification is an important part of this process. To that end, we propose that we conduct regular information sharing on the status of implementation of the certification policy, and any problems or issues that may arise. It may be possible to establish a coordination group under the auspices of AAPCO or SFIREG to accomplish this.

We look forward to continued discussions with you regarding how to address these concerns.

Sincerely,

ADAM H. PUTNAM
COMMISSIONER OF AGRICULTURE



Steven E. Dwinell, SFIREG Chair